

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 35

Representative McGregor

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A B I L L

To amend sections 9.33, 127.14, 153.01, 153.65, 1
307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 2
505.72, 718.01, 2937.221, 3354.13, 3355.10, 3
3357.12, 3705.242, 4501.03, 4501.04, 4501.041, 4
4501.042, 4501.043, 4501.06, 4503.42, 4503.45, 5
4503.49, 4504.19, 4504.21, 4506.08, 4506.09, 6
4507.011, 4507.23, 4508.08, 4511.13, 4513.263, 7
4513.53, 4513.66, 4561.21, 4743.05, 4765.02, 8
4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 9
4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 10
4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 11
4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 12
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 13
4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 14
4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 15
4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 16
4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 17
4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 18
4766.15, 4766.22, 5501.73, 5501.77, 5502.01, 19
5503.04, 5503.31, 5503.32, 5513.01, 5515.01, 20
5517.011, 5517.02, 5525.01, 5525.16, 5533.31, 21
5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 22
5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 23
5537.11, 5537.12, 5537.13, 5537.14, 5537.15, 24

5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 25
5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 26
5537.28, 5537.30, 5728.01, 5735.05, 5735.23, 27
5739.02, 5747.01, 5751.01, 5751.02, 5751.051, and 28
5751.20; to enact sections 4501.031, 5517.021, and 29
5537.18; and to repeal sections 126.60, 126.601, 30
126.602, 126.603, 126.604, 126.605, 4501.13, 31
4766.02, 4766.20, 4981.36, and 4981.361 of the 32
Revised Code; to amend Section 10 of Am. Sub. H.B. 33
386 of the 129th General Assembly; and to amend 34
Sections 203.80 and 203.83 of Sub. H.B. 482 of the 35
129th General Assembly to make appropriations for 36
programs related to transportation and public 37
safety for the biennium beginning July 1, 2013, 38
and ending June 30, 2015, and to provide 39
authorization and conditions for the operation of 40
those programs. 41

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

Section 101.01. That sections 9.33, 127.14, 153.01, 153.65, 42
307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 718.01, 43
2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 4501.03, 4501.04, 44
4501.041, 4501.042, 4501.043, 4501.06, 4503.42, 4503.45, 4503.49, 45
4504.19, 4504.21, 4506.08, 4506.09, 4507.011, 4507.23, 4508.08, 46
4511.13, 4513.263, 4513.53, 4513.66, 4561.21, 4743.05, 4765.02, 47
4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 48
4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 49
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 50
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 51
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 52
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 53
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 54

4766.12, 4766.13, 4766.15, 4766.22, 5501.73, 5501.77, 5502.01, 55
5503.04, 5503.31, 5503.32, 5513.01, 5515.01, 5517.011, 5517.02, 56
5525.01, 5525.16, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 57
5537.05, 5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 58
5537.12, 5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 59
5537.20, 5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 60
5537.28, 5537.30, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 61
5751.01, 5751.02, 5751.051, and 5751.20 be amended, and sections 62
4501.031, 5517.021, and 5537.18 of the Revised Code be enacted to 63
read as follows: 64

Sec. 9.33. As used in sections 9.33 to 9.335 of the Revised 65
Code: 66

(A) "Construction manager" means a person with substantial 67
discretion and authority to plan, coordinate, manage, and direct 68
all phases of a project for the construction, demolition, 69
alteration, repair, or reconstruction of any public building, 70
structure, or other improvement, but does not mean the person who 71
provides the professional design services or who actually performs 72
the construction, demolition, alteration, repair, or 73
reconstruction work on the project. 74

(B)(1) "Construction manager at risk" means a person with 75
substantial discretion and authority to plan, coordinate, manage, 76
direct, and construct all phases of a project for the 77
construction, demolition, alteration, repair, or reconstruction of 78
any public building, structure, or other improvement and who 79
provides the public authority a guaranteed maximum price as 80
determined in section 9.334 of the Revised Code. 81

(2) As used in division (B)(1) of this section: 82

(a) "Construct" includes performing, or subcontracting for 83
performing, construction, demolition, alteration, repair, or 84

reconstruction.	85
(b) "Manage" includes approving bidders and awarding	86
subcontracts for furnishing materials regarding, or for	87
performing, construction, demolition, alteration, repair, or	88
reconstruction.	89
(C) "Construction management contract" means a contract	90
between a public authority and another person obligating the	91
person to provide construction management services.	92
(D) "Construction management services" or "management	93
services" means the range of services that either a construction	94
manager or a construction manager at risk may provide.	95
(E) "Qualified" means having the following qualifications:	96
(1) Competence to perform the required management services as	97
indicated by the technical training, education, and experience of	98
the construction manager's or construction manager at risk's	99
personnel, especially the technical training, education, and	100
experience of the construction manager's or construction manager	101
at risk's employees who would be assigned to perform the services;	102
(2) Ability in terms of workload and the availability of	103
qualified personnel, equipment, and facilities to perform the	104
required management services competently and expeditiously;	105
(3) Past performance as reflected by the evaluations of	106
previous clients with respect to factors such as control of costs,	107
quality of work, and meeting of deadlines;	108
(4) Financial responsibility as evidenced by the capability	109
to provide a letter of credit pursuant to Chapter 1305. of the	110
Revised Code, a surety bond, certified check, or cashier's check	111
in an amount equal to the value of the construction management	112
contract, or by other means acceptable to the public authority;	113
(5) Other similar factors.	114

(F)(1) "Public authority" means the state, any state 115
institution of higher education as defined in section 3345.011 of 116
the Revised Code, any county, township, municipal corporation, 117
school district, or other political subdivision, or any public 118
agency, authority, board, commission, instrumentality, or special 119
purpose district of the state or of a political subdivision. 120

(2) "Public authority" does not include the ~~Ohio turnpike~~ 121
~~commission~~ department of transportation. 122

(G) "Open book pricing method" means a method in which a 123
construction manager at risk provides the public authority, at the 124
public authority's request, all books, records, documents, and 125
other data in its possession pertaining to the bidding, pricing, 126
or performance of a construction management contract awarded to 127
the construction manager at risk. 128

Sec. 127.14. The controlling board may, at the request of any 129
state agency or the director of budget and management, authorize, 130
with respect to the provisions of any appropriation act: 131

(A) Transfers of all or part of an appropriation within but 133
not between state agencies, except such transfers as the director 134
of budget and management is authorized by law to make, provided 135
that no transfer shall be made by the director for the purpose of 136
effecting new or changed levels of program service not authorized 137
by the general assembly; 138

(B) Transfers of all or part of an appropriation from one 139
fiscal year to another; 140

(C) Transfers of all or part of an appropriation within or 141
between state agencies made necessary by administrative 142
reorganization or by the abolition of an agency or part of an 143
agency; 144

(D) Transfers of all or part of cash balances in excess of 145
needs from any fund of the state to the general revenue fund or to 146
such other fund of the state to which the money would have been 147
credited in the absence of the fund from which the transfers are 148
authorized to be made, except that the controlling board may not 149
authorize such transfers from the accrued leave liability fund, 150
auto registration distribution fund, local motor vehicle license 151
tax fund, budget stabilization fund, development bond retirement 152
fund, facilities establishment fund, gasoline excise tax fund, 153
general revenue fund, higher education improvement fund, highway 154
improvement bond retirement fund, highway obligations bond 155
retirement fund, highway capital improvement fund, highway 156
operating fund, horse racing tax fund, improvements bond 157
retirement fund, public library fund, liquor control fund, local 158
government fund, local transportation improvement program fund, 159
mental health facilities improvement fund, Ohio fairs fund, parks 160
and recreation improvement fund, public improvements bond 161
retirement fund, school district income tax fund, state agency 162
facilities improvement fund, state and local government highway 163
distribution fund, state highway safety fund, state lottery fund, 164
undivided liquor permit fund, Vietnam conflict compensation bond 165
retirement fund, volunteer fire fighters' dependents fund, 166
waterways safety fund, wildlife fund, workers' compensation fund, 167
or any fund not specified in this division that the director of 168
budget and management determines to be a bond fund or bond 169
retirement fund; 170

(E) Transfers of all or part of those appropriations included 171
in the emergency purposes account of the controlling board; 172

(F) Temporary transfers of all or part of an appropriation or 173
other moneys into and between existing funds, or new funds, as may 174
be established by law when needed for capital outlays for which 175
notes or bonds will be issued; 176

(G) Transfer or release of all or part of an appropriation to 177
a state agency requiring controlling board approval of such 178
transfer or release as provided by law; 179

(H) Temporary transfer of funds included in the emergency 180
purposes appropriation of the controlling board. Such temporary 181
transfers may be made subject to conditions specified by the 182
controlling board at the time temporary transfers are authorized. 183
No transfers shall be made under this division for the purpose of 184
effecting new or changed levels of program service not authorized 185
by the general assembly. 186

As used in this section, "request" means an application by a 187
state agency or the director of budget and management seeking some 188
action by the controlling board. 189

When authorizing the transfer of all or part of an 190
appropriation under this section, the controlling board may 191
authorize the transfer to an existing appropriation item and the 192
creation of and transfer to a new appropriation item. 193

Whenever there is a transfer of all or part of funds included 194
in the emergency purposes appropriation by the controlling board, 195
pursuant to division (E) of this section, the state agency or the 196
director of budget and management receiving such transfer shall 197
keep a detailed record of the use of the transferred funds. At the 198
earliest scheduled meeting of the controlling board following the 199
accomplishment of the purposes specified in the request originally 200
seeking the transfer, or following the total expenditure of the 201
transferred funds for the specified purposes, the state agency or 202
the director of budget and management shall submit a report on the 203
expenditure of such funds to the board. The portion of any 204
appropriation so transferred which is not required to accomplish 205
the purposes designated in the original request to the controlling 206
board shall be returned to the proper appropriation of the 207
controlling board at this time. 208

Notwithstanding any provisions of law providing for the 209
deposit of revenues received by a state agency to the credit of a 210
particular fund in the state treasury, whenever there is a 211
temporary transfer of funds included in the emergency purposes 212
appropriation of the controlling board pursuant to division (H) of 213
this section, revenues received by any state agency receiving such 214
a temporary transfer of funds shall, as directed by the 215
controlling board, be transferred back to the emergency purposes 216
appropriation. 217

The board may delegate to the director of budget and 218
management authority to approve transfers among items of 219
appropriation under division (A) of this section. 220

Sec. 153.01. (A) Whenever any building or structure for the 221
use of the state or any institution supported in whole or in part 222
by the state or in or upon the public works of the state that is 223
administered by the Ohio facilities construction commission or by 224
any other state officer or state agency authorized by law to 225
administer a project, including an educational institution listed 226
in section 3345.50 of the Revised Code, is to be erected or 227
constructed, whenever additions, alterations, or structural or 228
other improvements are to be made, or whenever heating, cooling, 229
or ventilating plants or other equipment is to be installed or 230
material supplied therefor, the estimated cost of which amounts to 231
two hundred thousand dollars or more, or the amount determined 232
pursuant to section 153.53 of the Revised Code or more, each 233
officer, board, or other authority upon which devolves the duty of 234
constructing, erecting, altering, or installing the same, referred 235
to in sections 153.01 to 153.60 of the Revised Code as the public 236
authority, shall cause to be made, by an architect or engineer 237
whose contract of employment shall be prepared and approved by the 238
attorney general, the following: 239

(1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;	240 241 242
(2) Details to scale and full-sized, so drawn and represented as to be easily understood;	243 244
(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;	245 246 247 248
(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;	249 250
(5) A life-cycle cost analysis;	251
(6) Further data as may be required by the Ohio facilities construction commission.	252 253
(B)(1) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.	254 255 256 257 258 259
<u>(2) Nothing in this chapter shall interfere with the power of the director of transportation to prepare plans for, acquire rights-of-way for, construct, or maintain transportation facilities, or to let contracts for those purposes.</u>	260 261 262 263
Sec. 153.65. As used in sections 153.65 to 153.73 of the Revised Code:	264 265
(A)(1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public	266 267 268 269

agency, authority, board, commission, instrumentality, or special 270
purpose district of the state or of a political subdivision. 271

(2) "Public authority" does not include the ~~Ohio turnpike~~ 272
~~commission~~ department of transportation. 273

(B) "Professional design firm" means any person legally 274
engaged in rendering professional design services. 275

(C) "Professional design services" means services within the 276
scope of practice of an architect or landscape architect 277
registered under Chapter 4703. of the Revised Code or a 278
professional engineer or surveyor registered under Chapter 4733. 279
of the Revised Code. 280

(D) "Qualifications" means all of the following: 281

(1)(a) For a professional design firm, competence to perform 282
the required professional design services as indicated by the 283
technical training, education, and experience of the firm's 284
personnel, especially the technical training, education, and 285
experience of the employees within the firm who would be assigned 286
to perform the services; 287

(b) For a design-build firm, competence to perform the 288
required design-build services as indicated by the technical 289
training, education, and experience of the design-build firm's 290
personnel and key consultants, especially the technical training, 291
education, and experience of the employees and consultants of the 292
design-build firm who would be assigned to perform the services, 293
including the proposed architect or engineer of record. 294

(2) Ability of the firm in terms of its workload and the 295
availability of qualified personnel, equipment, and facilities to 296
perform the required professional design services or design-build 297
services competently and expeditiously; 298

(3) Past performance of the firm as reflected by the 299

evaluations of previous clients with respect to such factors as	300
control of costs, quality of work, and meeting of deadlines;	301
(4) Any other relevant factors as determined by the public	302
authority;	303
(5) With respect to a design-build firm, compliance with	304
sections 4703.182, 4703.332, and 4733.16 of the Revised Code,	305
including the use of a licensed design professional for all design	306
services.	307
(E) "Design-build contract" means a contract between a public	308
authority and another person that obligates the person to provide	309
design-build services.	310
(F) "Design-build firm" means a person capable of providing	311
design-build services.	312
(G) "Design-build services" means services that form an	313
integrated delivery system for which a person is responsible to a	314
public authority for both the design and construction, demolition,	315
alteration, repair, or reconstruction of a public improvement.	316
(H) "Architect or engineer of record" means the architect or	317
engineer that serves as the final signatory on the plans and	318
specifications for the design-build project.	319
(I) "Criteria architect or engineer" means the architect or	320
engineer retained by a public authority to prepare conceptual	321
plans and specifications, to assist the public authority in	322
connection with the establishment of the design criteria for a	323
design-build project, and, if requested by the public authority,	324
to serve as the representative of the public authority and	325
provide, during the design-build project, other design and	326
construction administration services on behalf of the public	327
authority, including but not limited to, confirming that the	328
design prepared by the design-build firm reflects the original	329
design intent established in the design criteria package.	330

(J) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm.

Sec. 307.05. As used in this section, "emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

A board of county commissioners may operate an ambulance service organization or emergency medical service organization, or, in counties with a population of forty thousand or less, may operate a nonemergency patient transport service organization, or may enter into a contract with one or more counties, townships, municipal corporations, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners, regardless of whether such counties, townships, municipal corporations, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners are located within or without the state, in order to furnish or obtain the services of ambulance service organizations, to furnish or obtain additional services from ambulance service organizations in times of emergency, to furnish or obtain the services of emergency medical service organizations, or, in counties with a population of forty thousand or less, to furnish or obtain services of nonemergency patient transport service organizations, or may enter into a contract with any such entity to furnish or obtain the interchange of services from ambulance or emergency medical service organizations, or, within counties with a population of forty thousand or less, to furnish or obtain the interchange of services from nonemergency patient transport service organizations, within

the territories of the contracting subdivisions. Except in the 363
case of a contract with a joint emergency medical services 364
district to obtain the services of emergency medical service 365
organizations, such contracts shall not be entered into with a 366
public agency or nonprofit corporation that receives more than 367
half of its operating funds from governmental entities with the 368
intention of directly competing with the operation of other 369
ambulance service organizations, nonemergency patient transport 370
service organizations, or emergency medical service organizations 371
in the county unless the public agency or nonprofit corporation is 372
awarded the contract after submitting the lowest and best bid to 373
the board of county commissioners. Any county wishing to commence 374
operation of a nonemergency patient transport service organization 375
or wishing to enter into a contract for the first time to furnish 376
or obtain services from a nonemergency patient transport service 377
organization on or after March 1, 1993, including a county in 378
which a private provider has been providing the service, shall 379
demonstrate the need for public funding for the service to, and 380
obtain approval from, the state board of emergency medical, fire, 381
and transportation services or its immediate successor board prior 382
to operating or funding the organization. 383

When such an organization is operated by the board, the 384
organization may be administered by the board, by the county 385
sheriff, or by another county officer or employee designated by 386
the board. All rules, including the determining of reasonable 387
rates, necessary for the establishment, operation, and maintenance 388
of such an organization shall be adopted by the board. 389

A contract for services of an ambulance service, nonemergency 390
patient transport service, or emergency medical service 391
organization shall include the terms, conditions, and stipulations 392
as agreed to by the parties to the contract. It may provide for a 393
fixed annual charge to be paid at the times agreed upon and 394

stipulated in the contract, or for compensation based upon a 395
stipulated price for each run, call, or emergency or the number of 396
persons or pieces of apparatus employed, or the elapsed time of 397
service required in such run, call, or emergency, or any 398
combination thereof. 399

Sec. 307.051. As used in this section, "emergency medical 400
service organization" has the same meaning as in section 4766.01 401
of the Revised Code. 402

A board of county commissioners, by adoption of an 403
appropriate resolution, may choose to have the ~~Ohio~~ state board of 404
emergency medical, fire, and transportation board services license 405
any emergency medical service organization it operates. If a board 406
adopts such a resolution, Chapter 4766. of the Revised Code, 407
except for sections 4766.06 and 4766.99 of the Revised Code, 408
applies to the county emergency medical service organization. All 409
rules adopted under the applicable sections of that chapter also 410
apply to the organization. A board, by adoption of an appropriate 411
resolution, may remove its emergency medical service organization 412
from the jurisdiction of the ~~Ohio~~ state board of emergency 413
medical, fire, and transportation board services. 414

Sec. 307.055. (A) Subject to the terms and conditions of the 415
joint resolution creating it, each joint emergency medical 416
services district may furnish ambulance services and emergency 417
medical services by one of the following methods: 418

(1) By operating an emergency medical service organization as 419
defined in section 4765.01 of the Revised Code; 420

(2) By contracting for the operation of one or more 421
facilities pursuant to division (C) or (D) of this section; 422

(3) By providing necessary services and equipment to the 423
district either directly or under a contract entered into pursuant 424

to division (B) of this section; 425

(4) By providing service through any combination of methods 426
described in divisions (A)(1) to (3) of this section. 427

(B) In order to obtain ambulance service, to obtain 428
additional ambulance service in times of emergency, or to obtain 429
emergency medical services, a joint emergency medical services 430
district may enter into a contract, for a period not to exceed 431
three years, with one or more counties, townships, municipal 432
corporations, joint fire districts, other governmental units that 433
provide ambulance service or emergency medical services, nonprofit 434
corporations, or private ambulance owners, regardless of whether 435
the entities contracted with are located within or outside this 436
state, upon such terms as are agreed to, to furnish or receive 437
ambulance services or the interchange of ambulance services or 438
emergency medical services within the several territories of the 439
contracting subdivisions, if the contract is first authorized by 440
all boards of trustees and legislative authorities in the 441
territories to be served. 442

Such a contract may provide for a fixed annual charge to be 443
paid at the times agreed upon and stipulated in the contract; or 444
for compensation based on a stipulated price for each run, call, 445
or emergency or based on the elapsed time of service required for 446
each run, call, or emergency, or based on any combination of 447
these. 448

Expenditures of a district for ambulance service or emergency 449
medical service, whether pursuant to contract or otherwise, are 450
lawful expenditures, regardless of whether the district or the 451
party with which it contracts charges an additional fee to users 452
of the service. 453

(C) The board of trustees may enter into a contract with any 454
person, municipal corporation, township, or other political 455

subdivision, and any political subdivision may contract with the 456
board, for the operation and maintenance of emergency medical 457
services facilities regardless of whether the facilities used are 458
owned or leased by the district, by another political subdivision, 459
or by the contractor. 460

(D) The district may purchase, lease, and maintain all 461
materials, buildings, land, and equipment, including vehicles, the 462
board considers necessary for the district. 463

When the board finds, by resolution, that the district has 464
personal property that is not needed for public use, or is 465
obsolete or unfit for the use for which it was acquired, the board 466
may dispose of the property in the same manner as provided in 467
section 307.12 of the Revised Code. 468

(E) Except in the case of a contract with a board of county 469
commissioners for the provision of services of an emergency 470
medical service organization, any contract entered into by a joint 471
emergency medical services district shall conform to the same 472
bidding requirements that apply to county contracts under sections 473
307.86 to 307.92 of the Revised Code. 474

(F) A county participating in a joint district may contribute 475
any of its rights or interests in real or personal property, 476
including money, and may contribute services to the district. Any 477
such contributions shall be made by a written agreement between 478
the contributing county and the district, specifying the 479
contribution as well as the rights of the participating counties 480
in the contributed property. Written agreements shall also be 481
prepared specifying the rights of participating counties in 482
property acquired by the district other than by contribution of a 483
participating county. Written agreements required by this division 484
may be amended only by written agreement of all parties to the 485
original agreement. 486

(G) A district's board of trustees, by adoption of an 487
appropriate resolution, may choose to have the ~~Ohio~~ state board of 488
emergency medical, fire, and transportation ~~board~~ services license 489
any emergency medical service organization the district operates. 490
If a board adopts such a resolution, Chapter 4766. of the Revised 491
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 492
applies to the district emergency medical service organization. 493
All rules adopted under the applicable sections of that chapter 494
also apply to the organization. A board, by adoption of an 495
appropriate resolution, may remove the district emergency medical 496
service organization from the jurisdiction of the ~~Ohio~~ state board 497
of emergency medical, fire, and transportation ~~board~~ services. 498

Sec. 505.37. (A) The board of township trustees may establish 499
all necessary rules to guard against the occurrence of fires and 500
to protect the property and lives of the citizens against damage 501
and accidents, and may, with the approval of the specifications by 502
the prosecuting attorney or, if the township has adopted limited 503
home rule government under Chapter 504. of the Revised Code, with 504
the approval of the specifications by the township's law director, 505
purchase, lease, lease with an option to purchase, or otherwise 506
provide any fire apparatus, mechanical resuscitators, or other 507
equipment, appliances, materials, fire hydrants, and water supply 508
for fire-fighting purposes that seems advisable to the board. The 509
board shall provide for the care and maintenance of fire 510
equipment, and, for these purposes, may purchase, lease, lease 511
with an option to purchase, or construct and maintain necessary 512
buildings, and it may establish and maintain lines of fire-alarm 513
communications within the limits of the township. The board may 514
employ one or more persons to maintain and operate fire-fighting 515
equipment, or it may enter into an agreement with a volunteer fire 516
company for the use and operation of fire-fighting equipment. The 517
board may compensate the members of a volunteer fire company on 518

any basis and in any amount that it considers equitable. 519

520

When the estimated cost to purchase fire apparatus, 521
mechanical resuscitators, other equipment, appliances, materials, 522
fire hydrants, buildings, or fire-alarm communications equipment 523
or services exceeds fifty thousand dollars, the contract shall be 524
let by competitive bidding. When competitive bidding is required, 525
the board shall advertise once a week for not less than two 526
consecutive weeks in a newspaper of general circulation within the 527
township. The board may also cause notice to be inserted in trade 528
papers or other publications designated by it or to be distributed 529
by electronic means, including posting the notice on the board's 530
internet web site. If the board posts the notice on its web site, 531
it may eliminate the second notice otherwise required to be 532
published in a newspaper of general circulation within the 533
township, provided that the first notice published in such 534
newspaper meets all of the following requirements: 535

(1) It is published at least two weeks before the opening of 536
bids. 537

(2) It includes a statement that the notice is posted on the 538
board's internet web site. 539

(3) It includes the internet address of the board's internet 540
web site. 541

(4) It includes instructions describing how the notice may be 542
accessed on the board's internet web site. 543

The advertisement shall include the time, date, and place 544
where the clerk of the township, or the clerk's designee, will 545
read bids publicly. The time, date, and place of bid openings may 546
be extended to a later date by the board of township trustees, 547
provided that written or oral notice of the change shall be given 548
to all persons who have received or requested specifications not 549

later than ninety-six hours prior to the original time and date 550
fixed for the opening. The board may reject all the bids or accept 551
the lowest and best bid, provided that the successful bidder meets 552
the requirements of section 153.54 of the Revised Code when the 553
contract is for the construction, demolition, alteration, repair, 554
or reconstruction of an improvement. 555

(B) The boards of township trustees of any two or more 556
townships, or the legislative authorities of any two or more 557
political subdivisions, or any combination of these, may, through 558
joint action, unite in the joint purchase, lease, lease with an 559
option to purchase, maintenance, use, and operation of 560
fire-fighting equipment, or for any other purpose designated in 561
sections 505.37 to 505.42 of the Revised Code, and may prorate the 562
expense of the joint action on any terms that are mutually agreed 563
upon. 564

(C) The board of township trustees of any township may, by 565
resolution, whenever it is expedient and necessary to guard 566
against the occurrence of fires or to protect the property and 567
lives of the citizens against damages resulting from their 568
occurrence, create a fire district of any portions of the township 569
that it considers necessary. The board may purchase, lease, lease 570
with an option to purchase, or otherwise provide any fire 571
apparatus, appliances, materials, fire hydrants, and water supply 572
for fire-fighting purposes, or may contract for the fire 573
protection for the fire district as provided in section 9.60 of 574
the Revised Code. The fire district so created shall be given a 575
separate name by which it shall be known. 576

Additional unincorporated territory of the township may be 577
added to a fire district upon the board's adoption of a resolution 578
authorizing the addition. A municipal corporation that is within 579
or adjoining the township may be added to a fire district upon the 580
board's adoption of a resolution authorizing the addition and the 581

municipal legislative authority's adoption of a resolution or 582
ordinance requesting the addition of the municipal corporation to 583
the fire district. 584

If the township fire district imposes a tax, additional 585
unincorporated territory of the township or a municipal 586
corporation that is within or adjoining the township shall become 587
part of the fire district only after all of the following have 588
occurred: 589

(1) Adoption by the board of township trustees of a 590
resolution approving the expansion of the territorial limits of 591
the district and, if the resolution proposes to add a municipal 592
corporation, adoption by the municipal legislative authority of a 593
resolution or ordinance requesting the addition of the municipal 594
corporation to the district; 595

(2) Adoption by the board of township trustees of a 596
resolution recommending the extension of the tax to the additional 597
territory; 598

(3) Approval of the tax by the electors of the territory 599
proposed for addition to the district. 600

Each resolution of the board adopted under division (C)(2) of 601
this section shall state the name of the fire district, a 602
description of the territory to be added, and the rate and 603
termination date of the tax, which shall be the rate and 604
termination date of the tax currently in effect in the fire 605
district. 606

The board of trustees shall certify each resolution adopted 607
under division (C)(2) of this section to the board of elections in 608
accordance with section 5705.19 of the Revised Code. The election 609
required under division (C)(3) of this section shall be held, 610
canvassed, and certified in the manner provided for the submission 611
of tax levies under section 5705.25 of the Revised Code, except 612

that the question appearing on the ballot shall read: 613

"Shall the territory within 614
(description of the proposed territory to be added) be added to 615
..... (name) fire district, and a property tax 616
at a rate of taxation not exceeding (here insert tax rate) 617
be in effect for (here insert the number of years the 618
tax is to be in effect or "a continuing period of time," as 619
applicable)?" 620

If the question is approved by at least a majority of the 621
electors voting on it, the joinder shall be effective as of the 622
first day of July of the year following approval, and on that 623
date, the township fire district tax shall be extended to the 624
taxable property within the territory that has been added. If the 625
territory that has been added is a municipal corporation and if it 626
had adopted a tax levy for fire purposes, the levy is terminated 627
on the effective date of the joinder. 628

Any municipal corporation may withdraw from a township fire 629
district created under division (C) of this section by the 630
adoption by the municipal legislative authority of a resolution or 631
ordinance ordering withdrawal. On the first day of July of the 632
year following the adoption of the resolution or ordinance of 633
withdrawal, the municipal corporation withdrawing ceases to be a 634
part of the district, and the power of the fire district to levy a 635
tax upon taxable property in the withdrawing municipal corporation 636
terminates, except that the fire district shall continue to levy 637
and collect taxes for the payment of indebtedness within the 638
territory of the fire district as it was composed at the time the 639
indebtedness was incurred. 640

Upon the withdrawal of any municipal corporation from a 641
township fire district created under division (C) of this section, 642
the county auditor shall ascertain, apportion, and order a 643
division of the funds on hand, moneys and taxes in the process of 644

collection except for taxes levied for the payment of 645
indebtedness, credits, and real and personal property, either in 646
money or in kind, on the basis of the valuation of the respective 647
tax duplicates of the withdrawing municipal corporation and the 648
remaining territory of the fire district. 649

A board of township trustees may remove unincorporated 650
territory of the township from the fire district upon the adoption 651
of a resolution authorizing the removal. On the first day of July 652
of the year following the adoption of the resolution, the 653
unincorporated township territory described in the resolution 654
ceases to be a part of the district, and the power of the fire 655
district to levy a tax upon taxable property in that territory 656
terminates, except that the fire district shall continue to levy 657
and collect taxes for the payment of indebtedness within the 658
territory of the fire district as it was composed at the time the 659
indebtedness was incurred. 660

(D) The board of township trustees of any township, the board 661
of fire district trustees of a fire district created under section 662
505.371 of the Revised Code, or the legislative authority of any 663
municipal corporation may purchase, lease, or lease with an option 664
to purchase the necessary fire-fighting equipment, buildings, and 665
sites for the township, fire district, or municipal corporation 666
and issue securities for that purpose with maximum maturities as 667
provided in section 133.20 of the Revised Code. The board of 668
township trustees, board of fire district trustees, or legislative 669
authority may also construct any buildings necessary to house 670
fire-fighting equipment and issue securities for that purpose with 671
maximum maturities as provided in section 133.20 of the Revised 672
Code. 673

The board of township trustees, board of fire district 674
trustees, or legislative authority may issue the securities of the 675
township, fire district, or municipal corporation, signed by the 676

board or designated officer of the municipal corporation and 677
attested by the signature of the township fiscal officer, fire 678
district clerk, or municipal clerk, covering any deferred payments 679
and payable at the times provided, which securities shall bear 680
interest not to exceed the rate determined as provided in section 681
9.95 of the Revised Code, and shall not be subject to Chapter 133. 682
of the Revised Code. The legislation authorizing the issuance of 683
the securities shall provide for levying and collecting annually 684
by taxation, amounts sufficient to pay the interest on and 685
principal of the securities. The securities shall be offered for 686
sale on the open market or given to the vendor or contractor if no 687
sale is made. 688

Section 505.40 of the Revised Code does not apply to any 689
securities issued, or any lease with an option to purchase entered 690
into, in accordance with this division. 691

(E) A board of township trustees of any township or a board 692
of fire district trustees of a fire district created under section 693
505.371 of the Revised Code may purchase a policy or policies of 694
liability insurance for the officers, employees, and appointees of 695
the fire department, fire district, or joint fire district 696
governed by the board that includes personal injury liability 697
coverage as to the civil liability of those officers, employees, 698
and appointees for false arrest, detention, or imprisonment, 699
malicious prosecution, libel, slander, defamation or other 700
violation of the right of privacy, wrongful entry or eviction, or 701
other invasion of the right of private occupancy, arising out of 702
the performance of their duties. 703

When a board of township trustees cannot, by deed of gift or 704
by purchase and upon terms it considers reasonable, procure land 705
for a township fire station that is needed in order to respond in 706
reasonable time to a fire or medical emergency, the board may 707
appropriate land for that purpose under sections 163.01 to 163.22 708

of the Revised Code. If it is necessary to acquire additional 709
adjacent land for enlarging or improving the fire station, the 710
board may purchase, appropriate, or accept a deed of gift for the 711
land for these purposes. 712

(F) As used in this division, "emergency medical service 713
organization" has the same meaning as in section 4766.01 of the 714
Revised Code. 715

A board of township trustees, by adoption of an appropriate 716
resolution, may choose to have the ~~Ohio~~ state board of emergency 717
medical, fire, and transportation board services license any 718
emergency medical service organization it operates. If the board 719
adopts such a resolution, Chapter 4766. of the Revised Code, 720
except for sections 4766.06 and 4766.99 of the Revised Code, 721
applies to the organization. All rules adopted under the 722
applicable sections of that chapter also apply to the 723
organization. A board of township trustees, by adoption of an 724
appropriate resolution, may remove its emergency medical service 725
organization from the jurisdiction of the ~~Ohio~~ state board of 726
emergency medical, fire, and transportation board services. 727

Sec. 505.375. (A)(1)(a) The boards of township trustees of 728
one or more townships and the legislative authorities of one or 729
more municipal corporations, or the legislative authorities of two 730
or more municipal corporations, or the boards of township trustees 731
of two or more townships, may negotiate an agreement to form a 732
fire and ambulance district for the delivery of both fire and 733
ambulance services. The agreement shall be ratified by the 734
adoption of a joint resolution by a majority of the members of 735
each board of township trustees involved and a majority of the 736
members of the legislative authority of each municipal corporation 737
involved. The joint resolution shall specify a date on which the 738
fire and ambulance district shall come into being. 739

(b) If a joint fire district created under section 505.371 of the Revised Code or a joint ambulance district created under section 505.71 of the Revised Code is dissolved to facilitate the creation of a fire and ambulance district under division (A)(1)(a) of this section, the townships and municipal corporations forming the fire and ambulance district may transfer to the fire and ambulance district any of the funds on hand, moneys and taxes in the process of collection, credits, and real and personal property apportioned to them under division (D) of section 505.371 of the Revised Code or section 505.71 of the Revised Code, as applicable, for use by the fire and ambulance district in accordance with this section.

(2)(a) The board of trustees of a joint ambulance district created under section 505.71 of the Revised Code and the board of fire district trustees of a joint fire district created under section 505.371 of the Revised Code may negotiate to combine their two joint districts into a single fire and ambulance district for the delivery of both fire and ambulance services, if the geographic area covered by the combining joint districts is exactly the same. Both boards shall adopt a joint resolution ratifying the agreement and setting a date on which the fire and ambulance district shall come into being.

(b) On that date, the joint fire district and the joint ambulance district shall cease to exist, and the power of each to levy a tax upon taxable property shall terminate, except that any levy of a tax for the payment of indebtedness within the territory of the joint fire or joint ambulance district as it was composed at the time the indebtedness was incurred shall continue to be collected by the successor fire and ambulance district if the indebtedness remains unpaid. All funds and other property of the joint districts shall become the property of the fire and ambulance district, unless otherwise provided in the negotiated

agreement. The agreement shall provide for the settlement of all 772
debts and obligations of the joint districts. 773

(B)(1) The governing body of a fire and ambulance district 774
created under division (A)(1) or (2) of this section shall be a 775
board of trustees of at least three but no more than nine members, 776
appointed as provided in the agreement creating the district. 777
Members of the board may be compensated at a rate not to exceed 778
thirty dollars per meeting for not more than fifteen meetings per 779
year, and may be reimbursed for all necessary expenses incurred, 780
as provided in the agreement creating the district. 781

(2) The board shall employ a clerk and other employees as it 782
considers best, including a fire chief or fire prevention 783
officers, and shall fix their compensation. Neither this section 784
nor any other section of the Revised Code requires, or shall be 785
construed to require, that the fire chief of a fire and ambulance 786
district be a resident of the district. 787

Before entering upon the duties of office, the clerk shall 788
execute a bond, in the amount and with surety to be approved by 789
the board, payable to the state, conditioned for the faithful 790
performance of all of the clerk's official duties. The clerk shall 791
deposit the bond with the presiding officer of the board, who 792
shall file a copy of it, certified by the presiding officer, with 793
the county auditor of the county containing the most territory in 794
the district. 795

The board also shall provide for the appointment of a fiscal 796
officer for the district and may enter into agreements with 797
volunteer fire companies for the use and operation of 798
fire-fighting equipment. Volunteer firefighters acting under such 799
an agreement are subject to the requirements for volunteer 800
firefighters set forth in division (A) of section 505.38 of the 801
Revised Code. 802

(3) Employees of the district shall not be removed from 803
office except as provided by sections 733.35 to 733.39 of the 804
Revised Code, except that, to initiate removal proceedings, the 805
board shall designate a private citizen or, if the employee is 806
employed as a firefighter, the board may designate the fire chief, 807
to investigate, conduct the proceedings, and prepare the necessary 808
charges in conformity with those sections, and except that the 809
board shall perform the functions and duties specified for the 810
municipal legislative authority under those sections. The board 811
may pay reasonable compensation to any private citizen hired for 812
services rendered in the matter. 813

(4) No person shall be appointed as a permanent full-time 814
paid member of the district whose duties include fire fighting, or 815
be appointed as a volunteer firefighter, unless that person has 816
received a certificate issued under former section 3303.07 or 817
section 4765.55 of the Revised Code evidencing satisfactory 818
completion of a firefighter training program. The board may send 819
its officers and firefighters to schools of instruction designed 820
to promote the efficiency of firefighters and, if authorized in 821
advance, may pay their necessary expenses from the funds used for 822
the maintenance and operation of the district. 823

The board may choose, by adoption of an appropriate 824
resolution, to have the Ohio state board of emergency medical, 825
fire, and transportation board services license any emergency 826
medical service organization it operates. If the board adopts such 827
a resolution, Chapter 4766. of the Revised Code, except for 828
sections 4766.06 and 4766.99 of the Revised Code, applies to the 829
organization. All rules adopted under the applicable sections of 830
that chapter also apply to the organization. The board may remove, 831
by resolution, its emergency medical service organization from the 832
jurisdiction of the Ohio state board of emergency medical, fire, 833
and transportation board services. 834

(C) The board of trustees of a fire and ambulance district 835
created under division (A)(1) or (2) of this section may exercise 836
the following powers: 837

(1) Purchase or otherwise provide any fire apparatus, 838
mechanical resuscitators, or other fire or ambulance equipment, 839
appliances, or materials; fire hydrants; and water supply for 840
firefighting purposes that seems advisable to the board; 841

(2) Provide for the care and maintenance of equipment and, 842
for that purpose, purchase, lease, lease with an option to 843
purchase, or construct and maintain necessary buildings; 844

(3) Establish and maintain lines of fire-alarm communications 845
within the limits of the district; 846

(4) Appropriate land for a fire station or medical emergency 847
unit needed in order to respond in reasonable time to a fire or 848
medical emergency, in accordance with Chapter 163. of the Revised 849
Code; 850

(5) Purchase, appropriate, or accept a deed or gift of land 851
to enlarge or improve a fire station or medical emergency unit; 852

(6) Purchase, lease, lease with an option to purchase, 853
maintain, and use all materials, equipment, vehicles, buildings, 854
and land necessary to perform its duties; 855

(7) Contract for a period not to exceed three years with one 856
or more townships, municipal corporations, counties, joint fire 857
districts, joint ambulance districts, governmental agencies, 858
nonprofit corporations, or private ambulance owners located either 859
within or outside the state, to furnish or receive ambulance 860
services or emergency medical services within the several 861
territories of the contracting parties, if the contract is first 862
authorized by all boards of trustees and legislative authorities 863
concerned; 864

(8) Establish reasonable charges for the use of ambulance or 865
emergency medical services under the same conditions under which a 866
board of fire district trustees may establish those charges under 867
section 505.371 of the Revised Code; 868

(9) Establish all necessary rules to guard against the 869
occurrence of fires and to protect property and lives against 870
damage and accidents; 871

(10) Adopt a standard code pertaining to fire, fire hazards, 872
and fire prevention prepared and promulgated by the state or by a 873
public or private organization that publishes a model or standard 874
code; 875

(11) Provide for charges for false alarms at commercial 876
establishments in the same manner as joint fire districts are 877
authorized to do under section 505.391 of the Revised Code; 878

(12) Issue bonds and other evidences of indebtedness, subject 879
to Chapter 133. of the Revised Code, but only after approval by a 880
vote of the electors of the district as provided by section 133.18 881
of the Revised Code; 882

(13) To provide the services and equipment it considers 883
necessary, levy a sufficient tax, subject to Chapter 5705. of the 884
Revised Code, on all the taxable property in the district. 885

(D) Any municipal corporation or township may join an 886
existing fire and ambulance district, whether created under 887
division (A)(1) or (2) of this section, by its legislative 888
authority's adoption of a resolution requesting the membership and 889
upon approval of the board of trustees of the district. Any 890
municipal corporation or township may withdraw from a district, 891
whether created under division (A)(1) or (2) of this section, by 892
its legislative authority's adoption of a resolution ordering 893
withdrawal. Upon its withdrawal, the municipal corporation or 894
township ceases to be a part of the district, and the district's 895

power to levy a tax on taxable property in the withdrawing 896
township or municipal corporation terminates, except that the 897
district shall continue to levy and collect taxes for the payment 898
of indebtedness within the territory of the district as it was 899
composed at the time the indebtedness was incurred. 900

Upon the withdrawal of any township or municipal corporation 901
from a district, the county auditor of the county containing the 902
most territory in the district shall ascertain, apportion, and 903
order a division of the funds on hand, including funds in the 904
ambulance and emergency medical services fund, moneys and taxes in 905
the process of collection, except for taxes levied for the payment 906
of indebtedness, credits, and real and personal property on the 907
basis of the valuation of the respective tax duplicates of the 908
withdrawing municipal corporation or township and the remaining 909
territory of the district. 910

(E) As used in this section: 911

(1) "Governmental agency" includes all departments, boards, 912
offices, commissions, agencies, colleges, universities, 913
institutions, and other instrumentalities of this or another 914
state. 915

(2) "Emergency medical service organization" has the same 916
meaning as in section 4766.01 of the Revised Code. 917

Sec. 505.44. As used in this section: 918

(A) "Emergency medical service organization" has the same 919
meaning as in section 4765.01 of the Revised Code. 920

(B) "State agency" means all departments, boards, offices, 921
commissions, agencies, colleges, universities, institutions, and 922
other instrumentalities of this or another state. 923

In order to obtain the services of ambulance service 924
organizations, to obtain additional services from ambulance 925

service organizations in times of emergency, to obtain the 926
services of emergency medical service organizations, or, if the 927
township is located in a county with a population of forty 928
thousand or less, to obtain the services of nonemergency patient 929
transport service organizations, a township may enter into a 930
contract with one or more state agencies, townships, municipal 931
corporations, counties, nonprofit corporations, joint emergency 932
medical services districts, fire and ambulance districts, or 933
private ambulance owners, regardless of whether such state 934
agencies, townships, municipal corporations, counties, nonprofit 935
corporations, joint emergency medical services districts, fire and 936
ambulance districts, or private ambulance owners are located 937
within or outside the state, upon such terms as are agreed to by 938
them, to furnish or receive services from ambulance or emergency 939
medical service organizations or, if the township is located in a 940
county with a population of forty thousand or less, to furnish or 941
receive services from nonemergency patient transport service 942
organizations, or may enter into a contract for the interchange of 943
services from ambulance or emergency medical service organizations 944
or, if the township is located in a county with a population of 945
forty thousand or less, the interchange of services from 946
nonemergency patient transport service organizations, within the 947
several territories of the contracting parties, if the contract is 948
first authorized by the respective boards of township trustees, 949
the other legislative bodies, or the officer or body authorized to 950
contract on behalf of the state agency. Such contracts shall not 951
be entered into with a state agency or nonprofit corporation that 952
receives more than half of its operating funds from governmental 953
entities with the intention of directly competing with the 954
operation of other ambulance, emergency medical, or nonemergency 955
patient transport service organizations in the township unless the 956
state agency or nonprofit corporation is awarded the contract 957
after submitting the lowest and best bid to the board of township 958

trustees. 959

The contract may provide for compensation upon such terms as 960
the parties may agree. 961

Any township wishing to commence providing or wishing to 962
enter into a contract for the first time to furnish or obtain 963
services from nonemergency patient transport service organizations 964
on or after March 1, 1993, including a township in which a private 965
provider has been providing the service, shall demonstrate the 966
need for public funding for the service to, and obtain approval 967
from, the state board of emergency medical, fire, and 968
transportation services or its immediate successor board prior to 969
the establishment of a township-operated or township-funded 970
service. 971

Sec. 505.72. (A) The board of trustees of a joint ambulance 972
district shall provide for the employment of such employees as it 973
considers best, and shall fix their compensation. Such employees 974
shall continue in office until removed as provided by sections 975
733.35 to 733.39 of the Revised Code. To initiate removal 976
proceedings, and for such purpose, the board shall designate a 977
private citizen to investigate the conduct and prepare the 978
necessary charges in conformity with sections 733.35 to 733.39 of 979
the Revised Code. The board may pay reasonable compensation to 980
such person for the person's services. 981

In case of the removal of an employee of the district, an 982
appeal may be had from the decision of the board to the court of 983
common pleas of the county in which such district, or part of it, 984
is situated, to determine the sufficiency of the cause of removal. 985
Such appeal from the findings of the board shall be taken within 986
ten days. 987

(B) As used in this division, "emergency medical service 988
organization" has the same meaning as in section 4765.01 of the 989

Revised Code. 990

(1) In order to obtain the services of ambulance service 991
organizations, to obtain additional services from ambulance 992
service organizations in times of emergency, or to obtain the 993
services of emergency medical service organizations, a district 994
may enter into a contract, for a period not to exceed three years, 995
with one or more townships, municipal corporations, joint fire 996
districts, nonprofit corporations, any other governmental unit 997
that provides ambulance services or emergency medical services, or 998
with private ambulance owners, regardless of whether such 999
townships, municipal corporations, joint fire districts, nonprofit 1000
corporations, governmental unit, or private ambulance owners are 1001
located within or without this state, upon such terms as are 1002
agreed to, to furnish or receive services from ambulance or 1003
emergency medical service organizations or the interchange of 1004
services from ambulance or emergency medical service organizations 1005
within the several territories of the contracting subdivisions, if 1006
such contract is first authorized by all boards of trustees and 1007
legislative authorities concerned. 1008

The contract may provide for a fixed annual charge to be paid 1009
at the times agreed upon and stipulated in the contract, or for 1010
compensation based upon a stipulated price for each run, call, or 1011
emergency, or the elapsed time of service required in such run, 1012
call, or emergency, or any combination thereof. 1013

(2) Expenditures of a district for the services of ambulance 1014
service organizations or emergency medical service organizations, 1015
whether pursuant to contract or otherwise, are lawful 1016
expenditures, regardless of whether the district or the party with 1017
which it contracts charges additional fees to users of the 1018
services. 1019

(3) A district's board of trustees, by adoption of an 1020
appropriate resolution, may choose to have the ~~Ohio~~ state board of 1021

emergency medical, fire, and transportation board services license 1022
any emergency medical service organization the district operates. 1023
If a board adopts such a resolution, Chapter 4766. of the Revised 1024
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1025
applies to the district emergency medical service organization. 1026
All rules adopted under the applicable sections of that chapter 1027
also apply to the organization. A board, by adoption of an 1028
appropriate resolution, may remove the district emergency medical 1029
service organization from the jurisdiction of the ~~Ohio~~ state board 1030
of emergency medical, fire, and transportation board services. 1031

(C) Ambulance services or emergency medical services rendered 1032
for a joint ambulance district under this section and section 1033
505.71 of the Revised Code shall be deemed services of the 1034
district. These sections do not authorize suits against a district 1035
or any township or municipal corporation providing or receiving, 1036
or contracting to provide or receive, such services under these 1037
sections for damages for injury or loss to persons or property or 1038
for wrongful death caused by persons providing such services. 1039

Sec. 718.01. (A) As used in this chapter: 1040

(1) "Adjusted federal taxable income" means a C corporation's 1041
federal taxable income before net operating losses and special 1042
deductions as determined under the Internal Revenue Code, adjusted 1043
as follows: 1044

(a) Deduct intangible income to the extent included in 1045
federal taxable income. The deduction shall be allowed regardless 1046
of whether the intangible income relates to assets used in a trade 1047
or business or assets held for the production of income. 1048

(b) Add an amount equal to five per cent of intangible income 1049
deducted under division (A)(1)(a) of this section, but excluding 1050
that portion of intangible income directly related to the sale, 1051
exchange, or other disposition of property described in section 1052

1221 of the Internal Revenue Code; 1053

(c) Add any losses allowed as a deduction in the computation 1054
of federal taxable income if the losses directly relate to the 1055
sale, exchange, or other disposition of an asset described in 1056
section 1221 or 1231 of the Internal Revenue Code; 1057

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 1058
section, deduct income and gain included in federal taxable income 1059
to the extent the income and gain directly relate to the sale, 1060
exchange, or other disposition of an asset described in section 1061
1221 or 1231 of the Internal Revenue Code; 1062

(ii) Division (A)(1)(d)(i) of this section does not apply to 1063
the extent the income or gain is income or gain described in 1064
section 1245 or 1250 of the Internal Revenue Code. 1065

(e) Add taxes on or measured by net income allowed as a 1066
deduction in the computation of federal taxable income; 1067

(f) In the case of a real estate investment trust and 1068
regulated investment company, add all amounts with respect to 1069
dividends to, distributions to, or amounts set aside for or 1070
credited to the benefit of investors and allowed as a deduction in 1071
the computation of federal taxable income; 1072

(g) Deduct, to the extent not otherwise deducted or excluded 1073
in computing federal taxable income, any income ~~derived from~~ 1074
~~providing public services under a contract through a project owned~~ 1075
~~by the state, as described in section 126.604 of the Revised Code~~ 1076
~~or~~ derived from a transfer agreement or from the enterprise 1077
transferred under that agreement under section 4313.02 of the 1078
Revised Code. 1079

If the taxpayer is not a C corporation and is not an 1080
individual, the taxpayer shall compute adjusted federal taxable 1081
income as if the taxpayer were a C corporation, except guaranteed 1082
payments and other similar amounts paid or accrued to a partner, 1083

former partner, member, or former member shall not be allowed as a 1084
deductible expense; amounts paid or accrued to a qualified 1085
self-employed retirement plan with respect to an owner or 1086
owner-employee of the taxpayer, amounts paid or accrued to or for 1087
health insurance for an owner or owner-employee, and amounts paid 1088
or accrued to or for life insurance for an owner or owner-employee 1089
shall not be allowed as a deduction. 1090

Nothing in division (A)(1) of this section shall be construed 1091
as allowing the taxpayer to add or deduct any amount more than 1092
once or shall be construed as allowing any taxpayer to deduct any 1093
amount paid to or accrued for purposes of federal self-employment 1094
tax. 1095

Nothing in this chapter shall be construed as limiting or 1096
removing the ability of any municipal corporation to administer, 1097
audit, and enforce the provisions of its municipal income tax. 1098

(2) "Internal Revenue Code" means the Internal Revenue Code 1099
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 1100

(3) "Schedule C" means internal revenue service schedule C 1101
filed by a taxpayer pursuant to the Internal Revenue Code. 1102

(4) "Form 2106" means internal revenue service form 2106 1103
filed by a taxpayer pursuant to the Internal Revenue Code. 1104

(5) "Intangible income" means income of any of the following 1105
types: income yield, interest, capital gains, dividends, or other 1106
income arising from the ownership, sale, exchange, or other 1107
disposition of intangible property including, but not limited to, 1108
investments, deposits, money, or credits as those terms are 1109
defined in Chapter 5701. of the Revised Code, and patents, 1110
copyrights, trademarks, tradenames, investments in real estate 1111
investment trusts, investments in regulated investment companies, 1112
and appreciation on deferred compensation. "Intangible income" 1113
does not include prizes, awards, or other income associated with 1114

any lottery winnings or other similar games of chance.	1115
(6) "S corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.	1116 1117 1118
(7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit required to be reported on schedule C, schedule E, or schedule F, other than any amount allowed as a deduction under division (E)(2) or (3) of this section or amounts described in division (H) of this section.	1119 1120 1121 1122 1123 1124 1125
(8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (L) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.	1126 1127 1128 1129 1130 1131 1132
(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	1133 1134 1135
(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:	1136 1137 1138
(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;	1139 1140 1141 1142
(b) A municipal corporation acting as the agent of another municipal corporation; and	1143 1144

(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.

(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.

(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.

(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.

(B) No municipal corporation shall tax income at other than a uniform rate.

(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least ninety days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a ... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

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In the event of an affirmative vote, the proceeds of the levy 1175
may be used only for the specified purpose. 1176

(D)(1) Except as otherwise provided in this section, no 1177
municipal corporation shall exempt from a tax on income 1178
compensation for personal services of individuals over eighteen 1179
years of age or the net profit from a business or profession. 1180

(2)(a) For taxable years beginning on or after January 1, 1181
2004, no municipal corporation shall tax the net profit from a 1182
business or profession using any base other than the taxpayer's 1183
adjusted federal taxable income. 1184

(b) Division (D)(2)(a) of this section does not apply to any 1185
taxpayer required to file a return under section 5745.03 of the 1186
Revised Code or to the net profit from a sole proprietorship. 1187

(E)(1) The legislative authority of a municipal corporation 1188
may, by ordinance or resolution, exempt from withholding and from 1189
a tax on income the following: 1190

(a) Compensation arising from the sale, exchange, or other 1191
disposition of a stock option, the exercise of a stock option, or 1192
the sale, exchange, or other disposition of stock purchased under 1193
a stock option; or 1194

(b) Compensation attributable to a nonqualified deferred 1195
compensation plan or program described in section 3121(v)(2)(C) of 1196
the Internal Revenue Code. 1197

(2) The legislative authority of a municipal corporation may 1198
adopt an ordinance or resolution that allows a taxpayer who is an 1199
individual to deduct, in computing the taxpayer's municipal income 1200
tax liability, an amount equal to the aggregate amount the 1201
taxpayer paid in cash during the taxable year to a health savings 1202
account of the taxpayer, to the extent the taxpayer is entitled to 1203
deduct that amount on internal revenue service form 1040. 1204

(3) The legislative authority of a municipal corporation may 1205
adopt an ordinance or resolution that allows a taxpayer who has a 1206
net profit from a business or profession that is operated as a 1207
sole proprietorship to deduct from that net profit the amount that 1208
the taxpayer paid during the taxable year for medical care 1209
insurance premiums for the taxpayer, the taxpayer's spouse, and 1210
dependents as defined in section 5747.01 of the Revised Code. The 1211
deduction shall be allowed to the same extent the taxpayer is 1212
entitled to deduct the premiums on internal revenue service form 1213
1040. The deduction allowed under this division shall be net of 1214
any related premium refunds, related premium reimbursements, or 1215
related insurance premium dividends received by the taxpayer 1216
during the taxable year. 1217

(F) If an individual's taxable income includes income against 1218
which the taxpayer has taken a deduction for federal income tax 1219
purposes as reportable on the taxpayer's form 2106, and against 1220
which a like deduction has not been allowed by the municipal 1221
corporation, the municipal corporation shall deduct from the 1222
taxpayer's taxable income an amount equal to the deduction shown 1223
on such form allowable against such income, to the extent not 1224
otherwise so allowed as a deduction by the municipal corporation. 1225

(G)(1) In the case of a taxpayer who has a net profit from a 1226
business or profession that is operated as a sole proprietorship, 1227
no municipal corporation may tax or use as the base for 1228
determining the amount of the net profit that shall be considered 1229
as having a taxable situs in the municipal corporation, an amount 1230
other than the net profit required to be reported by the taxpayer 1231
on schedule C or F from such sole proprietorship for the taxable 1232
year. 1233

(2) In the case of a taxpayer who has a net profit from 1234
rental activity required to be reported on schedule E, no 1235
municipal corporation may tax or use as the base for determining 1236

the amount of the net profit that shall be considered as having a 1237
taxable situs in the municipal corporation, an amount other than 1238
the net profit from rental activities required to be reported by 1239
the taxpayer on schedule E for the taxable year. 1240

(H) A municipal corporation shall not tax any of the 1241
following: 1242

(1) The military pay or allowances of members of the armed 1243
forces of the United States and of members of their reserve 1244
components, including the Ohio national guard; 1245

(2) The income of religious, fraternal, charitable, 1246
scientific, literary, or educational institutions to the extent 1247
that such income is derived from tax-exempt real estate, 1248
tax-exempt tangible or intangible property, or tax-exempt 1249
activities; 1250

(3) Except as otherwise provided in division (I) of this 1251
section, intangible income; 1252

(4) Compensation paid under section 3501.28 or 3501.36 of the 1253
Revised Code to a person serving as a precinct election official, 1254
to the extent that such compensation does not exceed one thousand 1255
dollars annually. Such compensation in excess of one thousand 1256
dollars may be subjected to taxation by a municipal corporation. A 1257
municipal corporation shall not require the payer of such 1258
compensation to withhold any tax from that compensation. 1259

(5) Compensation paid to an employee of a transit authority, 1260
regional transit authority, or regional transit commission created 1261
under Chapter 306. of the Revised Code for operating a transit bus 1262
or other motor vehicle for the authority or commission in or 1263
through the municipal corporation, unless the bus or vehicle is 1264
operated on a regularly scheduled route, the operator is subject 1265
to such a tax by reason of residence or domicile in the municipal 1266
corporation, or the headquarters of the authority or commission is 1267

located within the municipal corporation; 1268

(6) The income of a public utility, when that public utility 1269
is subject to the tax levied under section 5727.24 or 5727.30 of 1270
the Revised Code, except a municipal corporation may tax the 1271
following, subject to Chapter 5745. of the Revised Code: 1272

(a) Beginning January 1, 2002, the income of an electric 1273
company or combined company; 1274

(b) Beginning January 1, 2004, the income of a telephone 1275
company. 1276

As used in division (H)(6) of this section, "combined 1277
company," "electric company," and "telephone company" have the 1278
same meanings as in section 5727.01 of the Revised Code. 1279

(7) On and after January 1, 2003, items excluded from federal 1280
gross income pursuant to section 107 of the Internal Revenue Code; 1281

(8) On and after January 1, 2001, compensation paid to a 1282
nonresident individual to the extent prohibited under section 1283
718.011 of the Revised Code; 1284

(9)(a) Except as provided in division (H)(9)(b) and (c) of 1285
this section, an S corporation shareholder's distributive share of 1286
net profits of the S corporation, other than any part of the 1287
distributive share of net profits that represents wages as defined 1288
in section 3121(a) of the Internal Revenue Code or net earnings 1289
from self-employment as defined in section 1402(a) of the Internal 1290
Revenue Code. 1291

(b) If, pursuant to division (H) of former section 718.01 of 1292
the Revised Code as it existed before March 11, 2004, a majority 1293
of the electors of a municipal corporation voted in favor of the 1294
question at an election held on November 4, 2003, the municipal 1295
corporation may continue after 2002 to tax an S corporation 1296
shareholder's distributive share of net profits of an S 1297

corporation. 1298

(c) If, on December 6, 2002, a municipal corporation was 1299
imposing, assessing, and collecting a tax on an S corporation 1300
shareholder's distributive share of net profits of the S 1301
corporation to the extent the distributive share would be 1302
allocated or apportioned to this state under divisions (B)(1) and 1303
(2) of section 5733.05 of the Revised Code if the S corporation 1304
were a corporation subject to taxes imposed under Chapter 5733. of 1305
the Revised Code, the municipal corporation may continue to impose 1306
the tax on such distributive shares to the extent such shares 1307
would be so allocated or apportioned to this state only until 1308
December 31, 2004, unless a majority of the electors of the 1309
municipal corporation voting on the question of continuing to tax 1310
such shares after that date vote in favor of that question at an 1311
election held November 2, 2004. If a majority of those electors 1312
vote in favor of the question, the municipal corporation may 1313
continue after December 31, 2004, to impose the tax on such 1314
distributive shares only to the extent such shares would be so 1315
allocated or apportioned to this state. 1316

(d) For the purposes of division (D) of section 718.14 of the 1317
Revised Code, a municipal corporation shall be deemed to have 1318
elected to tax S corporation shareholders' distributive shares of 1319
net profits of the S corporation in the hands of the shareholders 1320
if a majority of the electors of a municipal corporation vote in 1321
favor of a question at an election held under division (H)(9)(b) 1322
or (c) of this section. The municipal corporation shall specify by 1323
ordinance or rule that the tax applies to the distributive share 1324
of a shareholder of an S corporation in the hands of the 1325
shareholder of the S corporation. 1326

(10) Employee compensation that is not "qualifying wages" as 1327
defined in section 718.03 of the Revised Code; 1328

(11) Beginning August 1, 2007, compensation paid to a person 1329

employed within the boundaries of a United States air force base 1330
under the jurisdiction of the United States air force that is used 1331
for the housing of members of the United States air force and is a 1332
center for air force operations, unless the person is subject to 1333
taxation because of residence or domicile. If the compensation is 1334
subject to taxation because of residence or domicile, municipal 1335
income tax shall be payable only to the municipal corporation of 1336
residence or domicile. 1337

(I) Any municipal corporation that taxes any type of 1338
intangible income on March 29, 1988, pursuant to Section 3 of 1339
Amended Substitute Senate Bill No. 238 of the 116th general 1340
assembly, may continue to tax that type of income after 1988 if a 1341
majority of the electors of the municipal corporation voting on 1342
the question of whether to permit the taxation of that type of 1343
intangible income after 1988 vote in favor thereof at an election 1344
held on November 8, 1988. 1345

(J) Nothing in this section or section 718.02 of the Revised 1346
Code shall authorize the levy of any tax on income that a 1347
municipal corporation is not authorized to levy under existing 1348
laws or shall require a municipal corporation to allow a deduction 1349
from taxable income for losses incurred from a sole proprietorship 1350
or partnership. 1351

(K)(1) Nothing in this chapter prohibits a municipal 1352
corporation from allowing, by resolution or ordinance, a net 1353
operating loss carryforward. 1354

(2) Nothing in this chapter requires a municipal corporation 1355
to allow a net operating loss carryforward. 1356

(L)(1) A single member limited liability company that is a 1357
disregarded entity for federal tax purposes may elect to be a 1358
separate taxpayer from its single member in all Ohio municipal 1359
corporations in which it either filed as a separate taxpayer or 1360

did not file for its taxable year ending in 2003, if all of the 1361
following conditions are met: 1362

(a) The limited liability company's single member is also a 1363
limited liability company; 1364

(b) The limited liability company and its single member were 1365
formed and doing business in one or more Ohio municipal 1366
corporations for at least five years before January 1, 2004; 1367

(c) Not later than December 31, 2004, the limited liability 1368
company and its single member each make an election to be treated 1369
as a separate taxpayer under division (L) of this section; 1370

(d) The limited liability company was not formed for the 1371
purpose of evading or reducing Ohio municipal corporation income 1372
tax liability of the limited liability company or its single 1373
member; 1374

(e) The Ohio municipal corporation that is the primary place 1375
of business of the sole member of the limited liability company 1376
consents to the election. 1377

(2) For purposes of division (L)(1)(e) of this section, a 1378
municipal corporation is the primary place of business of a 1379
limited liability company if, for the limited liability company's 1380
taxable year ending in 2003, its income tax liability is greater 1381
in that municipal corporation than in any other municipal 1382
corporation in Ohio, and that tax liability to that municipal 1383
corporation for its taxable year ending in 2003 is at least four 1384
hundred thousand dollars. 1385

Sec. 2937.221. (A) A person arrested without warrant for any 1386
violation listed in division (B) of this section, and having a 1387
current valid Ohio driver's or commercial driver's license, if the 1388
person has been notified of the possible consequences of the 1389
person's actions as required by division (C) of this section, may 1390

post bond by depositing the license with the arresting officer if 1391
the officer and person so choose, or with the local court having 1392
jurisdiction if the court and person so choose. The license may be 1393
used as bond only during the period for which it is valid. 1394

When an arresting officer accepts the driver's or commercial 1395
driver's license as bond, the officer shall note the date, time, 1396
and place of the court appearance on "the violator's notice to 1397
appear," and the notice shall serve as a valid Ohio driver's or 1398
commercial driver's license until the date and time appearing 1399
thereon. The arresting officer immediately shall forward the 1400
license to the appropriate court. 1401

When a local court accepts the license as bond or continues 1402
the case to another date and time, it shall provide the person 1403
with a card in a form approved by the registrar of motor vehicles 1404
setting forth the license number, name, address, the date and time 1405
of the court appearance, and a statement that the license is being 1406
held as bond. The card shall serve as a valid license until the 1407
date and time contained in the card. 1408

The court may accept other bond at any time and return the 1409
license to the person. The court shall return the license to the 1410
person when judgment is satisfied, including, but not limited to, 1411
compliance with any court orders, unless a suspension or 1412
cancellation is part of the penalty imposed. 1413

Neither "the violator's notice to appear" nor a court- 1414
granted card shall continue driving privileges beyond the 1415
expiration date of the license. 1416

If the person arrested fails to appear in court at the date 1417
and time set by the court or fails to satisfy the judgment of the 1418
court, including, but not limited to, compliance with all court 1419
orders within the time allowed by the court, the court may declare 1420
the forfeiture of the person's license. Thirty days after the 1421

declaration of the forfeiture, the court shall forward the 1422
person's license to the registrar. The court also shall enter 1423
information relative to the forfeiture on a form approved and 1424
furnished by the registrar and send the form to the registrar. The 1425
registrar shall suspend the person's license and send written 1426
notification of the suspension to the person at the person's last 1427
known address. No valid driver's or commercial driver's license 1428
shall be granted to the person until the court having jurisdiction 1429
orders that the forfeiture be terminated. The court shall inform 1430
the registrar of the termination of the forfeiture by entering 1431
information relative to the termination on a form approved and 1432
furnished by the registrar and sending the form to the registrar. 1433
Upon the termination, the person shall pay to the bureau of motor 1434
vehicles a reinstatement fee of fifteen dollars to cover the costs 1435
of the bureau in administering this section. The registrar shall 1436
deposit the fees so paid into the state bureau of motor vehicles 1437
fund created by section 4501.25 of the Revised Code. 1438

In addition, upon receipt from the court of the copy of the 1439
declaration of forfeiture, neither the registrar nor any deputy 1440
registrar shall accept any application for the registration or 1441
transfer of registration of any motor vehicle owned by or leased 1442
in the name of the person named in the declaration of forfeiture 1443
until the court having jurisdiction over the offense that led to 1444
the suspension issues an order terminating the forfeiture. 1445
However, for a motor vehicle leased in the name of a person named 1446
in a declaration of forfeiture, the registrar shall not implement 1447
the preceding sentence until the registrar adopts procedures for 1448
that implementation under section 4503.39 of the Revised Code. 1449
Upon receipt by the registrar of such an order, the registrar also 1450
shall take the measures necessary to permit the person to register 1451
a motor vehicle the person owns or leases or to transfer the 1452
registration of a motor vehicle the person owns or leases if the 1453
person later makes a proper application and otherwise is eligible 1454

to be issued or to transfer a motor vehicle registration. 1455

(B) Division (A) of this section applies to persons arrested 1456
for violation of: 1457

(1) Any of the provisions of Chapter 4511. or 4513. of the 1458
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 1459
4513.36 of the Revised Code; 1460

(2) Any municipal ordinance substantially similar to a 1461
section included in division (B)(1) of this section; 1462

(3) Any bylaw, rule, or regulation of the Ohio turnpike and 1463
infrastructure commission substantially similar to a section 1464
included in division (B)(1) of this section. 1465

Division (A) of this section does not apply to those persons 1466
issued a citation for the commission of a minor misdemeanor under 1467
section 2935.26 of the Revised Code. 1468

(C) No license shall be accepted as bond by an arresting 1469
officer or by a court under this section until the officer or 1470
court has notified the person that, if the person deposits the 1471
license with the officer or court and either does not appear on 1472
the date and at the time set by the officer or the court, if the 1473
court sets a time, or does not satisfy any judgment rendered, 1474
including, but not limited to, compliance with all court orders, 1475
the license will be suspended, and the person will not be eligible 1476
for reissuance of the license or issuance of a new license, or the 1477
issuance of a certificate of registration for a motor vehicle 1478
owned or leased by the person until the person appears and 1479
complies with any order issued by the court. The person also is 1480
subject to any criminal penalties that may apply to the person. 1481

(D) The registrar shall not restore the person's driving or 1482
vehicle registration privileges until the person pays the 1483
reinstatement fee as provided in this section. 1484

Sec. 3354.13. The ownership of a community college created 1485
and established pursuant to provisions of sections 3354.02 and 1486
3354.04 of the Revised Code, including all right, title, and 1487
interest in and to all property, both real and personal, 1488
pertaining thereto, shall be vested in the board of trustees of 1489
the community college district in which such college is situated, 1490
except as may be provided in a contract entered into under the 1491
authority of division (A) of section 3354.09 of the Revised Code. 1492
The board may acquire by appropriation any land, rights, rights of 1493
way, franchises, easements, or other property necessary or proper 1494
for the construction or the efficient operation of any facility of 1495
the community college district, pursuant to the procedure provided 1496
in section 5537.06 of the Revised Code, with respect to the Ohio 1497
turnpike and infrastructure commission, and insofar as such 1498
procedure is applicable. 1499

Any instrument by which real property is acquired pursuant to 1500
this section shall identify the agency of the state that has the 1501
use and benefit of the real property as specified in section 1502
5301.012 of the Revised Code. 1503

Sec. 3355.10. The ownership of the university branch campus, 1504
created and established pursuant to sections 3355.01 to 3355.14 of 1505
the Revised Code, including all right, title, and interest in and 1506
to all property, both real and personal, pertaining thereto, shall 1507
be vested in the managing authority of the university branch 1508
district. The board may acquire by appropriation any land, rights, 1509
rights of way, franchises, easements, or other property necessary 1510
or proper for the construction or the efficient operation of any 1511
facility of the university branch district, pursuant to section 1512
5537.06 of the Revised Code, with respect to the Ohio turnpike and 1513
infrastructure commission, and insofar as such procedure is 1514
applicable. 1515

University branch district bonds, issued pursuant to section 1516
3355.08 of the Revised Code, are lawful investments of banks, 1517
savings banks, trust companies, trustees, boards of trustees of 1518
sinking funds of municipal corporations, school districts, 1519
counties, the administrator of workers' compensation, the state 1520
teachers retirement system, the public employees retirement 1521
system, and the school employees retirement system, and also are 1522
acceptable as security for the deposit of public moneys. 1523

Any instrument by which real property is acquired pursuant to 1524
this section shall identify the agency of the state that has the 1525
use and benefit of the real property as specified in section 1526
5301.012 of the Revised Code. 1527

Sec. 3357.12. The ownership of a technical college, created 1528
and established pursuant to section 3357.07 of the Revised Code, 1529
including all right, title, and interest in and to all property, 1530
both real and personal, pertaining thereto, shall be vested in the 1531
board of trustees of the technical college district in which such 1532
college is situated. The board may acquire by appropriation any 1533
land, rights, rights-of-way, franchises, easements, or other 1534
property necessary or proper for the construction or the efficient 1535
operation of any facility of the technical college district, 1536
pursuant to the procedure provided in section 5537.06 of the 1537
Revised Code, with respect to the Ohio turnpike and infrastructure 1538
commission, and insofar as such procedure is applicable. 1539

Any instrument by which real property is acquired pursuant to 1540
this section shall identify the agency of the state that has the 1541
use and benefit of the real property as specified in section 1542
5301.012 of the Revised Code. 1543

Sec. 3705.242. (A)(1) The director of health, a person 1544
authorized by the director, a local commissioner of health, or a 1545

local registrar of vital statistics shall charge and collect a fee 1546
of one dollar and fifty cents for each certified copy of a birth 1547
record, each certification of birth, and each copy of a death 1548
record. The fee is in addition to the fee imposed by section 1549
3705.24 or any other section of the Revised Code. A local 1550
commissioner of health or local registrar of vital statistics may 1551
retain an amount of each additional fee collected, not to exceed 1552
three per cent of the amount of the additional fee, to be used for 1553
costs directly related to the collection of the fee and the 1554
forwarding of the fee to the department of health. 1555

The additional fees collected by the director of health or a 1556
person authorized by the director and the additional fees 1557
collected but not retained by a local commissioner of health or a 1558
local registrar of vital statistics shall be forwarded to the 1559
department of health not later than thirty days following the end 1560
of each quarter. Not later than two days after the fees are 1561
forwarded to the department each quarter, the department shall pay 1562
the collected fees to the treasurer of state in accordance with 1563
rules adopted by the treasurer of state under section 113.08 of 1564
the Revised Code. 1565

(2) On the filing of a divorce decree under section 3105.10 1566
or a decree of dissolution under section 3105.65 of the Revised 1567
Code, a court of common pleas shall charge and collect a fee of 1568
five dollars and fifty cents. The fee is in addition to any other 1569
court costs or fees. The county clerk of courts may retain an 1570
amount of each additional fee collected, not to exceed three per 1571
cent of the amount of the additional fee, to be used for costs 1572
directly related to the collection of the fee and the forwarding 1573
of the fee to the treasurer of state. The additional fees 1574
collected, but not retained, under division (A)(2) of this section 1575
shall be forwarded to the treasurer of state not later than twenty 1576
days following the end of each month. 1577

(B) The treasurer of state shall deposit the fees paid or 1578
forwarded under this section in the state treasury to the credit 1579
of the family violence prevention fund, which is hereby created. A 1580
person or government entity that fails to pay or forward the fees 1581
in a timely the manner, ~~as determined by the treasurer of state~~ 1582
described in this section, shall send to the ~~treasurer of state,~~ 1583
~~in addition to the fees,~~ department of public safety a penalty 1584
equal to ten per cent of the fees. The department of public safety 1585
shall forward all collected late fees to the treasurer of state 1586
for deposit into the family violence prevention fund in accordance 1587
with rules adopted by the treasurer of state under section 113.08 1588
of the Revised Code. 1589

The treasurer of state shall invest the moneys in the fund. 1590
All earnings resulting from investment of the fund shall be 1591
credited to the fund, except that actual administration costs 1592
incurred by the treasurer of state in administering the fund may 1593
be deducted from the earnings resulting from investments. The 1594
amount that may be deducted shall not exceed three per cent of the 1595
total amount of fees credited to the fund in each fiscal year. The 1596
balance of the investment earnings shall be credited to the fund. 1597

(C) The director of public safety shall use money credited to 1598
the fund to provide grants to family violence shelters in Ohio and 1599
to operate the division of criminal justice services. 1600

Sec. 4501.03. The registrar of motor vehicles shall open an 1601
account with each county and district of registration in the 1602
state, and may assign each county and district of registration in 1603
the state a unique code for identification purposes. Except as 1604
provided in section 4501.044 or division (A)(1) of section 1605
4501.045 of the Revised Code, the registrar shall pay all moneys 1606
the registrar receives under sections 4503.02, and 4503.12, ~~and~~ 1607
~~4504.09~~ of the Revised Code into the state treasury to the credit 1608

of the auto registration distribution fund, which is hereby 1609
created, for distribution in the manner provided for in this 1610
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 1611
~~4501.043~~ of the Revised Code. All other moneys received by the 1612
registrar shall be deposited in the state bureau of motor vehicles 1613
fund established in section 4501.25 of the Revised Code for the 1614
purposes enumerated in that section, unless otherwise provided by 1615
law. 1616

All moneys credited to the auto registration distribution 1617
fund shall be distributed to the counties and districts of 1618
registration, ~~except for funds received by the registrar under~~ 1619
~~section 4504.09 of the Revised Code,~~ after receipt of 1620
certifications from the commissioners of the sinking fund 1621
certifying, as required by sections 5528.15 and 5528.35 of the 1622
Revised Code, that there are sufficient moneys to the credit of 1623
the highway improvement bond retirement fund created by section 1624
5528.12 of the Revised Code to meet in full all payments of 1625
interest, principal, and charges for the retirement of bonds and 1626
other obligations issued pursuant to Section 2g of Article VIII, 1627
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1628
Code due and payable during the current calendar year, and that 1629
there are sufficient moneys to the credit of the highway 1630
obligations bond retirement fund created by section 5528.32 of the 1631
Revised Code to meet in full all payments of interest, principal, 1632
and charges for the retirement of highway obligations issued 1633
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1634
sections 5528.30 and 5528.31 of the Revised Code due and payable 1635
during the current calendar year, in the manner provided in 1636
section 4501.04 of the Revised Code. 1637

The treasurer of state may invest any portion of the moneys 1638
credited to the auto registration distribution fund, in the same 1639
manner and subject to all the laws with respect to the investment 1640

of state funds by the treasurer of state, and all investment 1641
earnings of the fund shall be credited to the fund. 1642

Once each month the registrar shall prepare vouchers in favor 1643
of the county auditor of each county for the amount of the tax 1644
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1645
Code apportioned to the county and to the districts of 1646
registration located wholly or in part in the county auditor's 1647
county. The county auditor shall distribute the proceeds of the 1648
tax collections due the county and the districts of registration 1649
in the manner provided in section 4501.04 of the Revised Code. 1650

~~Once each month the registrar also shall prepare vouchers in 1651
favor of the county auditor of each county levying a county motor 1652
vehicle license tax pursuant to section 4504.02, 4504.15, or 1653
4504.16 of the Revised Code and of each county in which is located 1654
one or more townships levying a township motor vehicle license tax 1655
pursuant to section 4504.18 of the Revised Code for the amount of 1656
the tax due the county or townships in the county. 1657~~

All moneys received by the registrar under sections 4503.02, 1658
and 4503.12, ~~and 4504.09~~ of the Revised Code shall be distributed 1659
to counties, townships, and municipal corporations within thirty 1660
days of the expiration of the registration year, except that a sum 1661
equal to five per cent of the total amount received under sections 1662
4503.02 and 4503.12 of the Revised Code may be reserved to make 1663
final adjustments in accordance with the formula for distribution 1664
set forth in section 4501.04 of the Revised Code. If amounts set 1665
aside to make the adjustments are inadequate, necessary 1666
adjustments shall be made immediately out of funds available for 1667
distribution for the following two registration years. 1668

Sec. 4501.031. All moneys received under section 4504.09 of 1669
the Revised Code shall be paid into the state treasury to the 1670
credit of the local motor vehicle license tax fund, which is 1671

hereby created, for distribution in the manner provided for in 1672
this chapter. The treasurer of state may invest any portion of the 1673
moneys credited to the fund in the same manner and subject to all 1674
the laws governing the investment of state funds by the treasurer 1675
of state. All investment earnings of the fund shall be credited to 1676
the fund. 1677

The registrar of motor vehicles shall open an account with 1678
each county and district of registration in the state, and may 1679
assign each county and district a code for identification 1680
purposes. The code for a county or district may be the same as the 1681
code assigned to the county or district by the registrar under 1682
section 4501.03 of the Revised Code. 1683

Once each month the registrar shall prepare vouchers in favor 1684
of the county auditor of each county levying a county motor 1685
vehicle license tax pursuant to section 4504.02, 4504.15, or 1686
4504.16 of the Revised Code and of each county in which is located 1687
one or more townships levying a township motor vehicle license tax 1688
pursuant to section 4504.18 of the Revised Code for the amount of 1689
the tax due the county or townships in the county. 1690

All moneys received by the registrar under section 4504.09 of 1691
the Revised Code shall be distributed to counties, townships, and 1692
municipal corporations within thirty days of the expiration of the 1693
registration year. Necessary adjustments shall be made immediately 1694
out of funds available for distribution for the following two 1695
registration years. 1696

Sec. 4501.04. All moneys paid into the auto registration 1697
distribution fund under section 4501.03 of the Revised Code, 1698
except ~~moneys received under section 4504.09 of the Revised Code~~ 1699
~~and~~ moneys that consist of the portion of motorcycle registration 1700
fees received under section 4503.02 of the Revised Code ~~in~~ 1701

~~accordance with~~ that are deposited in the state highway safety 1702
fund under section ~~4501.13~~ 4501.06 of the Revised Code, and except 1703
moneys paid for costs of audits under section 4501.03 of the 1704
Revised Code, after receipt by the treasurer of state of 1705
certifications from the commissioners of the sinking fund 1706
certifying, as required by sections 5528.15 and 5528.35 of the 1707
Revised Code, that there are sufficient moneys to the credit of 1708
the highway improvement bond retirement fund created by section 1709
5528.12 of the Revised Code to meet in full all payments of 1710
interest, principal, and charges for the retirement of bonds and 1711
other obligations issued pursuant to Section 2g of Article VIII, 1712
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1713
Code, due and payable during the current calendar year, and that 1714
there are sufficient moneys to the credit of the highway 1715
obligations bond retirement fund created by section 5528.32 of the 1716
Revised Code to meet in full all payments of interest, principal, 1717
and charges for the retirement of highway obligations issued 1718
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1719
sections 5528.30 and 5528.31 of the Revised Code due and payable 1720
during the current calendar year, shall be distributed as follows: 1721

(A) Thirty-four per cent of all such moneys are for the use 1722
of the municipal corporation or county which constitutes the 1723
district of registration. The portion of such money due to the 1724
municipal corporation shall be paid into its treasury forthwith 1725
upon receipt by the county auditor, and shall be used to plan, 1726
construct, reconstruct, repave, widen, maintain, repair, clear, 1727
and clean public highways, roads, and streets; to maintain and 1728
repair bridges and viaducts; to purchase, erect, and maintain 1729
street and traffic signs and markers; to purchase, erect, and 1730
maintain traffic lights and signals; to pay the principal, 1731
interest, and charges on bonds and other obligations issued 1732
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1733
to section 5531.09 of the Revised Code for the purpose of 1734

acquiring or constructing roads, highways, bridges, or viaducts, 1735
or acquiring or making other highway improvements for which the 1736
municipal corporation may issue bonds; and to supplement revenue 1737
already available for such purposes. 1738

The county portion of such funds shall be retained in the 1739
county treasury and shall be used for the planning, maintenance, 1740
repair, construction, and repaving of public streets, and 1741
maintaining and repairing bridges and viaducts; the payment of 1742
principal, interest, and charges on bonds and other obligations 1743
issued pursuant to Chapter 133. of the Revised Code or incurred 1744
pursuant to section 5531.09 of the Revised Code for the purpose of 1745
acquiring or constructing roads, highways, bridges, or viaducts or 1746
acquiring or making other highway improvements for which the board 1747
of county commissioners may issue bonds under such chapter; and 1748
for no other purpose. 1749

(B) Five per cent of all such moneys, together with interest 1750
earned by the treasurer of state as provided in section 4501.03 of 1751
the Revised Code, shall constitute a fund for the use of the 1752
several counties for the purposes specified in division (C) of 1753
this section. The moneys shall be divided equally among all the 1754
counties in the state and shall be paid out by the registrar of 1755
motor vehicles in equal proportions to the county auditor of each 1756
county within the state. 1757

(C) Forty-seven per cent of all such moneys shall be for the 1758
use of the county in which the owner resides or in which the place 1759
is located at which the established business or branch business in 1760
connection with which the motor vehicle registered is used, for 1761
the planning, construction, reconstruction, improvement, 1762
maintenance, and repair of roads and highways; maintaining and 1763
repairing bridges and viaducts; and the payment of principal, 1764
interest, and charges on bonds and other obligations issued 1765
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1766

to section 5531.09 of the Revised Code for the purpose of 1767
acquiring or constructing roads, highways, bridges, or viaducts or 1768
acquiring or making other highway improvements for which the board 1769
of county commissioners may issue bonds under such chapter. 1770

(D) Nine per cent of all such moneys shall be for the use of 1771
the several counties for the purposes specified in division (C) of 1772
this section and shall be distributed to the several counties in 1773
the ratio which the total number of miles of county roads under 1774
the jurisdiction of each board of county commissioners in each 1775
county bears to the total number of miles of county roads in the 1776
state, as determined by the director of transportation. Before 1777
such distribution is made each board of county commissioners shall 1778
certify in writing to the director the actual number of miles 1779
under its statutory jurisdiction which are used by and maintained 1780
for the public. 1781

(E) Five per cent of all such moneys shall be for the use of 1782
the several townships and shall be distributed to the several 1783
townships in the ratio which the total number of miles of township 1784
roads under the jurisdiction of each board of township trustees in 1785
each township bears to the total number of miles of township roads 1786
in the state, as determined by the director of transportation. 1787
Before such distribution is made each board of township trustees 1788
shall certify in writing to the director the actual number of 1789
miles under its statutory jurisdiction which are used by and 1790
maintained for the public. 1791

Sec. 4501.041. Except as provided in section 4501.042 of the 1792
Revised Code, all moneys received under section 4504.09 of the 1793
Revised Code with respect to counties levying county motor vehicle 1794
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 1795
the Revised Code and paid into the state treasury under section 1796
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 1797

respective counties levying such taxes for allocation and 1798
distribution as provided in section 4504.05 of the Revised Code. 1799

Sec. 4501.042. All moneys received under section 4504.09 of 1800
the Revised Code from municipal motor vehicle license taxes levied 1801
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 1802
Revised Code, and any part of the moneys received from county 1803
motor vehicle license taxes levied pursuant to section 4504.15 of 1804
the Revised Code which is to be distributed to municipal 1805
corporations, shall be paid ~~directly~~ into the state treasury to 1806
the credit of the local motor vehicle license tax fund created 1807
under section 4501.031 of the Revised Code and shall be 1808
distributed to the treasuries of the municipal corporations 1809
levying or entitled to such tax moneys. 1810

Sec. 4501.043. All moneys received under section 4504.09 of 1811
the Revised Code with respect to townships levying township 1812
license taxes pursuant to section 4504.18 of the Revised Code and 1813
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 1814
Revised Code shall be distributed to the respective townships 1815
levying such taxes for allocation and distribution as provided in 1816
section 4504.19 of the Revised Code. 1817

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1818
referred to in division (O) of section 4503.04, division (E) of 1819
section 4503.042, division (B) of section 4503.07, division (C)(1) 1820
of section 4503.10, division (D) of section 4503.182, division (A) 1821
of section 4503.19, division (D)(2) of section 4507.24, division 1822
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 1823
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, ~~4513.53~~, and 5502.12 1824
of the Revised Code, and six dollars of each motorcycle 1825
registration fee designated for payment to the registrar of motor 1826
vehicles in section 4503.04 of the Revised Code, and the taxes 1827

charged in section 4503.65 that are distributed in accordance with 1828
division (A)(2) of section 4501.044 of the Revised Code unless 1829
otherwise designated by law, shall be deposited in the state 1830
treasury to the credit of the state highway safety fund, which is 1831
hereby created, ~~and. Money credited to the fund~~ shall, after 1832
receipt of certifications from the commissioners of the sinking 1833
fund certifying that there are sufficient moneys to the credit of 1834
the highway obligations bond retirement fund created by section 1835
5528.32 of the Revised Code to meet in full all payments of 1836
interest, principal, and charges for the retirement of highway 1837
obligations issued pursuant to Section 2i of Article VIII, Ohio 1838
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1839
due and payable during the current calendar year, be used for the 1840
purpose of enforcing and paying the expenses of administering the 1841
law relative to the registration and operation of motor vehicles 1842
on the public roads or highways and for conducting motorcycle 1843
safety and education instruction. Amounts credited to the fund may 1844
also be used to pay the expenses of administering and enforcing 1845
the laws under which such fees were collected. All investment 1846
earnings of the state highway safety fund shall be credited to the 1847
fund. 1848

Sec. 4503.42. For each registration renewal with an 1849
expiration date before October 1, 2009, and for each initial 1850
application for registration received before that date the 1851
registrar of motor vehicles shall be allowed a fee not to exceed 1852
thirty-five dollars, and for each registration renewal with an 1853
expiration date on or after October 1, 2009, and for each initial 1854
application for registration received on or after that date the 1855
registrar shall be allowed a fee of fifty dollars, which shall be 1856
in addition to the regular license fee for tags as prescribed 1857
under section 4503.04 of the Revised Code and any tax levied under 1858
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 1859

each application received by the registrar for special reserved 1860
license plate numbers containing more than three letters or 1861
numerals, and the issuing of such licenses and validation stickers 1862
in the several series as the registrar may designate. Five dollars 1863
of the fee shall be for the purpose of compensating the bureau of 1864
motor vehicles for additional services required in the issuing of 1865
such licenses and validation stickers, and the remaining portion 1866
of the fee shall be deposited by the registrar into the state 1867
treasury to the credit of the state highway safety fund created by 1868
section 4501.06 of the Revised Code. 1869

This section does not apply to the issuance of reserved 1870
license plates as authorized by sections 4503.14, 4503.15, and 1871
4503.40 of the Revised Code. The types of motor vehicles for which 1872
license plate numbers containing more than three letters or 1873
numerals may be issued in accordance with this section shall 1874
include at least buses, passenger cars, and noncommercial motor 1875
vehicles. 1876

Sec. 4503.45. An owner of a collector's vehicle, upon 1877
complying with the motor vehicle laws relating to registration and 1878
licensing of motor vehicles, and upon payment of the regular 1879
license fee as prescribed under section 4503.04 of the Revised 1880
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 1881
4504. of the Revised Code, and the payment of an additional fee of 1882
five dollars, which shall be for the purpose of compensating the 1883
bureau of motor vehicles for additional services required in the 1884
issuing of such licenses, shall be issued validation stickers and 1885
license plates, or validation stickers alone when required by 1886
section 4503.191 of the Revised Code, upon which, in addition to 1887
the letters and numbers ordinarily inscribed thereon, shall be 1888
inscribed the words "collector's vehicle." 1889

Sec. 4503.49. (A) As used in this section, "ambulance," 1890

"ambulette," "emergency medical service organization," 1891
"nonemergency medical service organization," and "nontransport 1892
vehicle" have the same meanings as in section 4766.01 of the 1893
Revised Code. 1894

(B) Each private emergency medical service organization and 1895
each private nonemergency medical service organization shall apply 1896
to the registrar of motor vehicles for the registration of any 1897
ambulance, ambulette, or nontransport vehicle it owns or leases. 1898
The application shall be accompanied by a copy of the certificate 1899
of licensure issued to the organization by the ~~Ohio~~ state board of 1900
emergency medical, fire, and transportation board services and the 1901
following fees: 1902

(1) The regular license tax as prescribed under section 1903
4503.04 of the Revised Code; 1904

(2) Any local license tax levied under Chapter 4504. of the 1905
Revised Code; 1906

(3) An additional fee of seven dollars and fifty cents. The 1907
additional fee shall be for the purpose of compensating the bureau 1908
of motor vehicles for additional services required to be performed 1909
under this section and shall be transmitted by the registrar to 1910
the treasurer of state for deposit in the state bureau of motor 1911
vehicles fund created by section 4501.25 of the Revised Code. 1912

(C) On receipt of a complete application, the registrar shall 1913
issue to the applicant the appropriate certificate of registration 1914
for the vehicle and do one of the following: 1915

(1) Issue a set of license plates with a validation sticker 1916
and a set of stickers to be attached to the plates as an 1917
identification of the vehicle's classification as an ambulance, 1918
ambulette, or nontransport vehicle; 1919

(2) Issue a validation sticker alone when so required by 1920

section 4503.191 of the Revised Code. 1921

Sec. 4504.19. Upon receipt by ~~him~~ the county auditor of 1922
moneys pursuant to section 4501.043 of the Revised Code, the 1923
county auditor shall pay into the treasury of each township in the 1924
county levying a township motor vehicle license tax the portion of 1925
such money due the township as shown by the certificate of the 1926
registrar of motor vehicles prepared pursuant to section ~~4501.03~~ 1927
4501.031 of the Revised Code. The money shall be used by the 1928
township only for the purposes described in section 4504.18 of the 1929
Revised Code. 1930

Sec. 4504.21. (A) For the purpose of paying the costs and 1931
expenses of enforcing and administering the tax provided for in 1932
this section; for planning, constructing, reconstructing, 1933
improving, maintaining, and repairing roads, bridges, and 1934
culverts; for purchasing, erecting, and maintaining traffic signs, 1935
markers, lights, and signals; for paying debt service charges on 1936
obligations issued for those purposes; and to supplement revenue 1937
already available for those purposes, a transportation improvement 1938
district created in accordance with section 5540.02 of the Revised 1939
Code may levy an annual license tax upon the operation of motor 1940
vehicles on the public roads and highways in the territory of the 1941
district. The tax shall be levied in increments of five dollars 1942
and shall not exceed twenty dollars per motor vehicle on all motor 1943
vehicles the owners of which reside in the district and shall be 1944
in addition to all other taxes levied under this chapter, subject 1945
to reduction in the manner provided in division (B)(2) of section 1946
4503.11 of the Revised Code. The tax may be levied in all or part 1947
of the territory of the district. 1948

(B) The board of trustees of a transportation improvement 1949
district proposing to levy a motor vehicle license tax under this 1950
section shall put the question of the tax to the electors of the 1951

district or of that part of the district in which the tax would be 1952
levied. The election shall be held on the date of a primary or 1953
general election held not less than ninety days after the board of 1954
trustees certifies to the county board of elections its resolution 1955
proposing the tax. The resolution shall specify the rate of the 1956
tax. The board of elections shall submit the question of the tax 1957
to the electors at the primary or general election. The secretary 1958
of state shall prescribe the form of the ballot for the election. 1959
If approved by a majority of the electors voting on the question 1960
of the tax, the board of trustees shall levy the tax as provided 1961
in the resolution. 1962

(C) A transportation improvement district license tax levied 1963
under this section shall continue in effect until repealed, or 1964
until the dissolution of the transportation improvement district 1965
that levied it. 1966

(D) Money received by the registrar of motor vehicles 1967
pursuant to ~~sections 4501.03 and section~~ 4504.09 of the Revised 1968
Code that consists of the taxes levied under this section shall be 1969
deposited in the ~~auto registration distribution~~ local motor 1970
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 1971
the Revised Code and distributed to the transportation improvement 1972
district levying such tax. The registrar may assign to the 1973
transportation improvement district a unique code to facilitate 1974
the distribution of such money, which may be the same unique code 1975
assigned to a county under section 4501.03 of the Revised Code. 1976

Sec. 4506.08. (A)(1) Each application for a commercial 1977
driver's license temporary instruction permit shall be accompanied 1978
by a fee of ten dollars. Each application for a commercial 1979
driver's license, restricted commercial driver's license, renewal 1980
of such a license, or waiver for farm-related service industries 1981
shall be accompanied by a fee of twenty-five dollars, except that 1982

an application for a commercial driver's license or restricted
commercial driver's license received pursuant to division (A)(3)
of section 4506.14 of the Revised Code shall be accompanied by a
fee of eighteen dollars and seventy-five cents if the license will
expire on the licensee's birthday three years after the date of
issuance, a fee of twelve dollars and fifty cents if the license
will expire on the licensee's birthday two years after the date of
issuance, and a fee of six dollars and twenty-five cents if the
license will expire on the licensee's birthday one year after the
date of issuance. Each application for a duplicate commercial
driver's license shall be accompanied by a fee of ten dollars.

(2) In addition, the registrar of motor vehicles or deputy
registrar may collect and retain an additional fee of no more than
three dollars and fifty cents for each application for a
commercial driver's license temporary instruction permit,
commercial driver's license, renewal of a commercial driver's
license, or duplicate commercial driver's license received by the
registrar or deputy.

(B) In addition to the fees imposed under division (A) of
this section, the registrar of motor vehicles or deputy registrar
shall collect a fee of twelve dollars for each application for a
commercial driver's license temporary instruction permit,
commercial driver's license, or duplicate commercial driver's
license and for each application for renewal of a commercial
driver's license. The additional fee is for the purpose of
defraying the department of public safety's costs associated with
the administration and enforcement of the motor vehicle and
traffic laws of Ohio.

(C) Each deputy registrar shall transmit the fees collected
under divisions (A)(1) and (B) of this section in the time and
manner prescribed by the registrar. The registrar shall deposit
all moneys ~~received~~ collected under division ~~(C)~~(A)(1) of this

section into the state ~~highway safety~~ bureau of motor vehicles 2015
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 2016
The registrar shall deposit all moneys collected under division 2017
(B) of this section into the state highway safety fund established 2018
in section 4501.06 of the Revised Code. 2019

(D) Information regarding the driving record of any person 2020
holding a commercial driver's license issued by this state shall 2021
be furnished by the registrar, upon request and payment of a fee 2022
of five dollars, to the employer or prospective employer of such a 2023
person and to any insurer. 2024

Of each five-dollar fee the registrar collects under this 2025
division, the registrar shall pay two dollars into the state 2026
treasury to the credit of the state bureau of motor vehicles fund 2027
established in section 4501.25 of the Revised Code, sixty cents 2028
into the state treasury to the credit of the trauma and emergency 2029
medical services fund established in section 4513.263 of the 2030
Revised Code, sixty cents into the state treasury to the credit of 2031
the homeland security fund established in section 5502.03 of the 2032
Revised Code, thirty cents into the state treasury to the credit 2033
of the investigations fund established in section 5502.131 of the 2034
Revised Code, one dollar and twenty-five cents into the state 2035
treasury to the credit of the emergency management agency service 2036
and reimbursement fund established in section 5502.39 of the 2037
Revised Code, and twenty-five cents into the state treasury to the 2038
credit of the justice program services fund established in section 2039
5502.67 of the Revised Code. 2040

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 2041
approval by the director of public safety, shall adopt rules 2042
conforming with applicable standards adopted by the federal motor 2043
carrier safety administration as regulations under Pub. L. No. 2044
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 2045

31317. The rules shall establish requirements for the 2046
qualification and testing of persons applying for a commercial 2047
driver's license, which shall be in addition to other requirements 2048
established by this chapter. Except as provided in division (B) of 2049
this section, the highway patrol or any other employee of the 2050
department of public safety the registrar authorizes shall 2051
supervise and conduct the testing of persons applying for a 2052
commercial driver's license. 2053

(B) The director may adopt rules, in accordance with Chapter 2054
119. of the Revised Code and applicable requirements of the 2055
federal motor carrier safety administration, authorizing the 2056
skills test specified in this section to be administered by any 2057
person, by an agency of this or another state, or by an agency, 2058
department, or instrumentality of local government. Each party 2059
authorized under this division to administer the skills test may 2060
charge a maximum divisible fee of eighty-five dollars for each 2061
skills test given as part of a commercial driver's license 2062
examination. The fee shall consist of not more than twenty dollars 2063
for the pre-trip inspection portion of the test, not more than 2064
twenty dollars for the off-road maneuvering portion of the test, 2065
and not more than forty-five dollars for the on-road portion of 2066
the test. Each such party may require an appointment fee in the 2067
same manner provided in division (F)(2) of this section, except 2068
that the maximum amount such a party may require as an appointment 2069
fee is eighty-five dollars. The skills test administered by 2070
another party under this division shall be the same as otherwise 2071
would be administered by this state. The other party shall enter 2072
into an agreement with the director that, without limitation, does 2073
all of the following: 2074

(1) Allows the director or the director's representative and 2075
the federal motor carrier safety administration or its 2076
representative to conduct random examinations, inspections, and 2077

audits of the other party without prior notice; 2078

(2) Requires the director or the director's representative to 2079
conduct on-site inspections of the other party at least annually; 2080

(3) Requires that all examiners of the other party meet the 2081
same qualification and training standards as examiners of the 2082
department of public safety, to the extent necessary to conduct 2083
skills tests in the manner required by 49 C.F.R. 383.110 through 2084
383.135; 2085

(4) Requires either that state employees take, at least 2086
annually and as though the employees were test applicants, the 2087
tests actually administered by the other party, that the director 2088
test a sample of drivers who were examined by the other party to 2089
compare the test results, or that state employees accompany a test 2090
applicant during an actual test; 2091

(5) Reserves to this state the right to take prompt and 2092
appropriate remedial action against testers of the other party if 2093
the other party fails to comply with standards of this state or 2094
federal standards for the testing program or with any other terms 2095
of the contract. 2096

(C) The director shall enter into an agreement with the 2097
department of education authorizing the skills test specified in 2098
this section to be administered by the department at any location 2099
operated by the department for purposes of training and testing 2100
school bus drivers, provided that the agreement between the 2101
director and the department complies with the requirements of 2102
division (B) of this section. Skills tests administered by the 2103
department shall be limited to persons applying for a commercial 2104
driver's license with a school bus endorsement. 2105

(D) The director shall adopt rules, in accordance with 2106
Chapter 119. of the Revised Code, authorizing waiver of the skills 2107
test specified in this section for any applicant for a commercial 2108

driver's license who meets all of the following requirements:	2109
(1) Certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:	2110
(a) The applicant has not had more than one license.	2111
(b) The applicant has not had any license suspended, revoked, or canceled.	2112
(c) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.	2113
(d) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.	2114
(e) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind-the-wheel in a representative vehicle for the applicant's commercial driver's license classification.	2115
(2) Certifies and also provides evidence that the applicant is regularly employed in a job requiring operation of a commercial motor vehicle and that one of the following applies:	2116
(a) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind-the-wheel in a representative vehicle for the applicant's commercial driver's license classification.	2117
(b) The applicant has regularly operated, for at least two years immediately preceding application for a commercial driver's	2118

license, a vehicle representative of the commercial motor vehicle 2139
the applicant operates or expects to operate. 2140

(E) The director shall adopt rules, in accordance with 2141
Chapter 119. of the Revised Code, authorizing waiver of the skills 2142
test specified in this section for any applicant for a commercial 2143
driver's license who meets all of the following requirements: 2144

(1) At the time of applying, is a member or uniformed 2145
employee of the armed forces of the United States or their reserve 2146
components, including the Ohio national guard, or separated from 2147
such service or employment within the preceding ninety days; 2148

(2) Certifies that, during the two-year period immediately 2149
preceding application for a commercial driver's license, all of 2150
the following apply: 2151

(a) The applicant has not had more than one license, 2152
excluding any military license. 2153

(b) The applicant has not had any license suspended, revoked, 2154
or canceled. 2155

(c) The applicant has not had any convictions for any type of 2156
motor vehicle for the offenses for which disqualification is 2157
prescribed in section 4506.16 of the Revised Code. 2158

(d) The applicant has not had more than one conviction for 2159
any type of motor vehicle for a serious traffic violation. 2160

(e) The applicant has not had any violation of a state or 2161
local law relating to motor vehicle traffic control other than a 2162
parking violation arising in connection with any traffic accident 2163
and has no record of an accident in which the applicant was at 2164
fault. 2165

(3) In accordance with rules adopted by the director, 2166
certifies and also provides evidence of all of the following: 2167

(a) That the applicant is regularly employed or was regularly 2168

employed within the preceding ninety days in a military position 2169
requiring operation of a commercial motor vehicle; 2170

(b) That the applicant was exempt from the requirements of 2171
this chapter under division (B)(6) of section 4506.03 of the 2172
Revised Code; 2173

(c) That, for at least two years immediately preceding the 2174
date of application or at least two years immediately preceding 2175
the date the applicant separated from military service or 2176
employment, the applicant regularly operated a vehicle 2177
representative of the commercial motor vehicle type that the 2178
applicant operates or expects to operate. 2179

(F)(1) The department of public safety may charge and collect 2180
a divisible fee of fifty dollars for each skills test given as 2181
part of a commercial driver's license examination. The fee shall 2182
consist of ten dollars for the pre-trip inspection portion of the 2183
test, ten dollars for the off-road maneuvering portion of the 2184
test, and thirty dollars for the on-road portion of the test. 2185

(2) The director may require an applicant for a commercial 2186
driver's license who schedules an appointment with the highway 2187
patrol or other authorized employee of the department of public 2188
safety to take all portions of the skills test, to pay an 2189
appointment fee of fifty dollars at the time of scheduling the 2190
appointment. If the applicant appears at the time and location 2191
specified for the appointment and takes all portions of the skills 2192
test during that appointment, the appointment fee shall serve as 2193
the skills test fee. If the applicant schedules an appointment to 2194
take all portions of the skills test and fails to appear at the 2195
time and location specified for the appointment, no portion of the 2196
appointment fee shall be refunded. If the applicant schedules an 2197
appointment to take all portions of the skills test and appears at 2198
the time and location specified for the appointment, but declines 2199
or is unable to take all portions of the skills test, no portion 2200

of the appointment fee shall be refunded. If the applicant cancels 2201
a scheduled appointment forty-eight hours or more prior to the 2202
time of the appointment time, the applicant shall not forfeit the 2203
appointment fee. 2204

An applicant for a commercial driver's license who schedules 2205
an appointment to take one or more, but not all, portions of the 2206
skills test shall be required to pay an appointment fee equal to 2207
the costs of each test scheduled, as prescribed in division (F)(1) 2208
of this section, when scheduling such an appointment. If the 2209
applicant appears at the time and location specified for the 2210
appointment and takes all the portions of the skills test during 2211
that appointment that the applicant was scheduled to take, the 2212
appointment fee shall serve as the skills test fee. If the 2213
applicant schedules an appointment to take one or more, but not 2214
all, portions of the skills test and fails to appear at the time 2215
and location specified for the appointment, no portion of the 2216
appointment fee shall be refunded. If the applicant schedules an 2217
appointment to take one or more, but not all, portions of the 2218
skills test and appears at the time and location specified for the 2219
appointment, but declines or is unable to take all portions of the 2220
skills test that the applicant was scheduled to take, no portion 2221
of the appointment fee shall be refunded. If the applicant cancels 2222
a scheduled appointment forty-eight hours or more prior to the 2223
time of the appointment time, the applicant shall not forfeit the 2224
appointment fee. 2225

(3) The department of public safety shall deposit all fees it 2226
collects under division (F) of this section in the state ~~highway~~ 2227
~~safety~~ bureau of motor vehicles fund established in section 2228
4501.25 of the Revised Code. 2229

(G) As used in this section, "skills test" means a test of an 2230
applicant's ability to drive the type of commercial motor vehicle 2231
for which the applicant seeks a commercial driver's license by 2232

having the applicant drive such a motor vehicle while under the 2233
supervision of an authorized state driver's license examiner or 2234
tester. 2235

Sec. 4507.011. (A) Each deputy registrar assigned to a 2236
driver's license examining station by the registrar of motor 2237
vehicles as provided in section 4507.01 of the Revised Code shall 2238
remit to the director of public safety a rental fee equal to the 2239
percentage of space occupied by the deputy registrar in the 2240
driver's license examining station multiplied by the rental fee 2241
paid for the entire driver's license examining station plus a pro 2242
rata share of all utility costs. All such moneys received by the 2243
director shall be deposited in the state treasury to the credit of 2244
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 2245
~~hereby~~ created in section 4501.25 of the Revised Code. ~~The moneys~~ 2246
~~in the fund shall be used by the department of public safety only~~ 2247
~~to pay the rent and expenses of the driver's license examining~~ 2248
~~stations. All investment earnings of the fund shall be credited to~~ 2249
~~the fund.~~ 2250

(B) Each deputy registrar assigned to a bureau of motor 2251
vehicles' location shall reimburse the registrar a monthly 2252
building rental fee, including applicable utility charges. All 2253
such moneys received by the registrar shall be deposited into the 2254
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 2255
~~the Revised Code.~~ 2256

Sec. 4507.23. (A) Except as provided in division (I) of this 2257
section, each application for a temporary instruction permit and 2258
examination shall be accompanied by a fee of five dollars. 2259

(B) Except as provided in division (I) of this section, each 2260
application for a driver's license made by a person who previously 2261
held such a license and whose license has expired not more than 2262

two years prior to the date of application, and who is required 2263
under this chapter to give an actual demonstration of the person's 2264
ability to drive, shall be accompanied by a fee of three dollars 2265
in addition to any other fees. 2266

(C)(1) Except as provided in divisions (E) and (I) of this 2267
section, each application for a driver's license, or motorcycle 2268
operator's endorsement, or renewal of a driver's license shall be 2269
accompanied by a fee of six dollars. 2270

(2) Except as provided in division (I) of this section, each 2271
application for a duplicate driver's license shall be accompanied 2272
by a fee of seven dollars and fifty cents. The duplicate driver's 2273
licenses issued under this section shall be distributed by the 2274
deputy registrar in accordance with rules adopted by the registrar 2275
of motor vehicles. 2276

(D) Except as provided in division (I) of this section, each 2277
application for a motorized bicycle license or duplicate thereof 2278
shall be accompanied by a fee of two dollars and fifty cents. 2279

(E) Except as provided in division (I) of this section, each 2280
application for a driver's license or renewal of a driver's 2281
license that will be issued to a person who is less than 2282
twenty-one years of age shall be accompanied by whichever of the 2283
following fees is applicable: 2284

(1) If the person is sixteen years of age or older, but less 2285
than seventeen years of age, a fee of seven dollars and 2286
twenty-five cents; 2287

(2) If the person is seventeen years of age or older, but 2288
less than eighteen years of age, a fee of six dollars; 2289

(3) If the person is eighteen years of age or older, but less 2290
than nineteen years of age, a fee of four dollars and seventy-five 2291
cents; 2292

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 2293
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 2295
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section. 2298
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(G) Except as provided in division (I) of this section, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. 2312
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(H) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), those portions of the fees specified in and collected under division (F), and the additional fee under division (G) of this section to the registrar. The registrar shall pay two dollars and fifty cents 2319
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of each fee collected under divisions (A), (B), (C)(1) and (2), 2325
(D), and (E)(1) to (4) of this section, and the entire fee 2326
collected under division (E)(5) of this section, into the state 2327
~~highway safety~~ bureau of motor vehicles fund established in 2328
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 2329
be used for the sole purpose of supporting driver licensing 2330
activities. The registrar also shall pay five dollars of each fee 2331
collected under division (C)(2) of this section and the entire fee 2332
collected under division (G) of this section into the state 2333
highway safety fund created in section 4501.06 of the Revised 2334
Code. The remaining fees collected by the registrar under this 2335
section shall be paid into the state bureau of motor vehicles fund 2336
established in section 4501.25 of the Revised Code. 2337

(I) A disabled veteran who has a service-connected disability 2338
rated at one hundred per cent by the veterans' administration may 2339
apply to the registrar or a deputy registrar for the issuance to 2340
that veteran, without the payment of any fee prescribed in this 2341
section, of any of the following items: 2342

(1) A temporary instruction permit and examination; 2343

(2) A new, renewal, or duplicate driver's or commercial 2344
driver's license; 2345

(3) A motorcycle operator's endorsement; 2346

(4) A motorized bicycle license or duplicate thereof; 2347

(5) Lamination of a driver's license, motorized bicycle 2348
license, or temporary instruction permit identification card as 2349
provided in division (F) of this section. 2350

An application made under division (I) of this section shall 2351
be accompanied by such documentary evidence of disability as the 2352
registrar may require by rule. 2353

Sec. 4508.08. There is hereby created in the department of 2354

public safety the motorcycle safety and education program. The 2355
director of public safety shall administer the program in 2356
accordance with the following guidelines: 2357

(A) The program shall include courses of instruction 2358
conducted at vocational schools, community colleges, or other 2359
suitable locations, by instructors who have obtained certification 2360
in the manner and form prescribed by the director. The courses 2361
shall meet standards established in rules adopted by the 2362
department in accordance with Chapter 119. of the Revised Code. 2363
The courses may include instruction for novice motorcycle 2364
operators, instruction in motorist awareness and alcohol and drug 2365
awareness, and any other kind of instruction the director 2366
considers appropriate. A reasonable tuition fee, as determined by 2367
the director, may be charged. The director may authorize private 2368
organizations or corporations to offer courses without tuition fee 2369
restrictions, but such entities are not eligible for reimbursement 2370
of expenses or subsidies from the ~~motorcycle safety and education~~ 2371
state highway safety fund created in section ~~4501.13~~ 4501.06 of 2372
the Revised Code. 2373

(B) In addition to courses of instruction, the program may 2374
include provisions for equipment purchases, marketing and 2375
promotion, improving motorcycle license testing procedures, and 2376
any other provisions the director considers appropriate. 2377

(C) The director shall evaluate the program every two years 2378
and shall periodically inspect the facilities, equipment, and 2379
procedures used in the courses of instruction. 2380

(D) The director shall appoint at least one training 2381
specialist who shall oversee the operation of the program, 2382
establish courses of instruction, and supervise instructors. The 2383
training specialist shall be a licensed motorcycle operator and 2384
shall obtain certification in the manner and form prescribed by 2385
the director. 2386

(E) The director may contract with other public agencies or
with private organizations or corporations to assist in
administering the program.

(F) Notwithstanding any provision of Chapter 102. of the
Revised Code, the director, in order to administer the program,
may participate in a motorcycle manufacturer's motorcycle loan
program.

(G) The director shall contract with an insurance company or
companies authorized to do business in this state to purchase a
policy or policies of insurance with respect to the establishment
or administration, or any other aspect of the operation of the
program.

Sec. 4511.13. Highway traffic signal indications for vehicles
and pedestrians shall have the following meanings:

(A) Steady green signal indication:

(1)(a) Vehicular traffic, streetcars, and trackless trolleys
facing a circular green signal indication are permitted to proceed
straight through or turn right or left or make a u-turn movement
except as such movement is modified by a lane-use sign, turn
prohibition sign, lane marking, roadway design, separate turn
signal indication, or other traffic control device. Such vehicular
traffic, including vehicles turning right or left or making a
u-turn movement, shall yield the right-of-way to both of the
following:

(i) Pedestrians lawfully within an associated crosswalk;

(ii) Other vehicles lawfully within the intersection.

(b) In addition, vehicular traffic turning left or making a
u-turn movement to the left shall yield the right-of-way to other
vehicles approaching from the opposite direction so closely as to
constitute an immediate hazard during the time when such turning

vehicle is moving across or within the intersection. 2417

(2) Vehicular traffic, streetcars, and trackless trolleys 2418
facing a green arrow signal indication, displayed alone or in 2419
combination with another signal indication, are permitted to 2420
cautiously enter the intersection only to make the movement 2421
indicated by such arrow, or such other movement as is permitted by 2422
other indications displayed at the same time. Such vehicular 2423
traffic, streetcars, and trackless trolleys, including vehicles 2424
turning right or left or making a u-turn movement, shall yield the 2425
right-of-way to both of the following: 2426

(a) Pedestrians lawfully within an associated crosswalk; 2427

(b) Other traffic lawfully using the intersection. 2428

(3)(a) Unless otherwise directed by a pedestrian signal 2429
indication, as provided in section 4511.14 of the Revised Code, 2430
pedestrians facing a circular green signal indication are 2431
permitted to proceed across the roadway within any marked or 2432
unmarked associated crosswalk. The pedestrian shall yield the 2433
right-of-way to vehicles lawfully within the intersection or so 2434
close as to create an immediate hazard at the time that the green 2435
signal indication is first displayed. 2436

(b) Pedestrians facing a green arrow signal indication, 2437
unless otherwise directed by a pedestrian signal indication or 2438
other traffic control device, shall not cross the roadway. 2439

(B) Steady yellow signal indication: 2440

(1) Vehicular traffic, streetcars, and trackless trolleys 2441
facing a steady circular yellow signal indication are thereby 2442
warned that the related green movement or the related flashing 2443
arrow movement is being terminated or that a steady red signal 2444
indication will be exhibited immediately thereafter when vehicular 2445
traffic, streetcars, and trackless trolleys shall not enter the 2446
intersection. The provisions governing vehicular operation under 2447

the movement being terminated shall continue to apply while the 2448
steady circular yellow signal indication is displayed. 2449

(2) Vehicular traffic facing a steady yellow arrow signal 2450
indication is thereby warned that the related green arrow movement 2451
or the related flashing arrow movement is being terminated. The 2452
provisions governing vehicular operation under the movement being 2453
terminated shall continue to apply while the steady yellow arrow 2454
signal indication is displayed. 2455

(3) Pedestrians facing a steady circular yellow or yellow 2456
arrow signal indication, unless otherwise directed by a pedestrian 2457
signal indication as provided in section 4511.14 of the Revised 2458
Code or other traffic control device, shall not start to cross the 2459
roadway. 2460

(C) Steady red signal indication: 2461

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 2462
facing a steady circular red signal indication, unless entering 2463
the intersection to make another movement permitted by another 2464
signal indication, shall stop at a clearly marked stop line; but 2465
if there is no stop line, traffic shall stop before entering the 2466
crosswalk on the near side of the intersection; or if there is no 2467
crosswalk, then before entering the intersection; and shall remain 2468
stopped until a signal indication to proceed is displayed except 2469
as provided in divisions (C)(1), (2), and (3) of this section. 2470

(b) Except when a traffic control device is in place 2471
prohibiting a turn on red or a steady red arrow signal indication 2472
is displayed, vehicular traffic facing a steady circular red 2473
signal indication is permitted, after stopping, to enter the 2474
intersection to turn right, or to turn left from a one-way street, 2475
~~after stopping into a one-way street~~. The right to proceed with 2476
the turn shall be subject to the provisions that are applicable 2477
after making a stop at a stop sign. 2478

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 2479
facing a steady red arrow signal indication shall not enter the 2480
intersection to make the movement indicated by the arrow and, 2481
unless entering the intersection to make another movement 2482
permitted by another signal indication, shall stop at a clearly 2483
marked stop line; but if there is no stop line, before entering 2484
the crosswalk on the near side of the intersection; or if there is 2485
no crosswalk, then before entering the intersection; and shall 2486
remain stopped until a signal indication or other traffic control 2487
device permitting the movement indicated by such red arrow is 2488
displayed. 2489

(b) When a traffic control device is in place permitting a 2490
turn on a steady red arrow signal indication, vehicular traffic 2491
facing a steady red arrow indication is permitted, after stopping, 2492
to enter the intersection to ~~make the movement indicated by the~~ 2493
~~arrow signal indication, after stopping~~ turn right, or to turn 2494
left from a one-way street into a one-way street. The right to 2495
proceed with the turn shall be limited to the direction indicated 2496
by the arrow and shall be subject to the provisions that are 2497
applicable after making a stop at a stop sign. 2498

(3) Unless otherwise directed by a pedestrian signal 2499
indication as provided in section 4511.14 of the Revised Code or 2500
other traffic control device, pedestrians facing a steady circular 2501
red or steady red arrow signal indication shall not enter the 2502
roadway. 2503

(4) Local authorities by ordinance, or the director of 2504
transportation on state highways, may prohibit a right or a left 2505
turn against a steady red signal at any intersection, which shall 2506
be effective when signs giving notice thereof are posted at the 2507
intersection. 2508

(D) A flashing green signal indication has no meaning and 2509
shall not be used. 2510

(E) Flashing yellow signal indication:	2511
(1)(a) Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:	2512 2513 2514 2515 2516 2517 2518 2519 2520
(i) Pedestrians lawfully within an associated crosswalk;	2521
(ii) Other vehicles lawfully within the intersection.	2522
(b) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.	2523 2524 2525 2526 2527
(2)(a) Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:	2528 2529 2530 2531 2532 2533 2534 2535 2536
(i) Pedestrians lawfully within an associated crosswalk;	2537
(ii) Other vehicles lawfully within the intersection.	2538
(b) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles	2539 2540

approaching from the opposite direction so closely as to 2541
constitute an immediate hazard during the time when such turning 2542
vehicle is moving across or within the intersection. 2543

(3) Pedestrians facing any flashing yellow signal indication 2544
at an intersection, unless otherwise directed by a pedestrian 2545
signal indication or other traffic control device, are permitted 2546
to proceed across the roadway within any marked or unmarked 2547
associated crosswalk. Pedestrians shall yield the right-of-way to 2548
vehicles lawfully within the intersection at the time that the 2549
flashing yellow signal indication is first displayed. 2550

(4) When a flashing circular yellow signal indication is 2551
displayed as a beacon to supplement another traffic control 2552
device, road users are notified that there is a need to pay 2553
additional attention to the message contained thereon or that the 2554
regulatory or warning requirements of the other traffic control 2555
device, which might not be applicable at all times, are currently 2556
applicable. 2557

(F) Flashing red signal indication: 2558

(1) Vehicular traffic, on an approach to an intersection, 2559
facing a flashing circular red signal indication, shall stop at a 2560
clearly marked stop line; but if there is no stop line, before 2561
entering the crosswalk on the near side of the intersection; or if 2562
there is no crosswalk, at the point nearest the intersecting 2563
roadway where the driver has a view of approaching traffic on the 2564
intersecting roadway before entering the intersection. The right 2565
to proceed shall be subject to the provisions that are applicable 2566
after making a stop at a stop sign. 2567

(2) Pedestrians facing any flashing red signal indication at 2568
an intersection, unless otherwise directed by a pedestrian signal 2569
indication or other traffic control device, are permitted to 2570
proceed across the roadway within any marked or unmarked 2571

associated crosswalk. Pedestrians shall yield the right-of-way to 2572
vehicles lawfully within the intersection at the time that the 2573
flashing red signal indication is first displayed. 2574

(3) When a flashing circular red signal indication is 2575
displayed as a beacon to supplement another traffic control 2576
device, road users are notified that there is a need to pay 2577
additional attention to the message contained thereon or that the 2578
regulatory requirements of the other traffic control device, which 2579
might not be applicable at all times, are currently applicable. 2580
Use of this signal indication shall be limited to supplementing 2581
stop, do not enter, or wrong way signs, and to applications where 2582
compliance with the supplemented traffic control device requires a 2583
stop at a designated point. 2584

(G) In the event an official traffic-control signal is 2585
erected and maintained at a place other than an intersection, the 2586
provisions of this section shall be applicable except as to those 2587
provisions which by their nature can have no application. Any stop 2588
required shall be made at a sign or marking on the pavement 2589
indicating where the stop shall be made, but in the absence of any 2590
such sign or marking the stop shall be made at the signal. 2591

(H) This section does not apply at railroad grade crossings. 2592
Conduct of drivers of vehicles, trackless trolleys, and streetcars 2593
approaching railroad grade crossings shall be governed by sections 2594
4511.61 and 4511.62 of the Revised Code. 2595

Sec. 4513.263. (A) As used in this section and in section 2596
4513.99 of the Revised Code: 2597

(1) "Automobile" means any commercial tractor, passenger car, 2598
commercial car, or truck that is required to be factory-equipped 2599
with an occupant restraining device for the operator or any 2600
passenger by regulations adopted by the United States secretary of 2601
transportation pursuant to the "National Traffic and Motor Vehicle 2602

Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 2603

(2) "Occupant restraining device" means a seat safety belt, 2604
shoulder belt, harness, or other safety device for restraining a 2605
person who is an operator of or passenger in an automobile and 2606
that satisfies the minimum federal vehicle safety standards 2607
established by the United States department of transportation. 2608

(3) "Passenger" means any person in an automobile, other than 2609
its operator, who is occupying a seating position for which an 2610
occupant restraining device is provided. 2611

(4) "Commercial tractor," "passenger car," and "commercial 2612
car" have the same meanings as in section 4501.01 of the Revised 2613
Code. 2614

(5) "Vehicle" and "motor vehicle," as used in the definitions 2615
of the terms set forth in division (A)(4) of this section, have 2616
the same meanings as in section 4511.01 of the Revised Code. 2617

(6) "Tort action" means a civil action for damages for 2618
injury, death, or loss to person or property. "Tort action" 2619
includes a product liability claim, as defined in section 2307.71 2620
of the Revised Code, and an asbestos claim, as defined in section 2621
2307.91 of the Revised Code, but does not include a civil action 2622
for damages for breach of contract or another agreement between 2623
persons. 2624

(B) No person shall do any of the following: 2625

(1) Operate an automobile on any street or highway unless 2626
that person is wearing all of the available elements of a properly 2627
adjusted occupant restraining device, or operate a school bus that 2628
has an occupant restraining device installed for use in its 2629
operator's seat unless that person is wearing all of the available 2630
elements of the device, as properly adjusted; 2631

(2) Operate an automobile on any street or highway unless 2632

each passenger in the automobile who is subject to the requirement 2633
set forth in division (B)(3) of this section is wearing all of the 2634
available elements of a properly adjusted occupant restraining 2635
device; 2636

(3) Occupy, as a passenger, a seating position on the front 2637
seat of an automobile being operated on any street or highway 2638
unless that person is wearing all of the available elements of a 2639
properly adjusted occupant restraining device; 2640

(4) Operate a taxicab on any street or highway unless all 2641
factory-equipped occupant restraining devices in the taxicab are 2642
maintained in usable form. 2643

(C) Division (B)(3) of this section does not apply to a 2644
person who is required by section 4511.81 of the Revised Code to 2645
be secured in a child restraint device or booster seat. Division 2646
(B)(1) of this section does not apply to a person who is an 2647
employee of the United States postal service or of a newspaper 2648
home delivery service, during any period in which the person is 2649
engaged in the operation of an automobile to deliver mail or 2650
newspapers to addressees. Divisions (B)(1) and (3) of this section 2651
do not apply to a person who has an affidavit signed by a 2652
physician licensed to practice in this state under Chapter 4731. 2653
of the Revised Code or a chiropractor licensed to practice in this 2654
state under Chapter 4734. of the Revised Code that states that the 2655
person has a physical impairment that makes use of an occupant 2656
restraining device impossible or impractical. 2657

(D) Notwithstanding any provision of law to the contrary, no 2658
law enforcement officer shall cause an operator of an automobile 2659
being operated on any street or highway to stop the automobile for 2660
the sole purpose of determining whether a violation of division 2661
(B) of this section has been or is being committed or for the sole 2662
purpose of issuing a ticket, citation, or summons for a violation 2663
of that nature or causing the arrest of or commencing a 2664

prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit into the state treasury to the credit of the trauma and emergency medical services fund, which is hereby created. In addition, sixty cents of each fee collected under sections 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as specified in those sections, plus the portion of the driver's license reinstatement fee described in division (F)(2)(g) of section 4511.191 of the Revised Code, plus all fees collected under section 4765.11 of the Revised Code, plus all fines imposed under section 4765.55 of the Revised Code, plus the fees and other moneys specified in section 4766.05 of the Revised Code, and plus five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code, also shall be deposited into the trauma and emergency medical services fund. All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and transportation services, and by the state board of emergency medical, fire, and transportation services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code. The director of budget and management may transfer excess money from the trauma and emergency medical services fund to the state highway safety fund if the director of public safety determines

that the amount of money in the trauma and emergency medical 2698
services fund exceeds the amount required to cover such costs 2699
incurred by the emergency medical services agency and the grants 2700
made by the state board of emergency medical, fire, and 2701
transportation services and requests the director of budget and 2702
management to make the transfer. 2703

(F)(1) Subject to division (F)(2) of this section, the 2704
failure of a person to wear all of the available elements of a 2705
properly adjusted occupant restraining device in violation of 2706
division (B)(1) or (3) of this section or the failure of a person 2707
to ensure that each minor who is a passenger of an automobile 2708
being operated by that person is wearing all of the available 2709
elements of a properly adjusted occupant restraining device in 2710
violation of division (B)(2) of this section shall not be 2711
considered or used by the trier of fact in a tort action as 2712
evidence of negligence or contributory negligence. But, the trier 2713
of fact may determine based on evidence admitted consistent with 2714
the Ohio Rules of Evidence that the failure contributed to the 2715
harm alleged in the tort action and may diminish a recovery of 2716
compensatory damages that represents noneconomic loss, as defined 2717
in section 2307.011 of the Revised Code, in a tort action that 2718
could have been recovered but for the plaintiff's failure to wear 2719
all of the available elements of a properly adjusted occupant 2720
restraining device. Evidence of that failure shall not be used as 2721
a basis for a criminal prosecution of the person other than a 2722
prosecution for a violation of this section; and shall not be 2723
admissible as evidence in a criminal action involving the person 2724
other than a prosecution for a violation of this section. 2725

(2) If, at the time of an accident involving a passenger car 2726
equipped with occupant restraining devices, any occupant of the 2727
passenger car who sustained injury or death was not wearing an 2728
available occupant restraining device, was not wearing all of the 2729

available elements of such a device, or was not wearing such a 2730
device as properly adjusted, then, consistent with the Rules of 2731
Evidence, the fact that the occupant was not wearing the available 2732
occupant restraining device, was not wearing all of the available 2733
elements of such a device, or was not wearing such a device as 2734
properly adjusted is admissible in evidence in relation to any 2735
claim for relief in a tort action to the extent that the claim for 2736
relief satisfies all of the following: 2737

(a) It seeks to recover damages for injury or death to the 2738
occupant. 2739

(b) The defendant in question is the manufacturer, designer, 2740
distributor, or seller of the passenger car. 2741

(c) The claim for relief against the defendant in question is 2742
that the injury or death sustained by the occupant was enhanced or 2743
aggravated by some design defect in the passenger car or that the 2744
passenger car was not crashworthy. 2745

(G)(1) Whoever violates division (B)(1) of this section shall 2746
be fined thirty dollars. 2747

(2) Whoever violates division (B)(3) of this section shall be 2748
fined twenty dollars. 2749

(3) Except as otherwise provided in this division, whoever 2750
violates division (B)(4) of this section is guilty of a minor 2751
misdemeanor. If the offender previously has been convicted of or 2752
pleaded guilty to a violation of division (B)(4) of this section, 2753
whoever violates division (B)(4) of this section is guilty of a 2754
misdemeanor of the third degree. 2755

Sec. 4513.53. (A) The superintendent of the state highway 2756
patrol, with approval of the director of public safety, may 2757
appoint and maintain necessary staff to carry out the inspection 2758
of buses. 2759

(B) The superintendent of the state highway patrol shall 2760
adopt a distinctive annual safety inspection decal bearing the 2761
date of inspection. The state highway patrol may remove any decal 2762
from a bus that fails any inspection. 2763

(C) ~~Fees~~ Bus inspection fees collected by the state highway 2764
patrol under section 4513.52 of the Revised Code shall be paid 2765
into the state treasury to the credit of the ~~general revenue fund.~~ 2766
~~Annually by the first day of June, the director of public safety~~ 2767
~~shall determine the amount of fees collected under section 4513.52~~ 2768
~~of the Revised Code and shall certify the amount to the director~~ 2769
~~of budget and management for reimbursement. The director of budget~~ 2770
~~and management then may transfer cash up to the amount certified~~ 2771
~~from the general revenue fund to the state highway safety fund~~ 2772
created in section 4501.06 of the Revised Code. 2773

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 2774
highway, public street, or other property open to the public for 2775
purposes of vehicular travel and if any motor vehicle, cargo, or 2776
personal property that has been damaged or spilled as a result of 2777
the motor vehicle accident is blocking the highway, street, or 2778
other property or is otherwise endangering public safety, the 2779
sheriff of the county, or the chief of police of the municipal 2780
corporation, township, or township or joint police district, in 2781
which the accident occurred, a state highway patrol trooper, ~~or~~ 2782
the chief of the fire department having jurisdiction where the 2783
accident occurred ~~may~~, or any duly authorized designee of an 2784
official specified above, without consent of the owner but with 2785
the approval of the law enforcement agency conducting any 2786
investigation of the accident, may remove the motor vehicle if the 2787
motor vehicle is unoccupied, cargo, or personal property from the 2788
portion of the highway, public street, or property ordinarily used 2789
for vehicular travel on the highway, public street, or other 2790
property open to the public for purposes of vehicular travel. 2791

(B)(1) Except as provided in division (B)(2) or (3) of this section, no employee of the department of transportation, sheriff, deputy sheriff, chief of police or police officer of a municipal corporation, township, or township or joint police district, state highway patrol trooper, chief of a fire department, ~~or~~ fire fighter, or any duly authorized designee of such an official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section is liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Except as provided in division (B)(2) or (3) of this section, if the department of transportation or a sheriff, chief of police of a municipal corporation, township, or township or joint police district, head of the state highway patrol, ~~or~~ chief of a fire department, or any duly authorized designee of such an official authorizes, employs, or arranges to have a private tow truck operator or towing company remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, that private tow truck operator or towing company is not liable in civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property, ~~and. Further,~~ the department of transportation, sheriff, chief of police, head of the state highway patrol, ~~or~~ fire department chief, or any duly authorized designee of such an official is not liable in civil damages for any injury, death, or loss to person or property that results from the private tow truck operator or towing company's removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (B)(1) of this section does not apply to any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (A) of this section if that removal causes or contributes to the release

of a hazardous material or to structural damage to the roadway. 2825

(3) Division (B)(1) of this section does not apply to a 2826
private tow truck operator or towing company that was not 2827
authorized, employed, or arranged by the department of 2828
transportation, a sheriff, a chief of police of a municipal 2829
corporation, township, or township or joint police district, the 2830
head of the state highway patrol, ~~or~~ a chief of a fire department, 2831
or any duly authorized designee of such an official or to a 2832
private tow truck operator or towing company that was authorized, 2833
employed, or arranged by the department of transportation, a 2834
sheriff, a chief of police of a municipal corporation, township, 2835
or township or joint police district, the head of the state 2836
highway patrol, or a chief of a fire department, or any duly 2837
authorized designee of such an official to perform the removal of 2838
the unoccupied motor vehicle, cargo, or personal property and the 2839
private tow truck operator or towing company performed the removal 2840
in a reckless or willful manner. 2841

(C) As used in this section, "hazardous material" has the 2842
same meaning as in section 2305.232 of the Revised Code. 2843

Sec. 4561.21. (A) The director of transportation shall 2844
deposit all aircraft transfer fees in the state treasury to the 2845
credit of the general fund. 2846

(B) The director shall deposit all aircraft license taxes and 2847
fines in the state treasury to the credit of the airport 2848
assistance fund, which is hereby created. Money in the fund shall 2849
be used for maintenance and capital improvements to publicly owned 2850
airports, and the operating costs associated with the office of 2851
aviation. For maintenance and capital improvements to publicly 2852
owned airports, the director shall distribute the money to 2853
eligible recipients in accordance with such procedures, 2854
guidelines, and criteria as the director shall establish. 2855

Sec. 4743.05. Except as otherwise provided in sections 2856
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 2857
Revised Code, all money collected under Chapters 3773., 4701., 2858
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 2859
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 2860
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 2861
shall be paid into the state treasury to the credit of the 2862
occupational licensing and regulatory fund, which is hereby 2863
created for use in administering such chapters. 2864

At the end of each quarter, the director of budget and 2865
management shall transfer from the occupational licensing and 2866
regulatory fund to the nurse education assistance fund created in 2867
section 3333.28 of the Revised Code the amount certified to the 2868
director under division (B) of section 4723.08 of the Revised 2869
Code. 2870

At the end of each quarter, the director shall transfer from 2871
the occupational licensing and regulatory fund to the certified 2872
public accountant education assistance fund created in section 2873
4701.26 of the Revised Code the amount certified to the director 2874
under division (H)(2) of section 4701.10 of the Revised Code. 2875

Sec. 4765.02. (A)(1) There is hereby created the state board 2876
of emergency medical, fire, and transportation services within the 2877
division of emergency medical services of the department of public 2878
safety. The board shall consist of the members specified in this 2879
section who are residents of this state. The governor, with the 2880
advice and consent of the senate, shall appoint all members of the 2881
board, except the employee of the department of public safety 2882
designated by the director of public safety under this section to 2883
be a member of the board. In making the appointments, the governor 2884
shall appoint only members with background or experience in 2885
emergency medical services or trauma care and shall attempt to 2886

include members representing urban and rural areas, various 2887
geographical regions of the state, and various schools of 2888
training. 2889

(2) One member of the board shall be a physician certified by 2890
the American board of emergency medicine or the American 2891
osteopathic board of emergency medicine who is active in the 2892
practice of emergency medicine and is actively involved with an 2893
emergency medical service organization. The governor shall appoint 2894
this member from among three persons nominated by the Ohio chapter 2895
of the American college of emergency physicians and three persons 2896
nominated by the Ohio osteopathic association. One member shall be 2897
a physician certified by the American board of surgery or the 2898
American osteopathic board of surgery who is active in the 2899
practice of trauma surgery and is actively involved with emergency 2900
medical services. The governor shall appoint this member from 2901
among three persons nominated by the Ohio chapter of the American 2902
college of surgeons and three persons nominated by the Ohio 2903
osteopathic association. One member shall be a physician certified 2904
by the American academy of pediatrics or American osteopathic 2905
board of pediatrics who is active in the practice of pediatric 2906
emergency medicine and actively involved with an emergency medical 2907
service organization. The governor shall appoint this member from 2908
among three persons nominated by the Ohio chapter of the American 2909
academy of pediatrics and three persons nominated by the Ohio 2910
osteopathic association. ~~One member shall be the administrator of~~ 2911
~~an adult or pediatric trauma center. The governor shall appoint~~ 2912
~~this member from among three persons nominated by the OHA: the~~ 2913
~~association for hospitals and health systems, three persons~~ 2914
~~nominated by the Ohio osteopathic association, three persons~~ 2915
~~nominated by the association of Ohio children's hospitals, and~~ 2916
~~three persons nominated by the health forum of Ohio.~~ One member 2917
shall be the administrator of a hospital ~~that is not a trauma~~ 2918
~~center~~ located in this state. The governor shall appoint this 2919

member from among three persons nominated by OHA: the association 2920
for hospitals and health systems, three persons nominated by the 2921
Ohio osteopathic association, and three persons nominated by the 2922
association of Ohio children's hospitals, ~~and three persons~~ 2923
~~nominated by the health forum of Ohio.~~ One member shall be a 2924
registered nurse with EMS certification who ~~is in the active~~ 2925
~~practice of emergency nursing~~ performs mobile intensive care or 2926
air medical transport. The governor shall appoint this member from 2927
among three persons nominated by the Ohio nurses association, 2928
three persons nominated by the Ohio association of critical care 2929
transport, and three persons nominated by the Ohio state council 2930
of the emergency nurses association. One member shall be the chief 2931
of a fire department that is also an emergency medical service 2932
organization in which more than fifty per cent of the persons who 2933
provide emergency medical services are full-time paid employees. 2934
The governor shall appoint this member from among three persons 2935
nominated by the Ohio fire chiefs' association. One member shall 2936
be the chief of a fire department that is also an emergency 2937
medical service organization in which more than fifty per cent of 2938
the persons who provide emergency medical services are volunteers. 2939
The governor shall appoint this member from among three persons 2940
nominated by the Ohio fire chiefs' association. One member shall 2941
be a person who is certified to teach under section 4765.23 of the 2942
Revised Code ~~or, if the board has not yet certified persons to~~ 2943
~~teach under that section, a person who is qualified to be~~ 2944
~~certified to teach under that section~~ and holds a valid 2945
certificate to practice as an EMT, AEMT, or paramedic. The 2946
governor shall appoint this member from among three persons 2947
nominated by the Ohio emergency medical technician instructors 2948
association and the Ohio instructor/coordinators' society. One 2949
member shall be an ~~EMT basic, one shall be an EMT I, and one EMT,~~ 2950
AEMT, or paramedic, and one member shall be a paramedic. The 2951
governor shall appoint these members from among three ~~EMTs basic,~~ 2952

~~three EMTs I, EMTs or AEMTs and three paramedics nominated by the~~ 2953
~~Ohio association of professional fire fighters and three~~ 2954
~~EMTs basic, three EMTs I, and three paramedics nominated by the~~ 2955
~~northern Ohio fire fighters. One member shall be an EMT basic, one~~ 2956
~~shall be an EMT I, and one EMT, AEMT, or paramedic, and one member~~ 2957
~~shall be a paramedic whom the. The governor shall appoint these~~ 2958
~~members from among three EMTs basic, three EMTs I, EMTs or AEMTs~~ 2959
~~and three paramedics nominated by the Ohio state firefighter's~~ 2960
~~association. One member shall be a person whom the governor shall~~ 2961
~~appoint from among an EMT basic, an EMT I, and EMT, AEMT, or a~~ 2962
~~paramedic nominated by the Ohio association of emergency medical~~ 2963
~~services or the Ohio ambulance and medical transportation~~ 2964
~~association. One member shall be an EMT, AEMT, or a paramedic,~~ 2965
~~whom the governor shall appoint from among three persons nominated~~ 2966
~~by the Ohio ambulance and medical transportation association. One~~ 2967
~~member shall be a paramedic, whom the governor shall appoint from~~ 2968
~~among three persons nominated by the Ohio ambulance and medical~~ 2969
~~transportation association. The governor shall appoint one member~~ 2970
~~who is an EMT basic, EMT I, or paramedic affiliated with an~~ 2971
~~emergency medical services organization. One member shall be a~~ 2972
~~member of the Ohio ambulance association whom the governor shall~~ 2973
~~appoint from among three persons nominated by the Ohio ambulance~~ 2974
~~association. One member shall be a physician certified by the~~ 2975
~~American board of surgery, American board of osteopathic surgery,~~ 2976
~~American osteopathic board of emergency medicine, or American~~ 2977
~~board of emergency medicine who is the chief medical officer of an~~ 2978
~~air medical agency and is currently active in providing emergency~~ 2979
~~medical services. The governor shall appoint this member from~~ 2980
~~among three persons nominated by the Ohio association of air~~ 2981
~~medical services. One member shall be the owner or operator of a~~ 2982
~~private emergency medical service organization whom the governor~~ 2983
~~shall appoint from among three persons nominated by the Ohio~~ 2984
~~ambulance and medical transportation association. One member shall~~ 2985

be a provider of mobile intensive care unit transportation in this 2986
state whom the governor shall appoint from among three persons 2987
nominated by the Ohio association of critical care transport. One 2988
member shall be a provider of air-medical transportation in this 2989
state whom the governor shall appoint from among three persons 2990
nominated by the Ohio association of critical care transport. One 2991
member shall be the owner or operator of a nonemergency medical 2992
service organization in this state that provides ambulette 2993
services whom the governor shall appoint from among three persons 2994
nominated by the Ohio ambulance and medical transportation 2995
association. 2996

The governor may refuse to appoint any of the persons 2997
nominated by one or more organizations under division (A)(2) of 2998
this section, except the employee of the department of public 2999
safety designated by the director of public safety under this 3000
section to be a member of the board. In that event, the 3001
organization or organizations shall continue to nominate the 3002
required number of persons until the governor appoints to the 3003
board one or more of the persons nominated by the organization or 3004
organizations. 3005

The director of public safety shall designate an employee of 3006
the department of public safety to serve as a member of the board 3007
at the director's pleasure. This member shall serve as a liaison 3008
between the department and the division of emergency medical 3009
services in cooperation with the executive director of the board. 3010

~~Initial appointments to the board by the governor and the~~ 3011
~~director of public safety shall be made within ninety days after~~ 3012
~~November 12, 1992. Of the initial appointments by the governor,~~ 3013
~~five shall be for terms ending one year after November 12, 1992,~~ 3014
~~six shall be for terms ending two years after November 12, 1992,~~ 3015
~~and six shall be for terms ending three years after November 12,~~ 3016
~~1992. Within ninety days after the effective date of this~~ 3017

~~amendment, the governor shall appoint the member of the board who 3018
is the chief medical officer of an air medical agency for an 3019
initial term ending November 12, 2000. Thereafter, terms 3020~~

(B) Terms of office of all members appointed by the governor 3021
shall be for three years, each term ending on the same day of the 3022
same month as did the term it succeeds. Each member shall hold 3023
office from the date of appointment until the end of the term for 3024
which the member was appointed. A member shall continue in office 3025
subsequent to the expiration date of the member's term until the 3026
member's successor takes office, or until a period of sixty days 3027
has elapsed, whichever occurs first. 3028

Each vacancy shall be filled in the same manner as the 3029
original appointment. A member appointed to fill a vacancy 3030
occurring prior to the expiration of the term for which the 3031
member's predecessor was appointed shall hold office for the 3032
remainder of the unexpired term. 3033

The term of a member shall expire if the member ceases to 3034
meet any of the requirements to be appointed as that member. The 3035
governor may remove any member from office for neglect of duty, 3036
malfeasance, misfeasance, or nonfeasance, after an adjudication 3037
hearing held in accordance with Chapter 119. of the Revised Code. 3038

(C) The members of the board shall serve without compensation 3039
but shall be reimbursed for their actual and necessary expenses 3040
incurred in carrying out their duties as board members. 3041

(D) The board shall organize by annually selecting a chair 3042
and vice-chair from among its members. The board may adopt bylaws 3043
to regulate its affairs. A majority of all members of the board 3044
shall constitute a quorum. No action shall be taken without the 3045
concurrence of a majority of all members of the board. The board 3046
shall meet at least four times annually and at the call of the 3047
chair. The chair shall call a meeting on the request of the 3048

executive director or the medical director of the board or on the 3049
written request of five members. The board shall maintain written 3050
or electronic records of its meetings. 3051

(E) Upon twenty-four hours' notice from a member of the 3052
board, the member's employer shall release the member from the 3053
member's employment duties to attend meetings of the full board. 3054
Nothing in this ~~paragraph~~ division requires the employer of a 3055
member of the board to compensate the member for time the member 3056
is released from employment duties under this paragraph, but any 3057
civil immunity, workers' compensation, disability, or similar 3058
coverage that applies to a member of the board as a result of the 3059
member's employment shall continue to apply while the member is 3060
released from employment duties under this paragraph. 3061

Sec. 4765.03. (A) The director of public safety shall appoint 3062
a full-time executive director for the state board of emergency 3063
medical, fire, and transportation services. The executive director 3064
shall be knowledgeable in emergency medical services and trauma 3065
care and shall serve at the pleasure of the director of public 3066
safety. The director of public safety shall appoint the executive 3067
director from among three persons nominated by the board. The 3068
director of public safety may refuse, for cause, to appoint any of 3069
the board's nominees. If the director fails to appoint any of the 3070
board's nominees, the board shall continue to nominate groups of 3071
three persons until the director does appoint one of the board's 3072
nominees. The executive director shall serve as the chief 3073
executive officer of the board and as the executive director of 3074
the division of emergency medical services. The executive director 3075
shall attend each meeting of the board, except the board may 3076
exclude the executive director from discussions concerning the 3077
employment or performance of the executive director or medical 3078
director of the board. The executive director shall give a surety 3079
bond to the state in such sum as the board determines, conditioned 3080

on the faithful performance of the duties of the executive 3081
director's office. The executive director shall receive a salary 3082
from the board and shall be reimbursed for actual and necessary 3083
expenses incurred in carrying out duties as executive director. 3084

3085

The executive director shall submit a report to the director 3086
of public safety at least every three months regarding the status 3087
of emergency medical services in this state. The executive 3088
director shall meet with the director of public safety at the 3089
director's request. 3090

(B) The board shall appoint a medical director, who shall 3091
serve at the pleasure of the board. The medical director shall be 3092
a physician certified by the American board of emergency medicine 3093
or the American osteopathic board of emergency medicine who is 3094
active in the practice of emergency medicine and has been actively 3095
involved with an emergency medical service organization for at 3096
least five years prior to being appointed. The board shall 3097
consider any recommendations for this appointment from the Ohio 3098
chapter of the American college of emergency physicians, the Ohio 3099
chapter of the American college of surgeons, the Ohio chapter of 3100
the American academy of pediatrics, the Ohio osteopathic 3101
association, and the Ohio state medical association. 3102

The medical director shall direct the executive director and 3103
advise the board with regard to adult and pediatric trauma and 3104
emergency medical services issues. The medical director shall 3105
attend each meeting of the board, except the board may exclude the 3106
medical director from discussions concerning the appointment or 3107
performance of the medical director or executive director of the 3108
board. The medical director shall be employed and paid by the 3109
board and shall be reimbursed for actual and necessary expenses 3110
incurred in carrying out duties as medical director. 3111

(C) The board may appoint employees as it determines 3112

necessary. The board shall prescribe the duties and titles of its 3113
employees. 3114

Sec. 4765.04. (A) The firefighter and fire safety inspector 3115
training committee of the state board of emergency medical, fire, 3116
and transportation services is hereby created and shall consist of 3117
the members of the board who are chiefs of fire departments, and 3118
the members of the board who are emergency medical 3119
technicians-basic, emergency medical technicians-intermediate, and 3120
emergency medical technicians-paramedic appointed from among 3121
persons nominated by the Ohio association of professional fire 3122
fighters or the northern Ohio fire fighters and from among persons 3123
nominated by the Ohio state firefighter's association. Each member 3124
of the committee, except the chairperson, may designate a person 3125
with fire experience to serve in that member's place. The members 3126
of the committee or their designees shall select a chairperson 3127
from among the members or their designees. 3128

The committee may conduct investigations in the course of 3129
discharging its duties under this chapter. In the course of an 3130
investigation, the committee may issue subpoenas. If a person 3131
subpoenaed fails to comply with the subpoena, the committee may 3132
authorize its chairperson to apply to the court of common pleas in 3133
the county where the person to be subpoenaed resides for an order 3134
compelling compliance in the same manner as compliance with a 3135
subpoena issued by the court is compelled. 3136

(B) The trauma committee of the state board of emergency 3137
medical, fire, and transportation services is hereby created and 3138
shall consist of the following members appointed by the director 3139
of public safety: 3140

(1) A physician who is certified by the American board of 3141
surgery or American osteopathic board of surgery and actively 3142
practices general trauma surgery, appointed from among three 3143

persons nominated by the Ohio chapter of the American college of 3144
surgeons, three persons nominated by the Ohio state medical 3145
association, and three persons nominated by the Ohio osteopathic 3146
association; 3147

(2) A physician who is certified by the American board of 3148
surgery or the American osteopathic board of surgery and actively 3149
practices orthopedic trauma surgery, appointed from among three 3150
persons nominated by the Ohio orthopedic society and three persons 3151
nominated by the Ohio osteopathic association; 3152

(3) A physician who is certified by the American board of 3153
neurological surgeons or the American osteopathic board of surgery 3154
and actively practices neurosurgery on trauma victims, appointed 3155
from among three persons nominated by the Ohio state neurological 3156
society and three persons nominated by the Ohio osteopathic 3157
association; 3158

(4) A physician who is certified by the American board of 3159
surgeons or American osteopathic board of surgeons and actively 3160
specializes in treating burn victims, appointed from among three 3161
persons nominated by the Ohio chapter of the American college of 3162
surgeons and three persons nominated by the Ohio osteopathic 3163
association; 3164

(5) A dentist who is certified by the American board of oral 3165
and maxillofacial surgery and actively practices oral and 3166
maxillofacial surgery, appointed from among three persons 3167
nominated by the Ohio dental association; 3168

(6) A physician who is certified by the American board of 3169
physical medicine and rehabilitation or American osteopathic board 3170
of rehabilitation medicine and actively provides rehabilitative 3171
care to trauma victims, appointed from among three persons 3172
nominated by the Ohio society of physical medicine and 3173
rehabilitation and three persons nominated by the Ohio osteopathic 3174

association;	3175
(7) A physician who is certified by the American board of surgery or American osteopathic board of surgery with special qualifications in pediatric surgery and actively practices pediatric trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics and three persons nominated by the Ohio osteopathic association;	3176 3177 3178 3179 3180 3181 3182
(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association;	3183 3184 3185 3186 3187 3188 3189
(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, or American board of emergency medicine, is sub-boarded in pediatric emergency medicine, actively practices pediatric emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics, three persons nominated by the Ohio chapter of the American college of emergency physicians, and three persons nominated by the Ohio osteopathic association;	3190 3191 3192 3193 3194 3195 3196 3197 3198
(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, or American board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among three persons nominated by the Ohio association of air medical services;	3199 3200 3201 3202 3203
(11) A coroner or medical examiner appointed from among three people nominated by the Ohio state coroners' association;	3204 3205

- (12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio association of trauma nurse coordinators; 3206
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- (13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the emergency nurses' association; 3210
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- (14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among three persons nominated by the alliance of Ohio trauma registrars; 3214
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- (15) The administrator of an adult or pediatric trauma center, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio; 3217
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- (16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio; 3223
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- (17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association; 3230
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- (18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association; 3233
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- (19) An EMT or paramedic who is certified under this chapter 3236

and actively provides trauma care to emergency patients, appointed 3237
from among three persons nominated by the Ohio association of 3238
professional firefighters, three persons nominated by the northern 3239
Ohio fire fighters, three persons nominated by the Ohio state 3240
firefighters' association, and three persons nominated by the Ohio 3241
association of emergency medical services; 3242

(20) A person who actively advocates for trauma victims, 3243
appointed from three persons nominated by the Ohio brain injury 3244
association and three persons nominated by the governor's council 3245
on people with disabilities; 3246

(21) A physician or nurse who has substantial administrative 3247
responsibility for trauma care provided in or by an adult or 3248
pediatric trauma center, appointed from among three persons 3249
nominated by OHA: the association for hospitals and health 3250
systems, three persons nominated by the Ohio osteopathic 3251
association, three persons nominated by the association of Ohio 3252
children's hospitals, and three persons nominated by the health 3253
forum of Ohio; 3254

(22) Three representatives of hospitals that are not trauma 3255
centers and actively provide emergency care to trauma patients, 3256
appointed from among three persons nominated by OHA: the 3257
association for hospitals and health systems, three persons 3258
nominated by the Ohio osteopathic association, three persons 3259
nominated by the association of Ohio children's hospitals, and 3260
three persons nominated by the health forum of Ohio. The 3261
representatives may be hospital administrators, physicians, 3262
nurses, or other clinical professionals. 3263

Members of the committee shall have substantial experience in 3264
the categories they represent, shall be residents of this state, 3265
and may be members of the state board of emergency medical, fire, 3266
and transportation services. In appointing members of the 3267
committee, the director shall attempt to include members 3268

representing urban and rural areas, various geographical areas of 3269
the state, and various schools of training. The director shall not 3270
appoint to the committee more than one member who is employed by 3271
or practices at the same hospital, health system, or emergency 3272
medical service organization. 3273

The director may refuse to appoint any of the persons 3274
nominated by an organization or organizations under this division. 3275
In that event, the organization or organizations shall continue to 3276
nominate the required number of persons until the director 3277
appoints to the committee one or more of the persons nominated by 3278
the organization or organizations. 3279

Initial appointments to the committee shall be made by the 3280
director not later than ninety days after November 3, 2000. 3281
Members of the committee shall serve at the pleasure of the 3282
director, except that any member of the committee who ceases to be 3283
qualified for the position to which the member was appointed shall 3284
cease to be a member of the committee. Vacancies on the committee 3285
shall be filled in the same manner as original appointments. 3286

The members of the committee shall serve without compensation 3287
but shall be reimbursed for actual and necessary expenses incurred 3288
in carrying out duties as members of the committee. 3289

The committee shall select a chairperson and vice-chairperson 3290
from among its members. A majority of all members of the committee 3291
shall constitute a quorum. No action shall be taken without the 3292
concurrence of a majority of all members of the committee. The 3293
committee shall meet at the call of the chair, upon written 3294
request of five members of the committee, and at the direction of 3295
the state board of emergency medical, fire, and transportation 3296
services. The committee shall not meet at times or locations that 3297
conflict with meetings of the board. The executive director and 3298
medical director of the state board of emergency medical, fire, 3299
and transportation services may participate in any meeting of the 3300

committee and shall do so at the request of the committee. 3301

The committee shall advise and assist the state board of 3302
emergency medical, fire, and transportation services in matters 3303
related to adult and pediatric trauma care and the establishment 3304
and operation of the state trauma registry. In matters relating to 3305
the state trauma registry, the board and the committee shall 3306
consult with trauma registrars from adult and pediatric trauma 3307
centers in the state. The committee may appoint a subcommittee to 3308
advise and assist with the trauma registry. The subcommittee may 3309
include persons with expertise relevant to the trauma registry who 3310
are not members of the board or committee. 3311

(C) The state board of emergency medical, fire, and 3312
transportation services may appoint other committees and 3313
subcommittees as it considers necessary. 3314

(D) The state board of emergency medical, fire, and 3315
transportation services, and any of its committees or 3316
subcommittees, may request assistance from any state agency. The 3317
board and its committees and subcommittees may permit persons who 3318
are not members of those bodies to participate in deliberations of 3319
those bodies, but no person who is not a member of the board shall 3320
vote on the board and no person who is not a member of a committee 3321
created under division (A) or (B) of this section shall vote on 3322
that committee. 3323

(E) Sections 101.82 to 101.87 of the Revised Code do not 3324
apply to the committees established under division (A) or (B) of 3325
this section. 3326

Sec. 4765.05. (A) As used in this section, "prehospital 3327
emergency medical services" means an emergency medical services 3328
system that provides medical services to patients who require 3329
immediate assistance, because of illness or injury, prior to their 3330
arrival at an emergency medical facility. 3331

(B) The state board of emergency medical, fire, and 3332
transportation services shall divide the state geographically into 3333
prehospital emergency medical services regions for purposes of 3334
overseeing the delivery of adult and pediatric prehospital 3335
emergency medical services. For each prehospital emergency medical 3336
services region, the state board of emergency medical, fire, and 3337
transportation services shall appoint either a physician to serve 3338
as the regional director or a physician advisory board to serve as 3339
the regional advisory board. The state board of emergency medical, 3340
fire, and transportation services shall specify the duties of each 3341
regional director and regional advisory board. Regional directors 3342
and members of regional advisory boards shall serve without 3343
compensation, but shall be reimbursed for actual and necessary 3344
expenses incurred in carrying out duties as regional directors and 3345
members of regional advisory boards. 3346

(C) Nothing in this section shall be construed to limit in 3347
any way the ability of a hospital to determine the market area of 3348
that hospital. 3349

Sec. 4765.06. (A) The state board of emergency medical, fire, 3350
and transportation services shall establish an emergency medical 3351
services incidence reporting system for the collection of 3352
information regarding the delivery of emergency medical services 3353
in this state and the frequency at which the services are 3354
provided. All emergency medical service organizations shall submit 3355
to the board any information that the board determines is 3356
necessary for maintaining the incidence reporting system. 3357

(B) The board shall establish a state trauma registry to be 3358
used for the collection of information regarding the care of adult 3359
and pediatric trauma victims in this state. The registry shall 3360
provide for the reporting of adult and pediatric trauma-related 3361
deaths, identification of adult and pediatric trauma patients, 3362

monitoring of adult and pediatric trauma patient care data, 3363
determination of the total amount of uncompensated adult and 3364
pediatric trauma care provided annually by each facility that 3365
provides care to trauma victims, and collection of any other 3366
information specified by the board. All persons designated by the 3367
board shall submit to the board any information it determines is 3368
necessary for maintaining the state trauma registry. At the 3369
request of the board any state agency possessing information 3370
regarding adult or pediatric trauma care shall provide the 3371
information to the board. The board shall maintain the state 3372
trauma registry in accordance with rules adopted under section 3373
4765.11 of the Revised Code. 3374

Rules relating to the state trauma registry adopted under 3375
this section and section 4765.11 of the Revised Code shall not 3376
prohibit the operation of other trauma registries and may provide 3377
for the reporting of information to the state trauma registry by 3378
or through other trauma registries in a manner consistent with 3379
information otherwise reported to the state trauma registry. Other 3380
trauma registries may report aggregate information to the state 3381
trauma registry, provided the information can be matched to the 3382
person that reported it. Information maintained by another trauma 3383
registry and reported to the state trauma registry in lieu of 3384
being reported directly to the state trauma registry is a public 3385
record and shall be maintained, made available to the public, held 3386
in confidence, risk adjusted, and not subject to discovery or 3387
introduction into evidence in a civil action as provided in 3388
section 149.43 of the Revised Code and this section. Any person 3389
who provides, maintains, or risk adjusts such information shall 3390
comply with this section and rules adopted under it in performing 3391
that function and has the same immunities with respect to that 3392
function as a person who performs that function with respect to 3393
the state trauma registry. 3394

(C) The board and any employee or contractor of the board or the department of public safety shall not make public information it receives under Chapter 4765. of the Revised Code that identifies or would tend to identify a specific recipient of emergency medical services or adult or pediatric trauma care.

(D) Not later than two years after November 3, 2000, the board shall adopt and implement rules under section 4765.11 of the Revised Code that provide written standards and procedures for risk adjustment of information received by the board under Chapter 4765. of the Revised Code. The rules shall be developed in consultation with appropriate medical, hospital, and emergency medical service organizations and may provide for risk adjustment by a contractor of the board. Except as provided in division (G) of this section, before risk adjustment standards and procedures are implemented, no member of the board and no employee or contractor of the board or the department of public safety shall make public information received by the board under Chapter 4765. of the Revised Code that identifies or would tend to identify a specific provider of emergency medical services or adult or pediatric trauma care. Except as provided in division (G) of this section, after risk adjustment standards and procedures are implemented, the board shall make public such information only on a risk adjusted basis.

(E) The board shall adopt rules under section 4765.11 of the Revised Code that specify procedures for ensuring the confidentiality of information that is not to be made public under this section. The rules shall specify the circumstances in which deliberations of the persons performing risk adjustment functions under this section are not open to the public and records of those deliberations are maintained in confidence. Nothing in this section prohibits the board from making public statistical information that does not identify or tend to identify a specific

recipient or provider of emergency medical services or adult or 3427
pediatric trauma care. 3428

(F) No provider that furnishes information to the board with 3429
respect to any patient the provider examined or treated shall, 3430
because of this furnishing, be deemed liable in damages to any 3431
person or be held to answer for betrayal of a professional 3432
confidence in the absence of willful or wanton misconduct. No such 3433
information shall be subject to introduction in evidence in any 3434
civil action against the provider. No provider that furnishes 3435
information to the board shall be liable for the misuse or 3436
improper release of the information by the board or any other 3437
person. 3438

No person who performs risk adjustment functions under this 3439
section shall, because of performing such functions, be held 3440
liable in a civil action for betrayal of professional confidence 3441
or otherwise in the absence of willful or wanton misconduct. 3442

(G) The board may transmit data that identifies or tends to 3443
identify a specific provider of emergency medical services care 3444
and has not been risk-adjusted from the emergency medical services 3445
incident reporting system directly to the national emergency 3446
medical services information system, pursuant to a written 3447
contract between the board and the federal agency that administers 3448
the national emergency medical services information system, which 3449
shall ensure to the maximum extent permitted by federal law that 3450
such agency shall use such data solely for inclusion in the 3451
national emergency medical services information system and shall 3452
not disclose such data to the public, through legal discovery, a 3453
freedom of information request, or otherwise, in a manner that 3454
identifies or tends to identify a specific provider of emergency 3455
medical services care. 3456

Sec. 4765.07. (A) The state board of emergency medical, fire, 3457

and transportation services shall adopt rules under section 3458
4765.11 of the Revised Code to establish and administer a grant 3459
program under which grants are distributed according to the 3460
following priorities: 3461

(1) First priority shall be given to emergency medical 3462
service organizations for the training of personnel, for the 3463
purchase of equipment and vehicles, and to improve the 3464
availability, accessibility, and quality of emergency medical 3465
services in this state. In this category, the board shall give 3466
priority to grants that fund training and equipping of emergency 3467
medical service personnel. 3468

(2) Second priority shall be given to entities that research, 3469
test, and evaluate medical procedures and systems related to adult 3470
and pediatric trauma care. 3471

(3) Third priority shall be given to entities that research 3472
the causes, nature, and effects of traumatic injuries, educate the 3473
public about injury prevention, and implement, test, and evaluate 3474
injury prevention strategies. 3475

(4) Fourth priority shall be given to entities that research, 3476
test, and evaluate procedures that promote the rehabilitation, 3477
retraining, and reemployment of adult or pediatric trauma victims 3478
and social service support mechanisms for adult or pediatric 3479
trauma victims and their families. 3480

(5) Fifth priority shall be given to entities that conduct 3481
research on, test, or evaluate one or more of the following: 3482

(a) Procedures governing the performance of emergency medical 3483
services in this state; 3484

(b) The training of emergency medical service personnel; 3485

(c) The staffing of emergency medical service organizations. 3486

(6) For grants distributed for the grant award years 3487

occurring not later than the award year ending June 30, 2017, 3488
sixth priority shall be given to entities that operate paramedic 3489
training programs and are seeking national accreditation of the 3490
programs. 3491

(B) To be eligible for a grant distributed pursuant to 3492
division (A)(6) of this section, an applicant for the grant shall 3493
meet all of the following conditions: 3494

(1) Hold a certificate of accreditation issued by the board 3495
under section 4765.17 of the Revised Code to operate a paramedic 3496
training program; 3497

(2) Be seeking initial national accreditation of the program 3498
from an accrediting organization approved by the board; 3499

(3) Apply for the national accreditation on or after February 3500
25, 2010. 3501

(C) The grant program shall be funded from the trauma and 3502
emergency medical services fund created by section 4513.263 of the 3503
Revised Code. 3504

Sec. 4765.08. The state board of emergency medical, fire, and 3505
transportation services shall prepare a statewide emergency 3506
medical services plan and shall revise the plan as necessary. 3507

The board shall prepare a plan for the statewide regulation 3508
of emergency medical services during periods of disaster. The plan 3509
shall be consistent with the statewide emergency medical services 3510
plan required under this section and with the statewide emergency 3511
operations plan required under section 5502.22 of the Revised 3512
Code. The board shall submit the plan to the emergency management 3513
agency created under section 5502.22 of the Revised Code. The 3514
board shall cooperate with the agency in any other manner the 3515
agency considers necessary to develop and implement the statewide 3516
emergency operations plan. 3517

Sec. 4765.09. The state board of emergency medical, fire, and 3518
transportation services shall prepare recommendations for the 3519
operation of ambulance service organizations, air medical 3520
organizations, and emergency medical service organizations. Within 3521
thirty days following the preparation or modification of 3522
recommendations, the board shall notify the board of county 3523
commissioners of any county, the board of township trustees of any 3524
township, the board of trustees of any joint ambulance district, 3525
or the board of trustees of any joint emergency medical services 3526
district in which there exist ambulance service organizations, air 3527
medical organizations, or emergency medical service organizations 3528
of any board recommendations for the operation of such 3529
organizations. The recommendations shall include, but not be 3530
limited to: 3531

(A) The definition and classification of ambulances and 3532
medical aircraft; 3533

(B) The design, equipment, and supplies for ambulances and 3534
medical aircraft, including special equipment, supplies, training, 3535
and staffing required to assist pediatric and geriatric emergency 3536
victims; 3537

(C) The minimum number and type of personnel for the 3538
operation of ambulances and medical aircraft; 3539

(D) The communication systems necessary for the operation of 3540
ambulances and medical aircraft; 3541

(E) Reports to be made by persons holding certificates of 3542
accreditation or approval issued under section 4765.17 of the 3543
Revised Code and certificates to practice issued under section 3544
4765.30 of the Revised Code to ascertain compliance with this 3545
chapter and the rules and recommendations adopted thereunder and 3546
to ascertain the quantity and quality of ambulance service 3547
organizations, air medical organizations, and emergency medical 3548

service organizations throughout the state. 3549

Sec. 4765.10. (A) The state board of emergency medical, fire, 3550
and transportation services shall do all of the following: 3551

(1) Administer and enforce the provisions of this chapter and 3552
the rules adopted under it; 3553

(2) Approve, in accordance with procedures established in 3554
rules adopted under section 4765.11 of the Revised Code, 3555
examinations that demonstrate competence to have a certificate to 3556
practice renewed without completing a continuing education 3557
program; 3558

(3) Advise applicants for state or federal emergency medical 3559
services funds, review and comment on applications for these 3560
funds, and approve the use of all state and federal funds 3561
designated solely for emergency medical service programs unless 3562
federal law requires another state agency to approve the use of 3563
all such federal funds; 3564

(4) Serve as a statewide clearinghouse for discussion, 3565
inquiry, and complaints concerning emergency medical services; 3566

(5) Make recommendations to the general assembly on 3567
legislation to improve the delivery of emergency medical services; 3568

(6) Maintain a toll-free long distance telephone number 3569
through which it shall respond to questions about emergency 3570
medical services; 3571

(7) Work with appropriate state offices in coordinating the 3572
training of firefighters and emergency medical service personnel. 3573
Other state offices that are involved in the training of 3574
firefighters or emergency medical service personnel shall 3575
cooperate with the board and its committees and subcommittees to 3576
achieve this goal. 3577

(8) Provide a liaison to the state emergency operation center 3578

during those periods when a disaster, as defined in section 3579
5502.21 of the Revised Code, has occurred in this state and the 3580
governor has declared an emergency as defined in that section. 3581

(B) The board may do any of the following: 3582

(1) Investigate complaints concerning emergency medical 3583
services and emergency medical service organizations as it 3584
determines necessary; 3585

(2) Enter into reciprocal agreements with other states that 3586
have standards for accreditation of emergency medical services 3587
training programs and for certification of first responders, 3588
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 3589
inspectors that are substantially similar to those established 3590
under this chapter and the rules adopted under it; 3591

(3) Establish a statewide public information system and 3592
public education programs regarding emergency medical services; 3593

(4) Establish an injury prevention program. 3594

Sec. 4765.101. (A) The state board of emergency medical, 3595
fire, and transportation services shall investigate any allegation 3596
that a person has violated this chapter or a rule adopted under 3597
it. 3598

Any person may submit to the board a written complaint 3599
regarding an alleged violation of this chapter or a rule adopted 3600
under it. In the absence of fraud or bad faith, no person 3601
submitting a complaint to the board or testifying in an 3602
adjudication hearing conducted in accordance with Chapter 119. of 3603
the Revised Code with regard to such an alleged violation shall be 3604
liable to any person in damages in a civil action as a result of 3605
submitting the complaint or providing testimony. 3606

(B) In investigating an allegation, the board may do any of 3607
the following: 3608

(1) Administer oaths;	3609
(2) Order the taking of depositions;	3610
(3) Issue subpoenas;	3611
(4) Compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.	3612 3613
(C) A subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the executive director of the board. Before issuance of a subpoena for patient record information, the executive director shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.	3614 3615 3616 3617 3618 3619 3620 3621 3622 3623
(D) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move, pursuant to the Rules of Civil Procedure, for an order compelling the production of persons or records.	3624 3625 3626 3627
(E) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or an investigator for the division of emergency medical services of the department of public safety. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named in it, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an individual authorized by this chapter to practice emergency medical services, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or on the date that the person refuses to accept delivery.	3628 3629 3630 3631 3632 3633 3634 3635 3636 3637 3638 3639

Sec. 4765.102. (A) As used in this section, "licensing agency" means any entity that has the authority pursuant to Title XLVII of the Revised Code to issue a license, and any other agency of this or another state, other than the Ohio supreme court, that has the authority to issue a license that authorizes an individual to engage in an occupation or profession. "Licensing agency" includes an administrative officer that has authority to issue a license that authorizes an individual to engage in an occupation or profession.

(B) Except as provided in divisions (C) and (D) of this section and section 4765.111 of the Revised Code, all information the state board of emergency medical, fire, and transportation services receives pursuant to an investigation, including information regarding an alleged violation of this chapter or rules adopted under it or a complaint submitted under division (A) of section 4765.101 of the Revised Code, is confidential, and is not subject to discovery in any civil action, during the course of the investigation and any adjudication proceedings that result from the investigation. Upon completion of the investigation and any resulting adjudication proceedings, the information is a matter of public record for purposes of section 149.43 of the Revised Code.

(C) The board may release information otherwise made confidential by division (B) of this section to law enforcement officers or licensing agencies of this or another state that are prosecuting, adjudicating, or investigating the holder of a certificate issued under this chapter or a person who allegedly engaged in the unauthorized provision of emergency medical services.

A law enforcement officer or licensing agency with information disclosed by the board under this division shall not

divulge the information other than for the purpose of an 3671
adjudication by a court or licensing agency to which the subject 3672
of the adjudication is a party. 3673

(D) If an investigation conducted under section 4765.101 of 3674
the Revised Code requires a review of patient records, the 3675
investigation and proceedings related to it shall be conducted in 3676
such a manner as to protect patient confidentiality. The board 3677
shall not make public the name or any other identifying 3678
information about a patient unless proper consent is given in 3679
accordance with rules adopted by the board. If the patient is less 3680
than eighteen years of age, the board shall obtain consent from 3681
the patient's parent, guardian, or custodian. 3682

Sec. 4765.11. (A) The state board of emergency medical, fire, 3683
and transportation services shall adopt, and may amend and 3684
rescind, rules in accordance with Chapter 119. of the Revised Code 3685
and division (C) of this section that establish all of the 3686
following: 3687

(1) Procedures for its governance and the control of its 3688
actions and business affairs; 3689

(2) Standards for the performance of emergency medical 3690
services by first responders, emergency medical technicians-basic, 3691
emergency medical technicians-intermediate, and emergency medical 3692
technicians-paramedic; 3693

(3) Application fees for certificates of accreditation, 3694
certificates of approval, certificates to teach, and certificates 3695
to practice, which shall be deposited into the trauma and 3696
emergency medical services fund created in section 4513.263 of the 3697
Revised Code; 3698

(4) Criteria for determining when the application or renewal 3699
fee for a certificate to practice may be waived because an 3700

applicant cannot afford to pay the fee;	3701
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	3702 3703 3704 3705 3706 3707
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	3708 3709 3710
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	3711 3712 3713 3714
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	3715 3716
(9) Standards for certificates of accreditation and certificates of approval;	3717 3718
(10) Qualifications for certificates to teach;	3719
(11) Requirements for a certificate to practice;	3720
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	3721 3722 3723 3724 3725
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	3726 3727 3728 3729 3730

(14) Examinations for certificates to practice;	3731
(15) Procedures for administering examinations for certificates to practice;	3732 3733
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	3734 3735 3736 3737
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	3738 3739
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised Code to perform;	3740 3741 3742 3743 3744 3745 3746 3747
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	3748 3749 3750 3751
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	3752 3753 3754
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	3755 3756
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	3757 3758 3759
(23) The manner in which a patient, or a patient's parent,	3760

guardian, or custodian may consent to the board releasing 3761
identifying information about the patient under division (D) of 3762
section 4765.102 of the Revised Code; 3763

(24) Circumstances under which a training program or 3764
continuing education program, or portion of either type of 3765
program, may be taught by a person who does not hold a certificate 3766
to teach issued under section 4765.23 of the Revised Code; 3767

(25) Certification cycles for certificates issued under 3768
sections 4765.23 and 4765.30 of the Revised Code and certificates 3769
issued by the executive director of the state board of emergency 3770
medical, fire, and transportation services under section 4765.55 3771
of the Revised Code that establish a common expiration date for 3772
all certificates. 3773

(B) The board may adopt, and may amend and rescind, rules in 3774
accordance with Chapter 119. of the Revised Code and division (C) 3775
of this section that establish the following: 3776

(1) Specifications of information that may be collected under 3777
the trauma system registry and incidence reporting system created 3778
under section 4765.06 of the Revised Code; 3779

(2) Standards and procedures for implementing any of the 3780
recommendations made by any committees of the board or under 3781
section 4765.04 of the Revised Code; 3782

(3) Requirements that a person must meet to receive a 3783
certificate to practice as a first responder pursuant to division 3784
(A)(2) of section 4765.30 of the Revised Code; 3785

(4) Any other rules necessary to implement this chapter. 3786

(C) In developing and administering rules adopted under this 3787
chapter, the state board of emergency medical, fire, and 3788
transportation services shall consult with regional directors and 3789
regional physician advisory boards created by section 4765.05 of 3790

the Revised Code and emphasize the special needs of pediatric and 3791
geriatric patients. 3792

(D) Except as otherwise provided in this division, before 3793
adopting, amending, or rescinding any rule under this chapter, the 3794
board shall submit the proposed rule to the director of public 3795
safety for review. The director may review the proposed rule for 3796
not more than sixty days after the date it is submitted. If, 3797
within this sixty-day period, the director approves the proposed 3798
rule or does not notify the board that the rule is disapproved, 3799
the board may adopt, amend, or rescind the rule as proposed. If, 3800
within this sixty-day period, the director notifies the board that 3801
the proposed rule is disapproved, the board shall not adopt, 3802
amend, or rescind the rule as proposed unless at least twelve 3803
members of the board vote to adopt, amend, or rescind it. 3804

This division does not apply to an emergency rule adopted in 3805
accordance with section 119.03 of the Revised Code. 3806

Sec. 4765.111. Except as provided in this section or sections 3807
4765.112 to 4765.116 of the Revised Code, the state board of 3808
emergency medical, fire, and transportation services shall conduct 3809
disciplinary proceedings regarding the holder of a certificate 3810
issued under this chapter in accordance with rules adopted by the 3811
board under section 4765.11 of the Revised Code. 3812

The board and a holder of a certificate are the parties to a 3813
hearing conducted under this chapter. Either party may submit a 3814
written request to the other party for a list of witnesses and 3815
copies of documents intended to be introduced at the hearing. The 3816
request shall be in writing and shall be served not less than 3817
thirty-seven days prior to the commencement of the hearing, unless 3818
the hearing officer or presiding board member grants an extension 3819
of time to make the request. Not later than thirty days before the 3820
hearing, the responding party shall provide the requested list of 3821

witnesses and copies of documents to the requesting party, unless 3822
the hearing officer or presiding board member grants an extension 3823
of time to provide the list and copies. 3824

Failure to timely provide a list or copies requested in 3825
accordance with this section shall result in exclusion from the 3826
hearing of the witnesses, testimony, or documents. 3827

Sec. 4765.112. (A) The state board of emergency medical, 3828
fire, and transportation services, by an affirmative vote of the 3829
majority of its members, may suspend without a prior hearing a 3830
certificate to practice issued under this chapter if the board 3831
determines that there is clear and convincing evidence that 3832
continued practice by the certificate holder presents a danger of 3833
immediate and serious harm to the public and that the certificate 3834
holder has done any of the following: 3835

(1) Furnished false, fraudulent, or misleading information to 3836
the board; 3837

(2) Engaged in activities that exceed those permitted by the 3838
individual's certificate; 3839

(3) In a court of this or any other state or federal court 3840
been convicted of, pleaded guilty to, or been the subject of a 3841
judicial finding of guilt of, a judicial finding of guilt 3842
resulting from a plea of no contest to, or a judicial finding of 3843
eligibility for intervention in lieu of conviction for, a felony 3844
or for a misdemeanor committed in the course of practice or 3845
involving gross immorality or moral turpitude. 3846

(B) Immediately following the decision to impose a summary 3847
suspension, the board, in accordance with section 119.07 of the 3848
Revised Code, shall issue a written order of suspension, cause it 3849
to be delivered to the certificate holder, and notify the 3850
certificate holder of the opportunity for a hearing. If timely 3851

requested by the certificate holder, a hearing shall be conducted 3852
in accordance with section 4765.115 of the Revised Code. 3853

Sec. 4765.113. If the state board of emergency medical, fire, 3854
and transportation services imposes a suspension on the basis of a 3855
conviction, judicial finding, or plea as described in division 3856
(A)(3) of section 4765.112 of the Revised Code that is overturned 3857
on appeal, the certificate holder, on exhaustion of the criminal 3858
appeal process, may file with the board a petition for 3859
reconsideration of the suspension along with appropriate court 3860
documents. On receipt of the petition and documents, the board 3861
shall reinstate the certificate holder's certificate to practice. 3862

Sec. 4765.114. (A) A certificate to practice emergency 3863
medical services issued under this chapter is automatically 3864
suspended on the certificate holder's conviction of, plea of 3865
guilty to, or judicial finding of guilt of any of the following: 3866
aggravated murder, murder, voluntary manslaughter, felonious 3867
assault, kidnapping, rape, sexual battery, gross sexual 3868
imposition, aggravated arson, aggravated burglary, aggravated 3869
robbery, or a substantially equivalent offense committed in this 3870
or another jurisdiction. Continued practice after the suspension 3871
is practicing without a certificate. 3872

(B) If the state board of emergency medical, fire, and 3873
transportation services has knowledge that an automatic suspension 3874
has occurred, it shall notify, in accordance with section 119.07 3875
of the Revised Code, the certificate holder of the suspension and 3876
of the opportunity for a hearing. If timely requested by the 3877
certificate holder, a hearing shall be conducted in accordance 3878
with section 4765.115 of the Revised Code. 3879

Sec. 4765.115. (A) A suspension order issued under section 3880
4765.112 or automatic suspension under section 4765.114 of the 3881

Revised Code is not subject to suspension by a court prior to a 3882
hearing under this section or during the pendency of any appeal 3883
filed under section 119.12 of the Revised Code. 3884

(B) A suspension order issued under section 4765.112 or 3885
automatic suspension under section 4765.114 of the Revised Code 3886
remains in effect, unless reversed by the state board of emergency 3887
medical, fire, and transportation services, until a final 3888
adjudication order issued by the board pursuant to this section 3889
becomes effective. 3890

(C) Hearings requested pursuant to section 4765.112 or 3891
4765.114 of the Revised Code shall be conducted under this section 3892
in accordance with Chapter 119. of the Revised Code. 3893

(D) A hearing under this section shall be held not later than 3894
forty-five days but not earlier than forty days after the 3895
certificate holder requests it, unless another date is agreed to 3896
by the certificate holder and the board. 3897

(E) After completion of an adjudication hearing, the board 3898
may adopt, by an affirmative vote of the majority of its members, 3899
a final adjudication order that imposes any of the following 3900
sanctions: 3901

(1) Suspension of the holder's certificate to practice; 3902

(2) Revocation of the holder's certificate to practice; 3903

(3) Issuance of a written reprimand; 3904

(4) A refusal to renew or a limitation on the holder's 3905
certificate to practice. 3906

The board shall issue its final adjudication order not later 3907
than forty-five days after completion of an adjudication hearing. 3908
If the board does not issue a final order within that time period, 3909
the suspension order is void, but any final adjudication order 3910
subsequently issued is not affected. 3911

(F) Any action taken by the board under this section 3912
resulting in a suspension from practice shall be accompanied by a 3913
written statement of the conditions under which the certificate to 3914
practice may be reinstated. Reinstatement of a certificate 3915
suspended under this section requires an affirmative vote by the 3916
majority of the members of the board. 3917

(G) When the board revokes or refuses to reinstate a 3918
certificate to practice, the board may specify that its action is 3919
permanent. An individual subject to permanent action taken by the 3920
board is forever ineligible to hold a certificate of the type 3921
revoked or refused, and the board shall not accept from the 3922
individual an application for reinstatement of the certificate or 3923
for a new certificate. 3924

Sec. 4765.116. If a certificate holder subject to a 3925
suspension order issued by the state board of emergency medical, 3926
fire, and transportation services under section 4765.112 or an 3927
automatic suspension order under section 4765.114 of the Revised 3928
Code fails to make a timely request for a hearing, the following 3929
apply: 3930

(A) In the case of a certificate holder subject to a summary 3931
suspension order, the board is not required to hold a hearing, but 3932
may adopt, by an affirmative vote of a majority of its members, a 3933
final order that contains the board's findings. In the final 3934
order, the board may order any of the sanctions listed in division 3935
(E) of section 4765.115 of the Revised Code. 3936

(B) In the case of a certificate holder subject to an 3937
automatic suspension order, the board may adopt, by an affirmative 3938
vote of a majority of its members, a final order that permanently 3939
revokes the holder's certificate to practice. 3940

Sec. 4765.12. (A) Not later than two years after ~~the~~ 3941

~~effective date of this section~~ November 3, 2000, the state board 3942
of emergency medical, fire, and transportation services shall 3943
develop and distribute guidelines for the care of trauma victims 3944
by emergency medical service personnel and for the conduct of peer 3945
review and quality assurance programs by emergency medical service 3946
organizations. The guidelines shall be consistent with the state 3947
trauma triage protocols adopted in rules under sections 4765.11 3948
and 4765.40 of the Revised Code and shall place emphasis on the 3949
special needs of pediatric and geriatric trauma victims. In 3950
developing the guidelines, the board shall consult with entities 3951
with interests in trauma and emergency medical services and shall 3952
consider any relevant guidelines adopted by national 3953
organizations, including the American college of surgeons, 3954
American college of emergency physicians, and American academy of 3955
pediatrics. The board shall distribute the guidelines, and 3956
amendments to the guidelines, to each emergency medical service 3957
organization, regional director, regional physician advisory 3958
board, certified emergency medical service instructor, and person 3959
who regularly provides medical direction to emergency medical 3960
service personnel in this state. 3961

(B) Not later than three years after ~~the effective date of~~ 3962
~~this section~~ November 3, 2000, each emergency medical service 3963
organization in this state shall implement ongoing peer review and 3964
quality assurance programs designed to improve the availability 3965
and quality of the emergency medical services it provides. The 3966
form and content of the programs shall be determined by each 3967
emergency medical service organization. In implementing the 3968
programs, each emergency medical service organization shall 3969
consider how to improve its ability to provide effective trauma 3970
care, particularly for pediatric and geriatric trauma victims, and 3971
shall take into account the trauma care guidelines developed by 3972
the state board of emergency medical, fire, and transportation 3973
services under this section. 3974

Information generated solely for use in a peer review or 3975
quality assurance program conducted on behalf of an emergency 3976
medical service organization is not a public record under section 3977
149.43 of the Revised Code. Such information, and any discussion 3978
conducted in the course of a peer review or quality assurance 3979
program conducted on behalf of an emergency medical service 3980
organization, is not subject to discovery in a civil action and 3981
shall not be introduced into evidence in a civil action against 3982
the emergency medical service organization on whose behalf the 3983
information was generated or the discussion occurred. 3984

No emergency medical service organization on whose behalf a 3985
peer review or quality assurance program is conducted, and no 3986
person who conducts such a program, because of performing such 3987
functions, shall be liable in a civil action for betrayal of 3988
professional confidence or otherwise in the absence of willful or 3989
wanton misconduct. 3990

Sec. 4765.15. A person seeking to operate an emergency 3991
medical services training program shall submit a completed 3992
application for accreditation to the state board of emergency 3993
medical, fire, and transportation services on a form the board 3994
shall prescribe and furnish. The application shall be accompanied 3995
by the appropriate application fee established in rules adopted 3996
under section 4765.11 of the Revised Code. 3997

A person seeking to operate an emergency medical services 3998
continuing education program shall submit a completed application 3999
for approval to the board on a form the board shall prescribe and 4000
furnish. The application shall be accompanied by the appropriate 4001
application fee established in rules adopted under section 4765.11 4002
of the Revised Code. 4003

The board shall administer the accreditation and approval 4004
processes pursuant to rules adopted under section 4765.11 of the 4005

Revised Code. In administering these processes, the board may 4006
authorize other persons to evaluate applications for accreditation 4007
or approval and may accept the recommendations made by those 4008
persons. 4009

The board may cause an investigation to be made into the 4010
accuracy of the information submitted in any application for 4011
accreditation or approval. If an investigation indicates that 4012
false, misleading, or incomplete information has been submitted to 4013
the board in connection with any application for accreditation or 4014
approval, the board shall conduct a hearing on the matter in 4015
accordance with Chapter 119. of the Revised Code. 4016

Sec. 4765.16. (A) All courses offered through an emergency 4017
medical services training program or an emergency medical services 4018
continuing education program, other than ambulance driving, shall 4019
be developed under the direction of a physician who specializes in 4020
emergency medicine. Each course that deals with trauma care shall 4021
be developed in consultation with a physician who specializes in 4022
trauma surgery. Except as specified by the state board of 4023
emergency medical, fire, and transportation services pursuant to 4024
rules adopted under section 4765.11 of the Revised Code, each 4025
course offered through a training program or continuing education 4026
program shall be taught by a person who holds the appropriate 4027
certificate to teach issued under section 4765.23 of the Revised 4028
Code. 4029

(B) A training program for first responders shall meet the 4030
standards established in rules adopted by the board under section 4031
4765.11 of the Revised Code. The program shall include courses in 4032
both of the following areas for at least the number of hours 4033
established by the board's rules: 4034

(1) Emergency victim care; 4035

(2) Reading and interpreting a trauma victim's vital signs. 4036

(C) A training program for emergency medical technicians-basic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in each of the following areas for at least the number of hours established by the board's rules:

- (1) Emergency victim care;
- (2) Reading and interpreting a trauma victim's vital signs;
- (3) Triage protocols for adult and pediatric trauma victims;
- (4) In-hospital training;
- (5) Clinical training;
- (6) Training as an ambulance driver.

Each operator of a training program for emergency medical technicians-basic shall allow any pupil in the twelfth grade in a secondary school who is at least seventeen years old and who otherwise meets the requirements for admission into such a training program to be admitted to and complete the program and, as part of the training, to ride in an ambulance with emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. Each emergency medical service organization shall allow pupils participating in training programs to ride in an ambulance with emergency medical technicians-basic, advanced emergency medical technicians-intermediate, and emergency medical technicians-paramedic.

(D) A training program for emergency medical technicians-intermediate shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in division (C) of this section and courses in each of the following areas for at least the number of hours

established by the board's rules: 4067

(1) Recognizing symptoms of life-threatening allergic 4068
reactions and in calculating proper dosage levels and 4069
administering injections of epinephrine to persons who suffer 4070
life-threatening allergic reactions, conducted in accordance with 4071
rules adopted by the board under section 4765.11 of the Revised 4072
Code; 4073

(2) Venous access procedures; 4074

(3) Cardiac monitoring and electrical interventions to 4075
support or correct the cardiac function. 4076

(E) A training program for emergency medical 4077
technicians-paramedic shall meet the standards established in 4078
rules adopted by the board under section 4765.11 of the Revised 4079
Code. The program shall include, or require as a prerequisite, the 4080
training specified in divisions (C) and (D) of this section and 4081
courses in each of the following areas for at least the number of 4082
hours established by the board's rules: 4083

(1) Medical terminology; 4084

(2) Venous access procedures; 4085

(3) Airway procedures; 4086

(4) Patient assessment and triage; 4087

(5) Acute cardiac care, including administration of 4088
parenteral injections, electrical interventions, and other 4089
emergency medical services; 4090

(6) Emergency and trauma victim care beyond that required 4091
under division (C) of this section; 4092

(7) Clinical training beyond that required under division (C) 4093
of this section. 4094

(F) A continuing education program for first responders, 4095

EMTs-basic, EMTs-I, or paramedics shall meet the standards 4096
established in rules adopted by the board under section 4765.11 of 4097
the Revised Code. A continuing education program shall include 4098
instruction and training in subjects established by the board's 4099
rules for at least the number of hours established by the board's 4100
rules. 4101

Sec. 4765.17. (A) The state board of emergency medical, fire, 4102
and transportation services shall issue the appropriate 4103
certificate of accreditation or certificate of approval to an 4104
applicant who is of good reputation and meets the requirements of 4105
section 4765.16 of the Revised Code. The board shall grant or deny 4106
a certificate of accreditation or certificate of approval within 4107
one hundred twenty days of receipt of the application. The board 4108
may issue or renew a certificate of accreditation or certificate 4109
of approval on a provisional basis to an applicant who is of good 4110
reputation and is in substantial compliance with the requirements 4111
of section 4765.16 of the Revised Code. The board shall inform an 4112
applicant receiving such a certificate of the conditions that must 4113
be met to complete compliance with section 4765.16 of the Revised 4114
Code. 4115

(B) Except as provided in division (C) of this section, a 4116
certificate of accreditation or certificate of approval is valid 4117
for up to five years and may be renewed by the board pursuant to 4118
procedures and standards established in rules adopted under 4119
section 4765.11 of the Revised Code. An application for renewal 4120
shall be accompanied by the appropriate renewal fee established in 4121
rules adopted under section 4765.11 of the Revised Code. 4122

(C) A certificate of accreditation or certificate of approval 4123
issued on a provisional basis is valid for the length of time 4124
established by the board. If the board finds that the holder of 4125
such a certificate has met the conditions it specifies under 4126

division (A) of this section, the board shall issue the 4127
appropriate certificate of accreditation or certificate of 4128
approval. 4129

(D) A certificate of accreditation is valid only for the 4130
emergency medical services training program or programs for which 4131
it is issued. The holder of a certificate of accreditation may 4132
apply to operate additional training programs in accordance with 4133
rules adopted by the board under section 4765.11 of the Revised 4134
Code. Any additional training programs shall expire on the 4135
expiration date of the applicant's current certificate. A 4136
certificate of approval is valid only for the emergency medical 4137
services continuing education program for which it is issued. 4138
Neither is transferable. 4139

(E) The holder of a certificate of accreditation or a 4140
certificate of approval may offer courses at more than one 4141
location in accordance with rules adopted under section 4765.11 of 4142
the Revised Code. 4143

Sec. 4765.18. The state board of emergency medical, fire, and 4144
transportation services may suspend or revoke a certificate of 4145
accreditation or a certificate of approval issued under section 4146
4765.17 of the Revised Code for any of the following reasons: 4147

(A) Violation of this chapter or any rule adopted under it; 4148

(B) Furnishing of false, misleading, or incomplete 4149
information to the board; 4150

(C) The signing of an application or the holding of a 4151
certificate of accreditation by a person who has pleaded guilty to 4152
or has been convicted of a felony, or has pleaded guilty to or 4153
been convicted of a crime involving moral turpitude; 4154

(D) The signing of an application or the holding of a 4155
certificate of accreditation by a person who is addicted to the 4156

use of any controlled substance or has been adjudicated 4157
incompetent for that purpose by a court, as provided in section 4158
5122.301 of the Revised Code; 4159

(E) Violation of any commitment made in an application for a 4160
certificate of accreditation or certificate of approval; 4161

(F) Presentation to prospective students of misleading, 4162
false, or fraudulent information relating to the emergency medical 4163
services training program or emergency medical services continuing 4164
education program, employment opportunities, or opportunities for 4165
enrollment in accredited institutions of higher education after 4166
entering or completing courses offered by the operator of a 4167
program; 4168

(G) Failure to maintain in a safe and sanitary condition 4169
premises and equipment used in conducting courses of study; 4170

(H) Failure to maintain financial resources adequate for the 4171
satisfactory conduct of courses of study or to retain a sufficient 4172
number of certified instructors; 4173

(I) Discrimination in the acceptance of students upon the 4174
basis of race, color, religion, sex, or national origin. 4175

Sec. 4765.22. A person seeking a certificate to teach in an 4176
emergency medical services training program or an emergency 4177
medical services continuing education program shall submit a 4178
completed application for certification to the state board of 4179
emergency medical, fire, and transportation services on a form the 4180
board shall prescribe and furnish. The application shall be 4181
accompanied by the appropriate application fee established in 4182
rules adopted under section 4765.11 of the Revised Code. 4183

Sec. 4765.23. The state board of emergency medical, fire, and 4184
transportation services shall issue a certificate to teach in an 4185
emergency medical services training program or an emergency 4186

medical services continuing education program to any applicant who 4187
it determines meets the qualifications established in rules 4188
adopted under section 4765.11 of the Revised Code. The certificate 4189
shall indicate each type of instruction and training the 4190
certificate holder may teach under the certificate. 4191

A certificate to teach shall have a certification cycle 4192
established by the board and may be renewed by the board pursuant 4193
to rules adopted under section 4765.11 of the Revised Code. An 4194
application for renewal shall be accompanied by the appropriate 4195
renewal fee established in rules adopted under section 4765.11 of 4196
the Revised Code. 4197

The board may suspend or revoke a certificate to teach 4198
pursuant to rules adopted under section 4765.11 of the Revised 4199
Code. 4200

Sec. 4765.28. A person seeking a certificate to practice as a 4201
first responder, emergency medical technician-basic, emergency 4202
medical technician-intermediate, or emergency medical 4203
technician-paramedic shall submit a completed application for 4204
certification to the state board of emergency medical, fire, and 4205
transportation services on a form the board shall prescribe and 4206
furnish. Except as provided in division (B) of section 4765.29 of 4207
the Revised Code, the application shall include evidence that the 4208
applicant received the appropriate certificate of completion 4209
pursuant to section 4765.24 of the Revised Code. The application 4210
shall be accompanied by the appropriate application fee 4211
established in rules adopted under section 4765.11 of the Revised 4212
Code, unless the board waives the fee on determining pursuant to 4213
those rules that the applicant cannot afford to pay the fee. 4214

Sec. 4765.29. (A) The state board of emergency medical, fire, 4215
and transportation services shall provide for the examination of 4216

applicants for certification to practice as first responders, 4217
emergency medical technicians-basic, emergency medical 4218
technicians-intermediate, and emergency medical 4219
technicians-paramedic. The examinations shall be established by 4220
the board in rules adopted under section 4765.11 of the Revised 4221
Code. The board may administer the examinations or contract with 4222
other persons to administer the examinations. In either case, the 4223
examinations shall be administered pursuant to procedures 4224
established in rules adopted under section 4765.11 of the Revised 4225
Code and shall be offered at various locations in the state 4226
selected by the board. 4227

Except as provided in division (B) of this section, an 4228
applicant shall not be permitted to take an examination for the 4229
same certificate to practice more than three times since last 4230
receiving the certificate of completion pursuant to section 4231
4765.24 of the Revised Code that qualifies the applicant to take 4232
the examination unless the applicant receives another certificate 4233
of completion that qualifies the applicant to take the 4234
examination. 4235

(B) On request of an applicant who fails three examinations 4236
for the same certificate to practice, the board may direct the 4237
applicant to complete a specific portion of an accredited 4238
emergency medical services training program. If the applicant 4239
provides satisfactory proof to the board that the applicant has 4240
successfully completed that portion of the program, the applicant 4241
shall be permitted to take the examination. 4242

Sec. 4765.30. (A)(1) The state board of emergency medical, 4243
fire, and transportation services shall issue a certificate to 4244
practice as a first responder to an applicant who meets all of the 4245
following conditions: 4246

(a) Except as provided in division (A)(2) of this section, is 4247

a volunteer for a nonprofit emergency medical service organization	4248
or a nonprofit fire department;	4249
(b) Holds the appropriate certificate of completion issued in	4250
accordance with section 4765.24 of the Revised Code;	4251
(c) Passes the appropriate examination conducted under	4252
section 4765.29 of the Revised Code;	4253
(d) Is not in violation of any provision of this chapter or	4254
the rules adopted under it;	4255
(e) Meets any other certification requirements established in	4256
rules adopted under section 4765.11 of the Revised Code.	4257
(2) The board may waive the requirement to be a volunteer for	4258
a nonprofit entity if the applicant meets other requirements	4259
established in rules adopted under division (B)(3) of section	4260
4765.11 of the Revised Code relative to a person's eligibility to	4261
practice as a first responder.	4262
(B) The state board of emergency medical, <u>fire, and</u>	4263
<u>transportation</u> services shall issue a certificate to practice as	4264
an emergency medical technician-basic to an applicant who meets	4265
all of the following conditions:	4266
(1) Holds a certificate of completion in emergency medical	4267
services training-basic issued in accordance with section 4765.24	4268
of the Revised Code;	4269
(2) Passes the examination for emergency medical	4270
technicians-basic conducted under section 4765.29 of the Revised	4271
Code;	4272
(3) Is not in violation of any provision of this chapter or	4273
the rules adopted under it;	4274
(4) Meets any other certification requirements established in	4275
rules adopted under section 4765.11 of the Revised Code.	4276
(C) The state board of emergency medical, <u>fire, and</u>	4277

transportation services shall issue a certificate to practice as 4278
an emergency medical technician-intermediate or emergency medical 4279
technician-paramedic to an applicant who meets all of the 4280
following conditions: 4281

(1) Holds a certificate to practice as an emergency medical 4282
technician-basic; 4283

(2) Holds the appropriate certificate of completion issued in 4284
accordance with section 4765.24 of the Revised Code; 4285

(3) Passes the appropriate examination conducted under 4286
section 4765.29 of the Revised Code; 4287

(4) Is not in violation of any provision of this chapter or 4288
the rules adopted under it; 4289

(5) Meets any other certification requirements established in 4290
rules adopted under section 4765.11 of the Revised Code. 4291

(D) A certificate to practice shall have a certification 4292
cycle established by the board and may be renewed by the board 4293
pursuant to rules adopted under section 4765.11 of the Revised 4294
Code. Not later than sixty days prior to the expiration date of an 4295
individual's certificate to practice, the board shall notify the 4296
individual of the scheduled expiration. 4297

An application for renewal shall be accompanied by the 4298
appropriate renewal fee established in rules adopted under section 4299
4765.11 of the Revised Code, unless the board waives the fee on 4300
determining pursuant to those rules that the applicant cannot 4301
afford to pay the fee. Except as provided in division (B) of 4302
section 4765.31 of the Revised Code, the application shall include 4303
evidence of either of the following: 4304

(1) That the applicant received a certificate of completion 4305
from the appropriate emergency medical services continuing 4306
education program pursuant to section 4765.24 of the Revised Code; 4307

(2) That the applicant has successfully passed an examination 4308
that demonstrates the competence to have a certificate renewed 4309
without completing an emergency medical services continuing 4310
education program. The board shall approve such examinations in 4311
accordance with rules adopted under section 4765.11 of the Revised 4312
Code. 4313

(E) The board shall not require an applicant for renewal of a 4314
certificate to practice to take an examination as a condition of 4315
renewing the certificate. This division does not preclude the use 4316
of examinations by operators of approved emergency medical 4317
services continuing education programs as a condition for issuance 4318
of a certificate of completion in emergency medical services 4319
continuing education. 4320

Sec. 4765.31. (A) Except as provided in division (B) of this 4321
section, a first responder, emergency medical technician-basic, 4322
emergency medical technician-intermediate, and emergency medical 4323
technician-paramedic shall complete an emergency medical services 4324
continuing education program or pass an examination approved by 4325
the state board of emergency medical, fire, and transportation 4326
services under division (A) of section 4765.10 of the Revised Code 4327
prior to the expiration of the individual's certificate to 4328
practice. Completion of the continuing education requirements for 4329
EMTs-I or paramedics satisfies the continuing education 4330
requirements for renewing the certificate to practice as an 4331
EMT-basic held by an EMT-I or paramedic. 4332

(B)(1) An applicant for renewal of a certificate to practice 4333
may apply to the board, in writing, for an extension to complete 4334
the continuing education requirements established under division 4335
(A) of this section. The board may grant such an extension and 4336
determine the length of the extension. The board may authorize the 4337
applicant to continue to practice during the extension as if the 4338

certificate to practice had not expired. 4339

(2) An applicant for renewal of a certificate to practice may 4340
apply to the board, in writing, for an exemption from the 4341
continuing education requirements established under division (A) 4342
of this section. The board may exempt an individual or a group of 4343
individuals from all or any part of the continuing education 4344
requirements due to active military service, unusual circumstance, 4345
emergency, special hardship, or any other cause considered 4346
reasonable by the board. 4347

(C) Decisions of whether to grant an extension or exemption 4348
under division (B) of this section shall be made by the board 4349
pursuant to procedures established in rules adopted under section 4350
4765.11 of the Revised Code. 4351

Sec. 4765.32. A current, valid certificate of accreditation 4352
issued under the provisions of former section 3303.11 or 3303.23 4353
of the Revised Code shall remain valid until one year after the 4354
expiration date of the certificate as determined by the provisions 4355
of those sections and shall confer the same privileges and impose 4356
the same responsibilities and requirements as a certificate of 4357
accreditation issued by the state board of emergency medical, 4358
fire, and transportation services under section 4765.17 of the 4359
Revised Code. 4360

A certificate to practice as an emergency medical 4361
technician-ambulance that is valid on November 24, 1995, shall be 4362
considered a certificate to practice as an emergency medical 4363
technician-basic. A certificate to practice as an advanced 4364
emergency medical technician-ambulance that is valid on November 4365
24, 1995, shall be considered a certificate to practice as an 4366
emergency medical technician-intermediate. 4367

Sec. 4765.33. The state board of emergency medical, fire, and 4368

transportation services may suspend or revoke certificates to 4369
practice issued under section 4765.30 of the Revised Code, and may 4370
take other disciplinary action against first responders, emergency 4371
medical technicians-basic, emergency medical 4372
technicians-intermediate, and emergency medical 4373
technicians-paramedic pursuant to rules adopted under section 4374
4765.11 of the Revised Code. 4375

Sec. 4765.37. (A) An emergency medical technician-basic shall 4376
perform the emergency medical services described in this section 4377
in accordance with this chapter and any rules adopted under it by 4378
the state board of emergency medical, fire, and transportation 4379
services. 4380

(B) An emergency medical technician-basic may operate, or be 4381
responsible for operation of, an ambulance and may provide 4382
emergency medical services to patients. In an emergency, an 4383
EMT-basic may determine the nature and extent of illness or injury 4384
and establish priority for required emergency medical services. An 4385
EMT-basic may render emergency medical services such as opening 4386
and maintaining an airway, giving positive pressure ventilation, 4387
cardiac resuscitation, electrical interventions with automated 4388
defibrillators to support or correct the cardiac function and 4389
other methods determined by the board, controlling of hemorrhage, 4390
treatment of shock, immobilization of fractures, bandaging, 4391
assisting in childbirth, management of mentally disturbed 4392
patients, initial care of poison and burn patients, and 4393
determining triage of adult and pediatric trauma victims. Where 4394
patients must in an emergency be extricated from entrapment, an 4395
EMT-basic may assess the extent of injury and render all possible 4396
emergency medical services and protection to the entrapped 4397
patient; provide light rescue services if an ambulance has not 4398
been accompanied by a specialized unit; and after extrication, 4399
provide additional care in sorting of the injured in accordance 4400

with standard emergency procedures. 4401

(C) An EMT-basic may perform any other emergency medical 4402
services approved pursuant to rules adopted under section 4765.11 4403
of the Revised Code. The board shall determine whether the nature 4404
of any such service requires that an EMT-basic receive 4405
authorization prior to performing the service. 4406

(D)(1) Except as provided in division (D)(2) of this section, 4407
if the board determines under division (C) of this section that a 4408
service requires prior authorization, the service shall be 4409
performed only pursuant to the written or verbal authorization of 4410
a physician or of the cooperating physician advisory board, or 4411
pursuant to an authorization transmitted through a direct 4412
communication device by a physician or registered nurse designated 4413
by a physician. 4414

(2) If communications fail during an emergency situation or 4415
the required response time prohibits communication, an EMT-basic 4416
may perform services subject to this division, if, in the judgment 4417
of the EMT-basic, the life of the patient is in immediate danger. 4418
Services performed under these circumstances shall be performed in 4419
accordance with the protocols for triage of adult and pediatric 4420
trauma victims established in rules adopted under sections 4765.11 4421
and 4765.40 of the Revised Code and any applicable protocols 4422
adopted by the emergency medical service organization with which 4423
the EMT-basic is affiliated. 4424

Sec. 4765.38. (A) An emergency medical 4425
technician-intermediate shall perform the emergency medical 4426
services described in this section in accordance with this chapter 4427
and any rules adopted under it. 4428

(B) An EMT-I may do any of the following: 4429

(1) Establish and maintain an intravenous lifeline that has 4430

been approved by a cooperating physician or physician advisory board; 4431
4432

(2) Perform cardiac monitoring; 4433

(3) Perform electrical interventions to support or correct the cardiac function; 4434
4435

(4) Administer epinephrine; 4436

(5) Determine triage of adult and pediatric trauma victims; 4437

(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code. 4438
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(C)(1) Except as provided in division (C)(2) of this section, the services described in division (B) of this section shall be performed by an EMT-I only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician or registered nurse designated by a physician. 4441
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(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-I may perform any of the services described in division (B) of this section, if, in the judgment of the EMT-I, the life of the patient is in immediate danger. Services performed under these circumstances shall be performed in accordance with the protocols for triage of adult and pediatric trauma victims established in rules adopted under sections 4765.11 and 4765.40 of the Revised Code and any applicable protocols adopted by the emergency medical service organization with which the EMT-I is affiliated. 4448
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(D) In addition to, and in the course of, providing emergency medical treatment, an emergency medical technician-intermediate may withdraw blood as provided under sections 1547.11, 4506.17, 4458
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4460

and 4511.19 of the Revised Code. An emergency medical 4461
technician-intermediate shall withdraw blood in accordance with 4462
this chapter and any rules adopted under it by the state board of 4463
emergency medical, fire, and transportation services. 4464

Sec. 4765.39. (A) An emergency medical technician-paramedic 4465
shall perform the emergency medical services described in this 4466
section in accordance with this chapter and any rules adopted 4467
under it. 4468

(B) A paramedic may do any of the following: 4469

(1) Perform cardiac monitoring; 4470

(2) Perform electrical interventions to support or correct 4471
the cardiac function; 4472

(3) Perform airway procedures; 4473

(4) Perform relief of pneumothorax; 4474

(5) Administer appropriate drugs and intravenous fluids; 4475

(6) Determine triage of adult and pediatric trauma victims; 4476

(7) Perform any other emergency medical services, including 4477
life support or intensive care techniques, approved pursuant to 4478
rules adopted under section 4765.11 of the Revised Code. 4479

(C)(1) Except as provided in division (C)(2) of this section, 4480
the services described in division (B) of this section shall be 4481
performed by a paramedic only pursuant to the written or verbal 4482
authorization of a physician or of the cooperating physician 4483
advisory board, or pursuant to an authorization transmitted 4484
through a direct communication device by a physician or registered 4485
nurse designated by a physician. 4486

(2) If communications fail during an emergency situation or 4487
the required response time prohibits communication, a paramedic 4488
may perform any of the services described in division (B) of this 4489

section, if, in the paramedic's judgment, the life of the patient 4490
is in immediate danger. Services performed under these 4491
circumstances shall be performed in accordance with the protocols 4492
for triage of adult and pediatric trauma victims established in 4493
rules adopted under sections 4765.11 and 4765.40 of the Revised 4494
Code and any applicable protocols adopted by the emergency medical 4495
service organization with which the paramedic is affiliated. 4496

(D) In addition to, and in the course of, providing emergency 4497
medical treatment, an emergency medical technician-paramedic may 4498
withdraw blood as provided under sections 1547.11, 4506.17, and 4499
4511.19 of the Revised Code. An emergency medical 4500
technician-paramedic shall withdraw blood in accordance with this 4501
chapter and any rules adopted under it by the state board of 4502
emergency medical, fire, and transportation services. 4503

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 4504
~~effective date of this amendment~~ November 3, 2000, the state board 4505
of emergency medical, fire, and transportation services shall 4506
adopt rules under section 4765.11 of the Revised Code establishing 4507
written protocols for the triage of adult and pediatric trauma 4508
victims. The rules shall define adult and pediatric trauma in a 4509
manner that is consistent with section 4765.01 of the Revised 4510
Code, minimizes overtriage and undertriage, and emphasizes the 4511
special needs of pediatric and geriatric trauma patients. 4512

(2) The state triage protocols adopted under division (A) of 4513
this section shall require a trauma victim to be transported 4514
directly to an adult or pediatric trauma center that is qualified 4515
to provide appropriate adult or pediatric trauma care, unless one 4516
or more of the following exceptions applies: 4517

(a) It is medically necessary to transport the victim to 4518
another hospital for initial assessment and stabilization before 4519
transfer to an adult or pediatric trauma center; 4520

(b) It is unsafe or medically inappropriate to transport the 4521
victim directly to an adult or pediatric trauma center due to 4522
adverse weather or ground conditions or excessive transport time; 4523

(c) Transporting the victim to an adult or pediatric trauma 4524
center would cause a shortage of local emergency medical service 4525
resources; 4526

(d) No appropriate adult or pediatric trauma center is able 4527
to receive and provide adult or pediatric trauma care to the 4528
trauma victim without undue delay; 4529

(e) Before transport of a patient begins, the patient 4530
requests to be taken to a particular hospital that is not a trauma 4531
center or, if the patient is less than eighteen years of age or is 4532
not able to communicate, such a request is made by an adult member 4533
of the patient's family or a legal representative of the patient. 4534

(3)(a) The state triage protocols adopted under division (A) 4535
of this section shall require trauma patients to be transported to 4536
an adult or pediatric trauma center that is able to provide 4537
appropriate adult or pediatric trauma care, but shall not require 4538
a trauma patient to be transported to a particular trauma center. 4539
The state triage protocols shall establish one or more procedures 4540
for evaluating whether an injury victim requires or would benefit 4541
from adult or pediatric trauma care, which procedures shall be 4542
applied by emergency medical service personnel based on the 4543
patient's medical needs. In developing state trauma triage 4544
protocols, the board shall consider relevant model triage rules 4545
and shall consult with the commission on minority health, regional 4546
directors, regional physician advisory boards, and appropriate 4547
medical, hospital, and emergency medical service organizations. 4548

(b) Before the joint committee on agency rule review 4549
considers state triage protocols for trauma victims proposed by 4550
the state board of emergency medical, fire, and transportation 4551

services, or amendments thereto, the board shall send a copy of 4552
the proposal to the Ohio chapter of the American college of 4553
emergency physicians, the Ohio chapter of the American college of 4554
surgeons, the Ohio chapter of the American academy of pediatrics, 4555
OHA: the association for hospitals and health systems, the Ohio 4556
osteopathic association, and the association of Ohio children's 4557
hospitals and shall hold a public hearing at which it must 4558
consider the appropriateness of the protocols to minimize 4559
overtriage and undertriage of trauma victims. 4560

(c) The board shall provide copies of the state triage 4561
protocols, and amendments to the protocols, to each emergency 4562
medical service organization, regional director, regional 4563
physician advisory board, certified emergency medical service 4564
instructor, and person who regularly provides medical direction to 4565
emergency medical service personnel in the state; to each medical 4566
service organization in other jurisdictions that regularly provide 4567
emergency medical services in this state; and to others upon 4568
request. 4569

(B)(1) The state board of emergency medical, fire, and 4570
transportation services shall approve regional protocols for the 4571
triage of adult and pediatric trauma victims, and amendments to 4572
such protocols, that are submitted to the board as provided in 4573
division (B)(2) of this section and provide a level of adult and 4574
pediatric trauma care comparable to the state triage protocols 4575
adopted under division (A) of this section. The board shall not 4576
otherwise approve regional triage protocols for trauma victims. 4577
The board shall not approve regional triage protocols for regions 4578
that overlap and shall resolve any such disputes by apportioning 4579
the overlapping territory among appropriate regions in a manner 4580
that best serves the medical needs of the residents of that 4581
territory. The trauma committee of the board shall have reasonable 4582
opportunity to review and comment on regional triage protocols and 4583

amendments to such protocols before the board approves or 4584
disapproves them. 4585

(2) Regional protocols for the triage of adult and pediatric 4586
trauma victims, and amendments to such protocols, shall be 4587
submitted in writing to the state board of emergency medical, 4588
fire, and transportation services by the regional physician 4589
advisory board or regional director, as appropriate, that serves a 4590
majority of the population in the region in which the protocols 4591
apply. Prior to submitting regional triage protocols, or an 4592
amendment to such protocols, to the state board of emergency 4593
medical, fire, and transportation services, a regional physician 4594
advisory board or regional director shall consult with each of the 4595
following that regularly serves the region in which the protocols 4596
apply: 4597

(a) Other regional physician advisory boards and regional 4598
directors; 4599

(b) Hospitals that operate an emergency facility; 4600

(c) Adult and pediatric trauma centers; 4601

(d) Professional societies of physicians who specialize in 4602
adult or pediatric emergency medicine or adult or pediatric trauma 4603
surgery; 4604

(e) Professional societies of nurses who specialize in adult 4605
or pediatric emergency nursing or adult or pediatric trauma 4606
surgery; 4607

(f) Professional associations or labor organizations of 4608
emergency medical service personnel; 4609

(g) Emergency medical service organizations and medical 4610
directors of such organizations; 4611

(h) Certified emergency medical service instructors. 4612

(3) Regional protocols for the triage of adult and pediatric 4613

trauma victims approved under division (B)(2) of this section 4614
shall require patients to be transported to a trauma center that 4615
is able to provide an appropriate level of adult or pediatric 4616
trauma care; shall not discriminate among trauma centers for 4617
reasons not related to a patient's medical needs; shall seek to 4618
minimize undertriage and overtriage; may include any of the 4619
exceptions in division (A)(2) of this section; and supersede the 4620
state triage protocols adopted under division (A) of this section 4621
in the region in which the regional protocols apply. 4622

(4) Upon approval of regional protocols for the triage of 4623
adult and pediatric trauma victims under division (B)(2) of this 4624
section, or an amendment to such protocols, the state board of 4625
emergency medical, fire, and transportation services shall provide 4626
written notice of the approval and a copy of the protocols or 4627
amendment to each entity in the region in which the protocols 4628
apply to which the board is required to send a copy of the state 4629
triage protocols adopted under division (A) of this section. 4630

(C)(1) The state board of emergency medical, fire, and 4631
transportation services shall review the state triage protocols 4632
adopted under division (A) of this section at least every three 4633
years to determine if they are causing overtriage or undertriage 4634
of trauma patients, and shall modify them as necessary to minimize 4635
overtriage and undertriage. 4636

(2) Each regional physician advisory board or regional 4637
director that has had regional triage protocols approved under 4638
division (B)(2) of this section shall review the protocols at 4639
least every three years to determine if they are causing 4640
overtriage or undertriage of trauma patients and shall submit an 4641
appropriate amendment to the state board, as provided in division 4642
(B) of this section, as necessary to minimize overtriage and 4643
undertriage. The state board shall approve the amendment if it 4644
will reduce overtriage or undertriage while complying with 4645

division (B) of this section, and shall not otherwise approve the 4646
amendment. 4647

(D) No provider of emergency medical services or person who 4648
provides medical direction to emergency medical service personnel 4649
in this state shall fail to comply with the state triage protocols 4650
adopted under division (A) of this section or applicable regional 4651
triage protocols approved under division (B)(2) of this section. 4652

(E) The state board of emergency medical, fire, and 4653
transportation services shall adopt rules under section 4765.11 of 4654
the Revised Code that provide for enforcement of the state triage 4655
protocols adopted under division (A) of this section and regional 4656
triage protocols approved under division (B)(2) of this section, 4657
and for education regarding those protocols for emergency medical 4658
service organizations and personnel, regional directors and 4659
regional physician advisory boards, emergency medical service 4660
instructors, and persons who regularly provide medical direction 4661
to emergency medical service personnel in this state. 4662

Sec. 4765.42. Each emergency medical service organization 4663
shall give notice of the name of its medical director or the names 4664
of the members of its cooperating physician advisory board to the 4665
state board of emergency medical, fire, and transportation 4666
services. The notice shall be made in writing. 4667

Sec. 4765.48. The attorney general, the prosecuting attorney 4668
of the county, or the city director of law shall, upon complaint 4669
of the state board of emergency medical, fire, and transportation 4670
services, prosecute to termination or bring an action for 4671
injunction against any person violating this chapter or the rules 4672
adopted under it. The common pleas court in which an action for 4673
injunction is filed has the jurisdiction to grant injunctive 4674
relief upon a showing that the respondent named in the complaint 4675

is in violation of this chapter or the rules adopted under it. 4676

Sec. 4765.49. (A) A first responder, emergency medical 4677
technician-basic, emergency medical technician-intermediate, or 4678
emergency medical technician-paramedic is not liable in damages in 4679
a civil action for injury, death, or loss to person or property 4680
resulting from the individual's administration of emergency 4681
medical services, unless the services are administered in a manner 4682
that constitutes willful or wanton misconduct. A physician or 4683
registered nurse designated by a physician, who is advising or 4684
assisting in the emergency medical services by means of any 4685
communication device or telemetering system, is not liable in 4686
damages in a civil action for injury, death, or loss to person or 4687
property resulting from the individual's advisory communication or 4688
assistance, unless the advisory communication or assistance is 4689
provided in a manner that constitutes willful or wanton 4690
misconduct. Medical directors and members of cooperating physician 4691
advisory boards of emergency medical service organizations are not 4692
liable in damages in a civil action for injury, death, or loss to 4693
person or property resulting from their acts or omissions in the 4694
performance of their duties, unless the act or omission 4695
constitutes willful or wanton misconduct. 4696

(B) A political subdivision, joint ambulance district, joint 4697
emergency medical services district, or other public agency, and 4698
any officer or employee of a public agency or of a private 4699
organization operating under contract or in joint agreement with 4700
one or more political subdivisions, that provides emergency 4701
medical services, or that enters into a joint agreement or a 4702
contract with the state, any political subdivision, joint 4703
ambulance district, or joint emergency medical services district 4704
for the provision of emergency medical services, is not liable in 4705
damages in a civil action for injury, death, or loss to person or 4706
property arising out of any actions taken by a first responder, 4707

EMT-basic, EMT-I, or paramedic working under the officer's or 4708
employee's jurisdiction, or for injury, death, or loss to person 4709
or property arising out of any actions of licensed medical 4710
personnel advising or assisting the first responder, EMT-basic, 4711
EMT-I, or paramedic, unless the services are provided in a manner 4712
that constitutes willful or wanton misconduct. 4713

(C) A student who is enrolled in an emergency medical 4714
services training program accredited under section 4765.17 of the 4715
Revised Code or an emergency medical services continuing education 4716
program approved under that section is not liable in damages in a 4717
civil action for injury, death, or loss to person or property 4718
resulting from either of the following: 4719

(1) The student's administration of emergency medical 4720
services or patient care or treatment, if the services, care, or 4721
treatment is administered while the student is under the direct 4722
supervision and in the immediate presence of an EMT-basic, EMT-I, 4723
paramedic, registered nurse, or physician and while the student is 4724
receiving clinical training that is required by the program, 4725
unless the services, care, or treatment is provided in a manner 4726
that constitutes willful or wanton misconduct; 4727

(2) The student's training as an ambulance driver, unless the 4728
driving is done in a manner that constitutes willful or wanton 4729
misconduct. 4730

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 4731
holds a valid commercial driver's license issued pursuant to 4732
Chapter 4506. of the Revised Code or driver's license issued 4733
pursuant to Chapter 4507. of the Revised Code and who is employed 4734
by an emergency medical service organization that is not owned or 4735
operated by a political subdivision as defined in section 2744.01 4736
of the Revised Code, is not liable in damages in a civil action 4737
for injury, death, or loss to person or property that is caused by 4738
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 4739

or other operator while responding to or completing a call for 4740
emergency medical services, unless the operation constitutes 4741
willful or wanton misconduct or does not comply with the 4742
precautions of section 4511.03 of the Revised Code. An emergency 4743
medical service organization is not liable in damages in a civil 4744
action for any injury, death, or loss to person or property that 4745
is caused by the operation of an ambulance by its employee or 4746
agent, if this division grants the employee or agent immunity from 4747
civil liability for the injury, death, or loss. 4748

(E) An employee or agent of an emergency medical service 4749
organization who receives requests for emergency medical services 4750
that are directed to the organization, dispatches first 4751
responders, EMTs-basic, EMTs-I, or paramedics in response to those 4752
requests, communicates those requests to those employees or agents 4753
of the organization who are authorized to dispatch first 4754
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 4755
combination of these functions for the organization, is not liable 4756
in damages in a civil action for injury, death, or loss to person 4757
or property resulting from the individual's acts or omissions in 4758
the performance of those duties for the organization, unless an 4759
act or omission constitutes willful or wanton misconduct. 4760

(F) A person who is performing the functions of a first 4761
responder, EMT-basic, EMT-I, or paramedic under the authority of 4762
the laws of a state that borders this state and who provides 4763
emergency medical services to or transportation of a patient in 4764
this state is not liable in damages in a civil action for injury, 4765
death, or loss to person or property resulting from the person's 4766
administration of emergency medical services, unless the services 4767
are administered in a manner that constitutes willful or wanton 4768
misconduct. A physician or registered nurse designated by a 4769
physician, who is licensed to practice in the adjoining state and 4770
who is advising or assisting in the emergency medical services by 4771

means of any communication device or telemetering system is not 4772
liable in damages in a civil action for injury, death, or loss to 4773
person or property resulting from the person's advisory 4774
communication or assistance, unless the advisory communication or 4775
assistance is provided in a manner that constitutes willful or 4776
wanton misconduct. 4777

(G) A person certified under section 4765.23 of the Revised 4778
Code to teach in an emergency medical services training program or 4779
emergency medical services continuing education program, and a 4780
person who teaches at the Ohio fire academy established under 4781
section 3737.33 of the Revised Code or in a fire service training 4782
program described in division (A) of section 4765.55 of the 4783
Revised Code, is not liable in damages in a civil action for 4784
injury, death, or loss to person or property resulting from the 4785
person's acts or omissions in the performance of the person's 4786
duties, unless an act or omission constitutes willful or wanton 4787
misconduct. 4788

(H) In the accreditation of emergency medical services 4789
training programs or approval of emergency medical services 4790
continuing education programs, the state board of emergency 4791
medical, fire, and transportation services and any person or 4792
entity authorized by the board to evaluate applications for 4793
accreditation or approval are not liable in damages in a civil 4794
action for injury, death, or loss to person or property resulting 4795
from their acts or omissions in the performance of their duties, 4796
unless an act or omission constitutes willful or wanton 4797
misconduct. 4798

(I) A person authorized by an emergency medical service 4799
organization to review the performance of first responders, 4800
EMTs-basic, EMTs-I, and paramedics or to administer quality 4801
assurance programs is not liable in damages in a civil action for 4802
injury, death, or loss to person or property resulting from the 4803

person's acts or omissions in the performance of the person's 4804
duties, unless an act or omission constitutes willful or wanton 4805
misconduct. 4806

Sec. 4765.55. (A) The executive director of the state board 4807
of emergency medical, fire, and transportation services, with the 4808
advice and counsel of the firefighter and fire safety inspector 4809
training committee of the state board of emergency medical, fire, 4810
and transportation services, shall assist in the establishment and 4811
maintenance by any state agency, or any county, township, city, 4812
village, school district, or educational service center of a fire 4813
service training program for the training of all persons in 4814
positions of any fire training certification level approved by the 4815
executive director, including full-time paid firefighters, 4816
part-time paid firefighters, volunteer firefighters, and fire 4817
safety inspectors in this state. The executive director, with the 4818
advice and counsel of the committee, shall adopt rules to regulate 4819
those firefighter and fire safety inspector training programs, and 4820
other training programs approved by the executive director. The 4821
rules may include, but need not be limited to, training 4822
curriculum, certification examinations, training schedules, 4823
minimum hours of instruction, attendance requirements, required 4824
equipment and facilities, basic physical requirements, and methods 4825
of training for all persons in positions of any fire training 4826
certification level approved by the executive director, including 4827
full-time paid firefighters, part-time paid firefighters, 4828
volunteer firefighters, and fire safety inspectors. The rules 4829
adopted to regulate training programs for volunteer firefighters 4830
shall not require more than thirty-six hours of training. 4831

The executive director, with the advice and counsel of the 4832
committee, shall provide for the classification and chartering of 4833
fire service training programs in accordance with rules adopted 4834
under division (B) of this section, and may take action against 4835

any chartered training program or applicant, in accordance with 4836
rules adopted under divisions (B)(4) and (5) of this section, for 4837
failure to meet standards set by the adopted rules. 4838

(B) The executive director, with the advice and counsel of 4839
the firefighter and fire safety inspector training committee of 4840
the state board of emergency medical, fire, and transportation 4841
services, shall adopt, and may amend or rescind, rules under 4842
Chapter 119. of the Revised Code that establish all of the 4843
following: 4844

(1) Requirements for, and procedures for chartering, the 4845
training programs regulated by this section; 4846

(2) Requirements for, and requirements and procedures for 4847
obtaining and renewing, an instructor certificate to teach the 4848
training programs and continuing education classes regulated by 4849
this section; 4850

(3) Requirements for, and requirements and procedures for 4851
obtaining and renewing, any of the fire training certificates 4852
regulated by this section; 4853

(4) Grounds and procedures for suspending, revoking, 4854
restricting, or refusing to issue or renew any of the certificates 4855
or charters regulated by this section, which grounds shall be 4856
limited to one of the following: 4857

(a) Failure to satisfy the education or training requirements 4858
of this section; 4859

(b) Conviction of a felony offense; 4860

(c) Conviction of a misdemeanor involving moral turpitude; 4861

(d) Conviction of a misdemeanor committed in the course of 4862
practice; 4863

(e) In the case of a chartered training program or applicant, 4864
failure to meet standards set by the rules adopted under this 4865

division. 4866

(5) Grounds and procedures for imposing and collecting fines, 4867
not to exceed one thousand dollars, in relation to actions taken 4868
under division (B)(4) of this section against persons holding 4869
certificates and charters regulated by this section, the fines to 4870
be deposited into the trauma and emergency medical services fund 4871
established under section 4513.263 of the Revised Code; 4872

(6) Continuing education requirements for certificate 4873
holders, including a requirement that credit shall be granted for 4874
in-service training programs conducted by local entities; 4875

(7) Procedures for considering the granting of an extension 4876
or exemption of fire service continuing education requirements; 4877

(8) Certification cycles for which the certificates and 4878
charters regulated by this section are valid. 4879

(C) The executive director, with the advice and counsel of 4880
the firefighter and fire safety inspector training committee of 4881
the state board of emergency medical, fire, and transportation 4882
services, shall issue or renew an instructor certificate to teach 4883
the training programs and continuing education classes regulated 4884
by this section to any applicant that the executive director 4885
determines meets the qualifications established in rules adopted 4886
under division (B) of this section, and may take disciplinary 4887
action against an instructor certificate holder or applicant in 4888
accordance with rules adopted under division (B) of this section. 4889
The executive director, with the advice and counsel of the 4890
committee, shall charter or renew the charter of any training 4891
program that the executive director determines meets the 4892
qualifications established in rules adopted under division (B) of 4893
this section, and may take disciplinary action against the holder 4894
of a charter in accordance with rules adopted under division (B) 4895
of this section. 4896

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form prescribed by the executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services.

(F)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall establish criteria for evaluating the standards maintained by other states and the branches of the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the executive director, to determine whether the standards are equivalent to those established under this section and shall establish requirements and procedures for issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section

4765.11 of the Revised Code does not affect any powers and duties 4929
granted to the executive director under this section. 4930

Sec. 4765.56. On receipt of a notice pursuant to section 4931
3123.43 of the Revised Code, the state board of emergency medical, 4932
fire, and transportation services shall comply with sections 4933
3123.41 to 3123.50 of the Revised Code and any applicable rules 4934
adopted under section 3123.63 of the Revised Code with respect to 4935
a certificate to practice issued pursuant to this chapter. 4936

Sec. 4766.01. As used in this chapter: 4937

(A) "Advanced life support" means treatment described in 4938
section 4765.39 of the Revised Code that a paramedic is certified 4939
to perform. 4940

(B) "Air medical service organization" means an organization 4941
that furnishes, conducts, maintains, advertises, promotes, or 4942
otherwise engages in providing medical services with a rotorcraft 4943
air ambulance or fixed wing air ambulance. 4944

(C) "Air medical transportation" means the transporting of a 4945
patient by rotorcraft air ambulance or fixed wing air ambulance 4946
with appropriately licensed and certified medical personnel. 4947

(D) "Ambulance" means any motor vehicle that is specifically 4948
designed, constructed, or modified and equipped and is intended to 4949
be used to provide basic life support, intermediate life support, 4950
advanced life support, or mobile intensive care unit services and 4951
transportation upon the streets or highways of this state of 4952
persons who are seriously ill, injured, wounded, or otherwise 4953
incapacitated or helpless. "Ambulance" does not include air 4954
medical transportation or a vehicle designed and used solely for 4955
the transportation of nonstretcher-bound persons, whether 4956
hospitalized or handicapped or whether ambulatory or confined to a 4957
wheelchair. 4958

(E) "Ambulette" means a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for transportation upon the streets or highways of this state of persons who require use of a wheelchair.

(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to perform.

(G) "Disaster situation" means any condition or situation described by rule of the ~~Ohio~~ state board of emergency medical, fire, and transportation board services as a mass casualty, major emergency, natural disaster, or national emergency.

(H) "Emergency medical service organization" means an organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, or paramedics, or a combination of ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, and paramedics, to provide medical care to victims of illness or injury. An emergency medical service organization includes, but is not limited to, a commercial ambulance service organization, a hospital, and a funeral home.

(I) "~~EMT-basic~~ EMT," "~~EMT-I~~ AEMT," and "paramedic" have the same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the Revised Code.

(J) "Fixed wing air ambulance" means a fixed wing aircraft that is specifically designed, constructed, or modified and equipped and is intended to be used as a means of air medical transportation.

(K) "Intermediate life support" means treatment described in section 4765.38 of the Revised Code that an ~~EMT-I~~ AEMT is certified to perform.

(L) "Major emergency" means any emergency event that cannot be resolved through the use of locally available emergency resources.

(M) "Mass casualty" means an emergency event that results in 4990
ten or more persons being injured, incapacitated, made ill, or 4991
killed. 4992

(N) "Medical emergency" means an unforeseen event affecting 4993
an individual in such a manner that a need for immediate care is 4994
created. 4995

(O) "Mobile intensive care unit" means an ambulance used only 4996
for maintaining specialized or intensive care treatment and used 4997
primarily for interhospital transports of patients whose 4998
conditions require care beyond the scope of a paramedic as 4999
provided in section 4765.39 of the Revised Code. 5000

(P)(1) "Nonemergency medical service organization" means a 5001
person that does both of the following: 5002

(a) Provides services to the public on a regular basis for 5003
the purpose of transporting individuals who require the use of a 5004
wheelchair or are confined to a wheelchair to receive health care 5005
services at health care facilities or health care practitioners' 5006
offices in nonemergency circumstances; 5007

(b) Provides the services for a fee, regardless of whether 5008
the fee is paid by the person being transported, a third party 5009
payer, as defined in section 3702.51 of the Revised Code, or any 5010
other person or government entity. 5011

(2) "Nonemergency medical service organization" does not 5012
include a health care facility, as defined in section 1751.01 of 5013
the Revised Code, that provides ambulette services only to 5014
patients of that facility. 5015

(Q) "Nontransport vehicle" means a motor vehicle operated by 5016
a licensed emergency medical service organization not as an 5017
ambulance, but as a vehicle for providing services in conjunction 5018
with the ambulances operated by the organization or other 5019
emergency medical service organizations. 5020

(R) "Patient" means any individual who as a result of illness 5021
or injury needs medical attention, whose physical or mental 5022
condition is such that there is imminent danger of loss of life or 5023
significant health impairment, who may be otherwise incapacitated 5024
or helpless as a result of a physical or mental condition, or 5025
whose physical condition requires the use of a wheelchair. 5026

(S) "Rotorcraft air ambulance" means a helicopter or other 5027
aircraft capable of vertical takeoffs, vertical landings, and 5028
hovering that is specifically designed, constructed, or modified 5029
and equipped and is intended to be used as a means of air medical 5030
transportation. 5031

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical, 5032
fire, and transportation board services shall adopt rules, in 5033
accordance with Chapter 119. of the Revised Code, implementing the 5034
requirements of this chapter. The rules shall include provisions 5035
relating to the following: 5036

(1) Requirements for an emergency medical service 5037
organization to receive a permit for an ambulance or nontransport 5038
vehicle; 5039

(2) Requirements for an emergency medical service 5040
organization to receive a license as a basic life-support, 5041
intermediate life-support, advanced life-support, or mobile 5042
intensive care unit organization; 5043

(3) Requirements for a nonemergency medical service 5044
organization to receive a permit for an ambulette vehicle; 5045

(4) Requirements for a nonemergency medical service 5046
organization to receive a license for an ambulette service; 5047

(5) Requirements for an air medical service organization to 5048
receive a permit for a rotorcraft air ambulance or fixed wing air 5049
ambulance; 5050

(6) Requirements for licensure of air medical service organizations;	5051 5052
(7) Forms for applications and renewals of licenses and permits;	5053 5054
(8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;	5055 5056
(9) Fee amounts for licenses and permits, and their renewals;	5057
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	5058 5059
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	5060 5061 5062
(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle or aircraft the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle or aircraft;	5063 5064 5065 5066 5067 5068 5069 5070 5071
(13) The level of care each type of emergency medical service organization, nonemergency medical service organization, and air medical service organization is authorized to provide;	5072 5073 5074
(14) Eligibility requirements for employment as an ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulette driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final	5075 5076 5077 5078 5079 5080

consideration for employment. 5081

(15) Any other rules that the board determines necessary for 5082
the implementation and enforcement of this chapter. 5083

(B) In the rules for ambulances and nontransport vehicles 5084
adopted under division (A)(12) of this section, the board may 5085
establish requirements that vary according to whether the 5086
emergency medical service organization using the vehicles is 5087
licensed as a basic life-support, intermediate life-support, 5088
advanced life-support, or mobile intensive care unit organization. 5089

(C) A mobile intensive care unit that is not dually certified 5090
to provide advanced life-support and meets the requirements of the 5091
rules adopted under this section is not required to carry 5092
immobilization equipment, including board splint kits, traction 5093
splints, backboards, backboard straps, cervical immobilization 5094
devices, cervical collars, stair chairs, folding cots, or other 5095
types of immobilization equipment determined by the board to be 5096
unnecessary for mobile intensive care units. 5097

A mobile intensive care unit is exempt from the emergency 5098
medical technician staffing requirements of section 4765.43 of the 5099
Revised Code when it is staffed by at least one physician or 5100
registered nurse and another person, designated by a physician, 5101
who holds a valid license or certificate to practice in a health 5102
care profession, and when at least one of the persons staffing the 5103
mobile intensive care unit is a registered nurse whose training 5104
meets or exceeds the training required for a paramedic. 5105

Sec. 4766.04. (A) Except as otherwise provided in this 5106
chapter, no person shall furnish, operate, conduct, maintain, 5107
advertise, engage in, or propose or profess to engage in the 5108
business or service in this state of transporting persons who are 5109
seriously ill, injured, or otherwise incapacitated or who require 5110
the use of a wheelchair or are confined to a wheelchair unless the 5111

person is licensed pursuant to this section. 5112

(B) To qualify for a license as a basic life-support, 5113
intermediate life-support, advanced life-support, or mobile 5114
intensive care unit organization, an emergency medical service 5115
organization shall do all of the following: 5116

(1) Apply for a permit for each ambulance and nontransport 5117
vehicle owned or leased as provided in section 4766.07 of the 5118
Revised Code; 5119

(2) Meet all requirements established in rules adopted by the 5120
~~Ohio state board of emergency~~ medical, fire, and transportation 5121
~~board services~~ regarding ambulances and nontransport vehicles, 5122
including requirements pertaining to equipment, communications 5123
systems, staffing, and level of care the particular organization 5124
is permitted to render; 5125

(3) Maintain the appropriate type and amount of insurance as 5126
specified in section 4766.06 of the Revised Code; 5127

(4) Meet all other requirements established under rules 5128
adopted by the board for the particular license. 5129

(C) To qualify for a license to provide ambulette service, a 5130
nonemergency medical service organization shall do all of the 5131
following: 5132

(1) Apply for a permit for each ambulette owned or leased as 5133
provided in section 4766.07 of the Revised Code; 5134

(2) Meet all requirements established in rules adopted by the 5135
~~Ohio state board of emergency~~ medical, fire, and transportation 5136
~~board services~~ regarding ambulettes, including requirements 5137
pertaining to equipment, communication systems, staffing, and 5138
level of care the organization is permitted to render; 5139

(3) Maintain the appropriate type and amount of insurance as 5140
specified in section 4766.06 of the Revised Code; 5141

(4) Meet all other requirements established under rules 5142
adopted by the board for the license. 5143

(D) To qualify for a license to provide air medical 5144
transportation, an air medical service organization shall do all 5145
of the following: 5146

(1) Apply for a permit for each rotorcraft air ambulance and 5147
fixed wing air ambulance owned or leased as provided in section 5148
4766.07 of the Revised Code; 5149

(2) Meet all requirements established in rules adopted by the 5150
~~Ohio~~ state board of emergency medical, fire, and transportation 5151
~~board~~ services regarding rotorcraft air ambulances and fixed wing 5152
air ambulances, including requirements pertaining to equipment, 5153
communication systems, staffing, and level of care the 5154
organization is permitted to render; 5155

(3) Maintain the appropriate type and amount of insurance as 5156
specified in section 4766.06 of the Revised Code; 5157

(4) Meet all other requirements established under rules 5158
adopted by the board for the license. 5159

(E) An emergency medical service organization that applies 5160
for a license as a basic life-support, intermediate life-support, 5161
advanced life-support, or mobile intensive care unit organization; 5162
a nonemergency medical service organization that applies for a 5163
license to provide ambulance service; or an air medical service 5164
organization that applies for a license to provide air medical 5165
transportation shall submit a completed application to the board, 5166
on a form provided by the board for each particular license, 5167
together with the appropriate fees established under section 5168
4766.05 of the Revised Code. The application form shall include 5169
all of the following: 5170

(1) The name and business address of the operator of the 5171
organization for which licensure is sought; 5172

(2) The name under which the applicant will operate the organization;	5173 5174
(3) A list of the names and addresses of all officers and directors of the organization;	5175 5176
(4) For emergency medical service organizations and nonemergency medical service organizations, a description of each vehicle to be used, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle;	5177 5178 5179 5180 5181 5182
(5) For air medical service organizations using fixed wing air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, and aircraft hours on airframe;	5183 5184 5185 5186
(6) For air medical service organizations using rotorcraft air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, aircraft hours on airframe, aircraft identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's rotorcraft air ambulance;	5187 5188 5189 5190 5191 5192
(7) The location and description of each place from which the organization will operate;	5193 5194
(8) A description of the geographic area to be served by the applicant;	5195 5196
(9) Any other information the board, by rule, determines necessary.	5197 5198
(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the	5199 5200 5201 5202

board shall approve or deny the application. The board shall deny 5203
an application if it determines that the applicant does not meet 5204
the requirements of this chapter or any rules adopted under it. 5205
The board shall send notice of the denial of an application by 5206
certified mail to the applicant. The applicant may request a 5207
hearing within ten days after receipt of the notice. If the board 5208
receives a timely request, it shall hold a hearing in accordance 5209
with Chapter 119. of the Revised Code. 5210

(G) If an applicant or licensee operates or plans to operate 5211
an organization in more than one location under the same or 5212
different identities, the applicant or licensee shall apply for 5213
and meet all requirements for licensure or renewal of a license, 5214
other than payment of a license fee or renewal fee, for operating 5215
the organization at each separate location. An applicant or 5216
licensee that operates or plans to operate under the same 5217
organization identity in separate locations shall pay only a 5218
single license fee. 5219

(H) An emergency medical service organization that wishes to 5220
provide ambulance services to the public must apply for a separate 5221
license under division (C) of this section. 5222

(I) Each license issued under this section and each permit 5223
issued under section 4766.07 of the Revised Code expires one year 5224
after the date of issuance and may be renewed in accordance with 5225
the standard renewal procedures of Chapter 4745. of the Revised 5226
Code. An application for renewal shall include the license or 5227
permit renewal fee established under section 4766.05 of the 5228
Revised Code. An applicant for renewal of a permit also shall 5229
submit to the board proof of an annual inspection of the vehicle 5230
or aircraft for which permit renewal is sought. The board shall 5231
renew a license if the applicant meets the requirements for 5232
licensure and shall renew a permit if the applicant and vehicle or 5233
aircraft meet the requirements to maintain a permit for that 5234

vehicle or aircraft. 5235

(J) Each licensee shall maintain accurate records of all 5236
service responses conducted. The records shall be maintained on 5237
forms prescribed by the board and shall contain information as 5238
specified by rule by the board. 5239

Sec. 4766.05. (A) The ~~Ohio~~ state board of emergency medical, 5240
fire, and transportation board services shall establish by rule a 5241
license fee, a permit fee for each ambulance, ambulette, 5242
rotorcraft air ambulance, fixed wing air ambulance, and 5243
nontransport vehicle owned or leased by the licensee that is or 5244
will be used as provided in section 4766.07 of the Revised Code, 5245
and fees for renewals of licenses and permits, taking into 5246
consideration the actual costs incurred by the board in carrying 5247
out its duties under this chapter. However, the fee for each 5248
license and each renewal of a license shall not exceed one hundred 5249
dollars, and the fee for each permit and each renewal of a permit 5250
shall not exceed one hundred dollars for each ambulance, 5251
rotorcraft air ambulance, fixed wing air ambulance, and 5252
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 5253
~~a permit shall be twenty five dollars for each ambulette for one~~ 5254
~~year after March 9, 2004. Thereafter,~~ the board shall determine by 5255
rule the fee, which shall not exceed fifty dollars, for each 5256
permit and each renewal of a permit for each ambulette. For 5257
purposes of establishing fees, "actual costs" includes the costs 5258
of salaries, expenses, inspection equipment, supervision, and 5259
program administration. 5260

(B) The board shall deposit all fees and other moneys 5261
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 5262
the Revised Code in the state treasury to the credit of the 5263
~~occupational licensing trauma and regulatory emergency medical~~ 5264
services fund, which is created by section ~~4743.05~~ 4513.263 of the 5265

Revised Code. ~~All moneys from the fund shall be used solely for~~ 5266
~~the salaries and expenses of the board incurred in implementing~~ 5267
~~and enforcing this chapter.~~ 5268

(C) The board, subject to the approval of the controlling 5269
board, may establish fees in excess of the maximum amounts allowed 5270
under division (A) of this section, but such fees shall not exceed 5271
those maximum amounts by more than fifty per cent. 5272

Sec. 4766.07. (A) Except as otherwise provided by rule of the 5273
~~Ohio state board of emergency medical, fire, and transportation~~ 5274
~~board services~~, each emergency medical service organization, 5275
nonemergency medical service organization, and air medical service 5276
organization subject to licensure under this chapter shall possess 5277
a valid permit for each ambulance, ambulette, rotorcraft air 5278
ambulance, fixed wing air ambulance, and nontransport vehicle it 5279
owns or leases that is or will be used by the licensee to perform 5280
the services permitted by the license. Each licensee and license 5281
applicant shall submit the appropriate fee and an application for 5282
a permit for each ambulance, ambulette, rotorcraft air ambulance, 5283
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 5284
~~state board of emergency medical, fire, and transportation board~~ 5285
~~services~~ on forms provided by the board. The application shall 5286
include documentation that the vehicle or aircraft meets the 5287
appropriate standards set by the board, that the vehicle or 5288
aircraft has been inspected pursuant to division (C) of this 5289
section, that the permit applicant maintains insurance as provided 5290
in section 4766.06 of the Revised Code, and that the vehicle or 5291
aircraft and permit applicant meet any other requirements 5292
established under rules adopted by the board. 5293

The ~~Ohio state board of emergency medical, fire, and~~ 5294
~~transportation board services~~ may adopt rules in accordance with 5295
Chapter 119. of the Revised Code to authorize the temporary use of 5296

a vehicle or aircraft for which a permit is not possessed under 5297
this section in back-up or disaster situations. 5298

(B)(1) Within sixty days after receiving a completed 5299
application for a permit, the board shall issue or deny the 5300
permit. The board shall deny an application if it determines that 5301
the permit applicant, vehicle, or aircraft does not meet the 5302
requirements of this chapter and the rules adopted under it that 5303
apply to permits for ambulances, ambulettes, rotorcraft air 5304
ambulances, fixed wing air ambulances, and nontransport vehicles. 5305
The board shall send notice of the denial of an application by 5306
certified mail to the permit applicant. The permit applicant may 5307
request a hearing within ten days after receipt of the notice. If 5308
the board receives a timely request, it shall hold a hearing in 5309
accordance with Chapter 119. of the Revised Code. 5310

(2) If the board issues the vehicle permit for an ambulance, 5311
ambulette, or nontransport vehicle, it also shall issue a decal, 5312
in a form prescribed by rule, to be displayed on the rear window 5313
of the vehicle. The board shall not issue a decal until all of the 5314
requirements for licensure and permit issuance have been met. 5315

(3) If the board issues the aircraft permit for a rotorcraft 5316
air ambulance or fixed wing air ambulance, it also shall issue a 5317
decal, in a form prescribed by rule, to be displayed on the left 5318
fuselage aircraft window in a manner that complies with all 5319
applicable federal aviation regulations. The board shall not issue 5320
a decal until all of the requirements for licensure and permit 5321
issuance have been met. 5322

(C) In addition to any other requirements that the board 5323
establishes by rule, a licensee or license applicant applying for 5324
an initial vehicle or aircraft permit under division (A) of this 5325
section shall submit to the board the vehicle or aircraft for 5326
which the permit is sought. Thereafter, a licensee shall annually 5327
submit to the board each vehicle or aircraft for which a permit 5328

has been issued. 5329

(1) The board shall conduct a physical inspection of an 5330
ambulance, ambulette, or nontransport vehicle to determine its 5331
roadworthiness and compliance with standard motor vehicle 5332
requirements. 5333

(2) The board shall conduct a physical inspection of the 5334
medical equipment, communication system, and interior of an 5335
ambulance to determine the operational condition and safety of the 5336
equipment and the ambulance's interior and to determine whether 5337
the ambulance is in compliance with the federal requirements for 5338
ambulance construction that were in effect at the time the 5339
ambulance was manufactured, as specified by the general services 5340
administration in the various versions of its publication titled 5341
"federal specification for the star-of-life ambulance, 5342
KKK-A-1822." 5343

(3) The board shall conduct a physical inspection of the 5344
equipment, communication system, and interior of an ambulette to 5345
determine the operational condition and safety of the equipment 5346
and the ambulette's interior and to determine whether the 5347
ambulette is in compliance with state requirements for ambulette 5348
construction. The board shall determine by rule requirements for 5349
the equipment, communication system, interior, and construction of 5350
an ambulette. 5351

(4) The board shall conduct a physical inspection of the 5352
medical equipment, communication system, and interior of a 5353
rotorcraft air ambulance or fixed wing air ambulance to determine 5354
the operational condition and safety of the equipment and the 5355
aircraft's interior. 5356

(5) The board shall issue a certificate to the applicant for 5357
each vehicle or aircraft that passes the inspection and may assess 5358
a fee for each inspection, as established by the board. 5359

(6) The board shall adopt rules regarding the implementation 5360
and coordination of inspections. The rules may permit the board to 5361
contract with a third party to conduct the inspections required of 5362
the board under this section. 5363

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical, 5364
fire, and transportation board may services, pursuant to an 5365
adjudication conducted in accordance with Chapter 119. of the 5366
Revised Code, may suspend or revoke any license or permit or 5367
renewal thereof issued under this chapter for any one or 5368
combination of the following causes: 5369

(1) Violation of this chapter or any rule adopted thereunder; 5370

(2) Refusal to permit the board to inspect a vehicle or 5371
aircraft used under the terms of a permit or to inspect the 5372
records or physical facilities of a licensee; 5373

(3) Failure to meet the ambulance, ambulette, rotorcraft air 5374
ambulance, fixed wing air ambulance, and nontransport vehicle 5375
requirements specified in this chapter or the rules adopted 5376
thereunder; 5377

(4) Violation of an order issued by the board; 5378

(5) Failure to comply with any of the terms of an agreement 5379
entered into with the board regarding the suspension or revocation 5380
of a license or permit or the imposition of a penalty under this 5381
section. 5382

(B) If the board determines that the records, record-keeping 5383
procedures, or physical facilities of a licensee, or an ambulance, 5384
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 5385
nontransport vehicle for which a valid permit has been issued, do 5386
not meet the standards specified in this chapter and the rules 5387
adopted thereunder, the board shall notify the licensee of any 5388
deficiencies within thirty days of finding the deficiencies. If 5389

the board determines that the deficiencies exist and they remain 5390
uncorrected after thirty days, the board may suspend the license, 5391
vehicle permit, or aircraft permit. The licensee, notwithstanding 5392
the suspension under this division, may operate until all appeals 5393
have been exhausted. 5394

(C) At the discretion of the board, a licensee whose license 5395
has been suspended or revoked under this section may be ineligible 5396
to be licensed under this chapter for a period of not more than 5397
three years from the date of the violation, provided that the 5398
board shall make no determination on a period of ineligibility 5399
until all the licensee's appeals relating to the suspension or 5400
revocation have been exhausted. 5401

(D) The board may, in addition to any other action taken 5402
under this section and after a hearing conducted pursuant to 5403
Chapter 119. of the Revised Code, impose a penalty of not more 5404
than fifteen hundred dollars for any violation specified in this 5405
section. The attorney general shall institute a civil action for 5406
the collection of any such penalty imposed. 5407

Sec. 4766.09. This chapter does not apply to any of the 5408
following: 5409

(A) A person rendering services with an ambulance in the 5410
event of a disaster situation when licensees' vehicles based in 5411
the locality of the disaster situation are incapacitated or 5412
insufficient in number to render the services needed; 5413

(B) Any person operating an ambulance, ambulette, rotorcraft 5414
air ambulance, or fixed wing air ambulance outside this state 5415
unless receiving a person within this state for transport to a 5416
location within this state; 5417

(C) A publicly owned or operated emergency medical service 5418
organization and the vehicles it owns or leases and operates, 5419

except as provided in section 307.051, division (G) of section 5420
307.055, division (F) of section 505.37, division (B) of section 5421
505.375, and division (B)(3) of section 505.72 of the Revised 5422
Code; 5423

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 5424
wing air ambulance, or nontransport vehicle owned or leased and 5425
operated by the federal government; 5426

(E) A publicly owned and operated fire department vehicle; 5427

(F) Emergency vehicles owned by a corporation and operating 5428
only on the corporation's premises, for the sole use by that 5429
corporation; 5430

(G) An ambulance, nontransport vehicle, or other emergency 5431
medical service organization vehicle owned and operated by a 5432
municipal corporation; 5433

(H) A motor vehicle titled in the name of a volunteer rescue 5434
service organization, as defined in section 4503.172 of the 5435
Revised Code; 5436

(I) A public emergency medical service organization; 5437

(J) A fire department, rescue squad, or life squad comprised 5438
of volunteers who provide services without expectation of 5439
remuneration and do not receive payment for services other than 5440
reimbursement for expenses; 5441

(K) A private, nonprofit emergency medical service 5442
organization when fifty per cent or more of its personnel are 5443
volunteers, as defined in section 4765.01 of the Revised Code; 5444

(L) Emergency medical service personnel who are regulated by 5445
the state board of emergency medical, fire, and transportation 5446
services under Chapter 4765. of the Revised Code; 5447

(M) Any of the following that operates a transit bus, as that 5448
term is defined in division (Q) of section 5735.01 of the Revised 5449

Code, unless the entity provides ambulette services that are 5450
reimbursed under the state medicaid plan: 5451

- (1) A public nonemergency medical service organization; 5452
- (2) An urban or rural public transit system; 5453
- (3) A private nonprofit organization that receives grants 5454
under section 5501.07 of the Revised Code. 5455

(N)(1) An entity, to the extent it provides ambulette 5456
services, if the entity meets all of the following conditions: 5457

- (a) The entity is certified by the department of aging or the 5458
department's designee in accordance with section 173.391 of the 5459
Revised Code or operates under a contract or grant agreement with 5460
the department or the department's designee in accordance with 5461
section 173.392 of the Revised Code. 5462
- (b) The entity meets the requirements of section 4766.14 of 5463
the Revised Code. 5464
- (c) The entity does not provide ambulette services that are 5465
reimbursed under the state medicaid plan. 5466

(2) A vehicle, to the extent it is used to provide ambulette 5467
services, if the vehicle meets both of the following conditions: 5468

- (a) The vehicle is owned by an entity that meets the 5469
conditions specified in division (N)(1) of this section. 5470
- (b) The vehicle does not provide ambulette services that are 5471
reimbursed under the state medicaid plan. 5472

(O) A vehicle that meets both of the following criteria, 5473
unless the vehicle provides services that are reimbursed under the 5474
state medicaid plan: 5475

- (1) The vehicle was purchased with funds from a grant made by 5476
the United States secretary of transportation under 49 U.S.C. 5477
5310; 5478

(2) The department of transportation holds a lien on the 5479
vehicle. 5480

Sec. 4766.10. This chapter does not invalidate any ordinance 5481
or resolution adopted by a municipal corporation that establishes 5482
standards for the licensure of emergency medical service 5483
organizations as basic life-support, intermediate life-support, or 5484
advanced life-support service organizations that have their 5485
principal places of business located within the limits of the 5486
municipal corporation, as long as the licensure standards meet or 5487
exceed the standards established in this chapter and the rules 5488
adopted thereunder. 5489

Emergency medical service organizations licensed by a 5490
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 5491
state board of emergency medical, fire, and transportation board 5492
services, but the fees they pay to the board for licenses, 5493
permits, and renewals thereof shall not exceed fifty per cent of 5494
the fee amounts established by the board pursuant to section 5495
4766.03 of the Revised Code. The board may choose to waive the 5496
vehicle inspection requirements and inspection fees, but not the 5497
permit fees, for the vehicles of organizations licensed by a 5498
municipal corporation. 5499

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical, 5500
fire, and transportation board services may investigate alleged 5501
violations of this chapter or the rules adopted under it and may 5502
investigate any complaints received regarding alleged violations. 5503

In addition to any other remedies available and regardless of 5504
whether an adequate remedy at law exists, the board may apply to 5505
the court of common pleas in the county where a violation of any 5506
provision of this chapter or any rule adopted pursuant thereto is 5507
occurring for a temporary or permanent injunction restraining a 5508

person from continuing to commit that violation. On a showing that 5509
a person has committed a violation, the court shall grant the 5510
injunction. 5511

In conducting an investigation under this section, the board 5512
may issue subpoenas compelling the attendance and testimony of 5513
witnesses and the production of books, records, and other 5514
documents pertaining to the investigation. If a person fails to 5515
obey a subpoena from the board, the board may apply to the court 5516
of common pleas in the county where the investigation is being 5517
conducted for an order compelling the person to comply with the 5518
subpoena. On application by the board, the court shall compel 5519
obedience by attachment proceedings for contempt, as in the case 5520
of disobedience of the requirements of a subpoena from the court 5521
or a refusal to testify therein. 5522

(B) The ~~medical transportation~~ board may suspend a license 5523
issued under this chapter without a prior hearing if it determines 5524
that there is evidence that the license holder is subject to 5525
action under this section and that there is clear and convincing 5526
evidence that continued operation by the license holder presents a 5527
danger of immediate and serious harm to the public. The 5528
chairperson and executive director of the board shall make a 5529
preliminary determination and describe the evidence on which they 5530
made their determination to the board members. The board by 5531
resolution may designate another board member to act in place of 5532
the chairperson or another employee to act in place of the 5533
executive director in the event that the chairperson or executive 5534
director is unavailable or unable to act. Upon review of the 5535
allegations, the board, by the affirmative vote of ~~at least four a~~ 5536
majority of its members, may suspend the license without a 5537
hearing. 5538

~~Any method of communication, including a telephone conference~~ 5539
~~call, may be utilized for describing the evidence to the board~~ 5540

~~members, for reviewing the allegations, and for voting on the~~ 5541
~~suspension.~~ 5542

Immediately following the decision by the board to suspend a 5543
license under this division, the board shall issue a written order 5544
of suspension and cause it to be delivered in accordance with 5545
section 119.07 of the Revised Code. If the license holder subject 5546
to the suspension requests an adjudication hearing by the board, 5547
the date set for the adjudication shall be within fifteen days but 5548
not earlier than seven days after the request unless another date 5549
is agreed to by the license holder and the board. 5550

Any summary suspension imposed under this division remains in 5551
effect, unless reversed by the board, until a final adjudicative 5552
order issued by the board pursuant to this section and Chapter 5553
119. of the Revised Code becomes effective. The board shall issue 5554
its final adjudicative order not less than ninety days after 5555
completion of its adjudication hearing. Failure to issue the order 5556
by that day shall cause the summary suspension order to end, but 5557
such failure shall not affect the validity of any subsequent final 5558
adjudication order. 5559

Sec. 4766.12. If a county, township, joint ambulance 5560
district, or joint emergency medical services district chooses to 5561
have the ~~Ohio~~ state board of emergency medical, fire, and 5562
transportation board services license its emergency medical 5563
service organizations and issue permits for its vehicles pursuant 5564
to this chapter, except as may be otherwise provided, all 5565
provisions of this chapter and all rules adopted by the board 5566
thereunder are fully applicable. However, a county, township, 5567
joint ambulance district, or joint emergency medical services 5568
district is not required to obtain any type of permit from the 5569
board for any of its nontransport vehicles. 5570

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical, fire, and transportation board services, by endorsement, may license and issue vehicle permits to an emergency medical service organization or a nonemergency medical service organization that is regulated by another state. To qualify for a license and vehicle permits by endorsement, an organization must submit evidence satisfactory to the board that it has met standards in another state that are equal to or more stringent than the standards established by this chapter and the rules adopted under it.

Sec. 4766.15. (A) An applicant for employment as an ambulance driver with an organization licensed pursuant to this chapter shall submit proof to the organization of, or give consent to the employer to obtain, all of the following:

(1)(a) A valid driver's license issued pursuant to Chapter 4506. or 4507. of the Revised Code, or its equivalent, if the applicant is a resident of another state;

(b) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws provided by the registrar of motor vehicles pursuant to section 4509.05 of the Revised Code, or its equivalent, if the applicant is a resident of another state.

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;

(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services.

(3) The result of a chemical test or tests of the applicant's

blood, breath, or urine conducted at a hospital or other 5601
institution approved by the board for the purpose of determining 5602
the alcohol, drug of abuse, controlled substance, or metabolite of 5603
a controlled substance content of the applicant's whole blood, 5604
blood serum or plasma, breath, or urine; 5605

(4) The result of a criminal records check conducted by the 5606
bureau of criminal identification and investigation. 5607

(B) An organization may employ an applicant on a temporary 5608
provisional basis pending the completion of all of the 5609
requirements of this section. The length of the provisional period 5610
shall be determined by the board. 5611

(C) An organization licensed pursuant to this chapter shall 5612
use information received pursuant to this section to determine in 5613
accordance with rules adopted by the ~~Ohio~~ state board of emergency 5614
medical, fire, and transportation board services under section 5615
4766.03 of the Revised Code whether an applicant is disqualified 5616
for employment. 5617

No applicant shall be accepted for permanent employment as an 5618
ambulette driver by an organization licensed pursuant to this 5619
chapter until all of the requirements of division (A) of this 5620
section have been met. 5621

Sec. 4766.22. (A) Not later than forty-five days after the 5622
end of each fiscal year, the ~~Ohio~~ state board of emergency 5623
medical, fire, and transportation board services shall submit a 5624
report to the governor and general assembly that provides all of 5625
the following information for that fiscal year: 5626

(1) The number of each of the following the board issued: 5627

(a) Basic life-support organization licenses; 5628

(b) Intermediate life-support organization licenses; 5629

(c) Advanced life-support organization licenses; 5630

(d) Mobile intensive care unit organization licenses;	5631
(e) Ambulette service licenses;	5632
(f) Air medical service organization licenses;	5633
(g) Ambulance permits;	5634
(h) Nontransport vehicle permits;	5635
(i) Ambulette vehicle permits;	5636
(j) Rotorcraft air ambulance permits;	5637
(k) Fixed wing air ambulance permits.	5638
(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;	5639 5640 5641
(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;	5642 5643 5644 5645
(4) The number of complaints that were submitted to the board;	5646 5647
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	5648 5649
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	5650 5651
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	5652 5653
(8) Other information the board determines reflects the board's operations.	5654 5655
(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.	5656 5657 5658

Sec. 5501.73. (A) After selecting a solicited or unsolicited 5659
proposal for a public-private initiative, the department of 5660
transportation shall enter into a public-private agreement for a 5661
transportation facility with the selected private entity or any 5662
configuration of private entities. An affected jurisdiction may be 5663
a party to a public-private agreement entered into by the 5664
department and a selected private entity or combination of private 5665
entities. 5666

(B) A public-private agreement under this section shall 5667
provide for all of the following: 5668

(1) Planning, acquisition, financing, development, design, 5669
construction, reconstruction, replacement, improvement, 5670
maintenance, management, repair, leasing, or operation of a 5671
transportation facility; 5672

(2) Term of the public-private agreement; 5673

(3) Type of property interest, if any, the private entity 5674
will have in the transportation facility; 5675

(4) A specific plan to ensure proper maintenance of the 5676
transportation facility throughout the term of the agreement and a 5677
return of the facility to the department, if applicable, in good 5678
condition and repair; 5679

(5) Whether user fees will be collected on the transportation 5680
facility and the basis by which such user fees shall be determined 5681
and modified; 5682

(6) Compliance with applicable federal, state, and local 5683
laws; 5684

(7) Grounds for termination of the public-private agreement 5685
by the department or operator; 5686

(8) Disposition of the facility upon completion of the 5687
agreement; 5688

(9) Procedures for amendment of the agreement.	5689
(C) A public-private agreement under this section may provide for any of the following:	5690 5691
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	5692 5693 5694
(2) Inspection by the department of construction of or improvements to the transportation facility;	5695 5696
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	5697 5698
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	5699 5700 5701
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	5702 5703
(6) Financing obligations of the operator and the department;	5704
(7) Apportionment of expenses between the operator and the department;	5705 5706
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	5707 5708 5709
(9) Rights and remedies available in the event of default or delay;	5710 5711
(10) Terms and conditions of indemnification of the operator by the department;	5712 5713
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	5714 5715 5716 5717

(12) Sale or lease to the operator of private property 5718
related to the transportation facility; 5719

(13) Traffic enforcement and other policing issues, including 5720
any reimbursement by the private entity for such services. 5721

(D)(1) The director of transportation may include in any 5722
public-private agreement under sections 5501.70 to 5501.83 of the 5723
Revised Code a provision authorizing a binding dispute resolution 5724
method for any controversy subsequently arising out of the 5725
contract. The binding dispute resolution method may proceed only 5726
upon agreement of all parties to the controversy. If all parties 5727
do not agree to proceed to a binding dispute resolution, a party 5728
having a claim against the department shall exhaust its 5729
administrative remedies specified in the public-private agreement 5730
prior to filing any action against the department in the court of 5731
claims. 5732

No appeal from the determination of a technical expert lies 5733
to any court, except that the court of common pleas of Franklin 5734
County may issue an order vacating such a determination upon the 5735
application of any party to the binding dispute resolution if any 5736
of the following applies: 5737

(a) The determination was procured by corruption, fraud, or 5738
undue means. 5739

(b) There was evidence of partiality or corruption on the 5740
part of the technical expert. 5741

(c) The technical expert was guilty of misconduct in refusing 5742
to postpone the hearing, upon sufficient cause shown, or in 5743
refusing to hear evidence pertinent and material to the 5744
controversy, or of any other misbehavior by which the rights of 5745
any party have been prejudiced. 5746

(2) As used in this division, "binding dispute resolution" 5747
means a binding determination after review by a technical expert 5748

of all relevant items, which may include documents, and by 5749
interviewing appropriate personnel and visiting the project site 5750
involved in the controversy. "Binding dispute resolution" does not 5751
involve representation by legal counsel or advocacy by any person 5752
on behalf of any party to the controversy. 5753

(E) No public-private agreement entered into under this 5754
section shall be construed to transfer to a private entity the 5755
director's authority to appropriate property under Chapters 163., 5756
5501., and 5519. of the Revised Code. 5757

Sec. 5501.77. (A) For the purposes of carrying out sections 5758
5501.70 to 5501.83 of the Revised Code, the department of 5759
transportation may do all of the following: 5760

(1) Accept, subject to applicable terms and conditions, 5761
available funds from the United States or any of its agencies, 5762
whether the funds are made available by grant, loan, or other 5763
financial assistance; 5764

(2) Enter into agreements or other arrangements with the 5765
United States or any of its agencies as may be necessary; 5766

(3) For the purpose of completing a transportation facility 5767
under an agreement, accept from any source any grant, donation, 5768
gift, or other form of conveyance of land, money, other real or 5769
personal property, or other item of value made to the state or the 5770
department. 5771

(B) Any transportation facility may be financed in whole or 5772
in part by contribution of any funds or property made by any 5773
private entity or affected jurisdiction that is party to a 5774
public-private agreement under sections 5501.70 to 5501.83 of the 5775
Revised Code. 5776

(C) The department may use federal, state, local, and private 5777
funds to finance a transportation facility under sections 5501.70 5778

to 5501.83 of the Revised Code and shall comply with any 5779
requirements and restrictions governing the use of the funds, 5780
including maintaining the funds separately when necessary. 5781

(D) The director of transportation, in accordance with 5782
Chapter 119. of the Revised Code, may adopt such rules as the 5783
director considers advisable for the control and regulation of 5784
traffic on any transportation facility subject to a public-private 5785
agreement, for the protection and preservation of the 5786
transportation facility, for the maintenance and preservation of 5787
good order within the transportation facility, and for the purpose 5788
of establishing vehicle owner or operator liability for avoidance 5789
of user fees. The rules shall provide that public police officers 5790
shall be afforded ready access, while in the performance of their 5791
official duties, to the transportation facility without the 5792
payment of user fees. 5793

(1) No person shall violate any rules of the department of 5794
transportation adopted under this division. 5795

(2)(a) All fines collected for the violation of applicable 5796
laws of the state and the rules of the department of 5797
transportation or money arising from bonds forfeited for such 5798
violation shall be disposed of in accordance with section 5503.04 5799
of the Revised Code. 5800

(b) All fees or charges assessed by the department of 5801
transportation or a public-private operator in accordance with 5802
this section against an owner or operator of a vehicle as a civil 5803
violation for failure to comply with toll collection rules shall 5804
be revenues of the department or public-private operator as set 5805
forth in the public-private agreement. 5806

(E)(1) Except as provided in division (E)(2) of this section, 5807
whoever violates division (D)(1) of this section is guilty of a 5808
minor misdemeanor on a first offense; on each subsequent offense 5809

such person is guilty of a misdemeanor of the fourth degree. 5810

(2) Whoever violates division (D)(1) of this section when the 5811
violation is a civil violation for failure to comply with toll 5812
collection rules is subject to a fee or charge established by the 5813
department by rule. 5814

Sec. 5502.01. (A) The department of public safety shall 5815
administer and enforce the laws relating to the registration, 5816
licensing, sale, and operation of motor vehicles and the laws 5817
pertaining to the licensing of drivers of motor vehicles. 5818

The department shall compile, analyze, and publish statistics 5819
relative to motor vehicle accidents and the causes of them, 5820
prepare and conduct educational programs for the purpose of 5821
promoting safety in the operation of motor vehicles on the 5822
highways, and conduct research and studies for the purpose of 5823
promoting safety on the highways of this state. 5824

(B) The department shall administer the laws and rules 5825
relative to trauma and emergency medical services specified in 5826
Chapter 4765. of the Revised Code and any laws and rules relative 5827
to commercial medical transportation services as may be specified 5828
in Chapter 4766. of the Revised Code. 5829

(C) The department shall administer and enforce the laws 5830
contained in Chapters 4301. and 4303. of the Revised Code and 5831
enforce the rules and orders of the liquor control commission 5832
pertaining to retail liquor permit holders. 5833

(D) The department shall administer the laws governing the 5834
state emergency management agency and shall enforce all additional 5835
duties and responsibilities as prescribed in the Revised Code 5836
related to emergency management services. 5837

(E) The department shall conduct investigations pursuant to 5838
Chapter 5101. of the Revised Code in support of the duty of the 5839

department of job and family services to administer the 5840
supplemental nutrition assistance program throughout this state. 5841
The department of public safety shall conduct investigations 5842
necessary to protect the state's property rights and interests in 5843
the supplemental nutrition assistance program. 5844

(F) The department of public safety shall enforce compliance 5845
with orders and rules of the public utilities commission and 5846
applicable laws in accordance with Chapters 4905., 4921., and 5847
4923. of the Revised Code regarding commercial motor vehicle 5848
transportation safety, economic, and hazardous materials 5849
requirements. 5850

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5851
department of public safety may establish requirements for its 5852
enforcement personnel, including its enforcement agents described 5853
in section 5502.14 of the Revised Code, that include standards of 5854
conduct, work rules and procedures, and criteria for eligibility 5855
as law enforcement personnel. 5856

(H) The department shall administer, maintain, and operate 5857
the Ohio criminal justice network. The Ohio criminal justice 5858
network shall be a computer network that supports state and local 5859
criminal justice activities. The network shall be an electronic 5860
repository for various data, which may include arrest warrants, 5861
notices of persons wanted by law enforcement agencies, criminal 5862
records, prison inmate records, stolen vehicle records, vehicle 5863
operator's licenses, and vehicle registrations and titles. 5864

(I) The department shall coordinate all homeland security 5865
activities of all state agencies and shall be a liaison between 5866
state agencies and local entities for those activities and related 5867
purposes. 5868

(J) Beginning July 1, 2004, the department shall administer 5869
and enforce the laws relative to private investigators and 5870

security service providers specified in Chapter 4749. of the 5871
Revised Code. 5872

(K) The department shall administer criminal justice services 5873
in accordance with sections 5502.61 to 5502.66 of the Revised 5874
Code. 5875

Sec. 5503.04. Forty-five per cent of the fines collected from 5876
or moneys arising from bail forfeited by persons apprehended or 5877
arrested by state highway patrol troopers shall be paid into the 5878
state treasury to be credited to the general revenue fund, five 5879
per cent shall be paid into the state treasury to be credited to 5880
the trauma and emergency medical services fund created by section 5881
4513.263 of the Revised Code, and fifty per cent shall be paid 5882
into the treasury of the municipal corporation where the case is 5883
prosecuted, if in a mayor's court. If the prosecution is in a 5884
trial court outside a municipal corporation, or outside the 5885
territorial jurisdiction of a municipal court, the fifty per cent 5886
of the fines and moneys that is not paid into the state treasury 5887
shall be paid into the treasury of the county where the case is 5888
prosecuted. The fines and moneys paid into a county treasury and 5889
the fines and moneys paid into the treasury of a municipal 5890
corporation shall be deposited one-half to the same fund and 5891
expended in the same manner as is the revenue received from the 5892
registration of motor vehicles, and one-half to the general fund 5893
of such county or municipal corporation. 5894

If the prosecution is in a municipal court, forty-five per 5895
cent of the fines and moneys shall be paid into the state treasury 5896
to be credited to the general revenue fund, five per cent shall be 5897
paid into the state treasury to be credited to the trauma and 5898
emergency medical services ~~grants~~ fund created by division (E) of 5899
section 4513.263 of the Revised Code, ten per cent shall be paid 5900
into the county treasury to be credited to the general fund of the 5901

county, and forty per cent shall be paid into the municipal 5902
treasury to be credited to the general fund of the municipal 5903
corporation. In the Auglaize county, Clermont county, Crawford 5904
county, Hocking county, Jackson county, Lawrence county, Madison 5905
county, Miami county, Ottawa county, Portage county, and Wayne 5906
county municipal courts, that portion of money otherwise paid into 5907
the municipal treasury shall be paid into the county treasury. 5908

The trial court shall make remittance of the fines and moneys 5909
as prescribed in this section, and at the same time as the 5910
remittance is made of the state's portion to the state treasury, 5911
the trial court shall notify the superintendent of the state 5912
highway patrol of the case and the amount covered by the 5913
remittance. 5914

This section does not apply to fines for violations of 5915
division (B) of section 4513.263 of the Revised Code, or for 5916
violations of any municipal ordinance that is substantively 5917
comparable to that division, all of which shall be delivered to 5918
the treasurer of state as provided in division (E) of section 5919
4513.263 of the Revised Code. 5920

Sec. 5503.31. The state highway patrol shall have the same 5921
authority as is conferred upon it by section 5503.02 of the 5922
Revised Code with respect to the enforcement of state laws on 5923
other roads and highways and on other state properties, to enforce 5924
on all turnpike projects the laws of the state and the bylaws, 5925
rules, and regulations of the Ohio turnpike and infrastructure 5926
commission. The patrol, the superintendent of the patrol, and all 5927
state highway patrol troopers shall have the same authority to 5928
make arrests on all turnpike projects for violations of state laws 5929
and of bylaws, rules, and regulations of the Ohio turnpike and 5930
infrastructure commission as is conferred upon them by section 5931
5503.02 of the Revised Code to make arrests on, and in connection 5932

with offenses committed on, other roads and highways and on other 5933
state properties. 5934

Sec. 5503.32. The director of public safety may from time to 5935
time enter into contracts with the Ohio turnpike and 5936
infrastructure commission with respect to the policing of turnpike 5937
projects by the state highway patrol. The contracts shall provide 5938
for the reimbursement of the state by the commission for the costs 5939
incurred by the patrol in policing turnpike projects, including, 5940
but not limited to, the salaries of employees of the patrol 5941
assigned to the policing, the current costs of funding retirement 5942
pensions for the employees of the patrol and of providing workers' 5943
compensation for them, the cost of training state highway patrol 5944
troopers and radio operators assigned to turnpike projects, and 5945
the cost of equipment and supplies used by the patrol in such 5946
policing, and of housing for such troopers and radio operators, to 5947
the extent that the equipment, supplies, and housing are not 5948
directly furnished by the commission. Each contract may provide 5949
for the ascertainment of such costs, and shall be of any duration, 5950
not in excess of five years, and may contain any other terms, that 5951
the director and the commission may agree upon. The patrol shall 5952
not be obligated to furnish policing services on any turnpike 5953
project beyond the extent required by the contract. All payments 5954
pursuant to any contract in reimbursement of the costs of the 5955
policing shall be deposited in the state treasury to the credit of 5956
the turnpike policing fund, which is hereby created. All 5957
investment earnings of the fund shall be credited to the fund. 5958

Sec. 5513.01. (A) All purchases of machinery, materials, 5959
supplies, or other articles that the director of transportation 5960
makes shall be in the manner provided in this section. In all 5961
cases except those in which the director provides written 5962
authorization for purchases by district deputy directors of 5963

transportation, all such purchases shall be made at the central 5964
office of the department of transportation in Columbus. Before 5965
making any purchase at that office, the director, as provided in 5966
this section, shall give notice to bidders of the director's 5967
intention to purchase. Where the expenditure does not exceed the 5968
amount applicable to the purchase of supplies specified in 5969
division (B) of section 125.05 of the Revised Code, as adjusted 5970
pursuant to division (D) of that section, the director shall give 5971
such notice as the director considers proper, or the director may 5972
make the purchase without notice. Where the expenditure exceeds 5973
the amount applicable to the purchase of supplies specified in 5974
division (B) of section 125.05 of the Revised Code, as adjusted 5975
pursuant to division (D) of that section, the director shall give 5976
notice by posting for not less than ten days a written, typed, or 5977
printed invitation to bidders on a bulletin board, which shall be 5978
located in a place in the offices assigned to the department and 5979
open to the public during business hours. Producers or 5980
distributors of any product may notify the director, in writing, 5981
of the class of articles for the furnishing of which they desire 5982
to bid and their post-office addresses, in which case copies of 5983
all invitations to bidders relating to the purchase of such 5984
articles shall be mailed to such persons by the director by 5985
regular first class mail at least ten days prior to the time fixed 5986
for taking bids. The director also may mail copies of all 5987
invitations to bidders to news agencies or other agencies or 5988
organizations distributing information of this character. Requests 5989
for invitations shall not be valid nor require action by the 5990
director unless renewed, either annually or after such shorter 5991
period as the director may prescribe by a general rule. The 5992
invitation to bidders shall contain a brief statement of the 5993
general character of the article that it is intended to purchase, 5994
the approximate quantity desired, and a statement of the time and 5995
place where bids will be received, and may relate to and describe 5996

as many different articles as the director thinks proper, it being 5997
the intent and purpose of this section to authorize the inclusion 5998
in a single invitation of as many different articles as the 5999
director desires to invite bids upon at any given time. 6000
Invitations issued during each calendar year shall be given 6001
consecutive numbers, and the number assigned to each invitation 6002
shall appear on all copies thereof. In all cases where notice is 6003
required by this section, sealed bids shall be taken, on forms 6004
prescribed and furnished by the director, and modification of bids 6005
after they have been opened shall not be permitted. 6006

(B) The director may permit the Ohio turnpike and 6007
infrastructure commission, any political subdivision, and any 6008
state university or college to participate in contracts into which 6009
the director has entered for the purchase of machinery, materials, 6010
supplies, or other articles. The turnpike and infrastructure 6011
commission and any political subdivision or state university or 6012
college desiring to participate in such purchase contracts shall 6013
file with the director a certified copy of the bylaws or rules of 6014
the turnpike and infrastructure commission or the ordinance or 6015
resolution of the legislative authority, board of trustees, or 6016
other governing board requesting authorization to participate in 6017
such contracts and agreeing to be bound by such terms and 6018
conditions as the director prescribes. Purchases made by the 6019
turnpike and infrastructure commission, political subdivisions, or 6020
state universities or colleges under this division are exempt from 6021
any competitive bidding required by law for the purchase of 6022
machinery, materials, supplies, or other articles. 6023

(C) As used in this section: 6024

(1) "Political subdivision" means any county, township, 6025
municipal corporation, conservancy district, township park 6026
district, park district created under Chapter 1545. of the Revised 6027
Code, port authority, regional transit authority, regional airport 6028

authority, regional water and sewer district, county transit board, or school district as defined in section 5513.04 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

Sec. 5515.01. ~~(A)~~ The director of transportation ~~may~~, upon formal application being made to the director, may grant a permit to any individual, firm, or corporation to use or occupy such portion of a road or highway on the state highway system as will not incommode the traveling public. Such permits, when granted, shall be upon the following conditions:

~~(A)~~(1) The director may issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.

~~(B)~~(2) Such location shall be changed as prescribed by the director when the director deems such change necessary for the convenience of the traveling public, or in connection with or contemplation of the construction, reconstruction, improvement, relocating, maintenance, or repair of such road or highway.

~~(C)~~(3) The placing of objects or things shall be at a grade and in accordance with such plans, specifications, or both, as shall be first approved by the director.

~~(D)~~(4) The road or highway in all respects shall be fully restored to its former condition of usefulness and at the expense of such individual, firm, or corporation.

~~(E)~~(5) Such individual, firm, or corporation shall maintain all objects and things in a proper manner, promptly repair all

damages resulting to such road or highway on account thereof, and 6059
in event of failure to so repair such road or highway to pay to 6060
the state all costs and expenses that may be expended by the 6061
director in repairing any damage. 6062

~~(F)(6)~~ Such other conditions as may seem reasonable to the 6063
director, ~~but no condition shall be prescribed that imposes the~~ 6064
~~payment of a money consideration for the privilege granted~~ 6065
including payment of a reasonable one-time access permit 6066
processing fee not exceeding thirty dollars for agricultural 6067
access, seventy dollars for residential access, and three hundred 6068
dollars for commercial or industrial access. Nothing in this 6069
division prohibits the director from requiring payment of money 6070
consideration for a lease, easement, license, or other interest in 6071
a transportation facility under control of the department of 6072
transportation. 6073

~~(G)(7)~~ Permits may be revoked by the director at any time for 6074
a noncompliance with the conditions imposed. 6075

~~(H)(8)~~ As a condition precedent to the issuance of any permit 6076
for telecommunications facilities or carbon capture and storage 6077
pipelines, the director shall require the applicant to provide 6078
proof it is party to a lease, easement, or license for the 6079
construction, placement, or operation of such facility or pipeline 6080
in or on a transportation facility. 6081

(B) Except as otherwise provided in this section and section 6082
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 6083
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 6084
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 6085
telephone and electric light and power companies from 6086
constructing, maintaining, and using telephone or electric light 6087
and power lines along and upon such roads or highways under 6088
section 4933.14 or other sections of the Revised Code, or to 6089
affect existing rights of any such companies, or to require such 6090

companies to obtain a permit from the director, except with 6091
respect to the location of poles, wires, conduits, and other 6092
equipment comprising lines on or beneath the surface of such road 6093
or highways. 6094

(C) This section does not prohibit steam or electric railroad 6095
companies from constructing tracks across such roads or highways, 6096
nor authorize the director to grant permission to any company 6097
owning, operating, controlling, or managing a steam railroad or 6098
interurban railway in this state to build a new line of railroad, 6099
or to change or alter the location of existing tracks across any 6100
road or highway on the state highway system at grade. No such 6101
company shall change the elevation of any of its tracks across 6102
such road or highway except in accordance with plans and 6103
specifications first approved by the director. 6104

(D) This section does not relieve any individual, firm, or 6105
corporation from the obligation of satisfying any claim or demand 6106
of an owner of lands abutting on such road or highway on the state 6107
highway system on account of placing in such road or highway a 6108
burden in addition to public travel. 6109

Sec. 5517.011. (A) Notwithstanding section 5517.01 or Chapter 6110
153. of the Revised Code, the director of transportation may 6111
establish ~~a program to~~ programs that expedite the sale and 6112
construction of special projects ~~by combining.~~ The programs may do 6113
the following: 6114

(1) Combine the design and construction elements of a ~~highway~~ 6115
~~or bridge~~ transportation facility project into a single contract. 6116
The director shall prepare and distribute a scope of work document 6117
upon which the bidders shall base their bids. ~~Except in regard to~~ 6118
~~those requirements relating to providing plans, the director shall~~ 6119
~~award contracts under this section in accordance with Chapter~~ 6120
~~5525. of the Revised Code.~~ 6121

~~Notwithstanding any provision of Chapter 5525. of the Revised Code, the~~ The director may develop and use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements of a transportation facility project into a single contract.

(2) Engage a construction manager during the design phase of a transportation facility project to provide constructability input including scheduling, pricing, and phasing, and utilize the same construction manager to construct the project. The director may execute separate contracts with the construction manager for constructability input and construction, and may include a guaranteed maximum price in the construction contract. The director may develop and use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that utilize a construction manager for both constructability input and construction. The authority granted under division (A)(2) of this section shall be limited to one pilot project as determined by the director unless otherwise specified by law.

(B) Except as provided in this section, the director shall award contracts in accordance with Chapter 5525. of the Revised Code.

The total dollar value of contracts made under this section shall not exceed one billion dollars per fiscal year. The director may provide compensation for preparation of a responsive preliminary design concept to not more than two bidders who, after the successful bidder, submitted the next best bids. The director

may establish policies or procedures necessary to determine the 6154
amount of compensation to be provided for each project and the 6155
method of evaluating the value of the preliminary design concept 6156
submitted, but in no instance may the compensation exceed the 6157
value of such concept. 6158

Sec. 5517.02. (A) Before undertaking the construction, 6159
reconstruction by widening or resurfacing, or improvement of a 6160
state highway, or a bridge or culvert thereon, or the installation 6161
of a traffic control signal on a state highway, the director of 6162
transportation, except as provided in section 5517.021 of the 6163
Revised Code, shall make an estimate of the cost of the work using 6164
the force account project assessment form developed by the auditor 6165
of state under section 117.16 of the Revised Code. ~~In~~ 6166
~~constructing, or reconstructing by widening or resurfacing,~~ 6167
~~improving, maintaining, and repairing state highways, and the~~ 6168
~~bridges and culverts thereon, and in installing, maintaining, and~~ 6169
~~repairing traffic control signals on state highways, the director,~~ 6170
~~except as provided in division (B) of this section, shall proceed~~ 6171
~~by contract let to the lowest competent and responsible bidder,~~ 6172
~~after advertisement as provided in section 5525.01 of the Revised~~ 6173
~~Code~~ When a force account project assessment form is required, the 6174
estimate shall include costs for subcontracted work and any 6175
competitively bid component costs. 6176

(B)(1) ~~Where the work contemplated is the construction of a~~ 6177
~~bridge or culvert, or the installation of a traffic control~~ 6178
~~signal, estimated to cost not more than fifty thousand dollars,~~ 6179
~~the director may proceed by employing labor, purchasing materials,~~ 6180
~~and furnishing equipment.~~ 6181

~~(2) The~~ After complying with division (A) of this section, 6182
the director may also proceed without competitive bidding with 6183
maintenance or repair work by employing labor, purchasing 6184

materials, and furnishing equipment, ~~provided if~~ the total 6185
estimated cost of the completed operation, or series of connected 6186
operations, does not exceed ~~twenty-five~~ the following, as adjusted 6187
under division (B)(2) of this section: 6188

(a) Thirty thousand dollars per centerline mile of highway, 6189
exclusive of structures and traffic control signals, ~~or fifty;~~ 6190

(b) Sixty thousand dollars for any single ~~structure or~~ 6191
traffic control signal or any other single project. 6192

~~(3)~~(2) On the first day of July of every odd-numbered year 6193
beginning in 2015, the director shall increase the amounts 6194
established in division (B)(1) of this section by an amount not to 6195
exceed the lesser of three per cent, or the percentage amount of 6196
any increase in the department of transportation's construction 6197
cost index as annualized and totaled for the prior two calendar 6198
years. The director shall publish the applicable amounts on the 6199
department's internet web site. 6200

(C) The director may proceed by furnishing equipment, 6201
purchasing materials, and employing labor in the erection of 6202
temporary bridges or the making of temporary repairs to a highway 6203
or bridge rendered necessary by flood, landslide, or other 6204
extraordinary emergency. If the director determines inability to 6205
complete such emergency work by force account, the director may 6206
contract for any part of the work, with or without advertising for 6207
bids, as the director considers for the best interest of the 6208
department of transportation. 6209

(D) When a project proceeds by force account under this 6210
section or section 5517.021 of the Revised Code, the department of 6211
transportation shall perform the work in compliance with any 6212
project requirements and specifications that would have applied if 6213
a contract for the work had been let by competitive bidding. The 6214
department shall retain in the project record all records 6215

documenting materials testing compliance, materials placement 6216
compliance, actual personnel and equipment hours usage, and all 6217
other documentation that would have been required if a contract 6218
for the work had been let by competitive bidding. 6219

(E) The director shall proceed by competitive bidding to let 6220
work to the lowest competent and responsible bidder after 6221
advertisement as provided in section 5525.01 of the Revised Code 6222
in both of the following situations: 6223

(1) When the scope of work exceeds the limits established in 6224
section 5517.021 of the Revised Code; 6225

(2) When the estimated cost for a project, other than work 6226
described in section 5517.021 of the Revised Code, exceeds the 6227
amounts established in division (B) of this section, as adjusted. 6228

Sec. 5517.021. (A)(1) The director of transportation may 6229
proceed without competitive bidding by employing labor, purchasing 6230
materials, and furnishing equipment to do any of the following 6231
work: 6232

(a) Replace any single span bridge in its substantial 6233
entirety or widen any single span bridge, including necessary 6234
modifications to accommodate widening the existing substructure 6235
and wing walls. The director shall proceed under division 6236
(A)(1)(a) of this section only if the deck area of the new or 6237
widened bridge does not exceed seven hundred square feet as 6238
measured around the outside perimeter of the deck. 6239

(b) Replace the bearings, beams, and deck of any bridge on 6240
that bridge's existing foundation if the deck area of the 6241
rehabilitated structure does not exceed eight hundred square feet; 6242

(c) Construct or replace any single cell or multi-cell 6243
culvert whose total waterway opening does not exceed fifty-two 6244
square feet; 6245

(d) Pave or patch an asphalt surface if the operation does not exceed one hundred twenty tons of asphalt per lane-mile of roadway length, except that the department shall not perform a continuous resurfacing operation under this section if the cost of the work exceeds the amount established in division (B)(1)(a) of section 5517.02 of the Revised Code, as adjusted.

(2) Work performed in accordance with division (A)(1) of this section may include approach roadway work, extending not more than one hundred fifty feet as measured from the back side of the bridge abutment wall or outside edge of the culvert, as applicable. The length of an approach guardrail shall be in accordance with department of transportation design requirements and shall not be included in the approach work size limitation.

(B) The requirements of section 117.16 of the Revised Code shall not apply to work described in division (A) of this section and the work shall be exempt from audit for force account purposes except to determine compliance with the applicable size or tonnage restrictions.

Sec. 5525.01. Before entering into a contract, the director of transportation shall advertise for bids for two consecutive weeks in one newspaper of general circulation published in the county in which the improvement or part thereof is located, but if there is no such newspaper then in one newspaper having general circulation in an adjacent county. In the alternative, the director may advertise for bids as provided in section 7.16 of the Revised Code. The director may advertise for bids in such other publications as the director considers advisable. Such notices shall state that plans and specifications for the improvement are on file in the office of the director and the district deputy director of the district in which the improvement or part thereof is located and the time within which bids therefor will be

received. 6277

Each bidder shall be required to file with the bidder's bid a bid guaranty in the form of a certified check, a cashier's check, or an electronic funds transfer to the treasurer of state that is evidenced by a receipt or by a certification to the director of transportation in a form prescribed by the director that an electronic funds transfer has been made to the treasurer of state, for an amount equal to five per cent of the bidder's bid, but in no event more than fifty thousand dollars, or a bid bond for ten per cent of the bidder's bid, payable to the director, which check, transferred sum, or bond shall be forthwith returned to the bidder in case the contract is awarded to another bidder, or, in case of a successful bidder, when the bidder has entered into a contract and furnished the bonds required by section 5525.16 of the Revised Code. In the event the contract is awarded to a bidder, and the bidder fails or refuses to furnish the bonds as required by section 5525.16 of the Revised Code, the check, transferred sum, or bid bond filed with the bidder's bid shall be forfeited as liquidated damages. No bidder shall be required either to file a signed contract with the bidder's bid, to enter into a contract, or to furnish the contract performance bond and the payment bond required by that section until the bids have been opened and the bidder has been notified by the director that the bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's bid from consideration, without forfeiture of the check, transferred sum, or bid bond filed with the bid, providing a written request together with a sworn statement of the grounds for such withdrawal is delivered within forty-eight hours after the time established for the receipt of bids, and if the price bid was substantially lower than the other bids, providing the bid was submitted in good faith, and the reason for the price bid being

substantially lower was a clerical mistake evident on the face of 6309
the bid, as opposed to a judgment mistake, and was actually due to 6310
an unintentional and substantial arithmetic error or an 6311
unintentional omission of a substantial quantity of work, labor, 6312
or material made directly in the compilation of the bid. In the 6313
event the director decides the conditions for withdrawal have not 6314
been met, the director may award the contract to such bidder. If 6315
such bidder does not then enter into a contract and furnish the 6316
contract bond as required by law, the director may declare 6317
forfeited the check, transferred sum, or bid bond as liquidated 6318
damages and award the contract to the next higher bidder or reject 6319
the remaining bids and readvertise the project for bids. Such 6320
bidder ~~may~~, within thirty days, may appeal the decision of the 6321
director to the court of common pleas of Franklin county and the 6322
court may affirm or reverse the decision of the director and may 6323
order the director to refund the amount of the forfeiture. At the 6324
hearing before the common pleas court evidence may be introduced 6325
for and against the decision of the director. The decision of the 6326
common pleas court may be appealed as in other cases. 6327

There is hereby created the ODOT letting fund, which shall be 6328
in the custody of the treasurer of state but shall not be part of 6329
the state treasury. All certified checks and cashiers' checks 6330
received with bidders' bids, and all sums transferred to the 6331
treasurer of state by electronic funds transfer in connection with 6332
bidders' bids, under this section shall be credited to the fund. 6333
All such bid guaranties shall be held in the fund until a 6334
determination is made as to the final disposition of the money. If 6335
the department determines that any such bid guaranty is no longer 6336
required to be held, the amount of the bid guaranty shall be 6337
returned to the appropriate bidder. If the department determines 6338
that a bid guaranty under this section shall be forfeited, the 6339
amount of the bid guaranty shall be transferred or, in the case of 6340
money paid on a forfeited bond, deposited into the state treasury, 6341

to the credit of the highway operating fund. Any investment 6342
earnings of the ODOT letting fund shall be distributed as the 6343
treasurer of state considers appropriate. 6344

The director shall require all bidders to furnish the 6345
director, upon such forms as the director may prescribe, detailed 6346
information with respect to all pending work of the bidder, 6347
whether with the department of transportation or otherwise, 6348
together with such other information as the director considers 6349
necessary. 6350

In the event a bidder fails to submit anything required to be 6351
submitted with the bid and then fails or refuses to so submit such 6352
at the request of the director, the failure or refusal constitutes 6353
grounds for the director, in the director's discretion, to declare 6354
as forfeited the bid guaranty submitted with the bid. 6355

The director may reject any or all bids. Except in regard to 6356
contracts for environmental remediation and specialty work for 6357
which there are no classes of work set out in the rules adopted by 6358
the director, if the director awards the contract, the director 6359
shall award it to the lowest competent and responsible bidder as 6360
defined by rules adopted by the director under section 5525.05 of 6361
the Revised Code, who is qualified to bid under sections 5525.02 6362
to 5525.09 of the Revised Code. In regard to contracts for 6363
environmental remediation and specialty work for which there are 6364
no classes of work set out in the rules adopted by the director, 6365
the director shall competitively bid the projects in accordance 6366
with this chapter and shall award the contracts to the lowest and 6367
best bidder. 6368

The award for all projects competitively let by the director 6369
under this section shall be made within ten days after the date on 6370
which the bids are opened, and the successful bidder shall enter 6371
into a contract and furnish a contract performance bond and a 6372
payment bond, as provided for in section 5525.16 of the Revised 6373

Code, within ten days after the bidder is notified that the bidder 6374
has been awarded the contract. 6375

The director may insert in any contract awarded under this 6376
chapter a clause providing for value engineering change proposals, 6377
under which a contractor who has been awarded a contract may 6378
propose a change in the plans and specifications of the project 6379
that saves the department time or money on the project without 6380
impairing any of the essential functions and characteristics of 6381
the project such as service life, reliability, economy of 6382
operation, ease of maintenance, safety, and necessary standardized 6383
features. If the director adopts the value engineering proposal, 6384
the savings from the proposal shall be divided between the 6385
department and the contractor according to guidelines established 6386
by the director, provided that the contractor shall receive at 6387
least fifty per cent of the savings from the proposal. The 6388
adoption of a value engineering proposal does not invalidate the 6389
award of the contract or require the director to rebid the 6390
project. 6391

Sec. 5525.16. (A) Before entering into a contract, the 6392
director of transportation shall require a contract performance 6393
bond and a payment bond with sufficient sureties, as follows: 6394

(1) A contract performance bond in an amount equal to one 6395
hundred per cent of the ~~estimated cost of the work~~ contract 6396
amount, conditioned, among other things, that the contractor will 6397
perform the work upon the terms proposed, within the time 6398
prescribed, and in accordance with the plans and specifications, 6399
will indemnify the state against any damage that may result from 6400
any failure of the contractor to so perform, and, further, in case 6401
of a grade separation will indemnify any railroad company involved 6402
against any damage that may result by reason of the negligence of 6403
the contractor in making the improvement. 6404

(2) A payment bond in an amount equal to one hundred per cent 6405
of the ~~estimated cost of the work~~ contract amount, conditioned for 6406
the payment by the contractor and all subcontractors for labor or 6407
work performed or materials furnished in connection with the work, 6408
improvement, or project involved. 6409

(B) In no case is the state liable for damages sustained in 6410
the construction of any work, improvement, or project under this 6411
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 6412
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 6413
5535. of the Revised Code. 6414

This section does not require the director to take bonds as 6415
described in division (A) of this section in connection with any 6416
force account work, but the director may require those bonds in 6417
connection with force account work. 6418

If any bonds taken under this section are executed by a 6419
surety company, the director may not approve such bonds unless 6420
there is attached a certificate of the superintendent of insurance 6421
that the company is authorized to transact business in this state, 6422
and a copy of the power of attorney of the agent of the company. 6423
The superintendent, upon request, shall issue to any licensed 6424
agent of such company the certificate without charge. 6425

The bonds required to be taken under this section shall be 6426
executed by the same surety, approved by the director as to 6427
sufficiency of the sureties, and be in the form prescribed by the 6428
attorney general. 6429

(C) Any person to whom any money is due for labor or work 6430
performed or materials furnished in connection with a work, 6431
improvement, or project, at any time after performing the labor or 6432
furnishing the materials but not later than ninety days after the 6433
acceptance of the work, improvement, or project by the director, 6434
may furnish to the sureties on the payment bond a statement of the 6435

amount due the person. If the indebtedness is not paid in full at 6436
the expiration of sixty days after the statement is furnished, the 6437
person may commence an action in the person's own name upon the 6438
bond as provided in sections 2307.06 and 2307.07 of the Revised 6439
Code. 6440

An action shall not be commenced against the sureties on a 6441
payment bond until sixty days after the furnishing of the 6442
statement described in this section or, notwithstanding section 6443
2305.12 of the Revised Code, later than one year after the date of 6444
the acceptance of the work, improvement, or project. 6445

(D) As used in this section, "improvement," "subcontractor," 6446
"material supplier," and "materials" have the same meanings as in 6447
section 1311.01 of the Revised Code, and "contractor" has the same 6448
meaning as "original contractor" as defined in that section. 6449

Sec. 5533.31. The road known as interstate route eighty, 6450
extending across Ohio from the Pennsylvania border in Trumbull 6451
county to the Indiana border in Williams county, shall be known as 6452
the "Christopher Columbus highway." 6453

The director of transportation may erect suitable markers 6454
upon the portions of such highway under ~~his~~ the director's 6455
jurisdiction indicating its name, and the Ohio turnpike and 6456
infrastructure commission may erect suitable markers on the 6457
portions of such highway under its jurisdiction indicating its 6458
name. 6459

Sec. 5537.01. As used in this chapter: 6460

(A) "Commission" means the Ohio turnpike and infrastructure 6461
commission created by section 5537.02 of the Revised Code or, if 6462
that commission is abolished, the board, body, officer, or 6463
commission succeeding to the principal functions thereof or to 6464
which the powers given by this chapter to the commission are given 6465

by law. 6466

(B) "~~Project~~ or turnpike Turnpike project" means any 6467
express or limited access highway, super highway, or motorway 6468
constructed, operated, or improved, under the jurisdiction of the 6469
commission and pursuant to this chapter, at a location or 6470
locations reviewed by the turnpike legislative review committee 6471
and approved by the governor, including all bridges, tunnels, 6472
overpasses, underpasses, interchanges, entrance plazas, 6473
approaches, those portions of connecting public roads that serve 6474
interchanges and are determined by the commission and the director 6475
of transportation to be necessary for the safe merging of traffic 6476
between the turnpike project and those public roads, toll booths, 6477
service facilities, and administration, storage, and other 6478
buildings, property, and facilities that the commission considers 6479
necessary for the operation or policing of the turnpike project, 6480
together with all property and rights which may be acquired by the 6481
commission for the construction, maintenance, or operation of the 6482
turnpike project, and includes any sections or extensions of a 6483
turnpike project designated by the commission as such for the 6484
particular purpose. Each turnpike project shall be separately 6485
designated, by name or number, and may be constructed, improved, 6486
or extended in such sections as the commission may from time to 6487
time determine. Construction includes the improvement and 6488
renovation of a previously constructed turnpike project, including 6489
additional interchanges, whether or not the turnpike project was 6490
initially constructed by the commission. 6491

(C) "Infrastructure project" means any public express or 6492
limited access highway, super highway, or motorway, including all 6493
bridges, tunnels, overpasses, underpasses, interchanges, entrance 6494
plazas, approaches, and those portions of connecting public roads 6495
that serve interchanges, that is constructed or improved, in whole 6496
or in part, with infrastructure funding approved pursuant to 6497

criteria established under section 5537.18 of the Revised Code. 6498

(D) "Cost," as applied to construction of a turnpike project 6499
or an infrastructure project, includes the cost of construction, 6500
including bridges over or under existing highways and railroads, 6501
acquisition of all property acquired either by the commission or 6502
by the owner of the infrastructure project for the construction, 6503
demolishing or removing any buildings or structures on land so 6504
acquired, including the cost of acquiring any lands to which the 6505
buildings or structures may be moved, site clearance, improvement, 6506
and preparation, diverting public roads, interchanges with public 6507
roads, access roads to private property, including the cost of 6508
land or easements therefor, all machinery, furnishings, and 6509
equipment, communications facilities, financing expenses, interest 6510
prior to and during construction and for one year after completion 6511
of construction, traffic estimates, indemnity and surety bonds and 6512
premiums on insurance, title work and title commitments, 6513
insurance, and guarantees, engineering, feasibility studies, and 6514
legal expenses, plans, specifications, surveys, estimates of cost 6515
and revenues, other expenses necessary or incident to determining 6516
the feasibility or practicability of constructing or operating a 6517
turnpike project or an infrastructure project, administrative 6518
expenses, and any other expense that may be necessary or incident 6519
to the construction of the turnpike project or an infrastructure 6520
project, the financing of the construction, and the placing of the 6521
turnpike project or an infrastructure project in operation. Any 6522
obligation or expense incurred by the department of transportation 6523
with the approval of the commission for surveys, borings, 6524
preparation of plans and specifications, and other engineering 6525
services in connection with the construction of a turnpike project 6526
or an infrastructure project, or by the federal government with 6527
the approval of the commission for any public road projects which 6528
must be reimbursed as a condition to the exercise of any of the 6529
powers of the commission under this chapter, shall be regarded as 6530

a part of the cost of the turnpike project or an infrastructure 6531
project and shall be reimbursed to the state or the federal 6532
government, as the case may be, from revenues, state taxes, or the 6533
proceeds of bonds as authorized by this chapter. 6534

~~(D)~~(E) "Owner" includes all persons having any title or 6535
interest in any property authorized to be acquired by the 6536
commission for turnpike projects under this chapter, or the public 6537
entity for whom an infrastructure project is funded, in whole or 6538
in part, by the commission under this chapter. 6539

~~(E)~~(F) "Revenues" means all tolls, service revenues, 6540
investment income on special funds, rentals, gifts, grants, and 6541
all other moneys coming into the possession of or under the 6542
control of the commission by virtue of this chapter, except the 6543
proceeds from the sale of bonds. "Revenues" does not include state 6544
taxes. 6545

~~(F)~~(G) "Public roads" means all public highways, roads, and 6546
streets in the state, whether maintained by a state agency or any 6547
other governmental agency. 6548

~~(G)~~(H) "Public utility facilities" means tracks, pipes, 6549
mains, conduits, cables, wires, towers, poles, and other equipment 6550
and appliances of any public utility. 6551

~~(H)~~(I) "Financing expenses" means all costs and expenses 6552
relating to the authorization, issuance, sale, delivery, 6553
authentication, deposit, custody, clearing, registration, 6554
transfer, exchange, fractionalization, replacement, payment, and 6555
servicing of bonds including, without limitation, costs and 6556
expenses for or relating to publication and printing, postage, 6557
delivery, preliminary and final official statements, offering 6558
circulars, and informational statements, travel and 6559
transportation, underwriters, placement agents, investment 6560
bankers, paying agents, registrars, authenticating agents, 6561

remarketing agents, custodians, clearing agencies or corporations, 6562
securities depositories, financial advisory services, 6563
certifications, audits, federal or state regulatory agencies, 6564
accounting and computation services, legal services and obtaining 6565
approving legal opinions and other legal opinions, credit ratings, 6566
redemption premiums, and credit enhancement facilities. 6567

~~(I)~~(J) "Bond proceedings" means the resolutions, trust 6568
agreements, certifications, notices, sale proceedings, leases, 6569
lease-purchase agreements, assignments, credit enhancement 6570
facility agreements, and other agreements, instruments, and 6571
documents, as amended and supplemented, or any one or more or any 6572
combination thereof, authorizing, or authorizing or providing for 6573
the terms and conditions applicable to, or providing for the 6574
security or sale or award or liquidity of, bonds, and includes the 6575
provisions set forth or incorporated in those bonds and bond 6576
proceedings. 6577

~~(J)~~(K) "Bond service charges" means principal, including any 6578
mandatory sinking fund or mandatory redemption requirements for 6579
the retirement of bonds, and interest and any redemption premium 6580
payable on bonds, as those payments come due and are payable to 6581
the bondholder or to a person making payment under a credit 6582
enhancement facility of those bond service charges to a 6583
bondholder. 6584

~~(K)~~(L) "Bond service fund" means the applicable fund created 6585
by the bond proceedings for and pledged to the payment of bond 6586
service charges on bonds provided for by those proceedings, 6587
including all moneys and investments, and earnings from 6588
investments, credited and to be credited to that fund as provided 6589
in the bond proceedings. 6590

~~(L)~~(M) "Bonds" means bonds, notes, including notes 6591
anticipating bonds or other notes, commercial paper, certificates 6592
of participation, or other evidences of obligation, including any 6593

interest coupons pertaining thereto, issued by the commission 6594
pursuant to this chapter. 6595

~~(M)~~(N) "Infrastructure fund" means the applicable fund or 6596
funds created by the bond proceedings, which shall be used to pay 6597
or defray the cost of infrastructure projects recommended by the 6598
director of transportation and evaluated and approved by the 6599
commission. 6600

(O) "Net revenues" means revenues lawfully available to pay 6601
both current operating expenses of the commission and bond service 6602
charges in any fiscal year or other specified period, less current 6603
operating expenses of the commission and any amount necessary to 6604
maintain a working capital reserve for that period. 6605

~~(N)~~(P) "Pledged revenues" means net revenues, moneys and 6606
investments, and earnings on those investments, in the applicable 6607
bond service fund and any other special funds, and the proceeds of 6608
any bonds issued for the purpose of refunding prior bonds, all as 6609
lawfully available and by resolution of the commission committed 6610
for application as pledged revenues to the payment of bond service 6611
charges on particular issues of bonds. 6612

~~(O)~~(O) "Service facilities" means service stations, 6613
restaurants, and other facilities for food service, roadside parks 6614
and rest areas, parking, camping, tenting, rest, and sleeping 6615
facilities, hotels or motels, and all similar and other facilities 6616
providing services to the traveling public in connection with the 6617
use of a turnpike project and owned, leased, licensed, or operated 6618
by the commission. 6619

~~(P)~~(R) "Service revenues" means those revenues of the 6620
commission derived from its ownership, leasing, licensing, or 6621
operation of service facilities. 6622

~~(O)~~(S) "Special funds" means the applicable bond service fund 6623
and any accounts and subaccounts in that fund, any other funds or 6624

accounts permitted by and established under, and identified as a 6625
"special fund" or "special account" in, the bond proceedings, 6626
including any special fund or account established for purposes of 6627
rebate or other requirements under federal income tax laws. 6628

~~(R)~~(T) "State agencies" means the state, officers of the 6629
state, and boards, departments, branches, divisions, or other 6630
units or agencies of the state. 6631

~~(S)~~(U) "State taxes" means receipts of the commission from 6632
the proceeds of state taxes or excises levied and collected, or 6633
appropriated by the general assembly to the commission, for the 6634
purposes and functions of the commission. State taxes do not 6635
include tolls, or investment earnings on state taxes except on 6636
those state taxes referred to in Section 5a of Article XII, Ohio 6637
Constitution. 6638

~~(T)~~(V) "Tolls" means tolls, special fees or permit fees, or 6639
other charges by the commission to the owners, lessors, lessees, 6640
or operators of motor vehicles for the operation of or the right 6641
to operate those vehicles on a turnpike project. 6642

~~(U)~~(W) "Credit enhancement facilities" means letters of 6643
credit, lines of credit, standby, contingent, or firm securities 6644
purchase agreements, insurance, or surety arrangements, 6645
guarantees, and other arrangements that provide for direct or 6646
contingent payment of bond service charges, for security or 6647
additional security in the event of nonpayment or default in 6648
respect of bonds, or for making payment of bond service charges 6649
and at the option and on demand of bondholders or at the option of 6650
the commission or upon certain conditions occurring under put or 6651
similar arrangements, or for otherwise supporting the credit or 6652
liquidity of the bonds, and includes credit, reimbursement, 6653
marketing, remarketing, indexing, carrying, interest rate hedge, 6654
and subrogation agreements, and other agreements and arrangements 6655
for payment and reimbursement of the person providing the credit 6656

enhancement facility and the security for that payment and 6657
reimbursement. 6658

~~(V)~~(X) "Person" has the same meaning as in section 1.59 of 6659
the Revised Code and, unless the context otherwise provides, also 6660
includes any governmental agency and any combination of those 6661
persons. 6662

~~(W)~~(Y) "Refund" means to fund and retire outstanding bonds, 6663
including advance refunding with or without payment or redemption 6664
prior to stated maturity. 6665

~~(X)~~(Z) "Governmental agency" means any state agency, federal 6666
agency, political subdivision, or other local, interstate, or 6667
regional governmental agency, and any combination of those 6668
agencies. 6669

~~(Y)~~(AA) "Property" has the same meaning as in section 1.59 of 6670
the Revised Code, and includes interests in property. 6671

~~(Z)~~(BB) "Administrative agent," "agent," "commercial paper," 6672
"floating rate interest structure," "indexing agent," "interest 6673
rate hedge," "interest rate period," "put arrangement," and 6674
"remarketing agent" have the same meanings as in section 9.98 of 6675
the Revised Code. 6676

~~(AA)~~(CC) "Outstanding," as applied to bonds, means 6677
outstanding in accordance with the terms of the bonds and the 6678
applicable bond proceedings. 6679

~~(BB)~~(DD) "Ohio turnpike system" or "system" means all 6680
existing and future turnpike projects constructed, operated, and 6681
maintained under the jurisdiction of the commission. 6682

(EE) "Ohio turnpike and infrastructure system" means turnpike 6683
projects and infrastructure projects funded by the commission 6684
existing on and after July 1, 2013. 6685

Sec. 5537.02. (A) There is hereby created a commission to be 6686

known on and after July 1, 2013, as the "Ohio turnpike and 6687
infrastructure commission." The commission is a body both 6688
corporate and politic, constituting an instrumentality of the 6689
state, and the exercise by it of the powers conferred by this 6690
chapter in the construction, operation, and maintenance of the 6691
Ohio turnpike system, and also in entering into agreements with 6692
the department of transportation to pay the cost or a portion of 6693
the costs of infrastructure projects, are and shall be held to be 6694
essential governmental functions of the state, but the commission 6695
shall not be immune from liability by reason thereof. Chapter 6696
2744. of the Revised Code applies to the commission and the 6697
commission is a political subdivision of the state for purposes of 6698
that chapter. The commission is subject to all provisions of law 6699
generally applicable to state agencies which do not conflict with 6700
this chapter. 6701

(B)(1) The commission shall consist of ~~nine~~ ten members as 6702
follows: 6703

(a) ~~Four~~ Six members appointed by the governor with the 6704
advice and consent of the senate, no more than ~~two~~ three of whom 6705
shall be members of the same political party; 6706

(b) The director of transportation, who shall be a voting 6707
member, and the director of budget and management, ~~and the~~ 6708
~~director of development,~~ each both of whom shall ~~be a member~~ serve 6709
as ex officio members, without compensation; 6710

(c) One member of the senate, appointed by the president of 6711
the senate, who shall represent either a district in which is 6712
located or through which passes a portion of a turnpike project 6713
that is part of the Ohio turnpike system or a district located in 6714
the vicinity of a turnpike project that is part of the Ohio 6715
turnpike system; 6716

(d) One member of the house of representatives, appointed by 6717

the speaker of the house of representatives, who shall represent 6718
either a district in which is located or through which passes a 6719
portion of a turnpike project that is part of the Ohio turnpike 6720
system or a district located in the vicinity of a turnpike project 6721
that is part of the Ohio turnpike system. 6722

(2) The members appointed by the governor shall be residents 6723
of the state, shall have been qualified electors therein for a 6724
period of at least five years next preceding their appointment, 6725
~~and. In making the appointments, the governor may appoint persons~~ 6726
who reside in different geographic areas of the state, taking into 6727
consideration the various turnpike and infrastructure projects in 6728
the state. Members appointed to the commission prior to July 1, 6729
2013, shall serve terms of eight years commencing on the first day 6730
of July and ending on the thirtieth day of June. Thereafter, 6731
members appointed by the governor shall serve terms of three years 6732
commencing on the first day of July and ending on the thirtieth 6733
day of June. Those members appointed by the president of the 6734
senate or the speaker of the house of representatives shall serve 6735
a term of the remainder of the general assembly during which the 6736
senator or representative is appointed. Each appointed member 6737
shall hold office from the date of appointment until the end of 6738
the term for which the member was appointed. If a commission 6739
member dies or resigns, or if a senator or representative who is a 6740
member of the commission ceases to be a senator or representative, 6741
or if an ex officio member ceases to hold the applicable office, 6742
the vacancy shall be filled in the same manner as provided in 6743
division (B)(1) of this section. Any member who fills a vacancy 6744
occurring prior to the end of the term for which the member's 6745
predecessor was appointed shall, if appointed by the governor, 6746
hold office for the remainder of such term or, if appointed by the 6747
president of the senate or the speaker of the house of 6748
representatives, shall hold office for the remainder of the term 6749
or for a shorter period of time as determined by the president or 6750

the speaker. Any member appointed by the governor shall continue 6751
in office subsequent to the expiration date of the member's term 6752
until the member's successor takes office, or until a period of 6753
sixty days has elapsed, whichever occurs first. A member of the 6754
commission is eligible for reappointment. Each member of the 6755
commission appointed by the governor, before entering upon the 6756
member's duties, shall take an oath as provided by Section 7 of 6757
Article XV, Ohio Constitution. The governor, the president of the 6758
senate, or the speaker of the house of representatives, may at any 6759
time remove their respective appointees to the commission for 6760
misfeasance, nonfeasance, or malfeasance in office. 6761

(3)(a) A member of the commission who is appointed by the 6762
president of the senate or the speaker of the house of 6763
representatives shall not participate in any vote of the 6764
commission. Serving as an appointed member of the commission under 6765
divisions (B)(1)(c), (1)(d), or (2) of this section does not 6766
constitute grounds for resignation from the senate or the house of 6767
representatives under section 101.26 of the Revised Code. 6768

(b) The director of budget and management ~~and the director of~~ 6769
~~development~~ shall not participate in any vote of the commission. 6770

(C) The voting members of the commission shall elect one of 6771
the ~~appointed~~ voting members as chairperson and another as 6772
vice-chairperson, and shall appoint a secretary-treasurer who need 6773
not be a member of the commission. ~~Three~~ Four of the voting 6774
members of the commission constitute a quorum, and the affirmative 6775
vote of ~~three~~ four voting members is necessary for any action 6776
taken by the commission. No vacancy in the membership of the 6777
commission impairs the rights of a quorum to exercise all the 6778
rights and perform all the duties of the commission. 6779

(D) Each member of the commission appointed by the governor 6780
shall give a surety bond to the commission in the penal sum of 6781
twenty-five thousand dollars and the secretary-treasurer shall 6782

give such a bond in at least the penal sum of fifty thousand 6783
dollars. The commission may require any of its officers or 6784
employees to file surety bonds including a blanket bond as 6785
provided in section 3.06 of the Revised Code. Each such bond shall 6786
be in favor of the commission and shall be conditioned upon the 6787
faithful performance of the duties of the office, executed by a 6788
surety company authorized to transact business in this state, 6789
approved by the governor, and filed in the office of the secretary 6790
of state. The costs of the surety bonds shall be paid or 6791
reimbursed by the commission from revenues. Each member of the 6792
commission appointed by the governor shall receive an annual 6793
salary of five thousand dollars, payable in monthly installments. 6794
Each member shall be reimbursed for the member's actual expenses 6795
necessarily incurred in the performance of the member's duties. 6796
All costs and expenses incurred by the commission in carrying out 6797
this chapter shall be payable solely from revenues and state 6798
taxes, and no liability or obligation shall be incurred by the 6799
commission beyond the extent to which revenues have been provided 6800
for pursuant to this chapter. 6801

Sec. 5537.03. In order to remove present and anticipated 6802
handicaps and potential hazards on the congested highways in this 6803
state, to facilitate vehicular traffic throughout the state, to 6804
finance infrastructure projects that enhance mobility and economic 6805
development in Ohio, to promote the agricultural, commercial, 6806
recreational, tourism, and industrial development of the state, 6807
and to provide for the general welfare by the construction, 6808
improvement, and maintenance of modern express highways embodying 6809
safety devices, including without limitation center divisions, 6810
ample shoulder widths, long sight distances, multiple lanes in each 6811
direction, and grade separations at intersections with other 6812
public roads and railroads, the Ohio turnpike and infrastructure 6813
commission, ~~subject~~ may do the following: 6814

(A) Subject to section 5537.26 of the Revised Code, ~~may~~ 6815
construct, maintain, repair, and operate a system of turnpike 6816
projects at locations that are reviewed by the turnpike 6817
legislative review committee and approved by the governor, and in 6818
accordance with alignment and design standards that are approved 6819
by the director of transportation, and issue revenue bonds of this 6820
state, payable solely from pledged revenues, to pay the cost of 6821
those projects. The turnpikes and turnpike projects authorized by 6822
this chapter are hereby or shall be made part of the Ohio turnpike 6823
system. 6824

(B) Provide the infrastructure funds to pay the cost or a 6825
portion of the cost of infrastructure projects as recommended by 6826
the director of transportation pursuant to a determination made by 6827
the commission based on criteria set forth in rules adopted by the 6828
commission under section 5537.18 of the Revised Code. A 6829
determination by the commission to provide infrastructure funds 6830
for an infrastructure project shall be conclusive and 6831
incontestable. 6832

Sec. 5537.04. (A) The Ohio turnpike and infrastructure 6833
commission may do any of the following: 6834

(1) Adopt bylaws for the regulation of its affairs and the 6835
conduct of its business; 6836

(2) Adopt an official seal, which shall not be the great seal 6837
of the state and which need not be in compliance with section 5.10 6838
of the Revised Code; 6839

(3) Maintain a principal office and suboffices at such places 6840
within the state as it designates; 6841

(4) ~~Sue~~ With respect to the Ohio turnpike system and turnpike 6842
projects, sue and be sued in its own name, plead and be impleaded, 6843
provided any actions against the commission shall be brought in 6844

the court of common pleas of the county in which the principal 6845
office of the commission is located, or in the court of common 6846
pleas of the county in which the cause of action arose if that 6847
county is located within this state, and all summonses, 6848
exceptions, and notices of every kind shall be served on the 6849
commission by leaving a copy thereof at its principal office with 6850
the secretary-treasurer or executive director of the commission; 6851

(5) With respect to infrastructure projects only, sue and be 6852
sued in its own name, plead and be impleaded, provided any actions 6853
against the commission shall be brought in the court of common 6854
pleas of Franklin county, and all summonses, exceptions, and 6855
notices of every kind shall be served on the commission by leaving 6856
a copy thereof at its principal office with the 6857
secretary-treasurer or executive director of the commission. 6858

(6) Construct, maintain, repair, police, and operate the 6859
turnpike system, and establish rules for the use of any turnpike 6860
project; 6861

~~(6)~~(7) Issue revenue bonds of the state, payable solely from 6862
pledged revenues, as provided in this chapter, for the purpose of 6863
paying any part of the cost of constructing any one or more 6864
turnpike projects or infrastructure projects; 6865

~~(7)~~(8) Fix, and revise from time to time, and charge and 6866
collect tolls by any method approved by the commission, including, 6867
but not limited to, manual methods or through electronic 6868
technology accepted within the tolling industry; 6869

~~(8)~~(9) Acquire, hold, and dispose of property in the exercise 6870
of its powers and the performance of its duties under this 6871
chapter; 6872

~~(9)~~(10) Designate the locations and establish, limit, and 6873
control such points of ingress to and egress from each turnpike 6874
project as are necessary or desirable in the judgment of the 6875

commission and of the director of transportation to ensure the 6876
proper operation and maintenance of that turnpike project, and 6877
prohibit entrance to such a turnpike project from any point not so 6878
designated; 6879

~~(10)~~(11) Make and enter into all contracts and agreements 6880
necessary or incidental to the performance of its duties and the 6881
execution of its powers under this chapter, including 6882
participation in a multi-jurisdiction electronic toll collection 6883
agreement and collection or remittance of tolls, fees, or other 6884
charges to or from entities or agencies that participate in such 6885
an agreement; 6886

~~(11)~~(12) Employ or retain or contract for the services of 6887
consulting engineers, superintendents, managers, and any other 6888
engineers, construction and accounting experts, financial 6889
advisers, trustees, marketing, remarketing, and administrative 6890
agents, attorneys, and other employees, independent contractors, 6891
or agents that are necessary in its judgment and fix their 6892
compensation, provided all such expenses shall be payable solely 6893
from the proceeds of bonds or from revenues of the Ohio turnpike 6894
system; 6895

~~(12)~~(13) Receive and accept from any federal agency, subject 6896
to the approval of the governor, and from any other governmental 6897
agency grants for or in aid of the construction, reconstruction, 6898
repair, renovation, maintenance, or operation of any turnpike 6899
project, and receive and accept aid or contributions from any 6900
source or person of money, property, labor, or other things of 6901
value, to be held, used, and applied only for the purposes for 6902
which such grants and contributions are made; 6903

~~(13)~~(14) Provide coverage for its employees under Chapters 6904
4123. and 4141. of the Revised Code; 6905

~~(14)~~(15) Fix and revise by rule, from time to time, such 6906

permit fees, processing fees, or administrative charges for the 6907
prepayment, deferred payment, or nonpayment of tolls and use of 6908
electronic tolling equipment or other commission property; 6909

(16) Adopt rules for the issuance of citations either by a 6910
policing authority or through administrative means to individuals 6911
or corporations that evade the payment of tolls established for 6912
the use of any turnpike project; 6913

(17) Approve funding and authorize agreements with the 6914
department of transportation for the funding of infrastructure 6915
projects recommended by the director of transportation pursuant to 6916
the criteria established by rule under section 5537.18 of the 6917
Revised Code. 6918

(B) The commission may do all acts necessary or proper to 6919
carry out the powers expressly granted in this chapter. 6920

Sec. 5537.05. (A) The Ohio turnpike and infrastructure 6921
commission may construct grade separations at intersections of any 6922
turnpike project with public roads and railroads, and change and 6923
adjust the lines and grades of those roads and railroads, and of 6924
public utility facilities, which change and adjustment of lines 6925
and grades of those roads shall be subject to the approval of the 6926
governmental agency having jurisdiction over the road, so as to 6927
accommodate them to the design of the grade separation. The cost 6928
of the grade separation and any damage incurred in changing and 6929
adjusting the lines and grades of roads, railroads, and public 6930
utility facilities shall be ascertained and paid by the commission 6931
as a part of the cost of the turnpike project or from revenues or 6932
state taxes. 6933

(1) If the commission finds it necessary to change the 6934
location of any portion of any public road, railroad, or public 6935
utility facility, it shall cause the same to be reconstructed at 6936
the location the governmental agency having jurisdiction over such 6937

road, railroad, or public utility facility considers most 6938
favorable. The construction shall be of substantially the same 6939
type and in as good condition as the original road, railroad, or 6940
public utility facility. The cost of the reconstruction, 6941
relocation, or removal and any damage incurred in changing the 6942
location shall be ascertained and paid by the commission as a part 6943
of the cost of the turnpike project or from revenues or state 6944
taxes. 6945

(2) The commission may petition the board of county 6946
commissioners of the county in which is situated any public road 6947
or part thereof affected by the location therein of any turnpike 6948
project, for the vacation or relocation of the road or any part 6949
thereof, in the same manner and with the same force and effect as 6950
is given to the director of transportation pursuant to sections 6951
5553.04 to 5553.11 of the Revised Code. 6952

(B) The commission and its authorized agents and employees, 6953
after proper notice, may enter upon any lands, waters, and 6954
premises in the state for the purpose of making surveys, 6955
soundings, drillings, and examinations that are necessary or 6956
proper for the purposes of this chapter, and the entry shall not 6957
be deemed a trespass, nor shall an entry for those purposes be 6958
deemed an entry under any appropriation proceedings which may then 6959
be pending, provided that before entering upon the premises of any 6960
railroad notice shall be given to the superintendent of the 6961
railroad involved at least five days in advance of entry, and 6962
provided that no survey, sounding, drilling, and examination shall 6963
be made between the rails or so close to a railroad track as would 6964
render the track unusable. The commission shall make reimbursement 6965
for any actual damage resulting to such lands, waters, and 6966
premises and to private property located in, on, along, over, or 6967
under such lands, waters, and premises, as a result of such 6968
activities. The state, subject to the approval of the governor, 6969

hereby consents to the use of all lands owned by it, including 6970
lands lying under water, that are necessary or proper for the 6971
construction, maintenance, or operation of any turnpike project, 6972
provided adequate consideration is provided for the use. 6973

(C) The commission may make reasonable provisions or rules 6974
for the installation, construction, maintenance, repair, renewal, 6975
relocation, and removal of public utility facilities in, on, 6976
along, over, or under any turnpike project. Whenever the 6977
commission determines that it is necessary that any public utility 6978
facilities located in, on, along, over, or under any turnpike 6979
project should be relocated in or removed from the turnpike 6980
project, the public utility owning or operating the facilities 6981
shall relocate or remove them in accordance with the order of the 6982
commission. Except as otherwise provided in any license or other 6983
agreement with the commission, the cost and expenses of such 6984
relocation or removal, including the cost of installing the 6985
facilities in a new location, the cost of any lands, or any rights 6986
or interests in lands, and any other rights, acquired to 6987
accomplish the relocation or removal, shall be ascertained and 6988
paid by the commission as part of the cost of the turnpike project 6989
or from revenues of the Ohio turnpike system. In case of any such 6990
relocation or removal of facilities, the public utility owning or 6991
operating them and its successors or assigns may maintain and 6992
operate the facilities, with the necessary appurtenances, in the 6993
new location, for as long a period, and upon the same terms, as it 6994
had the right to maintain and operate the facilities in their 6995
former location. 6996

(D) The commission is subject to Chapters 1515., 6131., 6997
6133., 6135., and 6137. of the Revised Code and shall pay any 6998
assessments levied under those chapters for an improvement or 6999
maintenance of an improvement on land under the control or 7000
ownership of the commission. 7001

Sec. 5537.051. (A)(1) In any county that as of January 1, 7002
2011, had closed one or more roads as a result of grade separation 7003
failure at intersections of a turnpike project with a county or 7004
township road, the Ohio turnpike and infrastructure commission is 7005
responsible for the major maintenance and repair and replacement 7006
of failed grade separations. The governmental entity with 7007
jurisdiction over the county or township road is responsible for 7008
routine maintenance of such failed grade separations. 7009

(2) This section does not apply to any grade separation at 7010
intersections of a turnpike project with a county or township road 7011
except as described in division (A)(1) of this section. 7012

(3) Major maintenance and repair and replacement of 7013
aforementioned failed grade separations shall commence not later 7014
than July 1, 2011, and be completed before December 31, 2014. 7015

(B) As used in this section: 7016

(1) "Major maintenance and repair and replacement" relates to 7017
all elements constructed as part of or required for a grade 7018
separation, including bridges, pile, foundations, substructures, 7019
abutments, piers, superstructures, approach slabs, slopes, 7020
embankments, fences, and appurtenances. 7021

(2) "Routine maintenance" includes, without limitation, 7022
clearing debris, sweeping, snow and ice removal, wearing surface 7023
improvements, marking for traffic control, box culverts, drainage 7024
facilities including headwalls and underdrains, inlets, catch 7025
basins and grates, guardrails, minor and emergency repairs to 7026
railing and appurtenances, and emergency patching. 7027

Sec. 5537.06. (A) The Ohio turnpike and infrastructure 7028
commission may acquire by purchase, lease, lease-purchase, lease 7029
with option to purchase, appropriation, or otherwise and in such 7030
manner and for such consideration as it considers proper, any 7031

public or private property necessary, convenient, or proper for 7032
the construction, maintenance, or efficient operation of the Ohio 7033
turnpike system. The commission may pledge net revenues, to the 7034
extent permitted by this chapter with respect to bonds, to secure 7035
payments to be made by the commission under any such lease, 7036
lease-purchase agreement, or lease with option to purchase. Title 7037
to personal property, and interests less than a fee in real 7038
property, shall be held in the name of the commission. Title to 7039
real property held in fee shall be held in the name of the state 7040
for the use of the commission. In any proceedings for 7041
appropriation under this section, the procedure to be followed 7042
shall be in accordance with the procedure provided in sections 7043
163.01 to 163.22 of the Revised Code, including division (B) of 7044
section 163.06 of the Revised Code notwithstanding the limitation 7045
in that division of its applicability to roads open to the public 7046
without charge. Except as otherwise agreed upon by the owner, full 7047
compensation shall be paid for public property so taken. 7048

(B) This section does not authorize the commission to take or 7049
disturb property or facilities belonging to any public utility or 7050
to a common carrier engaged in interstate commerce, which property 7051
or facilities are required for the proper and convenient operation 7052
of the public utility or common carrier, unless provision is made 7053
for the restoration, relocation, replication, or duplication of 7054
the property or facilities elsewhere at the sole cost of the 7055
commission. 7056

(C) Disposition of real property shall be by the commission 7057
in the manner and for the consideration it determines if to a 7058
state agency or other governmental agency, and otherwise in the 7059
manner provided in section 5501.45 of the Revised Code for the 7060
disposition of property by the director of transportation. 7061
Disposition of personal property shall be in the manner and for 7062
the consideration the commission determines. 7063

(D) Any instrument by which real property is acquired 7064
pursuant to this section shall identify the agency of the state 7065
that has the use and benefit of the real property as specified in 7066
section 5301.012 of the Revised Code. 7067

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 7068
infrastructure commission under any contract with a person other 7069
than a governmental agency involves an expenditure of more than 7070
fifty thousand dollars, the commission shall make a written 7071
contract with the lowest responsive and responsible bidder in 7072
accordance with section 9.312 of the Revised Code after 7073
advertisement for not less than two consecutive weeks in a 7074
newspaper of general circulation in Franklin county, and in such 7075
other publications as the commission determines, which notice 7076
shall state the general character of the work and the general 7077
character of the materials to be furnished, the place where plans 7078
and specifications therefor may be examined, and the time and 7079
place of receiving bids. The commission may require that the cost 7080
estimate for the construction, demolition, alteration, repair, 7081
improvement, renovation, or reconstruction of roadways and bridges 7082
for which the commission is required to receive bids be kept 7083
confidential and remain confidential until after all bids for the 7084
public improvement have been received or the deadline for 7085
receiving bids has passed. Thereafter, and before opening the bids 7086
submitted for the roadways and bridges, the commission shall make 7087
the cost estimate public knowledge by reading the cost estimate in 7088
a public place. The commission may reject any and all bids. The 7089
requirements of this division do not apply to contracts for the 7090
acquisition of real property or compensation for professional or 7091
other personal services. 7092

(B) Each bid for a contract for construction, demolition, 7093
alteration, repair, improvement, renovation, or reconstruction 7094
shall contain the full name of every person interested in it and 7095

shall meet the requirements of section 153.54 of the Revised Code. 7096

(C) Other than for a contract referred to in division (B) of 7097
this section, each bid for a contract that involves an expenditure 7098
in excess of one hundred fifty thousand dollars or any contract 7099
with a service facility operator shall contain the full name of 7100
every person interested in it and shall be accompanied by a 7101
sufficient bond or certified check on a solvent bank that if the 7102
bid is accepted a contract will be entered into and the 7103
performance of its proposal secured. 7104

(D) Other than a contract referred to in division (B) of this 7105
section, a bond with good and sufficient surety, in a form as 7106
prescribed and approved by the commission, shall be required of 7107
every contractor awarded a contract that involves an expenditure 7108
in excess of one hundred fifty thousand dollars or any contract 7109
with a service facility operator. The bond shall be in an amount 7110
equal to at least fifty per cent of the contract price and shall 7111
be conditioned upon the faithful performance of the contract. 7112

(E) Notwithstanding any other provisions of this section, the 7113
commission may establish a program to expedite special turnpike 7114
projects by combining the design and construction elements of any 7115
public improvement project into a single contract. The commission 7116
shall prepare and distribute a scope of work document upon which 7117
the bidders shall base their bids. At a minimum, bidders shall 7118
meet the requirements of section 4733.161 of the Revised Code. 7119
Except in regard to those requirements relating to providing 7120
plans, the commission shall award contracts following the 7121
requirements set forth in divisions (A), (B), (C), and (D) of this 7122
section. 7123

Sec. 5537.08. (A) The Ohio turnpike and infrastructure 7124
commission may provide by resolution for the issuance, at one time 7125
or from time to time, of revenue bonds of the state for the 7126

purpose of paying all or any part of the cost of any one or more 7127
turnpike projects or infrastructure projects. The bond service 7128
charges shall be payable solely from pledged revenues pledged for 7129
such payment pursuant to the applicable bond proceedings. The 7130
bonds of each issue shall be dated, shall bear interest at a rate 7131
or rates or at variable rates, and shall mature or be payable at 7132
such time or times, with a final maturity not to exceed forty 7133
years from their date or dates, all as determined by the 7134
commission in the bond proceedings. The commission shall determine 7135
the form of the bonds, including any interest coupons to be 7136
attached thereto, and shall fix the denomination or denominations 7137
of the bonds and the place or places of payment of bond service 7138
charges. 7139

(B) The bonds shall be signed by the chairperson or 7140
vice-chairperson of the commission or by the facsimile signature 7141
of that officer, the official seal of the commission or a 7142
facsimile thereof shall be affixed thereto or printed thereon and 7143
attested by the secretary-treasurer of the commission, which may 7144
be by facsimile signature, and any coupons attached thereto shall 7145
bear the facsimile signature of the chairperson or 7146
vice-chairperson of the commission. In case any officer whose 7147
signature, or a facsimile of whose signature, appears on any bonds 7148
or coupons ceases to be such officer before delivery of bonds, 7149
such signature or facsimile shall nevertheless be valid and 7150
sufficient for all purposes the same as if the officer had 7151
remained in office until such delivery. 7152

(C) Subject to the bond proceedings and provisions for 7153
registration, the bonds shall have all the qualities and incidents 7154
of negotiable instruments under Title XIII of the Revised Code. 7155
The bonds may be issued in such form or forms as the commission 7156
determines, including without limitation coupon, book entry, and 7157
fully registered form, and provision may be made for the 7158

registration of any coupon bonds as to principal alone and also as 7159
to both principal and interest, and for the exchange of bonds 7160
between forms. The commission may sell such bonds by competitive 7161
bid on the best bid after advertisement or request for bids or by 7162
private sale in the manner, and for the price, it determines to be 7163
for the best interest of the state. ~~The determination of the 7164
commission as to the manner of sale, by competitive bid or by 7165
private sale, shall be approved by the controlling board.~~ 7166

(D) The proceeds of the bonds of each issue shall be used 7167
solely for the payment of the costs of the turnpike project or 7168
projects for which such bonds were issued, and or for the payment 7169
of the costs of the infrastructure project or projects as approved 7170
by the commission under section 5537.18 of the Revised Code. The 7171
proceeds shall be disbursed in such manner and under such 7172
restrictions as the commission provides in the applicable bond 7173
proceedings. 7174

(E) Prior to the preparation of definitive bonds, the 7175
commission may, under like restrictions, issue interim receipts or 7176
temporary bonds or bond anticipation notes, with or without 7177
coupons, exchangeable for definitive bonds when such bonds have 7178
been executed and are available for delivery. The commission may 7179
provide for the replacement of any mutilated, stolen, destroyed, 7180
or lost bonds. Bonds may be issued by the commission under this 7181
chapter without obtaining the consent of any state agency, and 7182
without any other proceedings or the happening of any other 7183
conditions or things than those proceedings, conditions, or things 7184
that are specifically required by this chapter or those 7185
proceedings. 7186

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 7187
bonds. 7188

(G) The bond proceedings shall provide, subject to the 7189
provisions of any other applicable bond proceedings, for the 7190

pledge to the payment of bond service charges and of any costs of 7191
or relating to credit enhancement facilities of all, or such part 7192
as the commission may determine, of the pledged revenues and the 7193
applicable special fund or funds, which pledges may be made to 7194
secure the bonds on a parity with bonds theretofore or thereafter 7195
issued if and to the extent provided in the bond proceedings. 7196
Every pledge, and every covenant and agreement with respect 7197
thereto, made in the bond proceedings may in the bond proceedings 7198
be extended to the benefit of the owners and holders of bonds and 7199
to any trustee and any person providing a credit enhancement 7200
facility for those bonds, for the further security for the payment 7201
of the bond service charges and credit enhancement facility costs. 7202

(H) The bond proceedings may contain additional provisions as 7203
to: 7204

(1) The redemption of bonds prior to maturity at the option 7205
of the commission or of the bondholders or upon the occurrence of 7206
certain stated conditions, and at such price or prices and under 7207
such terms and conditions as are provided in the bond proceedings; 7208

(2) Other terms of the bonds; 7209

(3) Limitations on the issuance of additional bonds; 7210

(4) The terms of any trust agreement securing the bonds or 7211
under which the same may be issued; 7212

(5) Any or every provision of the bond proceedings being 7213
binding upon the commission and state agencies, or other person as 7214
may from time to time have the authority under law to take such 7215
actions as may be necessary to perform all or any part of the duty 7216
required by such provision; 7217

(6) Any provision that may be made in a trust agreement; 7218

(7) Any other or additional agreements with the holders of 7219
the bonds, or the trustee therefor, relating to the bonds or the 7220

security for the bonds, including agreements for credit 7221
enhancement facilities. 7222

(I) Any holder of bonds or a trustee under the bond 7223
proceedings, except to the extent that the holder's or trustee's 7224
rights are restricted by the bond proceedings, may by any suitable 7225
form of legal proceedings, protect and enforce any rights under 7226
the laws of this state or granted by the bond proceedings. Those 7227
rights include the right to compel the performance of all duties 7228
of the commission and state agencies required by this chapter or 7229
the bond proceedings; to enjoin unlawful activities; and in the 7230
event of default with respect to the payment of any bond service 7231
charges on any bonds or in the performance of any covenant or 7232
agreement on the part of the commission contained in the bond 7233
proceedings, to apply to a court having jurisdiction of the cause 7234
to appoint a receiver to receive and administer the revenues and 7235
the pledged revenues which are pledged to the payment of the bond 7236
service charges on such bonds or which are the subject of the 7237
covenant or agreement, with full power to pay, and to provide for 7238
payment of, bond service charges on such bonds, and with such 7239
powers, subject to the direction of the court, as are accorded 7240
receivers in general equity cases, excluding any power to pledge 7241
additional revenues or receipts or other income, funds, or moneys 7242
of the commission or state agencies to the payment of such bond 7243
service charges and excluding the power to take possession of, 7244
mortgage, or cause the sale or otherwise dispose of any turnpike 7245
project or other property of the commission. 7246

(J) Each duty of the commission and the commission's officers 7247
and employees, undertaken pursuant to the bond proceedings, is 7248
hereby established as a duty of the commission, and of each such 7249
officer, member, or employee having authority to perform the duty, 7250
specifically enjoined by law resulting from an office, trust, or 7251
station within the meaning of section 2731.01 of the Revised Code. 7252

(K) The commission's officers or employees are not liable in 7253
their personal capacities on any bonds issued by the commission or 7254
any agreements of or with the commission relating to those bonds. 7255

(L) The bonds are lawful investments for banks, savings and 7256
loan associations, credit union share guaranty corporations, trust 7257
companies, trustees, fiduciaries, insurance companies, including 7258
domestic for life and domestic not for life, trustees or other 7259
officers having charge of sinking and bond retirement or other 7260
funds of the state or its political subdivisions and taxing 7261
districts, the commissioners of the sinking fund of the state, the 7262
administrator of workers' compensation, the state teachers 7263
retirement system, the public employees retirement system, the 7264
school employees retirement system, and the Ohio police and fire 7265
pension fund, notwithstanding any other provisions of the Revised 7266
Code or rules adopted pursuant thereto by any state agency with 7267
respect to investments by them, and are also acceptable as 7268
security for the repayment of the deposit of public moneys. 7269

(M) Provision may be made in the applicable bond proceedings 7270
for the establishment of separate accounts in the bond service 7271
fund and for the application of such accounts only to the 7272
specified bond service charges pertinent to such accounts and bond 7273
service fund, and for other accounts therein within the general 7274
purposes of such fund. 7275

(N) The commission may pledge all, or such portion as it 7276
determines, of the pledged revenues to the payment of bond service 7277
charges, and for the establishment and maintenance of any reserves 7278
and special funds, as provided in the bond proceedings, and make 7279
other provisions therein with respect to pledged revenues, 7280
revenues, and net revenues as authorized by this chapter, which 7281
provisions are controlling notwithstanding any other provisions of 7282
law pertaining thereto. 7283

Sec. 5537.09. The Ohio turnpike and infrastructure commission 7284
may provide by resolution for the issuance of revenue bonds of the 7285
state, payable solely from pledged revenues, for the purpose of 7286
refunding any bonds then outstanding, including the payment of 7287
related financing expenses and, if considered advisable by the 7288
commission, for the additional purpose of paying costs of 7289
improvements, extensions, renovations, or enlargements of any 7290
turnpike project or any infrastructure project. The issuance of 7291
refunding bonds, the maturities and other details thereof, the 7292
rights of the holders thereof, and the rights, duties, and 7293
obligations of the commission in respect to such bonds shall be 7294
governed by the provisions of this chapter insofar as they are 7295
applicable and by the applicable bond proceedings. 7296

Sec. 5537.11. (A) The bonds do not constitute a debt, or a 7297
pledge of the faith and credit, of the state or of any political 7298
subdivision of the state. Bond service charges on outstanding 7299
bonds are payable solely from the pledged revenues pledged for 7300
their payment as authorized by this chapter and as provided in the 7301
bond proceedings. All turnpike and infrastructure revenue bonds 7302
shall contain on their face a statement to that effect. 7303

(B) All expenses incurred in carrying out this chapter shall 7304
be payable solely from revenues provided under this chapter and 7305
from state taxes. This chapter does not authorize the Ohio 7306
turnpike and infrastructure commission to incur indebtedness or 7307
liability on behalf of or payable by the state or any political 7308
subdivision of the state. 7309

Sec. 5537.12. (A) In the discretion of the Ohio turnpike and 7310
infrastructure commission any bonds may be secured by a trust 7311
agreement between the commission and a corporate trustee, which 7312
may be any trust company or bank having the powers of a trust 7313

company within or without the state but authorized to exercise 7314
trust powers within this state. 7315

(B) Any trust agreement may pledge or assign the revenues to 7316
be received, but shall not convey or mortgage any turnpike project 7317
or infrastructure project, any part of a turnpike project or 7318
infrastructure project, or any part of the Ohio turnpike system or 7319
the Ohio turnpike and infrastructure system. Any such trust 7320
agreement or other bond proceedings may contain provisions for 7321
protecting and enforcing the rights and remedies of the 7322
bondholders that are reasonable and proper and not in violation of 7323
law, including covenants setting forth the duties of the 7324
commission in relation to the acquisition of property, and the 7325
construction, maintenance, repair, operation, and insurance of the 7326
turnpike project or projects in connection with which the bonds 7327
are authorized, the rates of toll to be charged, and the custody, 7328
safeguarding, and application of all moneys, and provisions for 7329
the employment or retention of the services of consulting 7330
engineers in connection with the construction, maintenance, or 7331
operation of the turnpike project or projects. Any bank or trust 7332
company incorporated under the laws of this state which may act as 7333
depository of the proceeds of bonds or of revenues may furnish 7334
such indemnifying bonds or may pledge such securities as are 7335
required by the commission. Any such trust agreement may set forth 7336
the rights and remedies of the bondholders and of the trustee, may 7337
restrict the individual right of action by bondholders as is 7338
customary in revenue bond trust agreements of public bodies, and 7339
may contain other provisions that the commission considers 7340
reasonable and proper for the security of the bondholders. All 7341
expenses incurred in entering into or carrying out the provisions 7342
of such a trust agreement may be treated as a part of the cost, or 7343
of the cost of the operation, of the turnpike project or projects. 7344

Sec. 5537.13. (A) Subject to section 5537.26 of the Revised 7345

Code, the Ohio turnpike and infrastructure commission may fix, 7346
revise, charge, and collect tolls for each turnpike project, and 7347
contract in the manner provided by this section with any person 7348
desiring the use of any part thereof, including the right-of-way 7349
adjoining the paved portion, for placing thereon telephone, 7350
electric light, or power lines, service facilities, or for any 7351
other purpose, and fix the terms, conditions, rents, and rates of 7352
charge for such use, provided that no toll, charge, or rental may 7353
be made by the commission for placing in, on, along, over, or 7354
under the turnpike project, equipment or public utility facilities 7355
that are necessary to serve service facilities or to interconnect 7356
any public utility facilities. 7357

(B) Contracts for the operation of service facilities shall 7358
be made in writing. Such contracts, except contracts with state 7359
agencies or other governmental agencies, shall be made with the 7360
bidder whose bid is determined by the commission to be the best 7361
bid received, after advertisement for two consecutive weeks in a 7362
newspaper of general circulation in Franklin county, and in other 7363
publications that the commission determines. The notice shall 7364
state the general character of the service facilities operation 7365
proposed, the place where plans and specifications may be 7366
examined, and the time and place of receiving bids. Bids shall 7367
contain the full name of each person interested in them, and shall 7368
be in such form as the commission requires. The commission may 7369
reject any and all bids. All contracts for service facilities 7370
shall be preserved in the principal office of the commission. 7371

(C) Tolls shall be so fixed and adjusted as to provide funds 7372
at least sufficient with other revenues of the Ohio turnpike 7373
system, if any, to pay: 7374

(1) The cost of maintaining, improving, repairing, 7375
constructing, and operating the Ohio turnpike system and its 7376
different parts and sections, and to create and maintain any 7377

reserves for those purposes; 7378

(2) Any unpaid bond service charges on outstanding bonds 7379
payable from pledged revenues as such charges become due and 7380
payable, and to create and maintain any reserves for that purpose. 7381

(D) Tolls are not subject to supervision, approval, or 7382
regulation by any state agency other than the turnpike and 7383
infrastructure commission. 7384

(E) Revenues derived from each turnpike project ~~in connection~~ 7385
~~with which any bonds are outstanding~~ shall be first applied to pay 7386
the cost of maintenance, improvement, repair, and operation and to 7387
provide any reserves therefor that are provided for in the bond 7388
proceedings authorizing the issuance of those outstanding bonds, 7389
and otherwise as provided by the commission, ~~and the balance. The~~ 7390
bond proceedings also shall provide, subject to the provisions of 7391
any other applicable bond proceedings, for the pledge of all, or 7392
such part as the commission may determine of the pledged revenues 7393
~~shall be set aside, at such regular intervals as are provided in~~ 7394
~~the bond proceedings, in a bond service fund, which is hereby~~ 7395
~~pledged to and charged with~~ and the applicable special fund or 7396
funds to the payment of the bond service charges ~~on any such~~ 7397
~~outstanding bonds as provided in the applicable, which pledge may~~ 7398
be made to secure the bonds senior or subordinate to or on a 7399
parity with bonds theretofore or thereafter issued, if and to the 7400
extent provided in the bond proceedings. The pledge shall be valid 7401
and binding from the time the pledge is made; the revenues and the 7402
pledged revenues thereafter received by the commission immediately 7403
shall be subject to the lien of the pledge without any physical 7404
delivery thereof or further act, and the lien of the pledge shall 7405
be valid and binding as against all parties having claims of any 7406
kind in tort, contract, or otherwise against the commission, 7407
whether or not those parties have notice thereof. The bond 7408
proceedings by which a pledge is created need not be filed or 7409

recorded except in the records of the commission. The use and 7410
disposition of moneys to the credit of a bond service fund shall 7411
be subject to the applicable bond proceedings. ~~Except as is~~ 7412
~~otherwise provided in such bond proceedings, such a bond service~~ 7413
~~fund shall be a fund for all such bonds, without distinction or~~ 7414
~~priority of one over another.~~ 7415

(F) The proceeds of bonds issued for the payment of the costs 7416
of infrastructure projects, net of the payment of all financing 7417
expenses and deposits into debt service reserves or other special 7418
funds as may be required in the applicable bond proceedings, shall 7419
be deposited to the infrastructure fund or funds and shall be 7420
exclusively used to pay the cost of infrastructure projects 7421
approved by the commission, except that income earned by the 7422
infrastructure fund may be used by the commission towards the 7423
payment of bond service charges. 7424

Sec. 5537.14. All moneys received by the Ohio turnpike and 7425
infrastructure commission under this chapter, whether as proceeds 7426
from the sale of bonds or as revenues, are to be held and applied 7427
solely as provided in this chapter and in any applicable bond 7428
proceedings. Such moneys shall be kept in depositories as selected 7429
by the commission in the manner provided in sections 135.01 to 7430
135.21 of the Revised Code, insofar as such sections are 7431
applicable, and the deposits shall be secured as provided in 7432
sections 135.01 to 135.21 of the Revised Code. The bond 7433
proceedings shall provide that any officer to whom, or any bank or 7434
trust company to which, revenues or pledged revenues are paid 7435
shall act as trustee of such moneys and hold and apply them for 7436
the purposes thereof, subject to applicable provisions of this 7437
chapter and the bond proceedings. 7438

Sec. 5537.15. Any holder of bonds issued and outstanding 7439
under this chapter, or any of the coupons appertaining thereto, 7440

and the trustee under any trust agreement, except to the extent 7441
the rights given by this chapter may be restricted or modified by 7442
the bond proceedings, may by suit, action, mandamus, or other 7443
proceedings, protect and enforce any rights under the laws of the 7444
state or granted under this chapter or the bond proceedings, and 7445
may enforce and compel the performance of all duties required by 7446
this chapter or the bond proceedings, to be performed by the Ohio 7447
turnpike and infrastructure commission or any officer of the 7448
commission, including the fixing, charging, collecting, and 7449
application of tolls. 7450

Sec. 5537.16. (A) The Ohio turnpike and infrastructure 7451
commission may adopt such bylaws and rules as it considers 7452
advisable for the control and regulation of traffic on any 7453
turnpike project, for the protection and preservation of property 7454
under its jurisdiction and control, for the maintenance and 7455
preservation of good order within the property under its control, 7456
and for the purpose of establishing owner or operator liability 7457
for failure to comply with toll collection rules. The rules of the 7458
commission with respect to the speed, use of special engine 7459
brakes, axle loads, vehicle loads, and vehicle dimensions of 7460
vehicles on turnpike projects, including the issuance of a special 7461
permit by the commission to allow the operation on any turnpike 7462
project of a motor vehicle transporting two or fewer steel coils, 7463
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 7464
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 7465
be published in a newspaper of general circulation in Franklin 7466
county, and in such other manner as the commission prescribes. 7467

(B) Such rules shall provide that public police officers 7468
shall be afforded ready access, while in the performance of their 7469
official duty, to all property under the jurisdiction of the 7470
commission and without the payment of tolls. 7471

(C) No person shall violate any such bylaws or rules of the 7472
commission. 7473

(D)(1) All fines collected for the violation of applicable 7474
laws of the state and the bylaws and rules of the commission or 7475
moneys arising from bonds forfeited for such violation shall be 7476
disposed of in accordance with section 5503.04 of the Revised 7477
Code. 7478

(2) All fees or charges assessed by the commission against an 7479
owner or operator of a vehicle as a civil violation for failure to 7480
comply with toll collection or toll evasion rules shall be 7481
revenues of the commission. 7482

Sec. 5537.17. (A) Each turnpike project open to traffic shall 7483
be maintained and kept in good condition and repair by the Ohio 7484
turnpike and infrastructure commission. The Ohio turnpike system 7485
shall be policed and operated by a force of police, toll 7486
collectors, and other employees and agents that the commission 7487
employs or contracts for. 7488

(B) All public or private property damaged or destroyed in 7489
carrying out the powers granted by this chapter shall be restored 7490
or repaired and placed in its original condition, as nearly as 7491
practicable, or adequate compensation or consideration made 7492
therefor out of moneys provided under this chapter. 7493

(C) All governmental agencies may lease, lend, grant, or 7494
convey to the commission at its request, upon terms that the 7495
proper authorities of the governmental agencies consider 7496
reasonable and fair and without the necessity for an 7497
advertisement, order of court, or other action or formality, other 7498
than the regular and formal action of the authorities concerned, 7499
any property that is necessary or convenient to the effectuation 7500
of the purposes of the commission, including public roads and 7501
other property already devoted to public use. 7502

(D) Each bridge constituting part of a turnpike project shall 7503
be inspected at least once each year by a professional engineer 7504
employed or retained by the commission. 7505

(E) On or before the first day of July in each year, the 7506
commission shall make an annual report of its activities for the 7507
preceding calendar year to the governor and the general assembly. 7508
Each such report shall set forth a complete operating and 7509
financial statement covering the commission's operations and 7510
funding of any turnpike projects and infrastructure projects 7511
during the year. The commission shall cause an audit of its books 7512
and accounts to be made at least once each year by certified 7513
public accountants, and the cost thereof may be treated as a part 7514
of the cost of operations of the commission. The auditor of state, 7515
at least once a year and without previous notice to the 7516
commission, shall audit the accounts and transactions of the 7517
commission. 7518

(F) The commission shall submit a copy of its annual audit by 7519
the auditor of state and its proposed annual budget for each 7520
calendar or fiscal year to the governor, the presiding officers of 7521
each house of the general assembly, the director of budget and 7522
management, and the legislative service commission no later than 7523
the first day of that calendar or fiscal year. 7524

(G) Upon request of the chairperson of the appropriate 7525
standing committee or subcommittee of the senate and house of 7526
representatives that is primarily responsible for considering 7527
transportation budget matters, the commission shall appear at 7528
least one time before each committee or subcommittee during the 7529
period when that committee or subcommittee is considering the 7530
biennial appropriations for the department of transportation and 7531
shall provide testimony outlining its budgetary results for the 7532
last two calendar years, including a comparison of budget and 7533
actual revenue and expenditure amounts. The commission also shall 7534

address its current budget and long-term capital plan. 7535

(H) Not more than sixty nor less than thirty days before 7536
adopting its annual budget, the commission shall submit a copy of 7537
its proposed annual budget to the governor, the presiding officers 7538
of each house of the general assembly, the director of budget and 7539
management, and the legislative service commission. The office of 7540
budget and management shall review the proposed budget and may 7541
provide recommendations to the commission for its consideration. 7542

Sec. 5537.18. (A) The Ohio turnpike and infrastructure 7543
commission shall adopt rules establishing the procedures and 7544
criteria under which the commission may approve an application 7545
received from the director of transportation for infrastructure 7546
project funding under division (B) of this section. The rules 7547
shall require an infrastructure project to have an anticipated 7548
economic or transportation-related impact on the Ohio turnpike and 7549
infrastructure system. 7550

(B) The director of transportation may submit an application 7551
to the commission for infrastructure project funding. An 7552
application to the commission for infrastructure project funding, 7553
as submitted by the director, shall include only infrastructure 7554
projects that previously have been reviewed and recommended by the 7555
transportation review advisory council pursuant to the selection 7556
process followed by the council under Chapter 5512. of the Revised 7557
Code. 7558

(C) The commission shall evaluate each application for 7559
infrastructure project funding submitted under division (B) of 7560
this section in accordance with the procedures and criteria 7561
established in rules adopted under division (A) of this section. A 7562
determination or approval made under this section is conclusive 7563
and incontestable. 7564

Sec. 5537.19. The Ohio turnpike and infrastructure commission 7565
shall expend such moneys as the commission considers necessary for 7566
studies of any turnpike project or infrastructure project, whether 7567
proposed, under construction, or in operation, and may employ 7568
consulting engineers, traffic engineers, and any other individuals 7569
or firms that the commission considers necessary to properly 7570
implement the studies. The cost of the studies may be paid from 7571
revenues, eligible state and federal grants, state taxes available 7572
to the commission and permitted by law to be spent for such 7573
purposes, or the proceeds of bonds. 7574

Sec. 5537.20. The exercise of the powers granted by this 7575
chapter is in all respects for the benefit of the people of the 7576
state, for the increase of their commerce and prosperity, and for 7577
the improvement of their health and living conditions, and as the 7578
construction, operation, and maintenance of the Ohio turnpike 7579
system by the Ohio turnpike and infrastructure commission 7580
constitute the performance of essential governmental functions, 7581
the commission, except as provided in division (D) of section 7582
5537.05 of the Revised Code, shall not be required to pay any 7583
state or local taxes or assessments upon any turnpike project or 7584
infrastructure project funded by it, or upon revenues or any 7585
property acquired or used by the commission under this chapter, or 7586
upon the income therefrom. The bonds issued under this chapter, 7587
their transfer, and the income therefrom, including any profit 7588
made on the sale thereof, shall at all times be free from taxation 7589
within the state. 7590

Sec. 5537.21. (A) When bond service charges on all 7591
outstanding bonds issued in connection with any turnpike project 7592
have been paid or provision for that payment has been made, as 7593
provided in the applicable bond proceedings, or in the case of a 7594

turnpike project in connection with which no bonds have been 7595
issued, the project shall continue to be or be operated, and 7596
improved and maintained, by the Ohio turnpike and infrastructure 7597
commission as a part of the Ohio turnpike system and as a toll 7598
road, and all revenues received by the commission relating to that 7599
project shall be applied as provided in division (B) of this 7600
section. 7601

(B) Subject to the bond proceedings for bonds relating to any 7602
turnpike project or infrastructure project, tolls relating to a 7603
turnpike project as referred to in division (A) of this section 7604
shall be so fixed and adjusted such that the aggregate of 7605
available revenues relating to that turnpike project ~~and available~~ 7606
~~for the purpose~~ are in amounts ~~to provide moneys at least~~ 7607
sufficient, ~~and those revenues shall be used,~~ to pay the costs 7608
described in division (C)(1) of section 5537.13 of the Revised 7609
Code. 7610

Sec. 5537.22. All final actions of the Ohio turnpike and 7611
infrastructure commission shall be journalized and such journal 7612
shall be open to the inspection of the public at all reasonable 7613
times. 7614

Sec. 5537.24. (A) There is hereby created a turnpike 7615
legislative review committee consisting of six members as follows: 7616

(1) Three members of the senate, no more than two of whom 7617
shall be members of the same political party, one of whom shall be 7618
the chairperson of the committee dealing primarily with highway 7619
matters, one of whom shall be appointed by the president of the 7620
senate, and one of whom shall be appointed by the minority leader 7621
of the senate. 7622

Both the senate member who is appointed by the president of 7623
the senate and the senate member appointed by the minority leader 7624

of the senate shall represent either districts in which is located 7625
or through which passes a portion of a turnpike project that is 7626
part of the Ohio turnpike system or districts located in the 7627
vicinity of a turnpike project that is part of the Ohio turnpike 7628
system. 7629

The president of the senate shall make the president of the 7630
senate's appointment to the committee first, followed by the 7631
minority leader of the senate, and they shall make their 7632
appointments in such a manner that their two appointees represent 7633
districts that are located in different areas of the state. If the 7634
chairperson of the senate committee dealing primarily with highway 7635
matters represents a district in which is located or through which 7636
passes a portion of a turnpike project that is part of the Ohio 7637
turnpike system or a district located in the vicinity of a 7638
turnpike project that is part of the Ohio turnpike system, the 7639
president of the senate and the minority leader of the senate 7640
shall make their appointments in such a manner that their two 7641
appointees and the chairperson of the senate committee dealing 7642
primarily with highway matters all represent districts that are 7643
located in different areas of the state. 7644

(2) Three members of the house of representatives, no more 7645
than two of whom shall be members of the same political party, one 7646
of whom shall be the chairperson of the house of representatives 7647
committee dealing primarily with highway matters, one of whom 7648
shall be appointed by the speaker of the house of representatives, 7649
and one of whom shall be appointed by the minority leader of the 7650
house of representatives. 7651

Both the house of representatives member who is appointed by 7652
the speaker of the house of representatives and the house of 7653
representatives member appointed by the minority leader of the 7654
house of representatives shall represent either districts in which 7655
is located or through which passes a portion of a turnpike project 7656

that is part of the Ohio turnpike system or districts located in 7657
the vicinity of a turnpike project that is part of the Ohio 7658
turnpike system. 7659

The speaker of the house of representatives shall make the 7660
speaker of the house of representative's appointment to the 7661
committee first, followed by the minority leader of the house of 7662
representatives, and they shall make their appointments in such a 7663
manner that their two appointees represent districts that are 7664
located in different areas of the state. If the chairperson of the 7665
house of representatives committee dealing primarily with highway 7666
matters represents a district in which is located or through which 7667
passes a portion of a turnpike project that is part of the Ohio 7668
turnpike system or a district located in the vicinity of a 7669
turnpike project that is part of the Ohio turnpike system, the 7670
speaker of the house of representatives and the minority leader of 7671
the house of representatives shall make their appointments in such 7672
a manner that their two appointees and the chairperson of the 7673
house of representatives committee dealing primarily with highway 7674
matters all represent districts that are located in different 7675
areas of the state. 7676

The chairperson of the house of representatives committee 7677
shall serve as the chairperson of the turnpike legislative review 7678
committee for the year 1996. Thereafter, the chair annually shall 7679
alternate between, first, the chairperson of the senate committee 7680
and then the chairperson of the house of representatives 7681
committee. 7682

(B) Each member of the turnpike legislative review committee 7683
who is a member of the general assembly shall serve a term of the 7684
remainder of the general assembly during which the member is 7685
appointed or is serving as chairperson of the specified senate or 7686
house committee. In the event of the death or resignation of a 7687
committee member who is a member of the general assembly, or in 7688

the event that a member ceases to be a senator or representative, 7689
or in the event that the chairperson of the senate committee 7690
dealing primarily with highway matters or the chairperson of the 7691
house of representatives committee dealing primarily with highway 7692
matters ceases to hold that position, the vacancy shall be filled 7693
through an appointment by the president of the senate or the 7694
speaker of the house of representatives or minority leader of the 7695
senate or house of representatives, as applicable. Any member 7696
appointed to fill a vacancy occurring prior to the end of the term 7697
for which the member's predecessor was appointed shall hold office 7698
for the remainder of the term or for a shorter period of time as 7699
determined by the president or the speaker. A member of the 7700
committee is eligible for reappointment. 7701

(C) The turnpike legislative review committee shall meet at 7702
least quarterly and may meet at the call of its chairperson, or 7703
upon the written request to the chairperson of not fewer than four 7704
members of the committee. Meetings shall be held at sites that are 7705
determined solely by the chairperson of the committee. At each 7706
meeting, the Ohio turnpike and infrastructure commission shall 7707
make a report to the committee on commission matters, including 7708
but not limited to financial and budgetary matters and proposed 7709
and on-going construction, maintenance, repair, and operational 7710
projects of the commission. 7711

The committee, by the affirmative vote of at least four of 7712
its members, may submit written recommendations to the commission, 7713
either at meetings held pursuant to this section or at any other 7714
time, describing new turnpike projects or new interchanges located 7715
on existing projects that the committee believes the commission 7716
should consider constructing. 7717

(D) At least annually the commission shall make a report to 7718
the committee of those infrastructure projects approved and paid 7719
for by the commission. 7720

(E) The members of the turnpike legislative review committee 7721
who are members of the general assembly shall serve without 7722
compensation, but shall be reimbursed by the commission for their 7723
actual and necessary expenses incurred in the discharge of their 7724
official duties as committee members. Serving as a member of the 7725
turnpike legislative review committee does not constitute grounds 7726
for resignation from the senate or house of representatives under 7727
section 101.26 of the Revised Code. 7728

Sec. 5537.25. (A) Notwithstanding any provision of law to the 7729
contrary, the Ohio turnpike and infrastructure commission shall 7730
make no expenditure to engage the services of any person to 7731
influence either of the following: 7732

(1) Administrative actions or decisions of the governor, the 7733
director of any department listed in section 121.02 of the Revised 7734
Code, any member of the staff of any public officer or employee 7735
listed in this section, the president of the United States, or any 7736
federal officer or employee; 7737

(2) Legislation pending in this state or any other state, a 7738
subdivision of this state or any other state, or the federal 7739
government, including the executive approval or veto of any such 7740
pending legislation. 7741

(B) This section shall not be interpreted to prohibit the 7742
commission from designating officers or members of the commission, 7743
or full-time, permanent employees of the commission, to act as 7744
administrative or legislative agents for the commission. 7745

Sec. 5537.26. (A) Except as provided in division (D) of this 7746
section, no increase by the Ohio turnpike and infrastructure 7747
commission in the toll rate structure that is applicable to 7748
vehicles operating on a turnpike project shall become effective 7749
unless the commission complies with the notice and hearing 7750

requirements prescribed in division (B) of this section, and the 7751
commission shall not take any action that expands, has the effect 7752
of expanding, or will to any degree at any time in the future have 7753
the effect of expanding the sphere of responsibility of the 7754
commission beyond the Ohio turnpike, unless the commission 7755
complies with the notice and hearing requirements prescribed in 7756
division (B) of this section. 7757

(B) Not less than ninety days prior to the date on which the 7758
commission votes to increase any part of the toll rate structure 7759
that is applicable to vehicles operating on a turnpike project, 7760
and not less than ninety days prior to the date on which the 7761
commission votes to take an action that expands, has the effect of 7762
expanding, or will to any degree at any time in the future have 7763
the effect of expanding the sphere of responsibility of the 7764
commission beyond the Ohio turnpike, the commission shall do both 7765
of the following: 7766

(1) Send notice to the governor and the presiding officers 7767
and minority leaders of the senate and house of representatives 7768
that details the proposed increase to the toll rate structure or 7769
the expansion of the sphere of responsibility of the commission 7770
beyond the Ohio turnpike, including a description of and a 7771
justification for the increase or expansion; 7772

(2) Commence holding public hearings on the proposed increase 7773
in the toll rate structure or the proposed action. If the 7774
commission is proposing an increase in the toll rate structure 7775
that is applicable to vehicles operating on a turnpike project, it 7776
shall hold not less than three public hearings in three 7777
geographically diverse locations in this state that are in the 7778
immediate vicinity of the affected project. If the commission is 7779
proposing to take an action that expands, has the effect of 7780
expanding, or will to any degree at any time in the future have 7781
the effect of expanding the sphere of responsibility of the 7782

commission beyond the Ohio turnpike, it shall hold not less than 7783
three public hearings in three locations in the immediate vicinity 7784
where the expanded responsibilities would arise. 7785

The commission shall hold the third or, if it holds more than 7786
three hearings, the last hearing of any set of hearings required 7787
to be held under this section not less than thirty days prior to 7788
the date on which it votes to increase part of the toll rate 7789
structure that is applicable to vehicles operating on a turnpike 7790
project or to take an action that expands, has the effect of 7791
expanding, or will to any degree at any time in the future have 7792
the effect of expanding the sphere of responsibility of the 7793
commission beyond the Ohio turnpike. 7794

The commission shall inform the public of all the hearings 7795
required to be held under this section by causing a notice to be 7796
published in a newspaper of general circulation in the county in 7797
which each hearing is to be held, not less than once per week for 7798
two weeks prior to the date of the hearing. 7799

(C) If the commission does not comply with the notice and 7800
hearing requirements contained in division (B) of this section and 7801
votes for an increase in the toll rate structure that is 7802
applicable to vehicles operating on a turnpike project, the 7803
increase in the toll rate structure shall not take effect, any 7804
attempt by the commission to implement the increase in the toll 7805
rate structure is void, and, if necessary, the attorney general 7806
shall file an action in the court of common pleas of the county in 7807
which the principal office of the commission is located to enjoin 7808
the commission from implementing the increase. The commission 7809
shall not implement any increase until it complies with division 7810
(B) of this section. 7811

If the commission does not comply with the notice and hearing 7812
requirements contained in division (B) of this section and votes 7813
to take an action that expands, has the effect of expanding, or 7814

will to any degree at any time in the future have the effect of 7815
expanding the sphere of responsibility of the commission beyond 7816
the Ohio turnpike, the commission shall not take the proposed 7817
action and, if necessary, the attorney general shall file an 7818
action in the court of common pleas of the county in which the 7819
principal office of the commission is located to enjoin the 7820
commission from taking the proposed action. The commission shall 7821
not take the proposed action until it complies with the notice and 7822
hearing requirements prescribed in division (B) of this section. 7823

(D) Divisions (A) to (C) of this section do not apply to any 7824
decrease made to the toll rate structure by the commission. The 7825
commission may implement a temporary decrease in the toll rate 7826
structure only if it does not exceed eighteen months in duration. 7827
Prior to instituting any decrease to the toll rate structure, the 7828
commission shall do both of the following: 7829

(1) Not less than five days prior to any public meeting under 7830
division (D)(2) of this section, send notice to the governor and 7831
the presiding officers and minority leaders of the senate and 7832
house of representatives that details the proposed decrease to the 7833
toll rate structure; 7834

(2) Hold a public meeting to explain to members of the 7835
traveling public the reasons for the upcoming decrease, to inform 7836
them of any benefits and any negative consequences, and to give 7837
them the opportunity to express their opinions as to the relative 7838
merits or drawbacks of each toll decrease. The commission shall 7839
inform the public of the meeting by causing a notice to be 7840
published in newspapers of general circulation in Cuyahoga, Lucas, 7841
Mahoning, Trumbull, Williams, and Summit counties not less than 7842
five days prior to the meeting. The commission shall not be 7843
required to hold any public hearing or meeting upon the expiration 7844
of any temporary decrease in the toll rate structure, so long as 7845
it implements the same toll rate structure that was in effect 7846

immediately prior to the temporary decrease. 7847

(E) As used in this section, "Ohio turnpike" means the toll 7848
freeway that is under the jurisdiction of the commission and runs 7849
in an easterly and westerly direction across the entire northern 7850
portion of this state between its borders with the state of 7851
Pennsylvania in the east and the state of Indiana in the west, and 7852
carries the interstate highway designations of interstate 7853
seventy-six, interstate eighty, and interstate eighty-ninety. 7854

Sec. 5537.27. The Ohio turnpike and infrastructure 7855
commission, the director of transportation or the director's 7856
designee, and another person designated by the governor shall 7857
establish a procedure whereby a political subdivision or other 7858
government agency or agencies may submit a written application to 7859
the commission, requesting the commission to construct and operate 7860
a turnpike project within the boundaries of the subdivision, 7861
agency, or agencies making the request. The procedure shall 7862
include a requirement that the commission send a written reply to 7863
the subdivision, agency, or agencies, explaining the disposition 7864
of the request. The procedure established pursuant to this section 7865
shall not become effective unless it is approved by the commission 7866
and by the director or the director's designee and the designee of 7867
the governor, and shall require submission of the proposed 7868
turnpike project to the turnpike legislative review committee if 7869
the project must be approved by the governor. 7870

Sec. 5537.28. (A) ~~Notwithstanding any other provision of law,~~ 7871
~~on and after the effective date of this section, the Ohio turnpike~~ 7872
~~commission shall not expend any toll revenues that are generated~~ 7873
~~by an existing turnpike project to fund in any manner or to any~~ 7874
~~degree the construction, operation, maintenance, or repair of~~ 7875
~~another turnpike project the location of which must be reviewed by~~ 7876
~~the turnpike legislative review committee and approved by the~~ 7877

~~governor.~~ 7878

In paying the cost of ~~such a~~ any turnpike project, the Ohio 7879
turnpike and infrastructure commission may issue bonds and bond 7880
anticipation notes as permitted by this chapter, and may accept 7881
moneys from any source to pay the cost of any portion of the 7882
turnpike project, including, but not limited to, the federal 7883
government, any department or agency of this state, and any 7884
political subdivision or other government agency. Each such 7885
project shall be constructed, operated, maintained, and repaired 7886
~~entirely with funds generated by that project or otherwise~~ 7887
specifically acquired for that project or from ~~sources permitted~~ 7888
~~by this chapter~~ excess funds available from any other turnpike 7889
project. 7890

(B) ~~The commission shall not expend any toll revenues~~ 7891
~~generated by the Ohio turnpike to pay any amount of the principal~~ 7892
~~amount of, or interest due on, any bonds or bond anticipation~~ 7893
~~notes issued by the commission to pay any portion of the cost of~~ 7894
~~another turnpike project the location of which must be reviewed by~~ 7895
~~the turnpike legislative review committee and approved by the~~ 7896
~~governor. The commission shall not expend any toll revenues~~ 7897
~~generated by any turnpike project to pay any amount of the~~ 7898
~~principal amount of, or interest due on, any bonds or bond~~ 7899
~~anticipation notes issued by the commission to pay any portion of~~ 7900
~~the cost of a new turnpike project the location of which must be~~ 7901
~~reviewed by the turnpike legislative review committee and approved~~ 7902
~~by the governor or the cost of the operation, repair, improvement,~~ 7903
~~maintenance, or reconstruction of any turnpike project other than~~ 7904
~~the project that generated those toll revenues.~~ 7905

~~(C) As used in this section:~~ 7906

~~(1) "Ohio turnpike" has the same meaning as in division (E)~~ 7907
~~of section 5537.26 of the Revised Code;~~ 7908

~~(2) "Another "any turnpike project" does not include~~ 7909
~~infrastructure improvements on the Ohio turnpike or on connecting~~ 7910
~~roadways within one mile of an Ohio turnpike interchange projects.~~ 7911
The costs of infrastructure projects approved under section 7912
5537.18 of the Revised Code shall be funded exclusively out of the 7913
infrastructure fund or funds. 7914

Sec. 5537.30. (A) Not later than December 31, 2009, the Ohio 7915
turnpike and infrastructure commission shall establish a program 7916
for the placement of business logos for identification purposes on 7917
directional signs within the turnpike right-of-way. 7918

(B)(1) The commission shall establish, and may revise at any 7919
time, a fee for participation in the business logo sign program. 7920
All direct and indirect costs of the business logo sign program 7921
established pursuant to this section shall be fully paid by the 7922
businesses applying for participation in the program. The direct 7923
and indirect costs of the program shall include, but not be 7924
limited to, the cost of capital, directional signs, blanks, posts, 7925
logos, installation, repair, engineering, design, insurance, 7926
removal, replacement, and administration. 7927

(2) Money generated from participating businesses in excess 7928
of the direct and indirect costs and any reasonable profit earned 7929
by a person awarded a contract ~~under division (C) of this section~~ 7930
to operate, maintain, or market the business logo sign program 7931
shall be remitted to the commission. 7932

(3) If the commission operates such a program and does not 7933
contract with a private person to operate it, all money collected 7934
from participating businesses shall be retained by the commission. 7935

~~(C) The commission, in accordance with rules adopted pursuant~~ 7936
~~to section 111.15 of the Revised Code, may contract with any~~ 7937
~~private person to operate, maintain, or market the business logo~~ 7938
~~sign program. The contract may allow for a reasonable profit to be~~ 7939

~~earned by the successful applicant. In awarding the contract, the
commission shall consider the skill, expertise, prior experience,
and other qualifications of each applicant.~~

~~(D)~~ The program shall permit the business logo signs of a
seller of motor vehicle fuel to include on the seller's signs a
marking or symbol indicating that the seller sells one or more
types of alternative fuel so long as the seller in fact sells that
fuel. As used in this division, "alternative fuel" has the same
meaning as in section 125.831 of the Revised Code.

Sec. 5728.01. As used in sections 5728.02 to 5728.14 of the
Revised Code:

(A) "Motor vehicle" means everything on wheels that is
self-propelled, other than by muscular power or power collected
from electric trolley wires and other than vehicles or machinery
not designed for or employed in general highway transportation,
used to transport or propel persons or property over a public
highway.

(B) "Commercial car" means any motor vehicle used for
transporting persons or property, wholly on its own structure on a
public highway.

(C) "Commercial tractor" means any motor vehicle designed and
used to propel or draw a trailer or semi-trailer or both on a
public highway without having any provision for carrying loads
independently of such trailer or semi-trailer.

(D) "Trailer" means everything on wheels that is not
self-propelled, except vehicles or machinery not designed for or
employed in general highway transportation, used for carrying
property wholly on its own structure and for being drawn by a
motor vehicle on a public highway, including any such vehicle when
formed by or operated as a combination of a semi-trailer and a

vehicle of the dolly type such as that commonly known as a trailer 7970
dolly. "Trailer" does not include manufactured homes as defined in 7971
division (C)(4) of section 3781.06 of the Revised Code or mobile 7972
homes as defined in division (O) of section 4501.01 of the Revised 7973
Code. 7974

(E) "Semi-trailer" means everything on wheels that is not 7975
self-propelled, except vehicles or machinery not designed for or 7976
employed in general highway transportation, designed and used for 7977
carrying property on a public highway when being propelled or 7978
drawn by a commercial tractor when part of its own weight or the 7979
weight of its load, or both, rest upon and is carried by a 7980
commercial tractor. 7981

(F) "Commercial tandem" means any commercial car and trailer 7982
or any commercial tractor, semi-trailer, and trailer when fastened 7983
together and used as one unit. 7984

(G) "Commercial tractor combination" means any commercial 7985
tractor and semi-trailer when fastened together and used as one 7986
unit. 7987

(H) "Axle" means two or more load carrying wheels mounted in 7988
a single transverse vertical plane. 7989

(I) "Public highway" means any highway, road, or street 7990
dedicated to public use, including a highway under the control and 7991
jurisdiction of the Ohio turnpike and infrastructure commission 7992
created by the provisions of section 5537.02 of the Revised Code 7993
and land and lots over which the public, either as user or owner, 7994
generally has a right to pass even though such land or lots are 7995
closed temporarily by public authorities for the purpose of 7996
construction, reconstruction, maintenance, or repair. 7997

(J) "Jurisdiction" means a state of the United States, the 7998
District of Columbia, or a province or territory of Canada. 7999

Sec. 5735.05. (A) To provide revenue for maintaining the 8000
state highway system; to widen existing surfaces on such highways; 8001
to resurface such highways; to pay that portion of the 8002
construction cost of a highway project which a county, township, 8003
or municipal corporation normally would be required to pay, but 8004
which the director of transportation, pursuant to division (B) of 8005
section 5531.08 of the Revised Code, determines instead will be 8006
paid from moneys in the highway operating fund; to enable the 8007
counties of the state properly to plan, maintain, and repair their 8008
roads and to pay principal, interest, and charges on bonds and 8009
other obligations issued pursuant to Chapter 133. of the Revised 8010
Code or incurred pursuant to section 5531.09 of the Revised Code 8011
for highway improvements; to enable the municipal corporations to 8012
plan, construct, reconstruct, repave, widen, maintain, repair, 8013
clear, and clean public highways, roads, and streets, and to pay 8014
the principal, interest, and charges on bonds and other 8015
obligations issued pursuant to Chapter 133. of the Revised Code or 8016
incurred pursuant to section 5531.09 of the Revised Code for 8017
highway improvements; to enable the Ohio turnpike and 8018
infrastructure commission to construct, reconstruct, maintain, and 8019
repair turnpike projects; to maintain and repair bridges and 8020
viaducts; to purchase, erect, and maintain street and traffic 8021
signs and markers; to purchase, erect, and maintain traffic lights 8022
and signals; to pay the costs apportioned to the public under 8023
sections 4907.47 and 4907.471 of the Revised Code and to 8024
supplement revenue already available for such purposes; to pay the 8025
costs incurred by the public utilities commission in administering 8026
sections 4907.47 to 4907.476 of the Revised Code; to distribute 8027
equitably among those persons using the privilege of driving motor 8028
vehicles upon such highways and streets the cost of maintaining 8029
and repairing them; to pay the interest, principal, and charges on 8030
highway capital improvements bonds and other obligations issued 8031

pursuant to Section 2m of Article VIII, Ohio Constitution, and 8032
section 151.06 of the Revised Code; to pay the interest, 8033
principal, and charges on highway obligations issued pursuant to 8034
Section 2i of Article VIII, Ohio Constitution, and sections 8035
5528.30 and 5528.31 of the Revised Code; to pay the interest, 8036
principal, and charges on major new state infrastructure bonds and 8037
other obligations of the state issued pursuant to Section 13 of 8038
Article VIII, Ohio Constitution, and section 5531.10 of the 8039
Revised Code; to provide revenue for the purposes of sections 8040
1547.71 to 1547.78 of the Revised Code; and to pay the expenses of 8041
the department of taxation incident to the administration of the 8042
motor fuel laws, a motor fuel excise tax is hereby imposed on all 8043
motor fuel dealers upon receipt of motor fuel within this state at 8044
the rate of two cents plus the cents per gallon rate on each 8045
gallon so received, to be computed in the manner set forth in 8046
section 5735.06 of the Revised Code; provided that no tax is 8047
hereby imposed upon the following transactions: 8048

(1) The sale of dyed diesel fuel by a licensed motor fuel 8049
dealer from a location other than a retail service station 8050
provided the licensed motor fuel dealer places on the face of the 8051
delivery document or invoice, or both if both are used, a 8052
conspicuous notice stating that the fuel is dyed and is not for 8053
taxable use, and that taxable use of that fuel is subject to a 8054
penalty. The tax commissioner, by rule, may provide that any 8055
notice conforming to rules or regulations issued by the United 8056
States department of the treasury or the Internal Revenue Service 8057
is sufficient notice for the purposes of division (A)(1) of this 8058
section. 8059

(2) The sale of K-1 kerosene to a retail service station, 8060
except when placed directly in the fuel supply tank of a motor 8061
vehicle. Such sale shall be rebuttably presumed to not be 8062
distributed or sold for use or used to generate power for the 8063

operation of motor vehicles upon the public highways or upon the waters within the boundaries of this state.

(3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer;

(4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country;

(5) The sale of motor fuel to the United States government or any of its agencies, except such tax as is permitted by it, where such sale is evidenced by an exemption certificate, in a form approved by the tax commissioner, executed by the United States government or an agency thereof certifying that the motor fuel therein identified has been purchased for the exclusive use of the United States government or its agency;

(6) The sale of motor fuel that is in the process of transportation in foreign or interstate commerce, except insofar as it may be taxable under the Constitution and statutes of the United States, and except as may be agreed upon in writing by the dealer and the commissioner;

(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type A;

(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type B, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.

(10) The sale to a consumer of diesel fuel, by a motor fuel

dealer for delivery from a bulk lot vehicle, for consumption in 8094
operating a vessel when the use of such fuel in a vessel would 8095
otherwise qualify for a refund under section 5735.14 of the 8096
Revised Code. 8097

Division (A)(1) of this section does not apply to the sale or 8098
distribution of dyed diesel fuel used to operate a motor vehicle 8099
on the public highways or upon water within the boundaries of this 8100
state by persons permitted under regulations of the United States 8101
department of the treasury or of the Internal Revenue Service to 8102
so use dyed diesel fuel. 8103

(B) The two cent motor fuel tax levied by this section is 8104
also for the purpose of paying the expenses of administering and 8105
enforcing the state law relating to the registration and operation 8106
of motor vehicles. 8107

(C) After the tax provided for by this section on the receipt 8108
of any motor fuel has been paid by the motor fuel dealer, the 8109
motor fuel may thereafter be used, sold, or resold by any person 8110
having lawful title to it, without incurring liability for such 8111
tax. 8112

If a licensed motor fuel dealer sells motor fuel received by 8113
the licensed motor fuel dealer to another licensed motor fuel 8114
dealer, the seller may deduct on the report required by section 8115
5735.06 of the Revised Code the number of gallons so sold for the 8116
month within which the motor fuel was sold or delivered. In this 8117
event the number of gallons is deemed to have been received by the 8118
purchaser, who shall report and pay the tax imposed thereon. 8119

Sec. 5735.23. (A) Out of receipts from the tax levied by 8120
section 5735.05 of the Revised Code, the treasurer of state shall 8121
place to the credit of the tax refund fund established by section 8122
5703.052 of the Revised Code amounts equal to the refunds 8123
certified by the tax commissioner pursuant to sections 5735.13, 8124

5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 8125
treasurer of state shall then transfer the amount required by 8126
section 5735.051 of the Revised Code to the waterways safety fund, 8127
the amount required by section 4907.472 of the Revised Code to the 8128
grade crossing protection fund, and the amount required by section 8129
5735.053 of the Revised Code to the motor fuel tax administration 8130
fund. 8131

(B) Except as provided in division (D) of this section, each 8132
month the balance of the receipts from the tax levied by section 8133
5735.05 of the Revised Code shall be credited, after receipt by 8134
the treasurer of state of certification from the commissioners of 8135
the sinking fund, as required by section 5528.35 of the Revised 8136
Code, that there are sufficient moneys to the credit of the 8137
highway obligations bond retirement fund to meet in full all 8138
payments of interest, principal, and charges for the retirement of 8139
highway obligations issued pursuant to Section 2i of Article VIII, 8140
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 8141
Code due and payable during the current calendar year, as follows: 8142

(1) To the state and local government highway distribution 8143
fund, which is hereby created in the state treasury, an amount 8144
that is the same percentage of the balance to be credited as that 8145
portion of the tax per gallon determined under division (B)(2)(a) 8146
of section 5735.06 of the Revised Code is of the total tax per 8147
gallon determined under divisions (B)(2)(a) and (b) of that 8148
section. 8149

(2) After making the distribution to the state and local 8150
government highway distribution fund, the remainder shall be 8151
credited as follows: 8152

(a) Thirty per cent to the gasoline excise tax fund for 8153
distribution pursuant to division (A)(1) of section 5735.27 of the 8154
Revised Code; 8155

(b) Twenty-five per cent to the gasoline excise tax fund for 8156
distribution pursuant to division (A)(3) of section 5735.27 of the 8157
Revised Code; 8158

(c) Except as provided in division (D) of this section, 8159
forty-five per cent to the highway operating fund for distribution 8160
pursuant to division (B)(1) of section 5735.27 of the Revised 8161
Code. 8162

(C) From the balance in the state and local government 8163
highway distribution fund on the last day of each month there 8164
shall be paid the following amounts: 8165

(1) To the local transportation improvement program fund 8166
created by section 164.14 of the Revised Code, an amount equal to 8167
a fraction of the balance in the state and local government 8168
highway distribution fund, the numerator of which fraction is one 8169
and the denominator of which fraction is that portion of the tax 8170
per gallon determined under division (B)(2)(a) of section 5735.06 8171
of the Revised Code; 8172

(2) An amount equal to five cents multiplied by the number of 8173
gallons of motor fuel sold at stations operated by the Ohio 8174
turnpike and infrastructure commission, such gallonage to be 8175
certified by the commission to the treasurer of state not later 8176
than the last day of the month following. The funds paid to the 8177
commission pursuant to this section shall be expended for the 8178
construction, reconstruction, maintenance, and repair of turnpike 8179
projects, except that the funds may not be expended for the 8180
construction of new interchanges. The funds also may be expended 8181
for the construction, reconstruction, maintenance, and repair of 8182
those portions of connecting public roads that serve existing 8183
interchanges and are determined by the commission and the director 8184
of transportation to be necessary for the safe merging of traffic 8185
between the turnpike and those public roads. 8186

The remainder of the balance shall be distributed as follows 8187
on the fifteenth day of the following month: 8188

(a) Ten and seven-tenths per cent shall be paid to municipal 8189
corporations for distribution pursuant to division (A)(1) of 8190
section 5735.27 of the Revised Code and may be used for any 8191
purpose for which payments received under that division may be 8192
used. Through July 15, 2005, the sum of two hundred forty-eight 8193
thousand six hundred twenty-five dollars shall be monthly 8194
subtracted from the amount so computed and credited to the highway 8195
operating fund. Beginning August 15, 2005, the sum of seven 8196
hundred forty-five thousand eight hundred seventy-five dollars 8197
shall be monthly subtracted from the amount so computed and 8198
credited to the highway operating fund. 8199

(b) Five per cent shall be paid to townships for distribution 8200
pursuant to division (A)(5) of section 5735.27 of the Revised Code 8201
and may be used for any purpose for which payments received under 8202
that division may be used. Through July 15, 2005, the sum of 8203
eighty-seven thousand seven hundred fifty dollars shall be monthly 8204
subtracted from the amount so computed and credited to the highway 8205
operating fund. Beginning August 15, 2005, the sum of two hundred 8206
sixty-three thousand two hundred fifty dollars shall be monthly 8207
subtracted from the amount so computed and credited to the highway 8208
operating fund. 8209

(c) Nine and three-tenths per cent shall be paid to counties 8210
for distribution pursuant to division (A)(3) of section 5735.27 of 8211
the Revised Code and may be used for any purpose for which 8212
payments received under that division may be used. Through July 8213
15, 2005, the sum of two hundred forty-eight thousand six hundred 8214
twenty-five dollars shall be monthly subtracted from the amount so 8215
computed and credited to the highway operating fund. Beginning 8216
August 15, 2005, the sum of seven hundred forty-five thousand 8217
eight hundred seventy-five dollars shall be monthly subtracted 8218

from the amount so computed and credited to the highway operating fund. 8219
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(d) Except as provided in division (D) of this section, the balance shall be transferred to the highway operating fund and used for the purposes set forth in division (B)(1) of section 5735.27 of the Revised Code. 8221
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(D) Monthly from September to February of each fiscal year, an amount equal to one-sixth of the amount certified in July of that year by the treasurer of state pursuant to division (Q) of section 151.01 of the Revised Code shall, from amounts required to be credited or transferred to the highway operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this section, be credited or transferred to the highway capital improvement bond service fund created in section 151.06 of the Revised Code. If, in any of those months, the amount available to be credited or transferred to the bond service fund is less than one-sixth of the amount so certified, the shortfall shall be added to the amount due the next succeeding month. Any amount still due at the end of the six-month period shall be credited or transferred as the money becomes available, until such time as the office of budget and management receives certification from the treasurer of state or the treasurer of state's designee that sufficient money has been credited or transferred to the bond service fund to meet in full all payments of debt service and financing costs due during the fiscal year from that fund. 8225
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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 8244
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from other sources, for the support of local governmental 8250
functions, and for the purpose of reimbursing the state for the 8251
expense of administering this chapter, an excise tax is hereby 8252
levied on each retail sale made in this state. 8253

(A)(1) The tax shall be collected as provided in section 8254
5739.025 of the Revised Code. The rate of the tax shall be five 8255
and one-half per cent. The tax applies and is collectible when the 8256
sale is made, regardless of the time when the price is paid or 8257
delivered. 8258

(2) In the case of the lease or rental, with a fixed term of 8259
more than thirty days or an indefinite term with a minimum period 8260
of more than thirty days, of any motor vehicles designed by the 8261
manufacturer to carry a load of not more than one ton, watercraft, 8262
outboard motor, or aircraft, or of any tangible personal property, 8263
other than motor vehicles designed by the manufacturer to carry a 8264
load of more than one ton, to be used by the lessee or renter 8265
primarily for business purposes, the tax shall be collected by the 8266
vendor at the time the lease or rental is consummated and shall be 8267
calculated by the vendor on the basis of the total amount to be 8268
paid by the lessee or renter under the lease agreement. If the 8269
total amount of the consideration for the lease or rental includes 8270
amounts that are not calculated at the time the lease or rental is 8271
executed, the tax shall be calculated and collected by the vendor 8272
at the time such amounts are billed to the lessee or renter. In 8273
the case of an open-end lease or rental, the tax shall be 8274
calculated by the vendor on the basis of the total amount to be 8275
paid during the initial fixed term of the lease or rental, and for 8276
each subsequent renewal period as it comes due. As used in this 8277
division, "motor vehicle" has the same meaning as in section 8278
4501.01 of the Revised Code, and "watercraft" includes an outdrive 8279
unit attached to the watercraft. 8280

A lease with a renewal clause and a termination penalty or 8281

similar provision that applies if the renewal clause is not 8282
exercised is presumed to be a sham transaction. In such a case, 8283
the tax shall be calculated and paid on the basis of the entire 8284
length of the lease period, including any renewal periods, until 8285
the termination penalty or similar provision no longer applies. 8286
The taxpayer shall bear the burden, by a preponderance of the 8287
evidence, that the transaction or series of transactions is not a 8288
sham transaction. 8289

(3) Except as provided in division (A)(2) of this section, in 8290
the case of a sale, the price of which consists in whole or in 8291
part of the lease or rental of tangible personal property, the tax 8292
shall be measured by the installments of that lease or rental. 8293

(4) In the case of a sale of a physical fitness facility 8294
service or recreation and sports club service, the price of which 8295
consists in whole or in part of a membership for the receipt of 8296
the benefit of the service, the tax applicable to the sale shall 8297
be measured by the installments thereof. 8298

(B) The tax does not apply to the following: 8299

(1) Sales to the state or any of its political subdivisions, 8300
or to any other state or its political subdivisions if the laws of 8301
that state exempt from taxation sales made to this state and its 8302
political subdivisions; 8303

(2) Sales of food for human consumption off the premises 8304
where sold; 8305

(3) Sales of food sold to students only in a cafeteria, 8306
dormitory, fraternity, or sorority maintained in a private, 8307
public, or parochial school, college, or university; 8308

(4) Sales of newspapers and of magazine subscriptions and 8309
sales or transfers of magazines distributed as controlled 8310
circulation publications; 8311

(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)(a) 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

defined in division (B)(12) of this section, provided that the 8344
number of days on which such tangible personal property or 8345
services, other than items never subject to the tax, are sold does 8346
not exceed six in any calendar year, except as otherwise provided 8347
in division (B)(9)(b) of this section. If the number of days on 8348
which such sales are made exceeds six in any calendar year, the 8349
church or organization shall be considered to be engaged in 8350
business and all subsequent sales by it shall be subject to the 8351
tax. In counting the number of days, all sales by groups within a 8352
church or within an organization shall be considered to be sales 8353
of that church or organization. 8354

(b) The limitation on the number of days on which tax-exempt 8355
sales may be made by a church or organization under division 8356
(B)(9)(a) of this section does not apply to sales made by student 8357
clubs and other groups of students of a primary or secondary 8358
school, or a parent-teacher association, booster group, or similar 8359
organization that raises money to support or fund curricular or 8360
extracurricular activities of a primary or secondary school. 8361

(c) Divisions (B)(9)(a) and (b) of this section do not apply 8362
to sales by a noncommercial educational radio or television 8363
broadcasting station. 8364

(10) Sales not within the taxing power of this state under 8365
the Constitution of the United States; 8366

(11) Except for transactions that are sales under division 8367
(B)(3)(r) of section 5739.01 of the Revised Code, the 8368
transportation of persons or property, unless the transportation 8369
is by a private investigation and security service; 8370

(12) Sales of tangible personal property or services to 8371
churches, to organizations exempt from taxation under section 8372
501(c)(3) of the Internal Revenue Code of 1986, and to any other 8373
nonprofit organizations operated exclusively for charitable 8374

purposes in this state, no part of the net income of which inures 8375
to the benefit of any private shareholder or individual, and no 8376
substantial part of the activities of which consists of carrying 8377
on propaganda or otherwise attempting to influence legislation; 8378
sales to offices administering one or more homes for the aged or 8379
one or more hospital facilities exempt under section 140.08 of the 8380
Revised Code; and sales to organizations described in division (D) 8381
of section 5709.12 of the Revised Code. 8382

"Charitable purposes" means the relief of poverty; the 8383
improvement of health through the alleviation of illness, disease, 8384
or injury; the operation of an organization exclusively for the 8385
provision of professional, laundry, printing, and purchasing 8386
services to hospitals or charitable institutions; the operation of 8387
a home for the aged, as defined in section 5701.13 of the Revised 8388
Code; the operation of a radio or television broadcasting station 8389
that is licensed by the federal communications commission as a 8390
noncommercial educational radio or television station; the 8391
operation of a nonprofit animal adoption service or a county 8392
humane society; the promotion of education by an institution of 8393
learning that maintains a faculty of qualified instructors, 8394
teaches regular continuous courses of study, and confers a 8395
recognized diploma upon completion of a specific curriculum; the 8396
operation of a parent-teacher association, booster group, or 8397
similar organization primarily engaged in the promotion and 8398
support of the curricular or extracurricular activities of a 8399
primary or secondary school; the operation of a community or area 8400
center in which presentations in music, dramatics, the arts, and 8401
related fields are made in order to foster public interest and 8402
education therein; the production of performances in music, 8403
dramatics, and the arts; or the promotion of education by an 8404
organization engaged in carrying on research in, or the 8405
dissemination of, scientific and technological knowledge and 8406
information primarily for the public. 8407

Nothing in this division shall be deemed to exempt sales to 8408
any organization for use in the operation or carrying on of a 8409
trade or business, or sales to a home for the aged for use in the 8410
operation of independent living facilities as defined in division 8411
(A) of section 5709.12 of the Revised Code. 8412

(13) Building and construction materials and services sold to 8413
construction contractors for incorporation into a structure or 8414
improvement to real property under a construction contract with 8415
this state or a political subdivision of this state, or with the 8416
United States government or any of its agencies; building and 8417
construction materials and services sold to construction 8418
contractors for incorporation into a structure or improvement to 8419
real property that are accepted for ownership by this state or any 8420
of its political subdivisions, or by the United States government 8421
or any of its agencies at the time of completion of the structures 8422
or improvements; building and construction materials sold to 8423
construction contractors for incorporation into a horticulture 8424
structure or livestock structure for a person engaged in the 8425
business of horticulture or producing livestock; building 8426
materials and services sold to a construction contractor for 8427
incorporation into a house of public worship or religious 8428
education, or a building used exclusively for charitable purposes 8429
under a construction contract with an organization whose purpose 8430
is as described in division (B)(12) of this section; building 8431
materials and services sold to a construction contractor for 8432
incorporation into a building under a construction contract with 8433
an organization exempt from taxation under section 501(c)(3) of 8434
the Internal Revenue Code of 1986 when the building is to be used 8435
exclusively for the organization's exempt purposes; building and 8436
construction materials sold for incorporation into the original 8437
construction of a sports facility under section 307.696 of the 8438
Revised Code; building and construction materials and services 8439
sold to a construction contractor for incorporation into real 8440

property outside this state if such materials and services, when 8441
sold to a construction contractor in the state in which the real 8442
property is located for incorporation into real property in that 8443
state, would be exempt from a tax on sales levied by that state; 8444
and, until one calendar year after the construction of a 8445
convention center that qualifies for property tax exemption under 8446
section 5709.084 of the Revised Code is completed, building and 8447
construction materials and services sold to a construction 8448
contractor for incorporation into the real property comprising 8449
that convention center; 8450

(14) Sales of ships or vessels or rail rolling stock used or 8451
to be used principally in interstate or foreign commerce, and 8452
repairs, alterations, fuel, and lubricants for such ships or 8453
vessels or rail rolling stock; 8454

(15) Sales to persons primarily engaged in any of the 8455
activities mentioned in division (B)(42)(a), (g), or (h) of this 8456
section, to persons engaged in making retail sales, or to persons 8457
who purchase for sale from a manufacturer tangible personal 8458
property that was produced by the manufacturer in accordance with 8459
specific designs provided by the purchaser, of packages, including 8460
material, labels, and parts for packages, and of machinery, 8461
equipment, and material for use primarily in packaging tangible 8462
personal property produced for sale, including any machinery, 8463
equipment, and supplies used to make labels or packages, to 8464
prepare packages or products for labeling, or to label packages or 8465
products, by or on the order of the person doing the packaging, or 8466
sold at retail. "Packages" includes bags, baskets, cartons, 8467
crates, boxes, cans, bottles, bindings, wrappings, and other 8468
similar devices and containers, but does not include motor 8469
vehicles or bulk tanks, trailers, or similar devices attached to 8470
motor vehicles. "Packaging" means placing in a package. Division 8471
(B)(15) of this section does not apply to persons engaged in 8472

highway transportation for hire. 8473

(16) Sales of food to persons using supplemental nutrition 8474
assistance program benefits to purchase the food. As used in this 8475
division, "food" has the same meaning as in 7 U.S.C. 2012 and 8476
federal regulations adopted pursuant to the Food and Nutrition Act 8477
of 2008. 8478

(17) Sales to persons engaged in farming, agriculture, 8479
horticulture, or floriculture, of tangible personal property for 8480
use or consumption primarily in the production by farming, 8481
agriculture, horticulture, or floriculture of other tangible 8482
personal property for use or consumption primarily in the 8483
production of tangible personal property for sale by farming, 8484
agriculture, horticulture, or floriculture; or material and parts 8485
for incorporation into any such tangible personal property for use 8486
or consumption in production; and of tangible personal property 8487
for such use or consumption in the conditioning or holding of 8488
products produced by and for such use, consumption, or sale by 8489
persons engaged in farming, agriculture, horticulture, or 8490
floriculture, except where such property is incorporated into real 8491
property; 8492

(18) Sales of drugs for a human being that may be dispensed 8493
only pursuant to a prescription; insulin as recognized in the 8494
official United States pharmacopoeia; urine and blood testing 8495
materials when used by diabetics or persons with hypoglycemia to 8496
test for glucose or acetone; hypodermic syringes and needles when 8497
used by diabetics for insulin injections; epoetin alfa when 8498
purchased for use in the treatment of persons with medical 8499
disease; hospital beds when purchased by hospitals, nursing homes, 8500
or other medical facilities; and medical oxygen and medical 8501
oxygen-dispensing equipment when purchased by hospitals, nursing 8502
homes, or other medical facilities; 8503

(19) Sales of prosthetic devices, durable medical equipment 8504

for home use, or mobility enhancing equipment, when made pursuant 8505
to a prescription and when such devices or equipment are for use 8506
by a human being. 8507

(20) Sales of emergency and fire protection vehicles and 8508
equipment to nonprofit organizations for use solely in providing 8509
fire protection and emergency services, including trauma care and 8510
emergency medical services, for political subdivisions of the 8511
state; 8512

(21) Sales of tangible personal property manufactured in this 8513
state, if sold by the manufacturer in this state to a retailer for 8514
use in the retail business of the retailer outside of this state 8515
and if possession is taken from the manufacturer by the purchaser 8516
within this state for the sole purpose of immediately removing the 8517
same from this state in a vehicle owned by the purchaser; 8518

(22) Sales of services provided by the state or any of its 8519
political subdivisions, agencies, instrumentalities, institutions, 8520
or authorities, or by governmental entities of the state or any of 8521
its political subdivisions, agencies, instrumentalities, 8522
institutions, or authorities; 8523

(23) Sales of motor vehicles to nonresidents of this state 8524
under the circumstances described in division (B) of section 8525
5739.029 of the Revised Code; 8526

(24) Sales to persons engaged in the preparation of eggs for 8527
sale of tangible personal property used or consumed directly in 8528
such preparation, including such tangible personal property used 8529
for cleaning, sanitizing, preserving, grading, sorting, and 8530
classifying by size; packages, including material and parts for 8531
packages, and machinery, equipment, and material for use in 8532
packaging eggs for sale; and handling and transportation equipment 8533
and parts therefor, except motor vehicles licensed to operate on 8534
public highways, used in intraplant or interplant transfers or 8535

shipment of eggs in the process of preparation for sale, when the	8536
plant or plants within or between which such transfers or	8537
shipments occur are operated by the same person. "Packages"	8538
includes containers, cases, baskets, flats, fillers, filler flats,	8539
cartons, closure materials, labels, and labeling materials, and	8540
"packaging" means placing therein.	8541
(25)(a) Sales of water to a consumer for residential use;	8542
(b) Sales of water by a nonprofit corporation engaged	8543
exclusively in the treatment, distribution, and sale of water to	8544
consumers, if such water is delivered to consumers through pipes	8545
or tubing.	8546
(26) Fees charged for inspection or reinspection of motor	8547
vehicles under section 3704.14 of the Revised Code;	8548
(27) Sales to persons licensed to conduct a food service	8549
operation pursuant to section 3717.43 of the Revised Code, of	8550
tangible personal property primarily used directly for the	8551
following:	8552
(a) To prepare food for human consumption for sale;	8553
(b) To preserve food that has been or will be prepared for	8554
human consumption for sale by the food service operator, not	8555
including tangible personal property used to display food for	8556
selection by the consumer;	8557
(c) To clean tangible personal property used to prepare or	8558
serve food for human consumption for sale.	8559
(28) Sales of animals by nonprofit animal adoption services	8560
or county humane societies;	8561
(29) Sales of services to a corporation described in division	8562
(A) of section 5709.72 of the Revised Code, and sales of tangible	8563
personal property that qualifies for exemption from taxation under	8564
section 5709.72 of the Revised Code;	8565

(30) Sales and installation of agricultural land tile, as 8566
defined in division (B)(5)(a) of section 5739.01 of the Revised 8567
Code; 8568

(31) Sales and erection or installation of portable grain 8569
bins, as defined in division (B)(5)(b) of section 5739.01 of the 8570
Revised Code; 8571

(32) The sale, lease, repair, and maintenance of, parts for, 8572
or items attached to or incorporated in, motor vehicles that are 8573
primarily used for transporting tangible personal property 8574
belonging to others by a person engaged in highway transportation 8575
for hire, except for packages and packaging used for the 8576
transportation of tangible personal property; 8577

(33) Sales to the state headquarters of any veterans' 8578
organization in this state that is either incorporated and issued 8579
a charter by the congress of the United States or is recognized by 8580
the United States veterans administration, for use by the 8581
headquarters; 8582

(34) Sales to a telecommunications service vendor, mobile 8583
telecommunications service vendor, or satellite broadcasting 8584
service vendor of tangible personal property and services used 8585
directly and primarily in transmitting, receiving, switching, or 8586
recording any interactive, one- or two-way electromagnetic 8587
communications, including voice, image, data, and information, 8588
through the use of any medium, including, but not limited to, 8589
poles, wires, cables, switching equipment, computers, and record 8590
storage devices and media, and component parts for the tangible 8591
personal property. The exemption provided in this division shall 8592
be in lieu of all other exemptions under division (B)(42)(a) or 8593
(n) of this section to which the vendor may otherwise be entitled, 8594
based upon the use of the thing purchased in providing the 8595
telecommunications, mobile telecommunications, or satellite 8596
broadcasting service. 8597

(35)(a) Sales where the purpose of the consumer is to use or 8598
consume the things transferred in making retail sales and 8599
consisting of newspaper inserts, catalogues, coupons, flyers, gift 8600
certificates, or other advertising material that prices and 8601
describes tangible personal property offered for retail sale. 8602

(b) Sales to direct marketing vendors of preliminary 8603
materials such as photographs, artwork, and typesetting that will 8604
be used in printing advertising material; and of printed matter 8605
that offers free merchandise or chances to win sweepstake prizes 8606
and that is mailed to potential customers with advertising 8607
material described in division (B)(35)(a) of this section; 8608

(c) Sales of equipment such as telephones, computers, 8609
facsimile machines, and similar tangible personal property 8610
primarily used to accept orders for direct marketing retail sales. 8611

(d) Sales of automatic food vending machines that preserve 8612
food with a shelf life of forty-five days or less by refrigeration 8613
and dispense it to the consumer. 8614

For purposes of division (B)(35) of this section, "direct 8615
marketing" means the method of selling where consumers order 8616
tangible personal property by United States mail, delivery 8617
service, or telecommunication and the vendor delivers or ships the 8618
tangible personal property sold to the consumer from a warehouse, 8619
catalogue distribution center, or similar fulfillment facility by 8620
means of the United States mail, delivery service, or common 8621
carrier. 8622

(36) Sales to a person engaged in the business of 8623
horticulture or producing livestock of materials to be 8624
incorporated into a horticulture structure or livestock structure; 8625

(37) Sales of personal computers, computer monitors, computer 8626
keyboards, modems, and other peripheral computer equipment to an 8627
individual who is licensed or certified to teach in an elementary 8628

or a secondary school in this state for use by that individual in 8629
preparation for teaching elementary or secondary school students; 8630

(38) Sales to a professional racing team of any of the 8631
following: 8632

(a) Motor racing vehicles; 8633

(b) Repair services for motor racing vehicles; 8634

(c) Items of property that are attached to or incorporated in 8635
motor racing vehicles, including engines, chassis, and all other 8636
components of the vehicles, and all spare, replacement, and 8637
rebuilt parts or components of the vehicles; except not including 8638
tires, consumable fluids, paint, and accessories consisting of 8639
instrumentation sensors and related items added to the vehicle to 8640
collect and transmit data by means of telemetry and other forms of 8641
communication. 8642

(39) Sales of used manufactured homes and used mobile homes, 8643
as defined in section 5739.0210 of the Revised Code, made on or 8644
after January 1, 2000; 8645

(40) Sales of tangible personal property and services to a 8646
provider of electricity used or consumed directly and primarily in 8647
generating, transmitting, or distributing electricity for use by 8648
others, including property that is or is to be incorporated into 8649
and will become a part of the consumer's production, transmission, 8650
or distribution system and that retains its classification as 8651
tangible personal property after incorporation; fuel or power used 8652
in the production, transmission, or distribution of electricity; 8653
energy conversion equipment as defined in section 5727.01 of the 8654
Revised Code; and tangible personal property and services used in 8655
the repair and maintenance of the production, transmission, or 8656
distribution system, including only those motor vehicles as are 8657
specially designed and equipped for such use. The exemption 8658
provided in this division shall be in lieu of all other exemptions 8659

in division (B)(42)(a) or (n) of this section to which a provider 8660
of electricity may otherwise be entitled based on the use of the 8661
tangible personal property or service purchased in generating, 8662
transmitting, or distributing electricity. 8663

(41) Sales to a person providing services under division 8664
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 8665
personal property and services used directly and primarily in 8666
providing taxable services under that section. 8667

(42) Sales where the purpose of the purchaser is to do any of 8668
the following: 8669

(a) To incorporate the thing transferred as a material or a 8670
part into tangible personal property to be produced for sale by 8671
manufacturing, assembling, processing, or refining; or to use or 8672
consume the thing transferred directly in producing tangible 8673
personal property for sale by mining, including, without 8674
limitation, the extraction from the earth of all substances that 8675
are classed geologically as minerals, production of crude oil and 8676
natural gas, or directly in the rendition of a public utility 8677
service, except that the sales tax levied by this section shall be 8678
collected upon all meals, drinks, and food for human consumption 8679
sold when transporting persons. Persons engaged in rendering 8680
services in the exploration for, and production of, crude oil and 8681
natural gas for others are deemed engaged directly in the 8682
exploration for, and production of, crude oil and natural gas. 8683
This paragraph does not exempt from "retail sale" or "sales at 8684
retail" the sale of tangible personal property that is to be 8685
incorporated into a structure or improvement to real property. 8686

(b) To hold the thing transferred as security for the 8687
performance of an obligation of the vendor; 8688

(c) To resell, hold, use, or consume the thing transferred as 8689
evidence of a contract of insurance; 8690

(d) To use or consume the thing directly in commercial fishing;	8691 8692
(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;	8693 8694 8695 8696
(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 written or graphic matter;	8697 8698 8699 8700 8701
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	8702 8703 8704
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	8705 8706 8707 8708 8709 8710
(i) To use the thing transferred as qualified research and development equipment;	8711 8712
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As	8713 8714 8715 8716 8717 8718 8719 8720 8721

used in this division, "affiliated group" has the same meaning as 8722
in division (B)(3)(e) of section 5739.01 of the Revised Code and 8723
"direct marketing" has the same meaning as in division (B)(35) of 8724
this section. 8725

(k) To use or consume the thing transferred to fulfill a 8726
contractual obligation incurred by a warrantor pursuant to a 8727
warranty provided as a part of the price of the tangible personal 8728
property sold or by a vendor of a warranty, maintenance or service 8729
contract, or similar agreement the provision of which is defined 8730
as a sale under division (B)(7) of section 5739.01 of the Revised 8731
Code; 8732

(l) To use or consume the thing transferred in the production 8733
of a newspaper for distribution to the public; 8734

(m) To use tangible personal property to perform a service 8735
listed in division (B)(3) of section 5739.01 of the Revised Code, 8736
if the property is or is to be permanently transferred to the 8737
consumer of the service as an integral part of the performance of 8738
the service; 8739

(n) To use or consume the thing transferred primarily in 8740
producing tangible personal property for sale by farming, 8741
agriculture, horticulture, or floriculture. Persons engaged in 8742
rendering farming, agriculture, horticulture, or floriculture 8743
services for others are deemed engaged primarily in farming, 8744
agriculture, horticulture, or floriculture. This paragraph does 8745
not exempt from "retail sale" or "sales at retail" the sale of 8746
tangible personal property that is to be incorporated into a 8747
structure or improvement to real property. 8748

(o) To use or consume the thing transferred in acquiring, 8749
formatting, editing, storing, and disseminating data or 8750
information by electronic publishing. 8751

As used in division (B)(42) of this section, "thing" includes 8752

all transactions included in divisions (B)(3)(a), (b), and (e) of 8753
section 5739.01 of the Revised Code. 8754

(43) Sales conducted through a coin operated device that 8755
activates vacuum equipment or equipment that dispenses water, 8756
whether or not in combination with soap or other cleaning agents 8757
or wax, to the consumer for the consumer's use on the premises in 8758
washing, cleaning, or waxing a motor vehicle, provided no other 8759
personal property or personal service is provided as part of the 8760
transaction. 8761

(44) Sales of replacement and modification parts for engines, 8762
airframes, instruments, and interiors in, and paint for, aircraft 8763
used primarily in a fractional aircraft ownership program, and 8764
sales of services for the repair, modification, and maintenance of 8765
such aircraft, and machinery, equipment, and supplies primarily 8766
used to provide those services. 8767

(45) Sales of telecommunications service that is used 8768
directly and primarily to perform the functions of a call center. 8769
As used in this division, "call center" means any physical 8770
location where telephone calls are placed or received in high 8771
volume for the purpose of making sales, marketing, customer 8772
service, technical support, or other specialized business 8773
activity, and that employs at least fifty individuals that engage 8774
in call center activities on a full-time basis, or sufficient 8775
individuals to fill fifty full-time equivalent positions. 8776

(46) Sales by a telecommunications service vendor of 900 8777
service to a subscriber. This division does not apply to 8778
information services, as defined in division (FF) of section 8779
5739.01 of the Revised Code. 8780

(47) Sales of value-added non-voice data service. This 8781
division does not apply to any similar service that is not 8782
otherwise a telecommunications service. 8783

(48)(a) Sales of machinery, equipment, and software to a 8784
qualified direct selling entity for use in a warehouse or 8785
distribution center primarily for storing, transporting, or 8786
otherwise handling inventory that is held for sale to independent 8787
salespersons who operate as direct sellers and that is held 8788
primarily for distribution outside this state; 8789

(b) As used in division (B)(48)(a) of this section: 8790

(i) "Direct seller" means a person selling consumer products 8791
to individuals for personal or household use and not from a fixed 8792
retail location, including selling such product at in-home product 8793
demonstrations, parties, and other one-on-one selling. 8794

(ii) "Qualified direct selling entity" means an entity 8795
selling to direct sellers at the time the entity enters into a tax 8796
credit agreement with the tax credit authority pursuant to section 8797
122.17 of the Revised Code, provided that the agreement was 8798
entered into on or after January 1, 2007. Neither contingencies 8799
relevant to the granting of, nor later developments with respect 8800
to, the tax credit shall impair the status of the qualified direct 8801
selling entity under division (B)(48) of this section after 8802
execution of the tax credit agreement by the tax credit authority. 8803

(c) Division (B)(48) of this section is limited to machinery, 8804
equipment, and software first stored, used, or consumed in this 8805
state within the period commencing June 24, 2008, and ending on 8806
the date that is five years after that date. 8807

(49) Sales of materials, parts, equipment, or engines used in 8808
the repair or maintenance of aircraft or avionics systems of such 8809
aircraft, and sales of repair, remodeling, replacement, or 8810
maintenance services in this state performed on aircraft or on an 8811
aircraft's avionics, engine, or component materials or parts. As 8812
used in division (B)(49) of this section, "aircraft" means 8813
aircraft of more than six thousand pounds maximum certified 8814

takeoff weight or used exclusively in general aviation. 8815

(50) Sales of full flight simulators that are used for pilot 8816
or flight-crew training, sales of repair or replacement parts or 8817
components, and sales of repair or maintenance services for such 8818
full flight simulators. "Full flight simulator" means a replica of 8819
a specific type, or make, model, and series of aircraft cockpit. 8820
It includes the assemblage of equipment and computer programs 8821
necessary to represent aircraft operations in ground and flight 8822
conditions, a visual system providing an out-of-the-cockpit view, 8823
and a system that provides cues at least equivalent to those of a 8824
three-degree-of-freedom motion system, and has the full range of 8825
capabilities of the systems installed in the device as described 8826
in appendices A and B of part 60 of chapter 1 of title 14 of the 8827
Code of Federal Regulations. 8828

(51) Any transfer or lease of tangible personal property 8829
~~between the state and a successful proposer in accordance with~~ 8830
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 8831
~~property is part of a project as defined in section 126.60 of the~~ 8832
~~Revised Code and the state retains ownership of the project or~~ 8833
~~part thereof that is being transferred or leased,~~ between the 8834
state and JobsOhio in accordance with section 4313.02 of the 8835
Revised Code. 8836

(C) For the purpose of the proper administration of this 8837
chapter, and to prevent the evasion of the tax, it is presumed 8838
that all sales made in this state are subject to the tax until the 8839
contrary is established. 8840

(D) The levy of this tax on retail sales of recreation and 8841
sports club service shall not prevent a municipal corporation from 8842
levying any tax on recreation and sports club dues or on any 8843
income generated by recreation and sports club dues. 8844

(E) The tax collected by the vendor from the consumer under 8845

this chapter is not part of the price, but is a tax collection for 8846
the benefit of the state, and of counties levying an additional 8847
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 8848
Code and of transit authorities levying an additional sales tax 8849
pursuant to section 5739.023 of the Revised Code. Except for the 8850
discount authorized under section 5739.12 of the Revised Code and 8851
the effects of any rounding pursuant to section 5703.055 of the 8852
Revised Code, no person other than the state or such a county or 8853
transit authority shall derive any benefit from the collection or 8854
payment of the tax levied by this section or section 5739.021, 8855
5739.023, or 5739.026 of the Revised Code. 8856

Sec. 5747.01. Except as otherwise expressly provided or 8857
clearly appearing from the context, any term used in this chapter 8858
that is not otherwise defined in this section has the same meaning 8859
as when used in a comparable context in the laws of the United 8860
States relating to federal income taxes or if not used in a 8861
comparable context in those laws, has the same meaning as in 8862
section 5733.40 of the Revised Code. Any reference in this chapter 8863
to the Internal Revenue Code includes other laws of the United 8864
States relating to federal income taxes. 8865

As used in this chapter: 8866

(A) "Adjusted gross income" or "Ohio adjusted gross income" 8867
means federal adjusted gross income, as defined and used in the 8868
Internal Revenue Code, adjusted as provided in this section: 8869

(1) Add interest or dividends on obligations or securities of 8870
any state or of any political subdivision or authority of any 8871
state, other than this state and its subdivisions and authorities. 8872

(2) Add interest or dividends on obligations of any 8873
authority, commission, instrumentality, territory, or possession 8874
of the United States to the extent that the interest or dividends 8875
are exempt from federal income taxes but not from state income 8876

taxes. 8877

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 8878
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 8884
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 8886
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 8890
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net 8899
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income included in the adjusted gross income of a beneficiary 8909
shall reduce the undistributed net income of the trust commencing 8910
with the earliest years of the accumulation period. 8911

(7) Deduct the amount of wages and salaries, if any, not 8912
otherwise allowable as a deduction but that would have been 8913
allowable as a deduction in computing federal adjusted gross 8914
income for the taxable year, had the targeted jobs credit allowed 8915
and determined under sections 38, 51, and 52 of the Internal 8916
Revenue Code not been in effect. 8917

(8) Deduct any interest or interest equivalent on public 8918
obligations and purchase obligations to the extent that the 8919
interest or interest equivalent is included in federal adjusted 8920
gross income. 8921

(9) Add any loss or deduct any gain resulting from the sale, 8922
exchange, or other disposition of public obligations to the extent 8923
that the loss has been deducted or the gain has been included in 8924
computing federal adjusted gross income. 8925

(10) Deduct or add amounts, as provided under section 5747.70 8926
of the Revised Code, related to contributions to variable college 8927
savings program accounts made or tuition units purchased pursuant 8928
to Chapter 3334. of the Revised Code. 8929

(11)(a) Deduct, to the extent not otherwise allowable as a 8930
deduction or exclusion in computing federal or Ohio adjusted gross 8931
income for the taxable year, the amount the taxpayer paid during 8932
the taxable year for medical care insurance and qualified 8933
long-term care insurance for the taxpayer, the taxpayer's spouse, 8934
and dependents. No deduction for medical care insurance under 8935
division (A)(11) of this section shall be allowed either to any 8936
taxpayer who is eligible to participate in any subsidized health 8937
plan maintained by any employer of the taxpayer or of the 8938
taxpayer's spouse, or to any taxpayer who is entitled to, or on 8939

application would be entitled to, benefits under part A of Title 8940
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 8941
301, as amended. For the purposes of division (A)(11)(a) of this 8942
section, "subsidized health plan" means a health plan for which 8943
the employer pays any portion of the plan's cost. The deduction 8944
allowed under division (A)(11)(a) of this section shall be the net 8945
of any related premium refunds, related premium reimbursements, or 8946
related insurance premium dividends received during the taxable 8947
year. 8948

(b) Deduct, to the extent not otherwise deducted or excluded 8949
in computing federal or Ohio adjusted gross income during the 8950
taxable year, the amount the taxpayer paid during the taxable 8951
year, not compensated for by any insurance or otherwise, for 8952
medical care of the taxpayer, the taxpayer's spouse, and 8953
dependents, to the extent the expenses exceed seven and one-half 8954
per cent of the taxpayer's federal adjusted gross income. 8955

(c) Deduct, to the extent not otherwise deducted or excluded 8956
in computing federal or Ohio adjusted gross income, any amount 8957
included in federal adjusted gross income under section 105 or not 8958
excluded under section 106 of the Internal Revenue Code solely 8959
because it relates to an accident and health plan for a person who 8960
otherwise would be a "qualifying relative" and thus a "dependent" 8961
under section 152 of the Internal Revenue Code but for the fact 8962
that the person fails to meet the income and support limitations 8963
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 8964

(d) For purposes of division (A)(11) of this section, 8965
"medical care" has the meaning given in section 213 of the 8966
Internal Revenue Code, subject to the special rules, limitations, 8967
and exclusions set forth therein, and "qualified long-term care" 8968
has the same meaning given in section 7702B(c) of the Internal 8969
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 8970
of this section, "dependent" includes a person who otherwise would 8971

be a "qualifying relative" and thus a "dependent" under section 8972
152 of the Internal Revenue Code but for the fact that the person 8973
fails to meet the income and support limitations under section 8974
152(d)(1)(B) and (C) of the Internal Revenue Code. 8975

(12)(a) Deduct any amount included in federal adjusted gross 8976
income solely because the amount represents a reimbursement or 8977
refund of expenses that in any year the taxpayer had deducted as 8978
an itemized deduction pursuant to section 63 of the Internal 8979
Revenue Code and applicable United States department of the 8980
treasury regulations. The deduction otherwise allowed under 8981
division (A)(12)(a) of this section shall be reduced to the extent 8982
the reimbursement is attributable to an amount the taxpayer 8983
deducted under this section in any taxable year. 8984

(b) Add any amount not otherwise included in Ohio adjusted 8985
gross income for any taxable year to the extent that the amount is 8986
attributable to the recovery during the taxable year of any amount 8987
deducted or excluded in computing federal or Ohio adjusted gross 8988
income in any taxable year. 8989

(13) Deduct any portion of the deduction described in section 8990
1341(a)(2) of the Internal Revenue Code, for repaying previously 8991
reported income received under a claim of right, that meets both 8992
of the following requirements: 8993

(a) It is allowable for repayment of an item that was 8994
included in the taxpayer's adjusted gross income for a prior 8995
taxable year and did not qualify for a credit under division (A) 8996
or (B) of section 5747.05 of the Revised Code for that year; 8997

(b) It does not otherwise reduce the taxpayer's adjusted 8998
gross income for the current or any other taxable year. 8999

(14) Deduct an amount equal to the deposits made to, and net 9000
investment earnings of, a medical savings account during the 9001
taxable year, in accordance with section 3924.66 of the Revised 9002

Code. The deduction allowed by division (A)(14) of this section 9003
does not apply to medical savings account deposits and earnings 9004
otherwise deducted or excluded for the current or any other 9005
taxable year from the taxpayer's federal adjusted gross income. 9006

(15)(a) Add an amount equal to the funds withdrawn from a 9007
medical savings account during the taxable year, and the net 9008
investment earnings on those funds, when the funds withdrawn were 9009
used for any purpose other than to reimburse an account holder 9010
for, or to pay, eligible medical expenses, in accordance with 9011
section 3924.66 of the Revised Code; 9012

(b) Add the amounts distributed from a medical savings 9013
account under division (A)(2) of section 3924.68 of the Revised 9014
Code during the taxable year. 9015

(16) Add any amount claimed as a credit under section 9016
5747.059 or 5747.65 of the Revised Code to the extent that such 9017
amount satisfies either of the following: 9018

(a) The amount was deducted or excluded from the computation 9019
of the taxpayer's federal adjusted gross income as required to be 9020
reported for the taxpayer's taxable year under the Internal 9021
Revenue Code; 9022

(b) The amount resulted in a reduction of the taxpayer's 9023
federal adjusted gross income as required to be reported for any 9024
of the taxpayer's taxable years under the Internal Revenue Code. 9025

(17) Deduct the amount contributed by the taxpayer to an 9026
individual development account program established by a county 9027
department of job and family services pursuant to sections 329.11 9028
to 329.14 of the Revised Code for the purpose of matching funds 9029
deposited by program participants. On request of the tax 9030
commissioner, the taxpayer shall provide any information that, in 9031
the tax commissioner's opinion, is necessary to establish the 9032
amount deducted under division (A)(17) of this section. 9033

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179

depreciation expense allowed to any pass-through entity in which 9066
the taxpayer has a direct or indirect ownership interest. 9067

(iii) Subject to division (A)(20)(a)(v) of this section, for 9068
taxable years beginning in 2012 or thereafter, if the increase in 9069
income taxes withheld by the taxpayer is equal to or greater than 9070
ten per cent of income taxes withheld by the taxpayer during the 9071
taxpayer's immediately preceding taxable year, "two-thirds" shall 9072
be substituted for "five-sixths" for the purpose of divisions 9073
(A)(20)(a)(i) and (ii) of this section. 9074

(iv) Subject to division (A)(20)(a)(v) of this section, for 9075
taxable years beginning in 2012 or thereafter, a taxpayer is not 9076
required to add an amount under division (A)(20) of this section 9077
if the increase in income taxes withheld by the taxpayer and by 9078
any pass-through entity in which the taxpayer has a direct or 9079
indirect ownership interest is equal to or greater than the sum of 9080
(I) the amount of qualifying section 179 depreciation expense and 9081
(II) the amount of depreciation expense allowed to the taxpayer by 9082
subsection (k) of section 168 of the Internal Revenue Code, and 9083
including the taxpayer's proportionate or distributive shares of 9084
such amounts allowed to any such pass-through entities. 9085

(v) If a taxpayer directly or indirectly incurs a net 9086
operating loss for the taxable year for federal income tax 9087
purposes, to the extent such loss resulted from depreciation 9088
expense allowed by subsection (k) of section 168 of the Internal 9089
Revenue Code and by qualifying section 179 depreciation expense, 9090
"the entire" shall be substituted for "five-sixths of the" for the 9091
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 9092

The tax commissioner, under procedures established by the 9093
commissioner, may waive the add-backs related to a pass-through 9094
entity if the taxpayer owns, directly or indirectly, less than 9095
five per cent of the pass-through entity. 9096

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(20) and (21) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 9159
carryback or carryforward. If no such deduction is available for a 9160
taxable year, the taxpayer may carry forward the amount not 9161
deducted in such taxable year to the next taxable year and add 9162
that amount to any deduction otherwise available under division 9163
(A)(21)(a) of this section for that next taxable year. The 9164
carryforward of amounts not so deducted shall continue until the 9165
entire addition required by division (A)(20)(a) of this section 9166
has been deducted. 9167

(d) No refund shall be allowed as a result of adjustments 9168
made by division (A)(21) of this section. 9169

(22) Deduct, to the extent not otherwise deducted or excluded 9170
in computing federal or Ohio adjusted gross income for the taxable 9171
year, the amount the taxpayer received during the taxable year as 9172
reimbursement for life insurance premiums under section 5919.31 of 9173
the Revised Code. 9174

(23) Deduct, to the extent not otherwise deducted or excluded 9175
in computing federal or Ohio adjusted gross income for the taxable 9176
year, the amount the taxpayer received during the taxable year as 9177
a death benefit paid by the adjutant general under section 5919.33 9178
of the Revised Code. 9179

(24) Deduct, to the extent included in federal adjusted gross 9180
income and not otherwise allowable as a deduction or exclusion in 9181
computing federal or Ohio adjusted gross income for the taxable 9182
year, military pay and allowances received by the taxpayer during 9183
the taxable year for active duty service in the United States 9184
army, air force, navy, marine corps, or coast guard or reserve 9185
components thereof or the national guard. The deduction may not be 9186
claimed for military pay and allowances received by the taxpayer 9187
while the taxpayer is stationed in this state. 9188

(25) Deduct, to the extent not otherwise allowable as a 9189

deduction or exclusion in computing federal or Ohio adjusted gross 9190
income for the taxable year and not otherwise compensated for by 9191
any other source, the amount of qualified organ donation expenses 9192
incurred by the taxpayer during the taxable year, not to exceed 9193
ten thousand dollars. A taxpayer may deduct qualified organ 9194
donation expenses only once for all taxable years beginning with 9195
taxable years beginning in 2007. 9196

For the purposes of division (A)(25) of this section: 9197

(a) "Human organ" means all or any portion of a human liver, 9198
pancreas, kidney, intestine, or lung, and any portion of human 9199
bone marrow. 9200

(b) "Qualified organ donation expenses" means travel 9201
expenses, lodging expenses, and wages and salary forgone by a 9202
taxpayer in connection with the taxpayer's donation, while living, 9203
of one or more of the taxpayer's human organs to another human 9204
being. 9205

(26) Deduct, to the extent not otherwise deducted or excluded 9206
in computing federal or Ohio adjusted gross income for the taxable 9207
year, amounts received by the taxpayer as retired military 9208
personnel pay for service in the United States army, navy, air 9209
force, coast guard, or marine corps or reserve components thereof, 9210
or the national guard, or received by the surviving spouse or 9211
former spouse of such a taxpayer under the survivor benefit plan 9212
on account of such a taxpayer's death. If the taxpayer receives 9213
income on account of retirement paid under the federal civil 9214
service retirement system or federal employees retirement system, 9215
or under any successor retirement program enacted by the congress 9216
of the United States that is established and maintained for 9217
retired employees of the United States government, and such 9218
retirement income is based, in whole or in part, on credit for the 9219
taxpayer's military service, the deduction allowed under this 9220
division shall include only that portion of such retirement income 9221

that is attributable to the taxpayer's military service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(26) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income ~~derived from providing public services under a contract through a project owned by the state, as described in section 126.604 of the Revised Code~~ or derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(31) Deduct, to the extent not otherwise deducted or excluded 9254
in computing federal or Ohio adjusted gross income for the taxable 9255
year, Ohio college opportunity or federal Pell grant amounts 9256
received by the taxpayer or the taxpayer's spouse or dependent 9257
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 9258
1070a, et seq., and used to pay room or board furnished by the 9259
educational institution for which the grant was awarded at the 9260
institution's facilities, including meal plans administered by the 9261
institution. For the purposes of this division, receipt of a grant 9262
includes the distribution of a grant directly to an educational 9263
institution and the crediting of the grant to the enrollee's 9264
account with the institution. 9265

(B) "Business income" means income, including gain or loss, 9266
arising from transactions, activities, and sources in the regular 9267
course of a trade or business and includes income, gain, or loss 9268
from real property, tangible property, and intangible property if 9269
the acquisition, rental, management, and disposition of the 9270
property constitute integral parts of the regular course of a 9271
trade or business operation. "Business income" includes income, 9272
including gain or loss, from a partial or complete liquidation of 9273
a business, including, but not limited to, gain or loss from the 9274
sale or other disposition of goodwill. 9275

(C) "Nonbusiness income" means all income other than business 9276
income and may include, but is not limited to, compensation, rents 9277
and royalties from real or tangible personal property, capital 9278
gains, interest, dividends and distributions, patent or copyright 9279
royalties, or lottery winnings, prizes, and awards. 9280

(D) "Compensation" means any form of remuneration paid to an 9281
employee for personal services. 9282

(E) "Fiduciary" means a guardian, trustee, executor, 9283
administrator, receiver, conservator, or any other person acting 9284
in any fiduciary capacity for any individual, trust, or estate. 9285

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	9286 9287
(G) "Individual" means any natural person.	9288
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	9289 9290
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	9291 9292 9293
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	9294 9295
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	9296 9297 9298 9299
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	9300 9301 9302
For the purposes of division (I)(3) of this section:	9303
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	9304 9305 9306 9307 9308 9309
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;	9310 9311 9312 9313
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly	9314 9315

transferred assets to an irrevocable trust, but only if at least 9316
one of the trust's qualifying beneficiaries is domiciled in this 9317
state for the purposes of this chapter during all or some portion 9318
of the trust's current taxable year; 9319

(iii) A person who was domiciled in this state for the 9320
purposes of this chapter when the trust document or instrument or 9321
part of the trust document or instrument became irrevocable, but 9322
only if at least one of the trust's qualifying beneficiaries is a 9323
resident domiciled in this state for the purposes of this chapter 9324
during all or some portion of the trust's current taxable year. If 9325
a trust document or instrument became irrevocable upon the death 9326
of a person who at the time of death was domiciled in this state 9327
for purposes of this chapter, that person is a person described in 9328
division (I)(3)(a)(iii) of this section. 9329

(b) A trust is irrevocable to the extent that the transferor 9330
is not considered to be the owner of the net assets of the trust 9331
under sections 671 to 678 of the Internal Revenue Code. 9332

(c) With respect to a trust other than a charitable lead 9333
trust, "qualifying beneficiary" has the same meaning as "potential 9334
current beneficiary" as defined in section 1361(e)(2) of the 9335
Internal Revenue Code, and with respect to a charitable lead trust 9336
"qualifying beneficiary" is any current, future, or contingent 9337
beneficiary, but with respect to any trust "qualifying 9338
beneficiary" excludes a person or a governmental entity or 9339
instrumentality to any of which a contribution would qualify for 9340
the charitable deduction under section 170 of the Internal Revenue 9341
Code. 9342

(d) For the purposes of division (I)(3)(a) of this section, 9343
the extent to which a trust consists directly or indirectly, in 9344
whole or in part, of assets, net of any related liabilities, that 9345
were transferred directly or indirectly, in whole or part, to the 9346
trust by any of the sources enumerated in that division shall be 9347

ascertained by multiplying the fair market value of the trust's 9348
assets, net of related liabilities, by the qualifying ratio, which 9349
shall be computed as follows: 9350

(i) The first time the trust receives assets, the numerator 9351
of the qualifying ratio is the fair market value of those assets 9352
at that time, net of any related liabilities, from sources 9353
enumerated in division (I)(3)(a) of this section. The denominator 9354
of the qualifying ratio is the fair market value of all the 9355
trust's assets at that time, net of any related liabilities. 9356

(ii) Each subsequent time the trust receives assets, a 9357
revised qualifying ratio shall be computed. The numerator of the 9358
revised qualifying ratio is the sum of (1) the fair market value 9359
of the trust's assets immediately prior to the subsequent 9360
transfer, net of any related liabilities, multiplied by the 9361
qualifying ratio last computed without regard to the subsequent 9362
transfer, and (2) the fair market value of the subsequently 9363
transferred assets at the time transferred, net of any related 9364
liabilities, from sources enumerated in division (I)(3)(a) of this 9365
section. The denominator of the revised qualifying ratio is the 9366
fair market value of all the trust's assets immediately after the 9367
subsequent transfer, net of any related liabilities. 9368

(iii) Whether a transfer to the trust is by or from any of 9369
the sources enumerated in division (I)(3)(a) of this section shall 9370
be ascertained without regard to the domicile of the trust's 9371
beneficiaries. 9372

(e) For the purposes of division (I)(3)(a)(i) of this 9373
section: 9374

(i) A trust is described in division (I)(3)(e)(i) of this 9375
section if the trust is a testamentary trust and the testator of 9376
that testamentary trust was domiciled in this state at the time of 9377
the testator's death for purposes of the taxes levied under 9378

Chapter 5731. of the Revised Code. 9379

(ii) A trust is described in division (I)(3)(e)(ii) of this 9380
section if the transfer is a qualifying transfer described in any 9381
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 9382
irrevocable inter vivos trust, and at least one of the trust's 9383
qualifying beneficiaries is domiciled in this state for purposes 9384
of this chapter during all or some portion of the trust's current 9385
taxable year. 9386

(f) For the purposes of division (I)(3)(e)(ii) of this 9387
section, a "qualifying transfer" is a transfer of assets, net of 9388
any related liabilities, directly or indirectly to a trust, if the 9389
transfer is described in any of the following: 9390

(i) The transfer is made to a trust, created by the decedent 9391
before the decedent's death and while the decedent was domiciled 9392
in this state for the purposes of this chapter, and, prior to the 9393
death of the decedent, the trust became irrevocable while the 9394
decedent was domiciled in this state for the purposes of this 9395
chapter. 9396

(ii) The transfer is made to a trust to which the decedent, 9397
prior to the decedent's death, had directly or indirectly 9398
transferred assets, net of any related liabilities, while the 9399
decedent was domiciled in this state for the purposes of this 9400
chapter, and prior to the death of the decedent the trust became 9401
irrevocable while the decedent was domiciled in this state for the 9402
purposes of this chapter. 9403

(iii) The transfer is made on account of a contractual 9404
relationship existing directly or indirectly between the 9405
transferor and either the decedent or the estate of the decedent 9406
at any time prior to the date of the decedent's death, and the 9407
decedent was domiciled in this state at the time of death for 9408
purposes of the taxes levied under Chapter 5731. of the Revised 9409

Code. 9410

(iv) The transfer is made to a trust on account of a 9411
contractual relationship existing directly or indirectly between 9412
the transferor and another person who at the time of the 9413
decedent's death was domiciled in this state for purposes of this 9414
chapter. 9415

(v) The transfer is made to a trust on account of the will of 9416
a testator who was domiciled in this state at the time of the 9417
testator's death for purposes of the taxes levied under Chapter 9418
5731. of the Revised Code. 9419

(vi) The transfer is made to a trust created by or caused to 9420
be created by a court, and the trust was directly or indirectly 9421
created in connection with or as a result of the death of an 9422
individual who, for purposes of the taxes levied under Chapter 9423
5731. of the Revised Code, was domiciled in this state at the time 9424
of the individual's death. 9425

(g) The tax commissioner may adopt rules to ascertain the 9426
part of a trust residing in this state. 9427

(J) "Nonresident" means an individual or estate that is not a 9428
resident. An individual who is a resident for only part of a 9429
taxable year is a nonresident for the remainder of that taxable 9430
year. 9431

(K) "Pass-through entity" has the same meaning as in section 9432
5733.04 of the Revised Code. 9433

(L) "Return" means the notifications and reports required to 9434
be filed pursuant to this chapter for the purpose of reporting the 9435
tax due and includes declarations of estimated tax when so 9436
required. 9437

(M) "Taxable year" means the calendar year or the taxpayer's 9438
fiscal year ending during the calendar year, or fractional part 9439

thereof, upon which the adjusted gross income is calculated 9440
pursuant to this chapter. 9441

(N) "Taxpayer" means any person subject to the tax imposed by 9442
section 5747.02 of the Revised Code or any pass-through entity 9443
that makes the election under division (D) of section 5747.08 of 9444
the Revised Code. 9445

(O) "Dependents" means dependents as defined in the Internal 9446
Revenue Code and as claimed in the taxpayer's federal income tax 9447
return for the taxable year or which the taxpayer would have been 9448
permitted to claim had the taxpayer filed a federal income tax 9449
return. 9450

(P) "Principal county of employment" means, in the case of a 9451
nonresident, the county within the state in which a taxpayer 9452
performs services for an employer or, if those services are 9453
performed in more than one county, the county in which the major 9454
portion of the services are performed. 9455

(Q) As used in sections 5747.50 to 5747.55 of the Revised 9456
Code: 9457

(1) "Subdivision" means any county, municipal corporation, 9458
park district, or township. 9459

(2) "Essential local government purposes" includes all 9460
functions that any subdivision is required by general law to 9461
exercise, including like functions that are exercised under a 9462
charter adopted pursuant to the Ohio Constitution. 9463

(R) "Overpayment" means any amount already paid that exceeds 9464
the figure determined to be the correct amount of the tax. 9465

(S) "Taxable income" or "Ohio taxable income" applies only to 9466
estates and trusts, and means federal taxable income, as defined 9467
and used in the Internal Revenue Code, adjusted as follows: 9468

(1) Add interest or dividends, net of ordinary, necessary, 9469

and reasonable expenses not deducted in computing federal taxable 9470
income, on obligations or securities of any state or of any 9471
political subdivision or authority of any state, other than this 9472
state and its subdivisions and authorities, but only to the extent 9473
that such net amount is not otherwise includible in Ohio taxable 9474
income and is described in either division (S)(1)(a) or (b) of 9475
this section: 9476

(a) The net amount is not attributable to the S portion of an 9477
electing small business trust and has not been distributed to 9478
beneficiaries for the taxable year; 9479

(b) The net amount is attributable to the S portion of an 9480
electing small business trust for the taxable year. 9481

(2) Add interest or dividends, net of ordinary, necessary, 9482
and reasonable expenses not deducted in computing federal taxable 9483
income, on obligations of any authority, commission, 9484
instrumentality, territory, or possession of the United States to 9485
the extent that the interest or dividends are exempt from federal 9486
income taxes but not from state income taxes, but only to the 9487
extent that such net amount is not otherwise includible in Ohio 9488
taxable income and is described in either division (S)(1)(a) or 9489
(b) of this section; 9490

(3) Add the amount of personal exemption allowed to the 9491
estate pursuant to section 642(b) of the Internal Revenue Code; 9492

(4) Deduct interest or dividends, net of related expenses 9493
deducted in computing federal taxable income, on obligations of 9494
the United States and its territories and possessions or of any 9495
authority, commission, or instrumentality of the United States to 9496
the extent that the interest or dividends are exempt from state 9497
taxes under the laws of the United States, but only to the extent 9498
that such amount is included in federal taxable income and is 9499
described in either division (S)(1)(a) or (b) of this section; 9500

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable

year. 9533

(b) Add any amount not otherwise included in Ohio taxable 9534
income for any taxable year to the extent that the amount is 9535
attributable to the recovery during the taxable year of any amount 9536
deducted or excluded in computing federal or Ohio taxable income 9537
in any taxable year, but only to the extent such amount has not 9538
been distributed to beneficiaries for the taxable year. 9539

(10) Deduct any portion of the deduction described in section 9540
1341(a)(2) of the Internal Revenue Code, for repaying previously 9541
reported income received under a claim of right, that meets both 9542
of the following requirements: 9543

(a) It is allowable for repayment of an item that was 9544
included in the taxpayer's taxable income or the decedent's 9545
adjusted gross income for a prior taxable year and did not qualify 9546
for a credit under division (A) or (B) of section 5747.05 of the 9547
Revised Code for that year. 9548

(b) It does not otherwise reduce the taxpayer's taxable 9549
income or the decedent's adjusted gross income for the current or 9550
any other taxable year. 9551

(11) Add any amount claimed as a credit under section 9552
5747.059 or 5747.65 of the Revised Code to the extent that the 9553
amount satisfies either of the following: 9554

(a) The amount was deducted or excluded from the computation 9555
of the taxpayer's federal taxable income as required to be 9556
reported for the taxpayer's taxable year under the Internal 9557
Revenue Code; 9558

(b) The amount resulted in a reduction in the taxpayer's 9559
federal taxable income as required to be reported for any of the 9560
taxpayer's taxable years under the Internal Revenue Code. 9561

(12) Deduct any amount, net of related expenses deducted in 9562

computing federal taxable income, that a trust is required to 9563
report as farm income on its federal income tax return, but only 9564
if the assets of the trust include at least ten acres of land 9565
satisfying the definition of "land devoted exclusively to 9566
agricultural use" under section 5713.30 of the Revised Code, 9567
regardless of whether the land is valued for tax purposes as such 9568
land under sections 5713.30 to 5713.38 of the Revised Code. If the 9569
trust is a pass-through entity investor, section 5747.231 of the 9570
Revised Code applies in ascertaining if the trust is eligible to 9571
claim the deduction provided by division (S)(12) of this section 9572
in connection with the pass-through entity's farm income. 9573

Except for farm income attributable to the S portion of an 9574
electing small business trust, the deduction provided by division 9575
(S)(12) of this section is allowed only to the extent that the 9576
trust has not distributed such farm income. Division (S)(12) of 9577
this section applies only to taxable years of a trust beginning in 9578
2002 or thereafter. 9579

(13) Add the net amount of income described in section 641(c) 9580
of the Internal Revenue Code to the extent that amount is not 9581
included in federal taxable income. 9582

(14) Add or deduct the amount the taxpayer would be required 9583
to add or deduct under division (A)(20) or (21) of this section if 9584
the taxpayer's Ohio taxable income were computed in the same 9585
manner as an individual's Ohio adjusted gross income is computed 9586
under this section. In the case of a trust, division (S)(14) of 9587
this section applies only to any of the trust's taxable years 9588
beginning in 2002 or thereafter. 9589

(T) "School district income" and "school district income tax" 9590
have the same meanings as in section 5748.01 of the Revised Code. 9591

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 9592
of this section, "public obligations," "purchase obligations," and 9593

"interest or interest equivalent" have the same meanings as in 9594
section 5709.76 of the Revised Code. 9595

(V) "Limited liability company" means any limited liability 9596
company formed under Chapter 1705. of the Revised Code or under 9597
the laws of any other state. 9598

(W) "Pass-through entity investor" means any person who, 9599
during any portion of a taxable year of a pass-through entity, is 9600
a partner, member, shareholder, or equity investor in that 9601
pass-through entity. 9602

(X) "Banking day" has the same meaning as in section 1304.01 9603
of the Revised Code. 9604

(Y) "Month" means a calendar month. 9605

(Z) "Quarter" means the first three months, the second three 9606
months, the third three months, or the last three months of the 9607
taxpayer's taxable year. 9608

(AA)(1) "Eligible institution" means a state university or 9609
state institution of higher education as defined in section 9610
3345.011 of the Revised Code, or a private, nonprofit college, 9611
university, or other post-secondary institution located in this 9612
state that possesses a certificate of authorization issued by the 9613
Ohio board of regents pursuant to Chapter 1713. of the Revised 9614
Code or a certificate of registration issued by the state board of 9615
career colleges and schools under Chapter 3332. of the Revised 9616
Code. 9617

(2) "Qualified tuition and fees" means tuition and fees 9618
imposed by an eligible institution as a condition of enrollment or 9619
attendance, not exceeding two thousand five hundred dollars in 9620
each of the individual's first two years of post-secondary 9621
education. If the individual is a part-time student, "qualified 9622
tuition and fees" includes tuition and fees paid for the academic 9623
equivalent of the first two years of post-secondary education 9624

during a maximum of five taxable years, not exceeding a total of 9625
five thousand dollars. "Qualified tuition and fees" does not 9626
include: 9627

(a) Expenses for any course or activity involving sports, 9628
games, or hobbies unless the course or activity is part of the 9629
individual's degree or diploma program; 9630

(b) The cost of books, room and board, student activity fees, 9631
athletic fees, insurance expenses, or other expenses unrelated to 9632
the individual's academic course of instruction; 9633

(c) Tuition, fees, or other expenses paid or reimbursed 9634
through an employer, scholarship, grant in aid, or other 9635
educational benefit program. 9636

(BB)(1) "Modified business income" means the business income 9637
included in a trust's Ohio taxable income after such taxable 9638
income is first reduced by the qualifying trust amount, if any. 9639

(2) "Qualifying trust amount" of a trust means capital gains 9640
and losses from the sale, exchange, or other disposition of equity 9641
or ownership interests in, or debt obligations of, a qualifying 9642
investee to the extent included in the trust's Ohio taxable 9643
income, but only if the following requirements are satisfied: 9644

(a) The book value of the qualifying investee's physical 9645
assets in this state and everywhere, as of the last day of the 9646
qualifying investee's fiscal or calendar year ending immediately 9647
prior to the date on which the trust recognizes the gain or loss, 9648
is available to the trust. 9649

(b) The requirements of section 5747.011 of the Revised Code 9650
are satisfied for the trust's taxable year in which the trust 9651
recognizes the gain or loss. 9652

Any gain or loss that is not a qualifying trust amount is 9653
modified business income, qualifying investment income, or 9654

modified nonbusiness income, as the case may be. 9655

(3) "Modified nonbusiness income" means a trust's Ohio 9656
taxable income other than modified business income, other than the 9657
qualifying trust amount, and other than qualifying investment 9658
income, as defined in section 5747.012 of the Revised Code, to the 9659
extent such qualifying investment income is not otherwise part of 9660
modified business income. 9661

(4) "Modified Ohio taxable income" applies only to trusts, 9662
and means the sum of the amounts described in divisions (BB)(4)(a) 9663
to (c) of this section: 9664

(a) The fraction, calculated under section 5747.013, and 9665
applying section 5747.231 of the Revised Code, multiplied by the 9666
sum of the following amounts: 9667

(i) The trust's modified business income; 9668

(ii) The trust's qualifying investment income, as defined in 9669
section 5747.012 of the Revised Code, but only to the extent the 9670
qualifying investment income does not otherwise constitute 9671
modified business income and does not otherwise constitute a 9672
qualifying trust amount. 9673

(b) The qualifying trust amount multiplied by a fraction, the 9674
numerator of which is the sum of the book value of the qualifying 9675
investee's physical assets in this state on the last day of the 9676
qualifying investee's fiscal or calendar year ending immediately 9677
prior to the day on which the trust recognizes the qualifying 9678
trust amount, and the denominator of which is the sum of the book 9679
value of the qualifying investee's total physical assets 9680
everywhere on the last day of the qualifying investee's fiscal or 9681
calendar year ending immediately prior to the day on which the 9682
trust recognizes the qualifying trust amount. If, for a taxable 9683
year, the trust recognizes a qualifying trust amount with respect 9684
to more than one qualifying investee, the amount described in 9685

division (BB)(4)(b) of this section shall equal the sum of the 9686
products so computed for each such qualifying investee. 9687

(c)(i) With respect to a trust or portion of a trust that is 9688
a resident as ascertained in accordance with division (I)(3)(d) of 9689
this section, its modified nonbusiness income. 9690

(ii) With respect to a trust or portion of a trust that is 9691
not a resident as ascertained in accordance with division 9692
(I)(3)(d) of this section, the amount of its modified nonbusiness 9693
income satisfying the descriptions in divisions (B)(2) to (5) of 9694
section 5747.20 of the Revised Code, except as otherwise provided 9695
in division (BB)(4)(c)(ii) of this section. With respect to a 9696
trust or portion of a trust that is not a resident as ascertained 9697
in accordance with division (I)(3)(d) of this section, the trust's 9698
portion of modified nonbusiness income recognized from the sale, 9699
exchange, or other disposition of a debt interest in or equity 9700
interest in a section 5747.212 entity, as defined in section 9701
5747.212 of the Revised Code, without regard to division (A) of 9702
that section, shall not be allocated to this state in accordance 9703
with section 5747.20 of the Revised Code but shall be apportioned 9704
to this state in accordance with division (B) of section 5747.212 9705
of the Revised Code without regard to division (A) of that 9706
section. 9707

If the allocation and apportionment of a trust's income under 9708
divisions (BB)(4)(a) and (c) of this section do not fairly 9709
represent the modified Ohio taxable income of the trust in this 9710
state, the alternative methods described in division (C) of 9711
section 5747.21 of the Revised Code may be applied in the manner 9712
and to the same extent provided in that section. 9713

(5)(a) Except as set forth in division (BB)(5)(b) of this 9714
section, "qualifying investee" means a person in which a trust has 9715
an equity or ownership interest, or a person or unit of government 9716
the debt obligations of either of which are owned by a trust. For 9717

the purposes of division (BB)(2)(a) of this section and for the 9718
purpose of computing the fraction described in division (BB)(4)(b) 9719
of this section, all of the following apply: 9720

(i) If the qualifying investee is a member of a qualifying 9721
controlled group on the last day of the qualifying investee's 9722
fiscal or calendar year ending immediately prior to the date on 9723
which the trust recognizes the gain or loss, then "qualifying 9724
investee" includes all persons in the qualifying controlled group 9725
on such last day. 9726

(ii) If the qualifying investee, or if the qualifying 9727
investee and any members of the qualifying controlled group of 9728
which the qualifying investee is a member on the last day of the 9729
qualifying investee's fiscal or calendar year ending immediately 9730
prior to the date on which the trust recognizes the gain or loss, 9731
separately or cumulatively own, directly or indirectly, on the 9732
last day of the qualifying investee's fiscal or calendar year 9733
ending immediately prior to the date on which the trust recognizes 9734
the qualifying trust amount, more than fifty per cent of the 9735
equity of a pass-through entity, then the qualifying investee and 9736
the other members are deemed to own the proportionate share of the 9737
pass-through entity's physical assets which the pass-through 9738
entity directly or indirectly owns on the last day of the 9739
pass-through entity's calendar or fiscal year ending within or 9740
with the last day of the qualifying investee's fiscal or calendar 9741
year ending immediately prior to the date on which the trust 9742
recognizes the qualifying trust amount. 9743

(iii) For the purposes of division (BB)(5)(a)(iii) of this 9744
section, "upper level pass-through entity" means a pass-through 9745
entity directly or indirectly owning any equity of another 9746
pass-through entity, and "lower level pass-through entity" means 9747
that other pass-through entity. 9748

An upper level pass-through entity, whether or not it is also 9749

a qualifying investee, is deemed to own, on the last day of the 9750
upper level pass-through entity's calendar or fiscal year, the 9751
proportionate share of the lower level pass-through entity's 9752
physical assets that the lower level pass-through entity directly 9753
or indirectly owns on the last day of the lower level pass-through 9754
entity's calendar or fiscal year ending within or with the last 9755
day of the upper level pass-through entity's fiscal or calendar 9756
year. If the upper level pass-through entity directly and 9757
indirectly owns less than fifty per cent of the equity of the 9758
lower level pass-through entity on each day of the upper level 9759
pass-through entity's calendar or fiscal year in which or with 9760
which ends the calendar or fiscal year of the lower level 9761
pass-through entity and if, based upon clear and convincing 9762
evidence, complete information about the location and cost of the 9763
physical assets of the lower pass-through entity is not available 9764
to the upper level pass-through entity, then solely for purposes 9765
of ascertaining if a gain or loss constitutes a qualifying trust 9766
amount, the upper level pass-through entity shall be deemed as 9767
owning no equity of the lower level pass-through entity for each 9768
day during the upper level pass-through entity's calendar or 9769
fiscal year in which or with which ends the lower level 9770
pass-through entity's calendar or fiscal year. Nothing in division 9771
(BB)(5)(a)(iii) of this section shall be construed to provide for 9772
any deduction or exclusion in computing any trust's Ohio taxable 9773
income. 9774

(b) With respect to a trust that is not a resident for the 9775
taxable year and with respect to a part of a trust that is not a 9776
resident for the taxable year, "qualifying investee" for that 9777
taxable year does not include a C corporation if both of the 9778
following apply: 9779

(i) During the taxable year the trust or part of the trust 9780
recognizes a gain or loss from the sale, exchange, or other 9781

disposition of equity or ownership interests in, or debt obligations of, the C corporation.	9782 9783
(ii) Such gain or loss constitutes nonbusiness income.	9784
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	9785 9786 9787 9788
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	9789 9790
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	9791 9792
(EE)(1) For the purposes of division (EE) of this section:	9793
(a) "Qualifying person" means any person other than a qualifying corporation.	9794 9795
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	9796 9797 9798
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	9799 9800 9801 9802
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	9803 9804 9805 9806
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	9807 9808 9809
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	9810 9811

(1) "Trust" does not include a qualified pre-income tax trust. 9812
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(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section. 9814
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(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 9817
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 9828
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 9830
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(b) The trust became irrevocable upon the creation of the trust; and 9832
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(c) The grantor was domiciled in this state at the time the trust was created. 9834
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Sec. 5751.01. As used in this chapter: 9836

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint 9837
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ventures, clubs, societies, for-profit corporations, S 9842
corporations, qualified subchapter S subsidiaries, qualified 9843
subchapter S trusts, trusts, entities that are disregarded for 9844
federal income tax purposes, and any other entities. 9845

(B) "Consolidated elected taxpayer" means a group of two or 9846
more persons treated as a single taxpayer for purposes of this 9847
chapter as the result of an election made under section 5751.011 9848
of the Revised Code. 9849

(C) "Combined taxpayer" means a group of two or more persons 9850
treated as a single taxpayer for purposes of this chapter under 9851
section 5751.012 of the Revised Code. 9852

(D) "Taxpayer" means any person, or any group of persons in 9853
the case of a consolidated elected taxpayer or combined taxpayer 9854
treated as one taxpayer, required to register or pay tax under 9855
this chapter. "Taxpayer" does not include excluded persons. 9856

(E) "Excluded person" means any of the following: 9857

(1) Any person with not more than one hundred fifty thousand 9858
dollars of taxable gross receipts during the calendar year. 9859
Division (E)(1) of this section does not apply to a person that is 9860
a member of a consolidated elected taxpayer; 9861

(2) A public utility that paid the excise tax imposed by 9862
section 5727.24 or 5727.30 of the Revised Code based on one or 9863
more measurement periods that include the entire tax period under 9864
this chapter, except that a public utility that is a combined 9865
company is a taxpayer with regard to the following gross receipts: 9866

(a) Taxable gross receipts directly attributed to a public 9867
utility activity, but not directly attributed to an activity that 9868
is subject to the excise tax imposed by section 5727.24 or 5727.30 9869
of the Revised Code; 9870

(b) Taxable gross receipts that cannot be directly attributed 9871

to any activity, multiplied by a fraction whose numerator is the 9872
taxable gross receipts described in division (E)(2)(a) of this 9873
section and whose denominator is the total taxable gross receipts 9874
that can be directly attributed to any activity; 9875

(c) Except for any differences resulting from the use of an 9876
accrual basis method of accounting for purposes of determining 9877
gross receipts under this chapter and the use of the cash basis 9878
method of accounting for purposes of determining gross receipts 9879
under section 5727.24 of the Revised Code, the gross receipts 9880
directly attributed to the activity of a natural gas company shall 9881
be determined in a manner consistent with division (D) of section 9882
5727.03 of the Revised Code. 9883

As used in division (E)(2) of this section, "combined 9884
company" and "public utility" have the same meanings as in section 9885
5727.01 of the Revised Code. 9886

(3) A financial institution, as defined in section 5726.01 of 9887
the Revised Code, that paid the tax imposed by section 5726.02 of 9888
the Revised Code based on one or more taxable years that include 9889
the entire tax period under this chapter; 9890

(4) A person directly or indirectly owned by one or more 9891
financial institutions, as defined in section 5726.01 of the 9892
Revised Code, that paid the tax imposed by section 5726.02 of the 9893
Revised Code based on one or more taxable years that include the 9894
entire tax period under this chapter. 9895

For the purposes of division (E)(4) of this section, a person 9896
owns another person under the following circumstances: 9897

(a) In the case of corporations issuing capital stock, one 9898
corporation owns another corporation if it owns fifty per cent or 9899
more of the other corporation's capital stock with current voting 9900
rights; 9901

(b) In the case of a limited liability company, one person 9902

owns the company if that person's membership interest, as defined 9903
in section 1705.01 of the Revised Code, is fifty per cent or more 9904
of the combined membership interests of all persons owning such 9905
interests in the company; 9906

(c) In the case of a partnership, trust, or other 9907
unincorporated business organization other than a limited 9908
liability company, one person owns the organization if, under the 9909
articles of organization or other instrument governing the affairs 9910
of the organization, that person has a beneficial interest in the 9911
organization's profits, surpluses, losses, or distributions of 9912
fifty per cent or more of the combined beneficial interests of all 9913
persons having such an interest in the organization. 9914

(5) A domestic insurance company or foreign insurance 9915
company, as defined in section 5725.01 of the Revised Code, that 9916
paid the insurance company premiums tax imposed by section 5725.18 9917
or Chapter 5729. of the Revised Code, or an unauthorized insurance 9918
company whose gross premiums are subject to tax under section 9919
3905.36 of the Revised Code based on one or more measurement 9920
periods that include the entire tax period under this chapter; 9921

(6) A person that solely facilitates or services one or more 9922
securitizations of phase-in-recovery property pursuant to a final 9923
financing order as those terms are defined in section 4928.23 of 9924
the Revised Code. For purposes of this division, "securitization" 9925
means transferring one or more assets to one or more persons and 9926
then issuing securities backed by the right to receive payment 9927
from the asset or assets so transferred. 9928

(7) Except as otherwise provided in this division, a 9929
pre-income tax trust as defined in division (FF)(4) of section 9930
5747.01 of the Revised Code and any pass-through entity of which 9931
such pre-income tax trust owns or controls, directly, indirectly, 9932
or constructively through related interests, more than five per 9933
cent of the ownership or equity interests. If the pre-income tax 9934

trust has made a qualifying pre-income tax trust election under 9935
division (FF)(3) of section 5747.01 of the Revised Code, then the 9936
trust and the pass-through entities of which it owns or controls, 9937
directly, indirectly, or constructively through related interests, 9938
more than five per cent of the ownership or equity interests, 9939
shall not be excluded persons for purposes of the tax imposed 9940
under section 5751.02 of the Revised Code. 9941

(8) Nonprofit organizations or the state and its agencies, 9942
instrumentalities, or political subdivisions. 9943

(F) Except as otherwise provided in divisions (F)(2), (3), 9944
and (4) of this section, "gross receipts" means the total amount 9945
realized by a person, without deduction for the cost of goods sold 9946
or other expenses incurred, that contributes to the production of 9947
gross income of the person, including the fair market value of any 9948
property and any services received, and any debt transferred or 9949
forgiven as consideration. 9950

(1) The following are examples of gross receipts: 9951

(a) Amounts realized from the sale, exchange, or other 9952
disposition of the taxpayer's property to or with another; 9953

(b) Amounts realized from the taxpayer's performance of 9954
services for another; 9955

(c) Amounts realized from another's use or possession of the 9956
taxpayer's property or capital; 9957

(d) Any combination of the foregoing amounts. 9958

(2) "Gross receipts" excludes the following amounts: 9959

(a) Interest income except interest on credit sales; 9960

(b) Dividends and distributions from corporations, and 9961
distributive or proportionate shares of receipts and income from a 9962
pass-through entity as defined under section 5733.04 of the 9963
Revised Code; 9964

(c) Receipts from the sale, exchange, or other disposition of 9965
an asset described in section 1221 or 1231 of the Internal Revenue 9966
Code, without regard to the length of time the person held the 9967
asset. Notwithstanding section 1221 of the Internal Revenue Code, 9968
receipts from hedging transactions also are excluded to the extent 9969
the transactions are entered into primarily to protect a financial 9970
position, such as managing the risk of exposure to (i) foreign 9971
currency fluctuations that affect assets, liabilities, profits, 9972
losses, equity, or investments in foreign operations; (ii) 9973
interest rate fluctuations; or (iii) commodity price fluctuations. 9974
As used in division (F)(2)(c) of this section, "hedging 9975
transaction" has the same meaning as used in section 1221 of the 9976
Internal Revenue Code and also includes transactions accorded 9977
hedge accounting treatment under statement of financial accounting 9978
standards number 133 of the financial accounting standards board. 9979
For the purposes of division (F)(2)(c) of this section, the actual 9980
transfer of title of real or tangible personal property to another 9981
entity is not a hedging transaction. 9982

(d) Proceeds received attributable to the repayment, 9983
maturity, or redemption of the principal of a loan, bond, mutual 9984
fund, certificate of deposit, or marketable instrument; 9985

(e) The principal amount received under a repurchase 9986
agreement or on account of any transaction properly characterized 9987
as a loan to the person; 9988

(f) Contributions received by a trust, plan, or other 9989
arrangement, any of which is described in section 501(a) of the 9990
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 9991
1, Subchapter (D) of the Internal Revenue Code applies; 9992

(g) Compensation, whether current or deferred, and whether in 9993
cash or in kind, received or to be received by an employee, former 9994
employee, or the employee's legal successor for services rendered 9995
to or for an employer, including reimbursements received by or for 9996

an individual for medical or education expenses, health insurance	9997
premiums, or employee expenses, or on account of a dependent care	9998
spending account, legal services plan, any cafeteria plan	9999
described in section 125 of the Internal Revenue Code, or any	10000
similar employee reimbursement;	10001
(h) Proceeds received from the issuance of the taxpayer's own	10002
stock, options, warrants, puts, or calls, or from the sale of the	10003
taxpayer's treasury stock;	10004
(i) Proceeds received on the account of payments from	10005
insurance policies, except those proceeds received for the loss of	10006
business revenue;	10007
(j) Gifts or charitable contributions received; membership	10008
dues received by trade, professional, homeowners', or condominium	10009
associations; and payments received for educational courses,	10010
meetings, meals, or similar payments to a trade, professional, or	10011
other similar association; and fundraising receipts received by	10012
any person when any excess receipts are donated or used	10013
exclusively for charitable purposes;	10014
(k) Damages received as the result of litigation in excess of	10015
amounts that, if received without litigation, would be gross	10016
receipts;	10017
(l) Property, money, and other amounts received or acquired	10018
by an agent on behalf of another in excess of the agent's	10019
commission, fee, or other remuneration;	10020
(m) Tax refunds, other tax benefit recoveries, and	10021
reimbursements for the tax imposed under this chapter made by	10022
entities that are part of the same combined taxpayer or	10023
consolidated elected taxpayer group, and reimbursements made by	10024
entities that are not members of a combined taxpayer or	10025
consolidated elected taxpayer group that are required to be made	10026
for economic parity among multiple owners of an entity whose tax	10027

obligation under this chapter is required to be reported and paid	10028
entirely by one owner, pursuant to the requirements of sections	10029
5751.011 and 5751.012 of the Revised Code;	10030
(n) Pension reversions;	10031
(o) Contributions to capital;	10032
(p) Sales or use taxes collected as a vendor or an	10033
out-of-state seller on behalf of the taxing jurisdiction from a	10034
consumer or other taxes the taxpayer is required by law to collect	10035
directly from a purchaser and remit to a local, state, or federal	10036
tax authority;	10037
(q) In the case of receipts from the sale of cigarettes or	10038
tobacco products by a wholesale dealer, retail dealer,	10039
distributor, manufacturer, or seller, all as defined in section	10040
5743.01 of the Revised Code, an amount equal to the federal and	10041
state excise taxes paid by any person on or for such cigarettes or	10042
tobacco products under subtitle E of the Internal Revenue Code or	10043
Chapter 5743. of the Revised Code;	10044
(r) In the case of receipts from the sale of motor fuel by a	10045
licensed motor fuel dealer, licensed retail dealer, or licensed	10046
permissive motor fuel dealer, all as defined in section 5735.01 of	10047
the Revised Code, an amount equal to federal and state excise	10048
taxes paid by any person on such motor fuel under section 4081 of	10049
the Internal Revenue Code or Chapter 5735. of the Revised Code;	10050
(s) In the case of receipts from the sale of beer or	10051
intoxicating liquor, as defined in section 4301.01 of the Revised	10052
Code, by a person holding a permit issued under Chapter 4301. or	10053
4303. of the Revised Code, an amount equal to federal and state	10054
excise taxes paid by any person on or for such beer or	10055
intoxicating liquor under subtitle E of the Internal Revenue Code	10056
or Chapter 4301. or 4305. of the Revised Code;	10057
(t) Receipts realized by a new motor vehicle dealer or used	10058

motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the

professional employer organization to the client employer; 10091

(y) In the case of amounts retained as commissions by a 10092
permit holder under Chapter 3769. of the Revised Code, an amount 10093
equal to the amounts specified under that chapter that must be 10094
paid to or collected by the tax commissioner as a tax and the 10095
amounts specified under that chapter to be used as purse money; 10096

(z) Qualifying distribution center receipts. 10097

(i) For purposes of division (F)(2)(z) of this section: 10098

(I) "Qualifying distribution center receipts" means receipts 10099
of a supplier from qualified property that is delivered to a 10100
qualified distribution center, multiplied by a quantity that 10101
equals one minus the Ohio delivery percentage. If the qualified 10102
distribution center is a refining facility, "supplier" includes 10103
all dealers, brokers, processors, sellers, vendors, cosigners, and 10104
distributors of qualified property. 10105

(II) "Qualified property" means tangible personal property 10106
delivered to a qualified distribution center that is shipped to 10107
that qualified distribution center solely for further shipping by 10108
the qualified distribution center to another location in this 10109
state or elsewhere or, in the case of gold, silver, platinum, or 10110
palladium delivered to a refining facility solely for refining to 10111
a grade and fineness acceptable for delivery to a registered 10112
commodities exchange. "Further shipping" includes storing and 10113
repackaging property into smaller or larger bundles, so long as 10114
the property is not subject to further manufacturing or 10115
processing. "Refining" is limited to extracting impurities from 10116
gold, silver, platinum, or palladium through smelting or some 10117
other process at a refining facility. 10118

(III) "Qualified distribution center" means a warehouse, a 10119
facility similar to a warehouse, or a refining facility in this 10120
state that, for the qualifying year, is operated by a person that 10121

is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified

distribution center.) The commissioner may require the applicant 10154
to have an independent certified public accountant certify that 10155
the calculation of the minimum thresholds required for a qualified 10156
distribution center by the operator of a distribution center has 10157
been made in accordance with generally accepted accounting 10158
principles. The commissioner shall issue or deny the issuance of a 10159
certificate within sixty days after the receipt of the 10160
application. A denial is subject to appeal under section 5717.02 10161
of the Revised Code. If the operator files a timely appeal under 10162
section 5717.02 of the Revised Code, the operator shall be granted 10163
a qualifying certificate, provided that the operator is liable for 10164
any tax, interest, or penalty upon amounts claimed as qualifying 10165
distribution center receipts, other than those receipts exempt 10166
under division (C)(1) of section 5751.011 of the Revised Code, 10167
that would have otherwise not been owed by its suppliers if the 10168
qualifying certificate was valid. 10169

(VII) "Ohio delivery percentage" means the proportion of the 10170
total property delivered to a destination inside Ohio from the 10171
qualified distribution center during the qualifying period 10172
compared with total deliveries from such distribution center 10173
everywhere during the qualifying period. 10174

(VIII) "Refining facility" means one or more buildings 10175
located in a county in the Appalachian region of this state as 10176
defined by section 107.21 of the Revised Code and utilized for 10177
refining or smelting gold, silver, platinum, or palladium to a 10178
grade and fineness acceptable for delivery to a registered 10179
commodities exchange. 10180

(IX) "Registered commodities exchange" means a board of 10181
trade, such as New York mercantile exchange, inc. or commodity 10182
exchange, inc., designated as a contract market by the commodity 10183
futures trading commission under the "Commodity Exchange Act," 7 10184
U.S.C. 1 et seq., as amended. 10185

(ii) If the distribution center is new and was not open for 10186
the entire qualifying period, the operator of the distribution 10187
center may request that the commissioner grant a qualifying 10188
certificate. If the certificate is granted and it is later 10189
determined that more than fifty per cent of the qualified property 10190
during that year was not shipped to a location such that it would 10191
be situated outside of this state under the provisions of division 10192
(E) of section 5751.033 of the Revised Code or if it is later 10193
determined that the person that operates the distribution center 10194
had average monthly costs from its suppliers of less than forty 10195
million dollars during that year, then the operator of the 10196
distribution center shall be liable for any tax, interest, or 10197
penalty upon amounts claimed as qualifying distribution center 10198
receipts, other than those receipts exempt under division (C)(1) 10199
of section 5751.011 of the Revised Code, that would have not 10200
otherwise been owed by its suppliers during the qualifying year if 10201
the qualifying certificate was valid. (For purposes of division 10202
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 10203
is part of the consolidated elected taxpayer group, if applicable, 10204
of the operator of the qualified distribution center.) 10205

(iii) When filing an application for a qualifying certificate 10206
under division (F)(2)(z)(i)(VI) of this section, the operator of a 10207
qualified distribution center also shall provide documentation, as 10208
the commissioner requires, for the commissioner to ascertain the 10209
Ohio delivery percentage. The commissioner, upon issuing the 10210
qualifying certificate, also shall certify the Ohio delivery 10211
percentage. The operator of the qualified distribution center may 10212
appeal the commissioner's certification of the Ohio delivery 10213
percentage in the same manner as an appeal is taken from the 10214
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 10215
of this section. 10216

Within thirty days after all appeals have been exhausted, the 10217

operator of the qualified distribution center shall notify the 10218
affected suppliers of qualified property that such suppliers are 10219
required to file, within sixty days after receiving notice from 10220
the operator of the qualified distribution center, amended reports 10221
for the impacted calendar quarter or quarters or calendar year, 10222
whichever the case may be. Any additional tax liability or tax 10223
overpayment shall be subject to interest but shall not be subject 10224
to the imposition of any penalty so long as the amended returns 10225
are timely filed. The supplier of tangible personal property 10226
delivered to the qualified distribution center shall include in 10227
its report of taxable gross receipts the receipts from the total 10228
sales of property delivered to the qualified distribution center 10229
for the calendar quarter or calendar year, whichever the case may 10230
be, multiplied by the Ohio delivery percentage for the qualifying 10231
year. Nothing in division (F)(2)(z)(iii) of this section shall be 10232
construed as imposing liability on the operator of a qualified 10233
distribution center for the tax imposed by this chapter arising 10234
from any change to the Ohio delivery percentage. 10235

(iv) In the case where the distribution center is new and not 10236
open for the entire qualifying period, the operator shall make a 10237
good faith estimate of an Ohio delivery percentage for use by 10238
suppliers in their reports of taxable gross receipts for the 10239
remainder of the qualifying period. The operator of the facility 10240
shall disclose to the suppliers that such Ohio delivery percentage 10241
is an estimate and is subject to recalculation. By the due date of 10242
the next application for a qualifying certificate, the operator 10243
shall determine the actual Ohio delivery percentage for the 10244
estimated qualifying period and proceed as provided in division 10245
(F)(2)(z)(iii) of this section with respect to the calculation and 10246
recalculation of the Ohio delivery percentage. The supplier is 10247
required to file, within sixty days after receiving notice from 10248
the operator of the qualified distribution center, amended reports 10249
for the impacted calendar quarter or quarters or calendar year, 10250

whichever the case may be. Any additional tax liability or tax 10251
overpayment shall be subject to interest but shall not be subject 10252
to the imposition of any penalty so long as the amended returns 10253
are timely filed. 10254

(v) Qualifying certificates and Ohio delivery percentages 10255
issued by the commissioner shall be open to public inspection and 10256
shall be timely published by the commissioner. A supplier relying 10257
in good faith on a certificate issued under this division shall 10258
not be subject to tax on the qualifying distribution center 10259
receipts under division (F)(2)(z) of this section. A person 10260
receiving a qualifying certificate is responsible for paying the 10261
tax, interest, and penalty upon amounts claimed as qualifying 10262
distribution center receipts that would not otherwise have been 10263
owed by the supplier if the qualifying certificate were available 10264
when it is later determined that the qualifying certificate should 10265
not have been issued because the statutory requirements were in 10266
fact not met. 10267

(vi) The annual fee for a qualifying certificate shall be one 10268
hundred thousand dollars for each qualified distribution center. 10269
If a qualifying certificate is not issued, the annual fee is 10270
subject to refund after the exhaustion of all appeals provided for 10271
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 10272
under this division may be assessed in the same manner as the tax 10273
imposed under this chapter. The first one hundred thousand dollars 10274
of the annual application fees collected each calendar year shall 10275
be credited to the revenue enhancement fund. The remainder of the 10276
annual application fees collected shall be distributed in the same 10277
manner required under section 5751.20 of the Revised Code. 10278

(vii) The tax commissioner may require that adequate security 10279
be posted by the operator of the distribution center on appeal 10280
when the commissioner disagrees that the applicant has met the 10281
minimum thresholds for a qualified distribution center as set 10282

forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this	10283
section.	10284
(aa) Receipts of an employer from payroll deductions relating	10285
to the reimbursement of the employer for advancing moneys to an	10286
unrelated third party on an employee's behalf;	10287
(bb) Cash discounts allowed and taken;	10288
(cc) Returns and allowances;	10289
(dd) Bad debts from receipts on the basis of which the tax	10290
imposed by this chapter was paid in a prior quarterly tax payment	10291
period. For the purpose of this division, "bad debts" means any	10292
debts that have become worthless or uncollectible between the	10293
preceding and current quarterly tax payment periods, have been	10294
uncollected for at least six months, and that may be claimed as a	10295
deduction under section 166 of the Internal Revenue Code and the	10296
regulations adopted under that section, or that could be claimed	10297
as such if the taxpayer kept its accounts on the accrual basis.	10298
"Bad debts" does not include repossessed property, uncollectible	10299
amounts on property that remains in the possession of the taxpayer	10300
until the full purchase price is paid, or expenses in attempting	10301
to collect any account receivable or for any portion of the debt	10302
recovered;	10303
(ee) Any amount realized from the sale of an account	10304
receivable to the extent the receipts from the underlying	10305
transaction giving rise to the account receivable were included in	10306
the gross receipts of the taxpayer;	10307
(ff) Any receipts directly attributed to providing public	10308
services pursuant to sections 126.60 to 126.605 of the Revised	10309
Code, or any receipts directly attributed to a transfer agreement	10310
or to the enterprise transferred under that agreement under	10311
section 4313.02 of the Revised Code.	10312
(gg)(i) As used in this division:	10313

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall

expire when all of the applicant's appeals are exhausted. Until 10346
final resolution of the appeal, the applicant shall retain the 10347
applicant's records in accordance with section 5751.12 of the 10348
Revised Code, notwithstanding any time limit on the preservation 10349
of records under that section. 10350

(hh) Amounts realized by licensed motor fuel dealers or 10351
licensed permissive motor fuel dealers from the exchange of 10352
petroleum products, including motor fuel, between such dealers, 10353
provided that delivery of the petroleum products occurs at a 10354
refinery, terminal, pipeline, or marine vessel and that the 10355
exchanging dealers agree neither dealer shall require monetary 10356
compensation from the other for the value of the exchanged 10357
petroleum products other than such compensation for differences in 10358
product location or grade. Division (F)(2)(hh) of this section 10359
does not apply to amounts realized as a result of differences in 10360
location or grade of exchanged petroleum products or from 10361
handling, lubricity, dye, or other additive injections fees, 10362
pipeline security fees, or similar fees. As used in this division, 10363
"motor fuel," "licensed motor fuel dealer," "licensed permissive 10364
motor fuel dealer," and "terminal" have the same meanings as in 10365
section 5735.01 of the Revised Code. 10366

(ii) In the case of amounts collected by a licensed casino 10367
operator from casino gaming, amounts in excess of the casino 10368
operator's gross casino revenue. In this division, "casino 10369
operator" and "casino gaming" have the meanings defined in section 10370
3772.01 of the Revised Code, and "gross casino revenue" has the 10371
meaning defined in section 5753.01 of the Revised Code. 10372

(jj) Any receipts for which the tax imposed by this chapter 10373
is prohibited by the constitution or laws of the United States or 10374
the constitution of this state. 10375

(3) In the case of a taxpayer when acting as a real estate 10376
broker, "gross receipts" includes only the portion of any fee for 10377

the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property

is valued at original cost and rented property is valued at eight 10408
times the net annual rental charge. 10409

(2) Has during the calendar year payroll in this state of at 10410
least fifty thousand dollars. Payroll in this state includes all 10411
of the following: 10412

(a) Any amount subject to withholding by the person under 10413
section 5747.06 of the Revised Code; 10414

(b) Any other amount the person pays as compensation to an 10415
individual under the supervision or control of the person for work 10416
done in this state; and 10417

(c) Any amount the person pays for services performed in this 10418
state on its behalf by another. 10419

(3) Has during the calendar year taxable gross receipts of at 10420
least five hundred thousand dollars. 10421

(4) Has at any time during the calendar year within this 10422
state at least twenty-five per cent of the person's total 10423
property, total payroll, or total gross receipts. 10424

(5) Is domiciled in this state as an individual or for 10425
corporate, commercial, or other business purposes. 10426

(J) "Tangible personal property" has the same meaning as in 10427
section 5739.01 of the Revised Code. 10428

(K) "Internal Revenue Code" means the Internal Revenue Code 10429
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 10430
this chapter that is not otherwise defined has the same meaning as 10431
when used in a comparable context in the laws of the United States 10432
relating to federal income taxes unless a different meaning is 10433
clearly required. Any reference in this chapter to the Internal 10434
Revenue Code includes other laws of the United States relating to 10435
federal income taxes. 10436

(L) "Calendar quarter" means a three-month period ending on 10437

the thirty-first day of March, the thirtieth day of June, the	10438
thirtieth day of September, or the thirty-first day of December.	10439
(M) "Tax period" means the calendar quarter or calendar year	10440
on the basis of which a taxpayer is required to pay the tax	10441
imposed under this chapter.	10442
(N) "Calendar year taxpayer" means a taxpayer for which the	10443
tax period is a calendar year.	10444
(O) "Calendar quarter taxpayer" means a taxpayer for which	10445
the tax period is a calendar quarter.	10446
(P) "Agent" means a person authorized by another person to	10447
act on its behalf to undertake a transaction for the other,	10448
including any of the following:	10449
(1) A person receiving a fee to sell financial instruments;	10450
(2) A person retaining only a commission from a transaction	10451
with the other proceeds from the transaction being remitted to	10452
another person;	10453
(3) A person issuing licenses and permits under section	10454
1533.13 of the Revised Code;	10455
(4) A lottery sales agent holding a valid license issued	10456
under section 3770.05 of the Revised Code;	10457
(5) A person acting as an agent of the division of liquor	10458
control under section 4301.17 of the Revised Code.	10459
(Q) "Received" includes amounts accrued under the accrual	10460
method of accounting.	10461
(R) "Reporting person" means a person in a consolidated	10462
elected taxpayer or combined taxpayer group that is designated by	10463
that group to legally bind the group for all filings and tax	10464
liabilities and to receive all legal notices with respect to	10465
matters under this chapter, or, for the purposes of section	10466
5751.04 of the Revised Code, a separate taxpayer that is not a	10467

member of such a group. 10468

Sec. 5751.02. (A) For the purpose of funding the needs of 10469
this state and its local governments ~~beginning with the tax period~~ 10470
~~that commences July 1, 2005, and continuing for every tax period~~ 10471
~~thereafter~~ and providing revenue to the commercial activity tax 10472
motor fuel receipts fund, there is hereby levied a commercial 10473
activity tax on each person with taxable gross receipts for the 10474
privilege of doing business in this state. For the purposes of 10475
this chapter, "doing business" means engaging in any activity, 10476
whether legal or illegal, that is conducted for, or results in, 10477
gain, profit, or income, at any time during ~~the~~ a calendar year. 10478
Persons on which the commercial activity tax is levied include, 10479
but are not limited to, persons with substantial nexus with this 10480
state. The tax imposed under this section is not a transactional 10481
tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The 10482
tax imposed under this section is in addition to any other taxes 10483
or fees imposed under the Revised Code. The tax levied under this 10484
section is imposed on the person receiving the gross receipts and 10485
is not a tax imposed directly on a purchaser. The tax imposed by 10486
this section is an annual privilege tax for the calendar year 10487
that, in the case of calendar year taxpayers, is the annual tax 10488
period and, in the case of calendar quarter taxpayers, contains 10489
all quarterly tax periods in the calendar year. A taxpayer is 10490
subject to the annual privilege tax for doing business during any 10491
portion of such calendar year. 10492

(B) The tax imposed by this section is a tax on the taxpayer 10493
and shall not be billed or invoiced to another person. Even if the 10494
tax or any portion thereof is billed or invoiced and separately 10495
stated, such amounts remain part of the price for purposes of the 10496
sales and use taxes levied under Chapters 5739. and 5741. of the 10497
Revised Code. Nothing in division (B) of this section prohibits: 10498

(1) A person from including in the price charged for a good 10499
or service an amount sufficient to recover the tax imposed by this 10500
section; or 10501

(2) A lessor from including an amount sufficient to recover 10502
the tax imposed by this section in a lease payment charged, or 10503
from including such an amount on a billing or invoice pursuant to 10504
the terms of a written lease agreement providing for the recovery 10505
of the lessor's tax costs. The recovery of such costs shall be 10506
based on an estimate of the total tax cost of the lessor during 10507
the tax period, as the tax liability of the lessor cannot be 10508
calculated until the end of that period. 10509

Sec. 5751.051. (A)(1) Not later than the tenth day of the 10510
second month after the end of each calendar quarter, every 10511
taxpayer other than a calendar year taxpayer shall file with the 10512
tax commissioner a tax return in such form as the commissioner 10513
prescribes. The return shall include, but is not limited to, the 10514
amount of the taxpayer's taxable gross receipts for the calendar 10515
quarter and shall indicate the amount of tax due under section 10516
5751.03 of the Revised Code for the calendar quarter. The taxpayer 10517
shall indicate on the return the portion of the taxpayer's 10518
receipts attributable to motor fuel used for propelling vehicles 10519
on public highways. 10520

(2)(a) Subject to division (C) of section 5751.05 of the 10521
Revised Code, a calendar quarter taxpayer shall report the taxable 10522
gross receipts for that calendar quarter. 10523

(b) With respect to taxable gross receipts incorrectly 10524
reported in a calendar quarter that has a lower tax rate, the tax 10525
shall be computed at the tax rate in effect for the quarterly 10526
return in which such receipts should have been reported. Nothing 10527
in division (A)(2)(b) of this section prohibits a taxpayer from 10528
filing an application for refund under section 5751.08 of the 10529

Revised Code with regard to the incorrect reporting of taxable 10530
gross receipts discovered after filing the annual return described 10531
in division (A)(3) of this section. 10532

A tax return shall not be deemed to be an incorrect reporting 10533
of taxable gross receipts for the purposes of division (A)(2)(b) 10534
of this section if the return reflects between ninety-five and one 10535
hundred five per cent of the actual taxable gross receipts for the 10536
calendar quarter. 10537

(3) For the purposes of division (A)(2)(b) of this section, 10538
the tax return filed for the fourth calendar quarter of a calendar 10539
year is the annual return for the privilege tax imposed by this 10540
chapter. Such return shall report any additional taxable gross 10541
receipts not previously reported in the calendar year and shall 10542
adjust for any over-reported taxable gross receipts in the 10543
calendar year. If the taxpayer ceases to be a taxpayer before the 10544
end of the calendar year, the last return the taxpayer is required 10545
to file shall be the annual return for the taxpayer and the 10546
taxpayer shall report any additional taxable gross receipts not 10547
previously reported in the calendar year and shall adjust for any 10548
over-reported taxable gross receipts in the calendar year. 10549

Taxpayers reporting taxable gross receipts attributable to motor 10550
fuel used for propelling vehicles on public highways shall report 10551
the actual amount of such receipts and pay the full amount of tax 10552
due on those receipts with each calendar quarter tax return and 10553
shall not pay such tax based on estimates of such receipts or 10554
otherwise fail to report such receipts. 10555

(4) Because the tax imposed by this chapter is a privilege 10556
tax, the tax rate with respect to taxable gross receipts for a 10557
calendar quarter is not fixed until the end of the measurement 10558
period for each calendar quarter. Subject to division (A)(2)(b) of 10559
this section, the total amount of taxable gross receipts reported 10560
for a given calendar quarter shall be subject to the tax rate in 10561

effect in that quarter. 10562

(5) Not later than the tenth day of May following the end of 10563
each calendar year, every calendar year taxpayer shall file with 10564
the tax commissioner a tax return in such form as the commissioner 10565
prescribes. The return shall include, but is not limited to, the 10566
amount of the taxpayer's taxable gross receipts for the calendar 10567
year and shall indicate the amount of tax due under section 10568
5751.03 of the Revised Code for the calendar year. The taxpayer 10569
shall indicate on the return the portion of the taxpayer's 10570
receipts attributable to motor fuel used for propelling vehicles 10571
on public highways. 10572

(B)(1) A person that first becomes subject to the tax imposed 10573
under this chapter shall pay the minimum tax imposed under 10574
division (B) of section 5751.03 of the Revised Code on or before 10575
the day the return is required to be filed for that quarter under 10576
division (A)(1) of this section, regardless of whether the person 10577
registers as a calendar year taxpayer under section 5751.05 of the 10578
Revised Code. 10579

(2) The amount of the minimum tax for a person subject to 10580
division (B)(1) of this section shall be reduced to seventy-five 10581
dollars if the registration is timely filed after the first day of 10582
May and before the first day of January of the following calendar 10583
year. 10584

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 10585
the Revised Code: 10586

(1) "School district," "joint vocational school district," 10587
"local taxing unit," "recognized valuation," "fixed-rate levy," 10588
and "fixed-sum levy" have the same meanings as used in section 10589
5727.84 of the Revised Code. 10590

(2) "State education aid" for a school district means the 10591

following: 10592

(a) For fiscal years prior to fiscal year 2010, the sum of 10593
state aid amounts computed for the district under the following 10594
provisions, as they existed for the applicable fiscal year: 10595
division (A) of section 3317.022 of the Revised Code, including 10596
the amounts calculated under sections 3317.029 and 3317.0217 of 10597
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 10598
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 10599
divisions (L) and (N) of section 3317.024; section 3317.0216; and 10600
any unit payments for gifted student services paid under sections 10601
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 10602
for fiscal years 2008 and 2009, the amount computed for the 10603
district under Section 269.20.80 of H.B. 119 of the 127th general 10604
assembly and as that section subsequently may be amended shall be 10605
substituted for the amount computed under division (D) of section 10606
3317.022 of the Revised Code, and the amount computed under 10607
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10608
that section subsequently may be amended shall be included. 10609

(b) For fiscal years 2010 and 2011, the sum of the amounts 10610
computed under former sections 3306.052, 3306.12, 3306.13, 10611
3306.19, 3306.191, and 3306.192 of the Revised Code; 10612

(c) For fiscal years 2012 and 2013, the sum of the amounts 10613
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 10614
153 of the 129th general assembly. 10615

(3) "State education aid" for a joint vocational school 10616
district means the following: 10617

(a) For fiscal years prior to fiscal year 2010, the sum of 10618
the state aid computed for the district under division (N) of 10619
section 3317.024 and section 3317.16 of the Revised Code, except 10620
that, for fiscal years 2008 and 2009, the amount computed under 10621
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10622

that section subsequently may be amended shall be included. 10623

(b) For fiscal years 2010 and 2011, the amount paid in 10624
accordance with Section 265.30.50 of H.B. 1 of the 128th general 10625
assembly. 10626

(c) For fiscal years 2012 and 2013, the amount paid in 10627
accordance with Section 267.30.60 of H.B. 153 of the 129th general 10628
assembly. 10629

(4) "State education aid offset" means the amount determined 10630
for each school district or joint vocational school district under 10631
division (A)(1) of section 5751.21 of the Revised Code. 10632

(5) "Machinery and equipment property tax value loss" means 10633
the amount determined under division (C)(1) of this section. 10634

(6) "Inventory property tax value loss" means the amount 10635
determined under division (C)(2) of this section. 10636

(7) "Furniture and fixtures property tax value loss" means 10637
the amount determined under division (C)(3) of this section. 10638

(8) "Machinery and equipment fixed-rate levy loss" means the 10639
amount determined under division (D)(1) of this section. 10640

(9) "Inventory fixed-rate levy loss" means the amount 10641
determined under division (D)(2) of this section. 10642

(10) "Furniture and fixtures fixed-rate levy loss" means the 10643
amount determined under division (D)(3) of this section. 10644

(11) "Total fixed-rate levy loss" means the sum of the 10645
machinery and equipment fixed-rate levy loss, the inventory 10646
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 10647
loss, and the telephone company fixed-rate levy loss. 10648

(12) "Fixed-sum levy loss" means the amount determined under 10649
division (E) of this section. 10650

(13) "Machinery and equipment" means personal property 10651

subject to the assessment rate specified in division (F) of 10652
section 5711.22 of the Revised Code. 10653

(14) "Inventory" means personal property subject to the 10654
assessment rate specified in division (E) of section 5711.22 of 10655
the Revised Code. 10656

(15) "Furniture and fixtures" means personal property subject 10657
to the assessment rate specified in division (G) of section 10658
5711.22 of the Revised Code. 10659

(16) "Qualifying levies" are levies in effect for tax year 10660
2004 or applicable to tax year 2005 or approved at an election 10661
conducted before September 1, 2005. For the purpose of determining 10662
the rate of a qualifying levy authorized by section 5705.212 or 10663
5705.213 of the Revised Code, the rate shall be the rate that 10664
would be in effect for tax year 2010. 10665

(17) "Telephone property" means tangible personal property of 10666
a telephone, telegraph, or interexchange telecommunications 10667
company subject to an assessment rate specified in section 10668
5727.111 of the Revised Code in tax year 2004. 10669

(18) "Telephone property tax value loss" means the amount 10670
determined under division (C)(4) of this section. 10671

(19) "Telephone property fixed-rate levy loss" means the 10672
amount determined under division (D)(4) of this section. 10673

(20) "Taxes charged and payable" means taxes charged and 10674
payable after the reduction required by section 319.301 of the 10675
Revised Code but before the reductions required by sections 10676
319.302 and 323.152 of the Revised Code. 10677

(21) "Median estate tax collections" means, in the case of a 10678
municipal corporation to which revenue from the taxes levied in 10679
Chapter 5731. of the Revised Code was distributed in each of 10680
calendar years 2006, 2007, 2008, and 2009, the median of those 10681

distributions. In the case of a municipal corporation to which no 10682
distributions were made in one or more of those years, "median 10683
estate tax collections" means zero. 10684

(22) "Total resources," in the case of a school district, 10685
means the sum of the amounts in divisions (A)(22)(a) to (h) of 10686
this section less any reduction required under division (A)(32) or 10687
(33) of this section. 10688

(a) The state education aid for fiscal year 2010; 10689

(b) The sum of the payments received by the school district 10690
in fiscal year 2010 for current expense levy losses pursuant to 10691
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 10692
section 5751.21 of the Revised Code, excluding the portion of such 10693
payments attributable to levies for joint vocational school 10694
district purposes; 10695

(c) The sum of fixed-sum levy loss payments received by the 10696
school district in fiscal year 2010 pursuant to division (E)(1) of 10697
section 5727.85 and division (E)(1) of section 5751.21 of the 10698
Revised Code for fixed-sum levies charged and payable for a 10699
purpose other than paying debt charges; 10700

(d) Fifty per cent of the school district's taxes charged and 10701
payable against all property on the tax list of real and public 10702
utility property for current expense purposes for tax year 2008, 10703
including taxes charged and payable from emergency levies charged 10704
and payable under section 5709.194 of the Revised Code and 10705
excluding taxes levied for joint vocational school district 10706
purposes; 10707

(e) Fifty per cent of the school district's taxes charged and 10708
payable against all property on the tax list of real and public 10709
utility property for current expenses for tax year 2009, including 10710
taxes charged and payable from emergency levies and excluding 10711
taxes levied for joint vocational school district purposes; 10712

(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;	10713 10714 10715 10716
(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;	10717 10718
(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	10719 10720
(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.	10721 10722 10723 10724
(a) The state education aid for fiscal year 2010;	10725
(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	10726 10727 10728 10729
(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;	10730 10731 10732 10733
(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;	10734 10735 10736 10737
(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;	10738 10739 10740 10741 10742

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such

purposes against all property on the tax list of real and public utility property for tax year 2009. 10774
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(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 10776
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 10780
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 10784
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(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 10788
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(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 10792
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 10796
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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section. 10800
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(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor

under division (J) of section 5747.51 of the Revised Code or 10836
division (F) of section 5747.53 of the Revised Code multiplied by 10837
the total amount actually distributed in calendar year 2010 from 10838
the county undivided local government fund; 10839

(c) The sum of the amounts distributed to the municipal 10840
corporation in calendar year 2010 pursuant to section 5747.50 of 10841
the Revised Code; 10842

(d) With respect to taxes levied by the municipal 10843
corporation, the taxes charged and payable against all property on 10844
the tax list of real and public utility property for current 10845
expenses, defined in division (A)(35) of this section, for tax 10846
year 2009; 10847

(e) The amount of admissions tax collected by the municipal 10848
corporation in calendar year 2008, or if such information has not 10849
yet been reported to the tax commissioner, in the most recent year 10850
before 2008 for which the municipal corporation has reported data 10851
to the commissioner; 10852

(f) The amount of income taxes collected by the municipal 10853
corporation in calendar year 2008, or if such information has not 10854
yet been reported to the tax commissioner, in the most recent year 10855
before 2008 for which the municipal corporation has reported data 10856
to the commissioner; 10857

(g) The municipal corporation's median estate tax 10858
collections. 10859

(30) "Total resources," in the case of a township, means the 10860
sum of the amounts in divisions (A)(30)(a) to (c) of this section 10861
less any reduction required under division (A)(32) or (33) of this 10862
section. 10863

(a) The sum of the payments received by the township in 10864
calendar year 2010 pursuant to division (A)(1) of section 5727.86 10865
of the Revised Code and divisions (A)(1) and (2) of section 10866

5751.22 of the Revised Code as they existed at that time, 10867
excluding payments received for debt purposes; 10868

(b) The township's percentage share of county undivided local 10869
government fund allocations as certified to the tax commissioner 10870
for calendar year 2010 by the county auditor under division (J) of 10871
section 5747.51 of the Revised Code or division (F) of section 10872
5747.53 of the Revised Code multiplied by the total amount 10873
actually distributed in calendar year 2010 from the county 10874
undivided local government fund; 10875

(c) With respect to taxes levied by the township, the taxes 10876
charged and payable against all property on the tax list of real 10877
and public utility property for tax year 2009 excluding taxes 10878
charged and payable for the purpose of paying debt charges. 10879

(31) "Total resources," in the case of a local taxing unit 10880
that is not a county, municipal corporation, or township, means 10881
the sum of the amounts in divisions (A)(31)(a) to (e) of this 10882
section less any reduction required under division (A)(32) of this 10883
section. 10884

(a) The sum of the payments received by the local taxing unit 10885
in calendar year 2010 pursuant to division (A)(1) of section 10886
5727.86 of the Revised Code and divisions (A)(1) and (2) of 10887
section 5751.22 of the Revised Code as they existed at that time; 10888

(b) The local taxing unit's percentage share of county 10889
undivided local government fund allocations as certified to the 10890
tax commissioner for calendar year 2010 by the county auditor 10891
under division (J) of section 5747.51 of the Revised Code or 10892
division (F) of section 5747.53 of the Revised Code multiplied by 10893
the total amount actually distributed in calendar year 2010 from 10894
the county undivided local government fund; 10895

(c) With respect to taxes levied by the local taxing unit, 10896
the taxes charged and payable against all property on the tax list 10897

of real and public utility property for tax year 2009 excluding 10898
taxes charged and payable for the purpose of paying debt charges; 10899

(d) The amount received from the tax commissioner during 10900
calendar year 2010 for sales or use taxes authorized under 10901
sections 5739.023 and 5741.022 of the Revised Code; 10902

(e) For institutions of higher education receiving tax 10903
revenue from a local levy, as identified in section 3358.02 of the 10904
Revised Code, the final state share of instruction allocation for 10905
fiscal year 2010 as calculated by the board of regents and 10906
reported to the state controlling board. 10907

(32) If a fixed-rate levy that is a qualifying levy is not 10908
charged and payable in any year after tax year 2010, "total 10909
resources" used to compute payments to be made under division 10910
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 10911
5751.22 of the Revised Code in the tax years following the last 10912
year the levy is charged and payable shall be reduced to the 10913
extent that the payments are attributable to the fixed-rate levy 10914
loss of that levy as would be computed under division (C)(2) of 10915
section 5727.85, division (A)(1) of section 5727.85, divisions 10916
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 10917
5751.22 of the Revised Code. 10918

(33) In the case of a county, municipal corporation, school 10919
district, or township with fixed-rate levy losses attributable to 10920
a tax levied under section 5705.23 of the Revised Code, "total 10921
resources" used to compute payments to be made under division 10922
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 10923
division (C)(12) of section 5751.21, or division (A)(1)(c) of 10924
section 5751.22 of the Revised Code shall be reduced by the 10925
amounts described in divisions (A)(34)(a) to (c) of this section 10926
to the extent that those amounts were included in calculating the 10927
"total resources" of the school district or local taxing unit 10928
under division (A)(22), (28), (29), or (30) of this section. 10929

(34) "Total library resources," in the case of a county, 10930
municipal corporation, school district, or township public library 10931
that receives the proceeds of a tax levied under section 5705.23 10932
of the Revised Code, means the sum of the amounts in divisions 10933
(A)(34)(a) to (c) of this section less any reduction required 10934
under division (A)(32) of this section. 10935

(a) The sum of the payments received by the county, municipal 10936
corporation, school district, or township public library in 10937
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 10938
Revised Code, as they existed at that time, for fixed-rate levy 10939
losses attributable to a tax levied under section 5705.23 of the 10940
Revised Code for the benefit of the public library; 10941

(b) The public library's percentage share of county undivided 10942
local government fund allocations as certified to the tax 10943
commissioner for calendar year 2010 by the county auditor under 10944
division (J) of section 5747.51 of the Revised Code or division 10945
(F) of section 5747.53 of the Revised Code multiplied by the total 10946
amount actually distributed in calendar year 2010 from the county 10947
undivided local government fund; 10948

(c) With respect to a tax levied pursuant to section 5705.23 10949
of the Revised Code for the benefit of the public library, the 10950
amount of such tax that is charged and payable against all 10951
property on the tax list of real and public utility property for 10952
tax year 2009 excluding any tax that is charged and payable for 10953
the purpose of paying debt charges. 10954

(35) "Municipal current expense property tax levies" means 10955
all property tax levies of a municipality, except those with the 10956
following levy names: airport resurfacing; bond or any levy name 10957
including the word "bond"; capital improvement or any levy name 10958
including the word "capital"; debt or any levy name including the 10959
word "debt"; equipment or any levy name including the word 10960
"equipment," unless the levy is for combined operating and 10961

equipment; employee termination fund; fire pension or any levy 10962
containing the word "pension," including police pensions; 10963
fireman's fund or any practically similar name; sinking fund; road 10964
improvements or any levy containing the word "road"; fire truck or 10965
apparatus; flood or any levy containing the word "flood"; 10966
conservancy district; county health; note retirement; sewage, or 10967
any levy containing the words "sewage" or "sewer"; park 10968
improvement; parkland acquisition; storm drain; street or any levy 10969
name containing the word "street"; lighting, or any levy name 10970
containing the word "lighting"; and water. 10971

(36) "Current expense TPP allocation" means, in the case of a 10972
school district or joint vocational school district, the sum of 10973
the payments received by the school district in fiscal year 2011 10974
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 10975
Revised Code to the extent paid for current expense levies. In the 10976
case of a municipal corporation, "current expense TPP allocation" 10977
means the sum of the payments received by the municipal 10978
corporation in calendar year 2010 pursuant to divisions (A)(1) and 10979
(2) of section 5751.22 of the Revised Code to the extent paid for 10980
municipal current expense property tax levies as defined in 10981
division (A)(35) of this section, excluding any such payments 10982
received for current expense levy losses attributable to a tax 10983
levied under section 5705.23 of the Revised Code. If a fixed-rate 10984
levy that is a qualifying levy is not charged and payable in any 10985
year after tax year 2010, "current expense TPP allocation" used to 10986
compute payments to be made under division (C)(12) of section 10987
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 10988
Revised Code in the tax years following the last year the levy is 10989
charged and payable shall be reduced to the extent that the 10990
payments are attributable to the fixed-rate levy loss of that levy 10991
as would be computed under divisions (C)(10) and (11) of section 10992
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 10993

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(39) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current

expense TPP allocation and the portion of total TPP allocation 11026
constituting reimbursement for debt levies, pursuant to division 11027
(D) of section 5751.21 of the Revised Code in the case of a school 11028
district or joint vocational school district and pursuant to 11029
division (A)(3) of section 5751.22 of the Revised Code in the case 11030
of a municipal corporation. 11031

(40) "TPP allocation for library purposes" means the sum of 11032
payments received by a county, municipal corporation, school 11033
district, or township public library in calendar year 2010 11034
pursuant to section 5751.22 of the Revised Code for fixed-rate 11035
levy losses attributable to a tax levied under section 5705.23 of 11036
the Revised Code. If a fixed-rate levy authorized under section 11037
5705.23 of the Revised Code that is a qualifying levy is not 11038
charged and payable in any year after tax year 2010, "TPP 11039
allocation for library purposes" used to compute payments to be 11040
made under division (A)(1)(d) of section 5751.22 of the Revised 11041
Code in the tax years following the last year the levy is charged 11042
and payable shall be reduced to the extent that the payments are 11043
attributable to the fixed-rate levy loss of that levy as would be 11044
computed under division (A)(1) of section 5751.22 of the Revised 11045
Code. 11046

(41) "Threshold per cent" means, in the case of a school 11047
district or joint vocational school district, two per cent for 11048
fiscal year 2012 and four per cent for fiscal years 2013 and 11049
thereafter. In the case of a local taxing unit or public library 11050
that receives the proceeds of a tax levied under section 5705.23 11051
of the Revised Code, "threshold per cent" means two per cent for 11052
tax year 2011, four per cent for tax year 2012, and six per cent 11053
for tax years 2013 and thereafter. 11054

(B)(1) The commercial activities tax receipts fund is hereby 11055
created in the state treasury and shall consist of money arising 11056
from the tax imposed under this chapter. Eighty-five 11057

one-hundredths of one per cent of the money credited to that fund 11058
shall be credited to the revenue enhancement fund and shall be 11059
used to defray the costs incurred by the department of taxation in 11060
administering the tax imposed by this chapter and in implementing 11061
tax reform measures. The remainder of the money in the commercial 11062
activities tax receipts fund shall first be credited ~~for each~~ 11063
~~fiscal year to the commercial activity tax motor fuel receipts~~ 11064
fund, which is hereby created in the state treasury, pursuant to 11065
division (B)(2) of this section, and the remainder shall be 11066
credited in the following percentages each fiscal year to the 11067
general revenue fund, to the school district tangible property tax 11068
replacement fund, which is hereby created in the state treasury 11069
for the purpose of making the payments described in section 11070
5751.21 of the Revised Code, and to the local government tangible 11071
property tax replacement fund, which is hereby created in the 11072
state treasury for the purpose of making the payments described in 11073
section 5751.22 of the Revised Code, in the following percentages: 11074

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	11076
2007	0%	70.0%	30.0%	11077
2008	0%	70.0%	30.0%	11078
2009	0%	70.0%	30.0%	11079
2010	0%	70.0%	30.0%	11080
2011	0%	70.0%	30.0%	11081
2012	25.0%	52.5%	22.5%	11082
2013 and	50.0%	35.0%	15.0%	11083

thereafter

(2) Not later than the twentieth day of February, May, 11084
August, and November of each year, the commissioner shall provide 11085
for payment from the commercial activities tax receipts fund to 11086

the commercial activity tax motor fuel receipts fund an amount 11087
that bears the same ratio to the balance in the commercial 11088
activities tax receipts fund that (a) the taxable gross receipts 11089
attributed to motor fuel used for propelling vehicles on public 11090
highways as indicated by returns filed by the tenth day of that 11091
month bears to (b) all taxable gross receipts as indicated by 11092
those returns. 11093

(C) Not later than September 15, 2005, the tax commissioner 11094
shall determine for each school district, joint vocational school 11095
district, and local taxing unit its machinery and equipment, 11096
inventory property, furniture and fixtures property, and telephone 11097
property tax value losses, which are the applicable amounts 11098
described in divisions (C)(1), (2), (3), and (4) of this section, 11099
except as provided in division (C)(5) of this section: 11100

(1) Machinery and equipment property tax value loss is the 11101
taxable value of machinery and equipment property as reported by 11102
taxpayers for tax year 2004 multiplied by: 11103

(a) For tax year 2006, thirty-three and eight-tenths per 11104
cent; 11105

(b) For tax year 2007, sixty-one and three-tenths per cent; 11106

(c) For tax year 2008, eighty-three per cent; 11107

(d) For tax year 2009 and thereafter, one hundred per cent. 11108

(2) Inventory property tax value loss is the taxable value of 11109
inventory property as reported by taxpayers for tax year 2004 11110
multiplied by: 11111

(a) For tax year 2006, a fraction, the numerator of which is 11112
five and three-fourths and the denominator of which is 11113
twenty-three; 11114

(b) For tax year 2007, a fraction, the numerator of which is 11115
nine and one-half and the denominator of which is twenty-three; 11116

(c) For tax year 2008, a fraction, the numerator of which is 11117
thirteen and one-fourth and the denominator of which is 11118
twenty-three; 11119

(d) For tax year 2009 and thereafter a fraction, the 11120
numerator of which is seventeen and the denominator of which is 11121
twenty-three. 11122

(3) Furniture and fixtures property tax value loss is the 11123
taxable value of furniture and fixture property as reported by 11124
taxpayers for tax year 2004 multiplied by: 11125

(a) For tax year 2006, twenty-five per cent; 11126

(b) For tax year 2007, fifty per cent; 11127

(c) For tax year 2008, seventy-five per cent; 11128

(d) For tax year 2009 and thereafter, one hundred per cent. 11129

The taxable value of property reported by taxpayers used in 11130
divisions (C)(1), (2), and (3) of this section shall be such 11131
values as determined to be final by the tax commissioner as of 11132
August 31, 2005. Such determinations shall be final except for any 11133
correction of a clerical error that was made prior to August 31, 11134
2005, by the tax commissioner. 11135

(4) Telephone property tax value loss is the taxable value of 11136
telephone property as taxpayers would have reported that property 11137
for tax year 2004 if the assessment rate for all telephone 11138
property for that year were twenty-five per cent, multiplied by: 11139

(a) For tax year 2006, zero per cent; 11140

(b) For tax year 2007, zero per cent; 11141

(c) For tax year 2008, zero per cent; 11142

(d) For tax year 2009, sixty per cent; 11143

(e) For tax year 2010, eighty per cent; 11144

(f) For tax year 2011 and thereafter, one hundred per cent. 11145

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 11209
levies. For 2006 through 2010, this computation shall include all 11210
qualifying levies remaining in effect for the current tax year and 11211
any school district levies charged and payable under section 11212
5705.194 or 5705.213 of the Revised Code that are qualifying 11213
levies not remaining in effect for the current year. For 2011 11214
through 2017 in the case of school district levies charged and 11215
payable under section 5705.194 or 5705.213 of the Revised Code and 11216
for all years after 2010 in the case of other fixed-sum levies, 11217
this computation shall include only qualifying levies remaining in 11218
effect for the current year. For purposes of this computation, a 11219
qualifying school district levy charged and payable under section 11220
5705.194 or 5705.213 of the Revised Code remains in effect in a 11221
year after 2010 only if, for that year, the board of education 11222
levies a school district levy charged and payable under section 11223
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 11224
an annual sum at least equal to the annual sum levied by the board 11225
in tax year 2004 less the amount of the payment certified under 11226
this division for 2006. 11227

(2) The total taxable value in tax year 2004 less the sum of 11228
the machinery and equipment, inventory, furniture and fixtures, 11229
and telephone property tax value losses in each school district, 11230
joint vocational school district, and local taxing unit multiplied 11231
by one-half of one mill per dollar. 11232

(3) For the calculations in divisions (E)(1) and (2) of this 11233
section, the tax value losses are those that would be calculated 11234
for tax year 2009 under divisions (C)(1), (2), and (3) of this 11235
section and for tax year 2011 under division (C)(4) of this 11236
section. 11237

(4) To facilitate the calculation under divisions (D) and (E) 11238
of this section, not later than September 1, 2005, any school 11239
district, joint vocational school district, or local taxing unit 11240

that has a qualifying levy that was approved at an election 11241
conducted during 2005 before September 1, 2005, shall certify to 11242
the tax commissioner a copy of the county auditor's certificate of 11243
estimated property tax millage for such levy as required under 11244
division (B) of section 5705.03 of the Revised Code, which is the 11245
rate that shall be used in the calculations under such divisions. 11246

If the amount determined under division (E) of this section 11247
for any school district, joint vocational school district, or 11248
local taxing unit is greater than zero, that amount shall equal 11249
the reimbursement to be paid pursuant to division (E) of section 11250
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 11251
and the one-half of one mill that is subtracted under division 11252
(E)(2) of this section shall be apportioned among all contributing 11253
fixed-sum levies in the proportion that each levy bears to the sum 11254
of all fixed-sum levies within each school district, joint 11255
vocational school district, or local taxing unit. 11256

(F) If a school district levies a tax under section 5705.219 11257
of the Revised Code, the fixed-rate levy loss for qualifying 11258
levies, to the extent repealed under that section, shall equal the 11259
sum of the following amounts in lieu of the amounts computed for 11260
such levies under division (D) of this section: 11261

(1) The sum of the rates of qualifying levies to the extent 11262
so repealed multiplied by the sum of the machinery and equipment, 11263
inventory, and furniture and fixtures tax value losses for 2009 as 11264
determined under that division; 11265

(2) The sum of the rates of qualifying levies to the extent 11266
so repealed multiplied by the telephone property tax value loss 11267
for 2011 as determined under that division. 11268

The fixed-rate levy losses for qualifying levies to the 11269
extent not repealed under section 5705.219 of the Revised Code 11270
shall be as determined under division (D) of this section. The 11271

revised fixed-rate levy losses determined under this division and 11272
division (D) of this section first apply in the year following the 11273
first year the district levies the tax under section 5705.219 of 11274
the Revised Code. 11275

(G) Not later than October 1, 2005, the tax commissioner 11276
shall certify to the department of education for every school 11277
district and joint vocational school district the machinery and 11278
equipment, inventory, furniture and fixtures, and telephone 11279
property tax value losses determined under division (C) of this 11280
section, the machinery and equipment, inventory, furniture and 11281
fixtures, and telephone fixed-rate levy losses determined under 11282
division (D) of this section, and the fixed-sum levy losses 11283
calculated under division (E) of this section. The calculations 11284
under divisions (D) and (E) of this section shall separately 11285
display the levy loss for each levy eligible for reimbursement. 11286

(H) Not later than October 1, 2005, the tax commissioner 11287
shall certify the amount of the fixed-sum levy losses to the 11288
county auditor of each county in which a school district, joint 11289
vocational school district, or local taxing unit with a fixed-sum 11290
levy loss reimbursement has territory. 11291

(I) Not later than the twenty-eighth day of February each 11292
year beginning in 2011 and ending in 2014, the tax commissioner 11293
shall certify to the department of education for each school 11294
district first levying a tax under section 5705.219 of the Revised 11295
Code in the preceding year the revised fixed-rate levy losses 11296
determined under divisions (D) and (F) of this section. 11297

Section 101.02. That existing sections 9.33, 127.14, 153.01, 11298
153.65, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 11299
718.01, 2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 4501.03, 11300
4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.42, 4503.45, 11301
4503.49, 4504.19, 4504.21, 4506.08, 4506.09, 4507.011, 4507.23, 11302

4508.08, 4511.13, 4513.263, 4513.53, 4513.66, 4561.21, 4743.05, 11303
4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 11304
4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 11305
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 11306
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 11307
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 11308
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 11309
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 11310
4766.12, 4766.13, 4766.15, 4766.22, 5501.73, 5501.77, 5502.01, 11311
5503.04, 5503.31, 5503.32, 5513.01, 5515.01, 5517.011, 5517.02, 11312
5525.01, 5525.16, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 11313
5537.05, 5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 11314
5537.12, 5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 11315
5537.20, 5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 11316
5537.28, 5537.30, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 11317
5751.01, 5751.02, 5751.051, and 5751.20 and sections 126.60, 11318
126.601, 126.602, 126.603, 126.604, 126.605, 4501.13, 4766.02, 11319
4766.20, 4981.36, and 4981.361 of the Revised Code are hereby 11320
repealed. 11321

Section 201.10. Except as otherwise provided in this act, all 11322
appropriation items in this act are appropriated out of any moneys 11323
in the state treasury to the credit of the designated fund that 11324
are not otherwise appropriated. For all appropriations made in 11325
this act, the amounts in the first column are for fiscal year 2014 11326
and the amounts in the second column are for fiscal year 2015. 11327
11328

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 11329

FUND	TITLE	FY 2014	FY 2015	
Highway Operating Fund Group				11330
2120 772426	Highway	\$ 5,000,000	\$ 5,000,000	11331
				11332

		Infrastructure Bank - Federal				
2120	772427	Highway	\$	10,350,000	\$	10,350,000 11333
		Infrastructure Bank - State				
2120	772430	Infrastructure Debt Reserve Title 23-49	\$	525,000	\$	525,000 11334
2130	772431	Roadway	\$	2,475,000	\$	2,475,000 11335
		Infrastructure Bank - State				
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000 11336
2130	777477	Aviation	\$	1,000,000	\$	1,000,000 11337
		Infrastructure Bank - State				
7002	771411	Planning and Research - State	\$	21,144,581	\$	21,738,277 11338
7002	771412	Planning and Research - Federal	\$	28,835,906	\$	28,959,514 11339
7002	772421	Highway Construction - State	\$	583,246,763	\$	585,240,020 11340
7002	772422	Highway Construction - Federal	\$	1,065,253,182	\$	1,063,145,274 11341
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000 11342
7002	772425	Highway Construction - Turnpike	\$	200,000,000	\$	300,000,000 11343
7002	772437	GARVEE Debt Service - State	\$	31,139,500	\$	31,635,300 11344
7002	772438	GARVEE Debt Service - Federal	\$	136,039,500	\$	138,027,800 11345
7002	773431	Highway Maintenance - State	\$	485,165,521	\$	497,506,152 11346

7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748	11347
		- Federal					
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000	11348
		- Other					
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000	11349
		Special Equipment					
7002	776462	Grade Crossings -	\$	14,136,500	\$	14,129,500	11350
		Federal					
7002	777472	Airport Improvements	\$	405,000	\$	405,000	11351
		- Federal					
7002	777475	Aviation	\$	4,875,000	\$	4,935,000	11352
		Administration					
7002	779491	Administration -	\$	91,218,054	\$	92,543,982	11353
		State					
TOTAL HOF Highway Operating							11354
Fund Group			\$	2,795,280,255	\$	2,912,086,567	11355
State Special Revenue Fund Group							11356
4N40	776664	Rail Transportation -	\$	2,875,800	\$	2,875,800	11357
		Other					
5W90	777615	County Airport	\$	620,000	\$	620,000	11358
		Maintenance					
TOTAL SSR State Special Revenue							11359
Fund Group			\$	3,495,800	\$	3,495,800	11360
Infrastructure Bank Obligations Fund Group							11361
7045	772428	Highway	\$	96,092,215	\$	97,000,000	11362
		Infrastructure Bank -					
		Bonds					
TOTAL 045 Infrastructure Bank							11363
Obligations Fund Group			\$	96,092,215	\$	97,000,000	11364
Highway Capital Improvement Fund Group							11365
7042	772723	Highway Construction	\$	100,294,652	\$	119,617,631	11366
		- Bonds					

TOTAL 042 Highway Capital			11367
Improvement Fund Group	\$ 100,294,652	\$ 119,617,631	11368
TOTAL ALL BUDGET FUND GROUPS	\$ 2,995,162,922	\$ 3,132,199,998	11369

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 11371

Of the foregoing appropriation item 772421, Highway 11372
Construction - State, \$5,000,000 shall be used in each fiscal year 11373
for the construction, reconstruction, or maintenance of public 11374
access roads, including support features, to and within state 11375
facilities owned or operated by the Department of Natural 11376
Resources. 11377

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 11378
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 11379

Notwithstanding section 5511.06 of the Revised Code, of the 11380
foregoing appropriation item 772421, Highway Construction - State, 11381
\$2,228,000 in each fiscal year shall be used for the construction, 11382
reconstruction, or maintenance of park drives or park roads within 11383
the boundaries of metropolitan parks. 11384

The Department of Transportation may use the foregoing 11385
appropriation item 772421, Highway Construction - State, to 11386
perform related road work on behalf of the Ohio Expositions 11387
Commission at the state fairgrounds, including reconstruction or 11388
maintenance of public access roads and support features to and 11389
within fairgrounds facilities, as requested by the Commission and 11390
approved by the Director of Transportation. 11391

The Department of Transportation may use the foregoing 11392
appropriation item 772421, Highway Construction - State, to 11393
perform related road work on behalf of the Ohio Historical 11394
Society, including reconstruction or maintenance of public access 11395
roads and support features to and within Historical Society 11396
facilities, as requested by the Society and approved by the 11397

Director of Transportation. 11398

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 11399

(A) Notwithstanding section 5540.151 of the Revised Code, of 11400
the foregoing appropriation item 772421, Highway Construction - 11401
State, \$3,500,000 in each fiscal year shall be made available for 11402
distribution by the Director of Transportation to Transportation 11403
Improvement Districts that have facilitated funding for the cost 11404
of a project or projects, as defined in division (C) of section 11405
5540.01 of the Revised Code, in conjunction with and through other 11406
governmental agencies, as defined in division (B) of section 11407
5540.01 of the Revised Code. 11408

(B) A Transportation Improvement District shall submit 11409
requests for project funding to the Ohio Department of 11410
Transportation not later than the first day of September in each 11411
fiscal year. The Ohio Department of Transportation shall notify 11412
the Transportation Improvement District whether the Department has 11413
approved or disapproved the project funding request within 90 days 11414
after the day the request was submitted by the Transportation 11415
Improvement District. 11416

(C) Any funding provided to a Transportation Improvement 11417
District specified in this section shall not be used for the 11418
purposes of administrative costs or administrative staffing and 11419
must be used to fund a specific project or projects within that 11420
District's area. The total amount of a specific project's cost 11421
shall not be fully funded by the amount of funds provided under 11422
this section. The total amount of funding provided for each 11423
project is limited to 10% of total project costs or \$250,000 per 11424
fiscal year, whichever is greater. Transportation Improvement 11425
Districts that are co-sponsoring a specific project may 11426
individually apply for up to \$250,000 for that project. However, 11427
not more than 10% of a project's total costs shall be funded 11428

through moneys provided under this section. 11429

(D) Funds provided under this section may be used for 11430
preliminary engineering, detailed design, right-of-way 11431
acquisition, and construction of the specific project and such 11432
other project costs that are defined in section 5540.01 of the 11433
Revised Code and approved by the Director of Transportation. Upon 11434
receipt of a copy of an invoice for work performed on the specific 11435
project, the Director of Transportation shall reimburse a 11436
Transportation Improvement District for the expenditures described 11437
above, subject to the requirements of this section. 11438

(E) Any Transportation Improvement District that is 11439
requesting funds under this section shall register with the 11440
Director of Transportation. The Director of Transportation shall 11441
register a Transportation Improvement District only if the 11442
district has a specific, eligible project and may cancel the 11443
registration of a Transportation Improvement District that is not 11444
eligible to receive funds under this section. The Director shall 11445
not provide funds to any Transportation Improvement District under 11446
this section if the district is not registered. 11447

Section 203.50. ISSUANCE OF BONDS 11448

The Treasurer of State, upon the request of the Director of 11449
Transportation, is authorized to issue and sell, in accordance 11450
with Section 2m of Article VIII, Ohio Constitution, and Chapter 11451
151. and particularly sections 151.01 and 151.06 of the Revised 11452
Code, obligations, including bonds and notes, in the aggregate 11453
amount of \$220,000,000 in addition to the original issuance of 11454
obligations authorized by prior acts of the General Assembly. 11455

The obligations shall be issued and sold from time to time in 11456
amounts necessary to provide sufficient moneys to the credit of 11457
the Highway Capital Improvement Fund (Fund 7042) created by 11458
section 5528.53 of the Revised Code to pay costs charged to the 11459

fund when due as estimated by the Director of Transportation, 11460
provided, however, that such obligations shall be issued and sold 11461
at such time or times so that not more than \$220,000,000 original 11462
principal amount of obligations, plus the principal amount of 11463
obligations that in prior fiscal years could have been, but were 11464
not, issued within the \$220,000,000 limit, may be issued in any 11465
fiscal year, and not more than \$1,200,000,000 original principal 11466
amount of such obligations are outstanding at any one time. 11467

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 11468
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 11469
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 11470
ADMINISTRATION 11471

The Director of Budget and Management may approve requests 11472
from the Director of Transportation for transfer of Highway 11473
Operating Fund (Fund 7002) appropriations for planning and 11474
research (appropriation items 771411 and 771412), highway 11475
construction and debt service (appropriation items 772421, 772422, 11476
772424, 772425, 772437, and 772438), highway maintenance 11477
(appropriation item 773431), public transportation - federal 11478
(appropriation item 775452), elderly and disabled special 11479
equipment (appropriation item 775459), rail grade crossings 11480
(appropriation item 776462), aviation (appropriation item 777475), 11481
and administration (appropriation item 779491). The Director of 11482
Budget and Management may not make transfers out of debt service 11483
appropriation items unless the Director determines that the 11484
appropriated amounts exceed the actual and projected debt service 11485
requirements. Transfers of appropriations may be made upon the 11486
written request of the Director of Transportation and with the 11487
approval of the Director of Budget and Management. The transfers 11488
shall be reported to the Controlling Board at the next regularly 11489
scheduled meeting of the board. 11490

This transfer authority is intended to provide for emergency 11491
situations and flexibility to meet unforeseen conditions that 11492
could arise during the budget period. It also is intended to allow 11493
the department to optimize the use of available resources and 11494
adjust to circumstances affecting the obligation and expenditure 11495
of federal funds. 11496

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 11497
AVIATION, AND RAIL AND LOCAL TRANSIT 11498

The Director of Budget and Management may approve written 11499
requests from the Director of Transportation for the transfer of 11500
appropriations between appropriation items 772422, Highway 11501
Construction - Federal, 775452, Public Transportation - Federal, 11502
775454, Public Transportation - Other, 775459, Elderly and 11503
Disabled Special Equipment, 776475, Federal Rail Administration, 11504
and 777472, Airport Improvements - Federal. The transfers shall be 11505
reported to the Controlling Board at its next regularly scheduled 11506
meeting. 11507

TRANSFER OF APPROPRIATIONS - ARRA 11508

The Director of Budget and Management may approve written 11509
requests from the Director of Transportation for the transfer of 11510
appropriations between appropriation items 771412, Planning and 11511
Research - Federal, 772422, Highway Construction - Federal, 11512
772424, Highway Construction - Other, 775452, Public 11513
Transportation - Federal, 776462, Grade Crossing - Federal, and 11514
777472, Airport Improvements - Federal, based upon the 11515
requirements of the American Recovery and Reinvestment Act of 2009 11516
that apply to the money appropriated. The transfers shall be 11517
reported to the Controlling Board at its next regularly scheduled 11518
meeting. 11519

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 11520
BANK 11521

The Director of Budget and Management may approve requests 11522
from the Director of Transportation for transfer of appropriations 11523
and cash of the Infrastructure Bank funds created in section 11524
5531.09 of the Revised Code, including transfers between fiscal 11525
years 2014 and 2015. The transfers shall be reported to the 11526
Controlling Board at its next regularly scheduled meeting. 11527

The Director of Budget and Management may approve requests 11528
from the Director of Transportation for transfer of appropriations 11529
and cash from the Highway Operating Fund (Fund 7002) to the 11530
Infrastructure Bank funds created in section 5531.09 of the 11531
Revised Code. The Director of Budget and Management may transfer 11532
from the Infrastructure Bank funds to the Highway Operating Fund 11533
up to the amounts originally transferred to the Infrastructure 11534
Bank funds under this section. However, the Director may not make 11535
transfers between modes or transfers between different funding 11536
sources. The transfers shall be reported to the Controlling Board 11537
at its next regularly scheduled meeting. 11538

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 11539

The Director of Budget and Management may approve requests 11540
from the Director of Transportation for transfer of appropriations 11541
and cash of the Ohio Toll Fund and any subaccounts created in 11542
section 5531.14 of the Revised Code, including transfers between 11543
fiscal years 2014 and 2015. The transfers shall be reported to the 11544
Controlling Board at its next regularly scheduled meeting. 11545

INCREASING APPROPRIATIONS: STATE FUNDS 11546

In the event that receipts or unexpended balances credited to 11547
the Highway Operating Fund (Fund 7002) exceed the estimates upon 11548
which the appropriations have been made in this act, upon the 11549
request of the Director of Transportation, the Controlling Board 11550
may increase those appropriations in the manner prescribed in 11551
section 131.35 of the Revised Code. 11552

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 11553

In the event that receipts or unexpended balances credited to 11554
the Highway Operating Fund (Fund 7002) or apportionments or 11555
allocations made available from the federal and local government 11556
exceed the estimates upon which the appropriations have been made 11557
in this act, upon the request of the Director of Transportation, 11558
the Controlling Board may increase those appropriations in the 11559
manner prescribed in section 131.35 of the Revised Code. 11560

REAPPROPRIATIONS 11561

In each fiscal year of the biennium ending June 30, 2015, the 11562
Director of Transportation may request that the Director of Budget 11563
and Management transfer any remaining unencumbered balances of 11564
prior years' appropriations to the Highway Operating Fund (Fund 11565
7002), the Highway Capital Improvement Fund (Fund 7042), and the 11566
Infrastructure Bank funds created in section 5531.09 of the 11567
Revised Code for the same purpose in the following fiscal year. In 11568
the request, the Director of Transportation shall identify the 11569
appropriate fund and appropriation item of the transfer, the 11570
requested transfer amount. The Director of Budget and Management 11571
may request additional information necessary for evaluating the 11572
transfer request, and the Director of Transportation shall provide 11573
the requested information to the Director of Budget and 11574
Management. Based on the information provided by the Director of 11575
Transportation, the Director of Budget and Management shall 11576
determine the amount to be transferred by fund and appropriation 11577
item, and those amounts are hereby reappropriated. The Director of 11578
Transportation shall report the reappropriations to the 11579
Controlling Board. 11580

Any balances of prior years' unencumbered appropriations to 11581
the Highway Operating Fund (Fund 7002), the Highway Capital 11582
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 11583
created in section 5531.09 of the Revised Code for which the 11584

Director of Transportation requests reappropriations, and for 11585
which reappropriations are approved by the Director of Budget and 11586
Management, are subject to the availability of revenue as 11587
determined by the Director of Transportation. 11588

LIQUIDATION OF UNFORESEEN LIABILITIES 11589

Any appropriation made from the Highway Operating Fund (Fund 11590
7002) not otherwise restricted by law is available to liquidate 11591
unforeseen liabilities arising from contractual agreements of 11592
prior years when the prior year encumbrance is insufficient. 11593

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 11594

The Director of Transportation may remove snow and ice and 11595
maintain, repair, improve, or provide lighting upon interstate 11596
highways that are located within the boundaries of municipal 11597
corporations, adequate to meet the requirements of federal law. 11598
When agreed in writing by the Director of Transportation and the 11599
legislative authority of a municipal corporation and 11600
notwithstanding sections 125.01 and 125.11 of the Revised Code, 11601
the Department of Transportation may reimburse a municipal 11602
corporation for all or any part of the costs, as provided by such 11603
agreement, incurred by the municipal corporation in maintaining, 11604
repairing, lighting, and removing snow and ice from the interstate 11605
system. 11606

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 11607

The Director of Transportation may use revenues from the 11608
state motor vehicle fuel tax to match approved federal grants 11609
awarded to the Department of Transportation, regional transit 11610
authorities, or eligible public transportation systems, for public 11611
transportation highway purposes, or to support local or state 11612
funded projects for public transportation highway purposes. Public 11613
transportation highway purposes include: the construction or 11614

repair of high-occupancy vehicle traffic lanes, the acquisition or 11615
construction of park-and-ride facilities, the acquisition or 11616
construction of public transportation vehicle loops, the 11617
construction or repair of bridges used by public transportation 11618
vehicles or that are the responsibility of a regional transit 11619
authority or other public transportation system, or other similar 11620
construction that is designated as an eligible public 11621
transportation highway purpose. Motor vehicle fuel tax revenues 11622
may not be used for operating assistance or for the purchase of 11623
vehicles, equipment, or maintenance facilities. 11624

Section 203.90. The federal payments made to the state for 11625
highway infrastructure or for transit agencies under Title XII of 11626
Division A of the American Recovery and Reinvestment Act of 2009 11627
shall be deposited to the credit of the Highway Operating Fund 11628
(Fund 7002), which is created in section 5735.291 of the Revised 11629
Code. 11630

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 11631

State Highway Safety Fund Group 11632

4W40	762321	Operating Expense -	\$	127,359,268	\$	127,268,957	11633
		BMV					
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000	11634
		Contribution					
7036	761321	Operating Expense -	\$	6,264,266	\$	6,208,531	11635
		Information and					
		Education					
7036	761401	Lease Rental Payments	\$	2,472,300	\$	2,473,100	11636
7036	761630	Motorcycle Programs	\$	3,280,563	\$	3,280,563	11637
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	11638
7036	764321	Operating Expense -	\$	268,232,602	\$	270,232,602	11639
		Highway Patrol					

7036	764605	Motor Carrier Enforcement Expenses	\$	2,860,000	\$	2,860,000	11640
8300	761603	Salvage and Exchange - Administration	\$	20,053	\$	20,053	11641
8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	11642
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	11643
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	11644
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	11645
8310	765610	EMS - Federal	\$	225,000	\$	225,000	11646
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	11647
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	11648
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	11649
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	11650
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	11651
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	11652
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	11653
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	11654
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	11655
83M0	765624	Operating - EMS	\$	2,711,069	\$	2,711,069	11656
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	11657
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	11658

83T0	764694	Highway Patrol	\$	21,000	\$	21,000	11659
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	11660
8400	764617	Security and	\$	8,793,865	\$	9,514,236	11661
		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	11662
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	11663
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	11664
		Highway Patrol					
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293	11665
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	511,114,660	\$	513,148,564	11666
Group							
General Services Fund Group							11667
4P60	768601	Justice Program	\$	900,000	\$	875,000	11668
		Services					
4S30	766661	Hilltop Utility	\$	540,800	\$	540,800	11669
		Reimbursement					
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	11670
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	11671
		Services Law					
		Enforcement Support					
TOTAL	GSF	General Services Fund	\$	6,541,746	\$	6,516,746	11672
Group							
Federal Special Revenue Fund Group							11673
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	11674
		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	11675
		Relief					
3390	763647	Emergency Management	\$	70,934,765	\$	70,934,765	11676

		Assistance and Training				
3CE0	768611	Justice Assistance Grants - FFY09	\$	400,000	\$	100,000 11677
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,000,000	\$	300,000 11678
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000 11679
3EU0	768614	Justice Assistance Grants - FFY10	\$	830,000	\$	500,000 11680
3FK0	768615	Justice Assistance Grants - FFY11	\$	900,000	\$	900,000 11681
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000 11682
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000 11683
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000 11684
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000 11685
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000 11686
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672 11687
TOTAL FED	Federal Special Revenue		\$	133,322,715	\$	133,767,715 11688
Fund Group						
State Special Revenue Fund Group						11689
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000 11690
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000 11691
5B90	766632	Private Investigator and Security Guard	\$	1,400,000	\$	1,400,000 11692

		Provider					
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000	11693
		Services - Operating					
5BK0	768689	Family Violence	\$	750,000	\$	750,000	11694
		Shelter Programs					
5BP0	764609	DPS Wireless 911	\$	290,000	\$	290,000	11695
		Administration					
5CM0	767691	Equitable Share	\$	300,000	\$	300,000	11696
		Account					
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	11697
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000	11698
		and Alcohol					
		Monitoring					
5FL0	769634	Investigations	\$	899,300	\$	899,300	11699
5ML0	769635	Infrastructure	\$	400,000	\$	400,000	11700
		Protection					
6220	767615	Investigative	\$	325,000	\$	325,000	11701
		Contraband and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945	11702
		Safety					
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438	11703
		Planning					
8500	767628	Investigative Unit	\$	92,700	\$	92,700	11704
		Salvage					
TOTAL SSR		State Special Revenue	\$	15,049,767	\$	15,039,767	11705
		Fund Group					
		Agency Fund Group					11706
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	11707
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	11708
		Holding Account Redistribution Fund Group					11709
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	11710

Vehicle Receipts

R052 762623	Security Deposits	\$	350,000	\$	350,000	11711
TOTAL 090 Holding Account		\$	2,235,000	\$	2,235,000	11712
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	669,763,888	\$	672,207,792	11713

MOTOR VEHICLE REGISTRATION 11714

The Registrar of Motor Vehicles may deposit revenues to meet 11715
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 11716
4W40) established in section 4501.25 of the Revised Code, obtained 11717
under sections 4503.02 and 4504.02 of the Revised Code, less all 11718
other available cash. Revenue deposited pursuant to this paragraph 11719
shall support, in part, appropriations for operating expenses and 11720
defray the cost of manufacturing and distributing license plates 11721
and license plate stickers and enforcing the law relative to the 11722
operation and registration of motor vehicles. Notwithstanding 11723
section 4501.03 of the Revised Code, the revenues shall be paid 11724
into Fund 4W40 before any revenues obtained pursuant to sections 11725
4503.02 and 4504.02 of the Revised Code are paid into any other 11726
fund. The deposit of revenues to meet the aforementioned cash 11727
needs shall be in approximately equal amounts on a monthly basis 11728
or as otherwise determined by the Director of Budget and 11729
Management pursuant to a plan submitted by the Registrar of Motor 11730
Vehicles. 11731

LEASE RENTAL PAYMENTS 11732

The foregoing appropriation item 761401, Lease Rental 11733
Payments, shall be used for payments to the Treasurer of State for 11734
the period July 1, 2013, through June 30, 2015, under the primary 11735
leases and agreements for public safety related buildings. The 11736
appropriations are the source of funds pledged for bond service 11737
charges on obligations pursuant to Chapters 152. and 154. of the 11738
Revised Code. 11739

CASH TRANSFERS BETWEEN FUNDS 11740

Notwithstanding any provision of law to the contrary, the 11741
Director of Budget and Management, upon the written request of the 11742
Director of Public Safety, may transfer cash between the following 11743
six funds: the Trauma and Emergency Medical Services Fund (Fund 11744
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 11745
Fund (Fund 5FL0), the Emergency Management Agency Service and 11746
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 11747
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 11748
4W40). 11749

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 11750
PLATE CONTRIBUTION FUND 11751

On July 1, 2013, or as soon as possible thereafter, the 11752
Director of Budget and Management may transfer the unexpended and 11753
unencumbered cash balance in the Teen Driver Education Fund (Fund 11754
5JS0) to the License Plate Contribution Fund (Fund 5V10). Upon 11755
completion of the transfer, Fund 5JS0 is hereby abolished. 11756

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 11757
STATE HIGHWAY SAFETY FUND 11758

Not later than January 1, 2014, the Director of Budget and 11759
Management may transfer the unexpended and unencumbered cash 11760
balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to 11761
the State Highway Safety Fund (Fund 7036). Upon completion of the 11762
transfer, Fund 4S30 is hereby abolished. 11763

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 11764
SAFETY FUND 11765

On July 1, 2013, or as soon as possible thereafter, the 11766
Director of Budget and Management shall transfer the unexpended 11767
and unencumbered cash balance in the Registrar Rental Fund (Fund 11768
8380) to the State Highway Safety Fund (Fund 7036). Upon 11769
completion of the transfer, Fund 8380 is abolished. 11770

CASH TRANSFER FROM MOTORCYCLE SAFETY AND EDUCATION FUND TO 11771

STATE HIGHWAY SAFETY FUND 11772

Not later than January 1, 2014, the Director of Budget and 11773
Management shall transfer the unexpended and unencumbered cash 11774
balance in the Motorcycle Safety and Education Fund (Fund 8460) to 11775
the State Highway Safety Fund (Fund 7036). Upon completion of the 11776
transfer, Fund 8460 is abolished. 11777

STATE DISASTER RELIEF 11778

The State Disaster Relief Fund (Fund 5330) may accept 11779
transfers of cash and appropriations from Controlling Board 11780
appropriation items for Ohio Emergency Management Agency disaster 11781
response costs and disaster program management costs, and may also 11782
be used for the following purposes: 11783

(A) To accept transfers of cash and appropriations from 11784
Controlling Board appropriation items for Ohio Emergency 11785
Management Agency public assistance and mitigation program match 11786
costs to reimburse eligible local governments and private 11787
nonprofit organizations for costs related to disasters; 11788

(B) To accept and transfer cash to reimburse the costs 11789
associated with Emergency Management Assistance Compact (EMAC) 11790
deployments; 11791

(C) To accept disaster related reimbursement from federal, 11792
state, and local governments. The Director of Budget and 11793
Management may transfer cash from reimbursements received by this 11794
fund to other funds of the state from which transfers were 11795
originally approved by the Controlling Board. 11796

(D) To accept transfers of cash and appropriations from 11797
Controlling Board appropriation items to fund the State Disaster 11798
Relief Program, for disasters that qualify for the program by 11799
written authorization of the Governor, and the State Individual 11800
Assistance Program for disasters that have been declared by the 11801
federal Small Business Administration and that qualify for the 11802

program by written authorization of the Governor. The Ohio 11803
Emergency Management Agency shall publish and make available 11804
application packets outlining procedures for the State Disaster 11805
Relief Program and the State Individual Assistance Program. 11806

JUSTICE ASSISTANCE GRANT FUND 11807

The federal payments made to the state for the Byrne Justice 11808
Assistance Grants Program under Title II of Division A of the 11809
American Recovery and Reinvestment Act of 2009 shall be deposited 11810
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 11811
which is hereby created in the state treasury. All investment 11812
earnings of the fund shall be credited to the fund. 11813

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 11814
AGENCY SERVICE AND REIMBURSEMENT FUND 11815

On July 1 of each fiscal year, or as soon as possible 11816
thereafter, the Director of Budget and Management shall transfer 11817
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 11818
Emergency Management Agency Service and Reimbursement Fund (Fund 11819
4V30) to be distributed to the Ohio Task Force One - Urban Search 11820
and Rescue Unit and other urban search and rescue programs around 11821
the state. 11822

FAMILY VIOLENCE PREVENTION FUND 11823

Notwithstanding any provision of law to the contrary, in each 11824
of fiscal years 2014 and 2015, the first \$750,000 received to the 11825
credit of the Family Violence Prevention Fund (Fund 5BK0) is 11826
appropriated to appropriation item 768689, Family Violence Shelter 11827
Programs, and the next \$400,000 received to the credit of Fund 11828
5BK0 in each of those fiscal years is appropriated to 11829
appropriation item 768687, Criminal Justice Services - Operating. 11830
Any moneys received to the credit of Fund 5BK0 in excess of the 11831
aforementioned appropriated amounts in each fiscal year shall, 11832
upon the approval of the Controlling Board, be used to provide 11833

grants to family violence shelters in Ohio.	11834
SARA TITLE III HAZMAT PLANNING	11835
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	11836
entitled to receive grant funds from the Emergency Response	11837
Commission to implement the Emergency Management Agency's	11838
responsibilities under Chapter 3750. of the Revised Code.	11839
COLLECTIVE BARGAINING INCREASES	11840
Notwithstanding division (D) of section 127.14 and division	11841
(B) of section 131.35 of the Revised Code, except for the General	11842
Revenue Fund, the Controlling Board may, upon the request of	11843
either the Director of Budget and Management, or the Department of	11844
Public Safety with the approval of the Director of Budget and	11845
Management, authorize expenditures in excess of appropriations and	11846
transfer appropriations, as necessary, for any fund used by the	11847
Department of Public Safety, to assist in paying the costs of	11848
increases in employee compensation that have occurred pursuant to	11849
collective bargaining agreements under Chapter 4117. of the	11850
Revised Code and, for exempt employees, under section 124.152 of	11851
the Revised Code. Any money approved for expenditure under this	11852
paragraph is hereby appropriated.	11853
CASH BALANCE FUND REVIEW	11854
Not later than the first day of April in each fiscal year of	11855
the biennium, the Director of Budget and Management shall review	11856
the cash balances for each fund, except the State Highway Safety	11857
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund	11858
4W40), in the State Highway Safety Fund Group, and shall recommend	11859
to the Controlling Board an amount to be transferred to the credit	11860
of Fund 7036 or Fund 4W40, as appropriate.	11861
AUTO REGISTRATION DISTRIBUTION FUND	11862
Notwithstanding the amendment by this act to section 4501.03	11863

of the Revised Code and the enactment by this act of section 11864
4501.031 of the Revised Code, any license tax assessed under 11865
Chapters 4503. or 4504. of the Revised Code, and derived from 11866
registrations processed on business days prior to July 1, 2013, 11867
shall be deposited to the state treasury to the credit of the Auto 11868
Registration Distribution Fund (Fund 7051) created by section 11869
4501.03 of the Revised Code, even if such deposit does not occur 11870
until on or after July 1, 2013. All license tax assessed on 11871
registrations under Chapters 4503. or 4504. of the Revised Code 11872
prior to July 1, 2013, shall be deposited, and distributed, in 11873
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 11874
4501.043 of the Revised Code as they existed prior to the 11875
amendments to those sections by this act. 11876

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 11877

State Special Revenue Fund Group 11878
4W00 195629 Roadwork Development \$ 15,199,900 \$ 15,199,900 11879
TOTAL SSR State Special Revenue 11880
Fund Group \$ 15,199,900 \$ 15,199,900 11881
TOTAL ALL BUDGET FUND GROUPS \$ 15,199,900 \$ 15,199,900 11882

ROADWORK DEVELOPMENT FUND 11883

The Roadwork Development Fund shall be used for road 11884
improvements associated with economic development opportunities 11885
that will retain or attract businesses for Ohio. "Road 11886
improvements" are improvements to public roadway facilities 11887
located on, or serving or capable of serving, a project site. 11888

The Department of Transportation, under the direction of the 11889
Development Services Agency, shall provide these funds in 11890
accordance with all guidelines and requirements established for 11891
Development Services Agency appropriation item 195623, Business 11892
Incentive Grants, including Controlling Board review and approval 11893
as well as the requirements for usage of gas tax revenue 11894

prescribed in Section 5a of Article XII, Ohio Constitution. Should 11895
the Development Services Agency require the assistance of the 11896
Department of Transportation to bring a project to completion, the 11897
Department of Transportation shall use its authority under Title 11898
LV of the Revised Code to provide such assistance and may enter 11899
into contracts on behalf of the Development Services Agency. In 11900
addition, these funds may be used in conjunction with 11901
appropriation item 195623, Business Incentive Grants, or any other 11902
state funds appropriated for infrastructure improvements. 11903

The Director of Budget and Management, pursuant to a plan 11904
submitted by the Director of Development Services or as otherwise 11905
determined by the Director of Budget and Management, shall set a 11906
cash transfer schedule to meet the cash needs of the Development 11907
Services Agency Roadwork Development Fund (Fund 4W00), less any 11908
other available cash. The Director shall transfer to the Roadwork 11909
Development Fund from the Highway Operating Fund (Fund 7002), 11910
established in section 5735.291 of the Revised Code, such amounts 11911
at such times as determined by the transfer schedule. 11912

Section 209.10. PWC PUBLIC WORKS COMMISSION 11913

Local Transportation Improvements Fund Group 11914

7052	150402	Local Transportation	\$	292,526	\$	296,555	11915
		Improvement Program -					
		Operating					

7052	150701	Local Transportation	\$	52,000,000	\$	52,000,000	11916
		Improvement Program					

TOTAL 052 Local Transportation 11917

		Improvements Fund Group	\$	52,292,526	\$	52,296,555	11918
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Local Infrastructure Improvements Fund Group 11919

7038	150321	State Capital	\$	902,579	\$	909,665	11920
		Improvements Program					
		- Operating Expenses					

TOTAL LIF Local Infrastructure			11921
Improvements Fund Group	\$	902,579	\$ 909,665 11922
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$ 53,206,220 11923
PUBLIC WORKS OPERATING EXPENSES			11924
The forgoing appropriation item 150321, State Capital			11925
Improvements Program-Operating Expenses, shall be used by the Ohio			11926
Public Works Commission to administer the State Capital			11927
Improvement Program under sections 164.01 to 164.16 of the Revised			11928
Code.			11929
DISTRICT ADMINISTRATION COSTS			11930
The Director of the Public Works Commission is authorized to			11931
create a District Administration Costs Program from interest			11932
earnings of the Capital Improvements Fund and Local Transportation			11933
Improvement Program Fund proceeds. The program shall be used to			11934
provide for the direct costs of district administration of the			11935
nineteen public works districts. Districts choosing to participate			11936
in the program shall only expend State Capital Improvements Fund			11937
moneys for State Capital Improvements Fund costs and Local			11938
Transportation Improvement Program Fund moneys for Local			11939
Transportation Improvement Program Fund costs. The account shall			11940
not exceed \$1,235,000 per fiscal year. Each public works district			11941
may be eligible for up to \$65,000 per fiscal year from its			11942
district allocation as provided in sections 164.08 and 164.14 of			11943
the Revised Code.			11944
The Director, by rule, shall define allowable and			11945
nonallowable costs for the purpose of the District Administration			11946
Costs Program. Nonallowable costs include indirect costs, elected			11947
official salaries and benefits, and project-specific costs. No			11948
district public works committee may participate in the District			11949
Administration Costs Program without the approval of those costs			11950
by the district public works committee under section 164.04 of the			11951
Revised Code.			11952

REAPPROPRIATIONS 11953

All capital appropriations from the Local Transportation 11954
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 11955
129th General Assembly remaining unencumbered as of June 30, 2013, 11956
are reappropriated for use during the period July 1, 2013, through 11957
June 30, 2014, for the same purpose. 11958

Notwithstanding division (B) of section 127.14 of the Revised 11959
Code, all capital appropriations and reappropriations from the 11960
Local Transportation Improvement Program Fund (Fund 7052) in this 11961
act remaining unencumbered as of June 30, 2014, are reappropriated 11962
for use during the period July 1, 2014, through June 30, 2015, for 11963
the same purposes, subject to the availability of revenue as 11964
determined by the Director of the Public Works Commission. 11965

TEMPORARY TRANSFERS 11966

Notwithstanding section 127.14 of the Revised Code, the 11967
Director of the Public Works Commission may request the Director 11968
of Budget and Management to transfer moneys from the Local 11969
Transportation Improvement Fund (Fund 7052) to the State Capital 11970
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 11971
(Fund 7056). The Director of Budget and Management may approve 11972
temporary transfers if such transfers are needed for capital 11973
outlays for which notes or bonds will be issued. Any transfers 11974
executed under this section shall be reported to the Controlling 11975
Board by June 30 of the fiscal year in which the transfer 11976
occurred. 11977

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 11978

There is hereby appropriated, from those funds designated by 11979
or pursuant to the applicable proceedings authorizing the issuance 11980
of state obligations, amounts computed at the time to represent 11981
the portion of investment income to be rebated or amounts in lieu 11982

of or in addition to any rebate amount to be paid to the federal 11983
government in order to maintain the exclusion from gross income 11984
for federal income tax purposes of interest on those state 11985
obligations under section 148(f) of the Internal Revenue Code. 11986

Rebate payments shall be approved and vouchered by the Office 11987
of Budget and Management. 11988

Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 11989
PURPOSES 11990

Appropriation item 725509, Parks Special Purposes, is hereby 11991
established in the General Revenue Fund with an appropriation of 11992
\$14,000,000 in fiscal year 2013. The appropriation item shall be 11993
used by the Department of Natural Resources to facilitate the 11994
mutual termination of a lease agreement between the City of 11995
Cleveland and the Department of Natural Resources for Cleveland 11996
Lakefront Parks. 11997

Section 506.10. Notwithstanding division (A)(3) of section 11998
4501.044 and division (A)(1) of section 4501.045 of the Revised 11999
Code, commencing July 1, 2013, and extending through June 30, 12000
2014, the Director of Public Safety shall deposit the money 12001
otherwise deposited and distributed in accordance with those 12002
divisions into the State Highway Safety Fund (Fund 7036) created 12003
by section 4501.06 of the Revised Code until such time as the 12004
deposits equal a cumulative total of \$24,000,000. At that point, 12005
the Director shall cease depositing any such money into Fund 7036 12006
and shall deposit and distribute that money as prescribed in 12007
division (A)(3) of section 4501.044 and division (A)(1) of section 12008
4501.045 of the Revised Code. 12009

Notwithstanding division (A)(3) of section 4501.044 and 12010
division (A)(1) of section 4501.045 of the Revised Code, 12011
commencing July 1, 2014, and extending through June 30, 2015, the 12012

Director of Public Safety shall deposit the money otherwise 12013
deposited and distributed in accordance with those divisions into 12014
the State Highway Safety Fund (Fund 7036) created by section 12015
4501.06 of the Revised Code until such time as the deposits equal 12016
a cumulative total of \$24,000,000. At that point, the Director 12017
shall cease depositing any such money into Fund 7036 and shall 12018
deposit and distribute that money as prescribed in division (A)(3) 12019
of section 4501.044 and division (A)(1) of section 4501.045 of the 12020
Revised Code. 12021

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 12022
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 12023

The Director of Budget and Management shall initiate and 12024
process payments from lease rental payment appropriation items 12025
during the period from July 1, 2013, to June 30, 2015, pursuant to 12026
the lease agreements for bonds or notes issued under Section 2i of 12027
Article VIII of the Ohio Constitution and Chapters 152. and 154. 12028
of the Revised Code. Payments shall be made upon certification by 12029
the Treasurer of State of the dates and amounts due on those 12030
dates. 12031

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 12032

Certain appropriations are in this act for the purpose of 12033
lease rental and other payments under leases and agreements 12034
relating to bonds or notes issued under the Ohio Constitution and 12035
acts of the General Assembly. If it is determined that additional 12036
appropriations are necessary for this purpose, such amounts are 12037
hereby appropriated. 12038

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 12039
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 12040

Upon the request of the Director of Transportation, the 12041

Director of Budget and Management may transfer cash from the 12042
Highway Operating Fund (Fund 7002) to the Highway Capital 12043
Improvement Fund (Fund 7042) created in section 5528.53 of the 12044
Revised Code. The Director of Budget and Management may transfer 12045
cash from Fund 7042 to Fund 7002 up to the amount of cash 12046
previously transferred to Fund 7042 under this section. 12047

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 12048

The Director of Budget and Management shall transfer cash in 12049
equal monthly increments totaling \$171,724,944 in fiscal year 2014 12050
and in equal monthly increments totaling \$173,884,776 in fiscal 12051
year 2015 from the Highway Operating Fund (Fund 7002), created in 12052
section 5735.291 of the Revised Code, to the Gasoline Excise Tax 12053
Fund (Fund 7060) created in division (A) of section 5735.27 of the 12054
Revised Code. The monthly amounts transferred under this section 12055
shall be distributed as follows: 42.86 per cent shall be 12056
distributed among the municipal corporations within the state 12057
under division (A)(2) of section 5735.27 of the Revised Code; 12058
37.14 per cent shall be distributed among the counties within the 12059
state under division (A)(3) of section 5735.27 of the Revised 12060
Code; and 20 per cent shall be distributed among the townships 12061
within the state under division (A)(5)(b) of section 5735.27 of 12062
the Revised Code. 12063

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 12064

On July 1, 2013, and on January 1, 2014, or as soon as 12065
possible thereafter, respectively, the Director of Budget and 12066
Management shall transfer \$200,000 in cash, for each period, from 12067
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 12068
General for ODOT Fund (Fund 5FA0). 12069

On July 1, 2014, and on January 1, 2015, or as soon as 12070
possible thereafter, respectively, the Director of Budget and 12071

Management shall transfer \$200,000 in cash, for each period, from 12072
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 12073
General for ODOT Fund (Fund 5FA0). 12074

Should additional amounts be necessary, the Inspector 12075
General, with the consent of the Director of Budget and 12076
Management, may seek Controlling Board approval for additional 12077
transfers of cash and to increase the amount appropriated from 12078
appropriation item 965603, Deputy Inspector General for ODOT, in 12079
the amount of the additional transfers. 12080

Section 601.10. That Section 10 of Am. Sub. H.B. 386 of the 12081
129th General Assembly be amended to read as follows: 12082

Sec. 10. ~~The~~ To the extent that sufficient cash is available, 12083
within three months after the receipt of moneys into the Casino 12084
Operator Settlement Fund created in section 3772.34 of the Revised 12085
Code, the Director of Budget and Management shall pay one million 12086
dollars ~~by December 31, 2012,~~ to the municipal corporation or 12087
township in which each commercial racetrack is located, including 12088
a municipal corporation or township to which a racetrack is to 12089
relocate as specified in the memorandum of understanding of 12090
February 17, 2012, between the Office of the Governor, State of 12091
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 12092
transfers, but excluding the previous municipal corporation or 12093
township of each moved track and excluding a municipal corporation 12094
or township in a county with a population between 1,100,000 and 12095
1,200,000 in the most recent federal decennial census. ~~The~~ 12096
~~Director shall transfer these payments, totaling six million~~ 12097
~~dollars, from the Casino Operator Settlement Fund created in~~ 12098
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 12099
within six months after the first payments made under this 12100
section, the Director of Budget and Management shall pay an 12101
additional one million dollars ~~by June 30, 2013,~~ to each of these 12102

municipal corporations and townships, and shall transfer these 12103
payments, totaling six million dollars, from the Casino Operator 12104
Settlement Fund. These expenditures are hereby appropriated. Each 12105
municipal corporation or township receiving such a payment shall 12106
use at least fifty per cent of the funds received for 12107
infrastructure or capital improvements. If after either of the 12108
payments referenced in this section, a municipal corporation or 12109
township loses a racetrack as a result of the racetrack permit 12110
holder's decision to relocate to another municipal corporation or 12111
township, the municipal corporation or township losing the 12112
racetrack becomes eligible for a payment from the Racetrack 12113
Facility Community Economic Redevelopment Fund provided for in 12114
Sections 7 and 8 of H.B. 386 of the 129th General Assembly. Such a 12115
municipal corporation or township shall not receive more than the 12116
sum of \$3 million minus any payments made by the Director of 12117
Budget and Management in accordance with this section. The 12118
Director of Budget and Management is also authorized to establish 12119
any necessary appropriation items in the appropriate funds and 12120
agencies in order to make any payments required under this 12121
section. Any funds in such items are hereby appropriated. 12122

Section 601.11. That existing Section 10 of Am. Sub. H.B. 386 12123
of the 129th General Assembly is hereby repealed. 12124

Section 601.20. That Sections 203.80 and 203.83 of Sub. H.B. 12125
482 of the 129th General Assembly be amended to read as follows: 12126

Sec. 203.80. The items set forth in this section are hereby 12127
appropriated out of any moneys in the state treasury to the credit 12128
of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 12129
not otherwise appropriated. 12130

	DNR DEPARTMENT OF NATURAL RESOURCES		12131
C72549	ODNR Facilities Development	\$ 500,000	12132
C725B7	Underground Fuel Storage Tank Removal/Replacement - Department	\$ 250,000	12133
C725E1	NatureWorks Local Park Grants	\$ 4,790,000	12134
C725E5	Project Planning	\$ 400,000	12135
C725M0	Dam Rehabilitation - Department	\$ 10,000,000 <u>40,000,000</u>	12136
C725N5	Wastewater/Water Systems Upgrade - Department	\$ 8,000,000	12137
Total Department of Natural Resources		\$ 23,940,000 <u>53,940,000</u>	12138
TOTAL Ohio Parks and Natural Resources Fund		\$ 23,940,000 <u>53,940,000</u>	12139

Sec. 203.83. The Ohio Public Facilities Commission is hereby 12141
authorized to issue and sell, in accordance with Section 21 of 12142
Article VIII, Ohio Constitution, and Chapter 151. and particularly 12143
sections 151.01 and 151.05 of the Revised Code, original 12144
obligations in an aggregate principal amount not to exceed 12145
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 12146
obligations heretofore authorized by prior acts of the General 12147
Assembly. These authorized obligations shall be issued, subject to 12148
applicable constitutional and statutory limitations, as needed to 12149
provide sufficient moneys to the credit of the Ohio Parks and 12150
Natural Resources Fund (Fund 7031) to pay costs of capital 12151
facilities as defined in sections 151.01 and 151.05 of the Revised 12152
Code. 12153

Section 601.21. That existing Sections 203.80 and 203.83 of 12154
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 12155

Section 701.10. The Auditor of State shall conduct a 12156

performance audit of the Department of Transportation. The 12157
Department shall cooperate fully with the Auditor of State in the 12158
conduct of the performance audit. 12159

Section 701.20. To the extent permitted by federal law, 12160
federal money received by the state for fiscal stabilization and 12161
recovery purposes shall be used in accordance with the preferences 12162
for products and services made or performed in the United States 12163
and Ohio established in section 125.09 of the Revised Code. 12164

Section 747.10. On the effective date of the amendments made 12165
to section 4765.02 of the Revised Code by this act, the member of 12166
the renamed State Board of Emergency Medical, Fire, and 12167
Transportation Services who is an administrator of an adult or 12168
pediatric trauma center shall cease to be a member of the Board. 12169
On the effective date of the amendments made to section 4765.02 of 12170
the Revised Code by this act, the member of the renamed State 12171
Board of Emergency Medical, Fire, and Transportation Services who 12172
is a member of the Ohio Ambulance Association shall cease to be a 12173
member of the Board. On the effective date of the amendments made 12174
to section 4765.02 of the Revised Code by this act, the member of 12175
the renamed State Board of Emergency Medical, Fire, and 12176
Transportation Services who is a physician certified by the 12177
American board of surgery, American board of osteopathic surgery, 12178
American osteopathic board of emergency medicine, or American 12179
board of emergency medicine, is chief medical officer of an air 12180
medical agency, and is currently active in providing emergency 12181
medical services shall cease to be a member of the Board. On the 12182
effective date of the amendments made to section 4765.02 of the 12183
Revised Code by this act, of the members of the renamed State 12184
Board of Emergency Medical, Fire, and Transportation Services who 12185
were EMTs, AEMTs, or paramedics and were appointed to the Board in 12186

that capacity, only the members who are designated by the Governor 12187
to continue to be members of the Board shall continue to be so; 12188
the other persons shall cease to be members of the Board. On the 12189
effective date of the amendments made to section 4765.02 of the 12190
Revised Code by this act, the member of the renamed State Board of 12191
Emergency Medical, Fire, and Transportation Services who is a 12192
registered nurse and is in the active practice of emergency 12193
nursing shall cease to be a member of the Board. Not later than 12194
sixty days after the effective date of those amendments, the 12195
Governor shall appoint to the renamed State Board of Emergency 12196
Medical, Fire, and Transportation Services a registered nurse with 12197
EMS certification who performs mobile intensive care or air 12198
medical transport. The Governor shall appoint this member from 12199
among three persons nominated by the Ohio Nurses Association, 12200
three persons nominated by the Ohio Association of Critical Care 12201
Transport, and three persons nominated by the Ohio State Council 12202
of the Emergency Nurses Association. 12203

On the effective date of the amendments made to section 12204
4765.02 of the Revised Code by this act, all members of the former 12205
State Board of Emergency Medical Services who do not cease to be 12206
members of the renamed State Board of Emergency Medical, Fire, and 12207
Transportation Services by the terms of this act shall continue to 12208
be members of the renamed State Board of Emergency Medical, Fire, 12209
and Transportation Services, and the dates on which the terms of 12210
the continuing members expire shall be the dates on which their 12211
terms as members of the former State Board of Emergency Medical 12212
Services expired. On the effective date of the amendments made to 12213
section 4765.02 of the Revised Code by this act, the following 12214
members of the former Ohio Medical Transportation Board shall 12215
become members of the State Board of Emergency Medical, Fire, and 12216
Transportation Services, and the dates on which those members' 12217
terms on the State Board of Emergency Medical, Fire, and 12218

Transportation Services expire shall be as follows: 12219

The person who owns or operates a private emergency medical 12220
service organization operating in this state, as designated by the 12221
Governor, term ends November 12, 2014; 12222

The person who owns or operates a nonemergency medical 12223
service organization that provides only ambulance services, term 12224
ends November 12, 2014; 12225

The person who is a member of the Ohio Association of 12226
Critical Care Transport and represents air-based services, term 12227
ends November 12, 2015; 12228

The person who is a member of the Ohio Association of 12229
Critical Care Transport and represents a ground-based mobile 12230
intensive care unit organization, term ends November 12, 2015. 12231

All subsequent terms of office for these four positions on 12232
the State Board of Emergency Medical, Fire, and Transportation 12233
Services shall be for three years as provided in section 4765.02 12234
of the Revised Code. 12235

On July 1, 2013, the Medical Transportation Board and all of 12236
its functions are transferred to the Department of Public Safety. 12237
As of such date, the Medical Transportation Board shall operate 12238
under the Department of Public Safety, which shall assume all of 12239
the Board's functions. All assets, liabilities, any capital 12240
spending authority related thereto, and equipment and records, 12241
regardless of form or medium, related to the Medical 12242
Transportation Board's functions are transferred to the Department 12243
of Public Safety on July 1, 2013. 12244

No validation, cure, right, privilege, remedy, obligation, or 12245
liability is lost or impaired by reason of the transfer. All of 12246
the Medical Transportation Board's rules, orders, and 12247
determinations continue in effect as rules, orders, and 12248
determinations of the Department of Public Safety until modified 12249

or rescinded by the Department of Public Safety. 12250

No action or proceeding pending on July 1, 2013, is affected 12251
by the transfer and any action or proceeding pending on July 1, 12252
2013, shall be prosecuted or defended in the name of the 12253
Department of Public Safety or its director. In all such actions 12254
and proceedings, the Department of Public Safety or its director, 12255
upon application to the court, shall be substituted as a party. 12256

On or after July 1, 2013, notwithstanding any provision of 12257
law to the contrary, the Director of Budget and Management shall 12258
take any action with respect to budget changes made necessary by 12259
the transfer. The Director may transfer cash balances between 12260
funds. The Director may cancel encumbrances in 915604, Operating 12261
Expenses, and reestablish encumbrances or parts of encumbrances in 12262
765624, Operating - EMS, as needed in the fiscal year in the 12263
appropriate fund and appropriation item for the same purpose and 12264
to the same vendor. As determined by the Director, encumbrances 12265
reestablished in the fiscal year in a different fund or 12266
appropriation item used by an agency or between agencies are 12267
appropriated. The Director shall reduce each year's appropriation 12268
balances by the amount of the encumbrance canceled in their 12269
respective funds and appropriation item. Any unencumbered or 12270
unallocated appropriation balances from the previous fiscal year 12271
may be transferred to the appropriate appropriation item to be 12272
used for the same purposes, as determined by the Director. Any 12273
such transfers are hereby appropriated. 12274

This section is exempt from the referendum under Ohio 12275
Constitution, Article II, Section 1d and section 1.471 of the 12276
Revised Code and therefore takes effect immediately when this act 12277
becomes law. 12278

Section 755.10. The Director of Transportation may enter into 12279
agreements as provided in this section with the United States or 12280

any department or agency of the United States, including, but not 12281
limited to, the United States Army Corps of Engineers, the United 12282
States Forest Service, the United States Environmental Protection 12283
Agency, and the United States Fish and Wildlife Service. An 12284
agreement entered into pursuant to this section shall be solely 12285
for the purpose of dedicating staff to the expeditious and timely 12286
review of environmentally related documents submitted by the 12287
Director of Transportation, as necessary for the approval of 12288
federal permits. The agreements may include provisions for advance 12289
payment by the Director of Transportation for labor and all other 12290
identifiable costs of the United States or any department or 12291
agency of the United States providing the services, as may be 12292
estimated by the United States, or the department or agency of the 12293
United States. The Director shall submit a request to the 12294
Controlling Board indicating the amount of the agreement, the 12295
services to be performed by the United States or the department or 12296
agency of the United States, and the circumstances giving rise to 12297
the agreement. 12298

Section 757.10. Notwithstanding Chapter 5735. of the Revised 12300
Code, the following shall apply for the period of July 1, 2013, 12301
through June 30, 2015: 12302

(A) For the discount under section 5735.06 of the Revised 12303
Code, if the monthly report is timely filed and the tax is timely 12304
paid, one per cent of the total number of gallons of motor fuel 12305
received by the motor fuel dealer within the state during the 12306
preceding calendar month, less the total number of gallons 12307
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 12308
the Revised Code, less one-half of one per cent of the total 12309
number of gallons of motor fuel that were sold to a retail dealer 12310
during the preceding calendar month. 12311

(B) For the semiannual periods ending December 31, 2013, June 30, 2014, December 31, 2014, and June 30, 2015, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be one-half of one per cent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

Section 757.20. (A) The Department of Taxation shall notify taxpayers of the requirement to separately identify taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways as distinguished from other taxable gross receipts. The Department shall collect data from taxpayers affected by the amendments to sections 5751.02, 5751.051, and 5751.20 of the Revised Code to determine which of such taxpayers' receipts received between December 7, 2012, and June 30, 2013, were attributable to motor fuel used for propelling vehicles on public highways.

(B)(1) On or before June 30, 2013, the Tax Commissioner shall certify to the Director of Budget and Management an estimated amount of commercial activity tax revenue received between December 7, 2012, and June 30, 2013, derived from taxable gross receipts attributable to motor fuel used for propelling vehicles on public highways. The Director shall transfer the amount so certified from the General Revenue Fund to the Commercial Activity Tax Motor Fuel Receipts Fund.

(2) Before the Director of Budget and Management completes the transfer required under division (B)(2) of section 5751.20 of the Revised Code on or before November 20, 2013, the Commissioner shall certify a reconciliation of the amount described in division (B)(1) of this section to the Director based on information the Commissioner receives from taxpayers affected by the amendment by this act of sections 5751.02, 5751.051, and 5751.20 of the Revised Code. The director shall use that certified, reconciled amount to

offset or augment the transfer required to be made by the Director 12343
on or before November 20, 2013. 12344

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 12345
APPROPRIATIONS 12346

Law contained in the main operating appropriations act of the 12347
130th General Assembly that is generally applicable to the 12348
appropriations made in the main operating appropriations act also 12349
is generally applicable to the appropriations made in this act. 12350

Section 801.20. As used in the uncodified law of this act, 12351
"American Recovery and Reinvestment Act of 2009" means the 12352
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 12353
111-5, 123 Stat. 115. 12354

Section 806.10. The items of law contained in this act, and 12355
their applications, are severable. If any item of law contained in 12356
this act, or if any application of any item of law contained in 12357
this act, is held invalid, the invalidity does not affect other 12358
items of law contained in this act and their applications that can 12359
be given effect without the invalid item or application. 12360

Section 812.10. Except as otherwise provided in this act, the 12361
amendment, enactment, or repeal by this act of a section of law is 12362
subject to the referendum under Ohio Constitution, Article II, 12363
Section 1c and therefore takes effect on the ninety-first day 12364
after this act is filed with the Secretary of State or, if a later 12365
effective date is specified below, on that date. 12366

Section 812.20. In this section, an "appropriation" includes 12367
another provision of law in this act that relates to the subject 12368
of the appropriation. 12369

An appropriation of money made in this act is not subject to 12370

the referendum insofar as a contemplated expenditure authorized 12371
thereby is wholly to meet a current expense within the meaning of 12372
Ohio Constitution, Article II, Section 1d and section 1.471 of the 12373
Revised Code. To that extent, the appropriation takes effect 12374
immediately when this act becomes law. Conversely, the 12375
appropriation is subject to the referendum insofar as a 12376
contemplated expenditure authorized thereby is wholly or partly 12377
not to meet a current expense within the meaning of Ohio 12378
Constitution, Article II, Section 1d and section 1.471 of the 12379
Revised Code. To that extent, the appropriation takes effect on 12380
the ninety-first day after this act is filed with the Secretary of 12381
State. 12382

Section 812.30. The amendment by this act of Section 10 of 12383
Am. Sub. H.B. 386 of the 129th General Assembly goes into 12384
immediate effect. 12385

Section 815.10. The General Assembly, applying the principle 12386
stated in division (B) of section 1.52 of the Revised Code that 12387
amendments are to be harmonized if reasonably capable of 12388
simultaneous operation, finds that the following sections, 12389
presented in this act as composites of the sections as amended by 12390
the acts indicated, are the resulting versions of the sections in 12391
effect prior to the effective date of the sections as presented in 12392
this act: 12393

Section 5739.02 of the Revised Code as amended by both Am. 12394
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly. 12395

Section 5747.01 of the Revised Code as amended by Am. H.B. 12396
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th 12397
General Assembly. 12398

Section 5751.01 of the Revised Code as amended by both Am. 12399
Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly. 12400

Section 5751.20 of the Revised Code as amended by both Am.	12401
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly.	12402