

**As Pending in the House Finance and Appropriations Committee
(L# 0011-3)**

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

Sub. H. B. No. 35

Representative McGregor

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A B I L L

To amend sections 9.33, 126.06, 127.14, 153.01,	1
153.65, 307.05, 307.051, 307.055, 505.37, 505.375,	2
505.44, 505.72, 3705.242, 4501.03, 4501.04,	3
4501.041, 4501.042, 4501.043, 4501.06, 4503.42,	4
4503.45, 4503.49, 4504.19, 4504.21, 4506.08,	5
4506.09, 4507.011, 4507.23, 4508.08, 4511.13,	6
4513.263, 4513.53, 4513.66, 4561.21, 4743.05,	7
4765.02, 4765.03, 4765.04, 4765.05, 4765.06,	8
4765.07, 4765.08, 4765.09, 4765.10, 4765.101,	9
4765.102, 4765.11, 4765.111, 4765.112, 4765.113,	10
4765.114, 4765.115, 4765.116, 4765.12, 4765.15,	11
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4765.42, 4765.48, 4765.49, 4765.55, 4765.56,	15
4766.01, 4766.03, 4766.04, 4766.05, 4766.07,	16
4766.08, 4766.09, 4766.10, 4766.11, 4766.12,	17
4766.13, 4766.15, 4766.22, 5501.73, 5501.77,	18
5502.01, 5503.04, 5515.01, 5517.011, 5517.02,	19
5525.01, 5525.16, 5751.02, 5751.051, and 5751.20;	20
to enact sections 4501.031 and 5517.021; and to	21
repeal sections 4501.13, 4766.02, 4766.20,	22
4981.36, and 4981.361 of the Revised Code; to	23

amend Section 10 of Am. Sub. H.B. 386 of the 129th 24
General Assembly; and to amend Sections 203.80 and 25
203.83 of Sub. H.B. 482 of the 129th General 26
Assembly to make appropriations for programs 27
related to transportation and public safety for 28
the biennium beginning July 1, 2013, and ending 29
June 30, 2015, and to provide authorization and 30
conditions for the operation of those programs. 31

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

Section 101.01. That sections 9.33, 126.06, 127.14, 153.01, 32
153.65, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 33
3705.242, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 34
4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4506.08, 4506.09, 35
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4561.21, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 37
4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 38
4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 39
4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 40
4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 41
4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 42
4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 43
4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 44
5501.73, 5501.77, 5502.01, 5503.04, 5515.01, 5517.011, 5517.02, 45
5525.01, 5525.16, 5751.02, 5751.051, and 5751.20 be amended, and 46
sections 4501.031 and 5517.021 of the Revised Code be enacted to 47
read as follows: 48

Sec. 9.33. As used in sections 9.33 to 9.335 of the Revised 49
Code: 50

(A) "Construction manager" means a person with substantial 51
discretion and authority to plan, coordinate, manage, and direct 52

all phases of a project for the construction, demolition, 53
alteration, repair, or reconstruction of any public building, 54
structure, or other improvement, but does not mean the person who 55
provides the professional design services or who actually performs 56
the construction, demolition, alteration, repair, or 57
reconstruction work on the project. 58

(B)(1) "Construction manager at risk" means a person with 59
substantial discretion and authority to plan, coordinate, manage, 60
direct, and construct all phases of a project for the 61
construction, demolition, alteration, repair, or reconstruction of 62
any public building, structure, or other improvement and who 63
provides the public authority a guaranteed maximum price as 64
determined in section 9.334 of the Revised Code. 65

(2) As used in division (B)(1) of this section: 66

(a) "Construct" includes performing, or subcontracting for 67
performing, construction, demolition, alteration, repair, or 68
reconstruction. 69

(b) "Manage" includes approving bidders and awarding 70
subcontracts for furnishing materials regarding, or for 71
performing, construction, demolition, alteration, repair, or 72
reconstruction. 73

(C) "Construction management contract" means a contract 74
between a public authority and another person obligating the 75
person to provide construction management services. 76

(D) "Construction management services" or "management 77
services" means the range of services that either a construction 78
manager or a construction manager at risk may provide. 79

(E) "Qualified" means having the following qualifications: 80

(1) Competence to perform the required management services as 81
indicated by the technical training, education, and experience of 82

the construction manager's or construction manager at risk's 83
personnel, especially the technical training, education, and 84
experience of the construction manager's or construction manager 85
at risk's employees who would be assigned to perform the services; 86

(2) Ability in terms of workload and the availability of 87
qualified personnel, equipment, and facilities to perform the 88
required management services competently and expeditiously; 89

(3) Past performance as reflected by the evaluations of 90
previous clients with respect to factors such as control of costs, 91
quality of work, and meeting of deadlines; 92

(4) Financial responsibility as evidenced by the capability 93
to provide a letter of credit pursuant to Chapter 1305. of the 94
Revised Code, a surety bond, certified check, or cashier's check 95
in an amount equal to the value of the construction management 96
contract, or by other means acceptable to the public authority; 97

(5) Other similar factors. 98

(F)(1) "Public authority" means the state, any state 99
institution of higher education as defined in section 3345.011 of 100
the Revised Code, any county, township, municipal corporation, 101
school district, or other political subdivision, or any public 102
agency, authority, board, commission, instrumentality, or special 103
purpose district of the state or of a political subdivision. 104

(2) "Public authority" does not include the Ohio turnpike 105
commission or the department of transportation. 106

(G) "Open book pricing method" means a method in which a 107
construction manager at risk provides the public authority, at the 108
public authority's request, all books, records, documents, and 109
other data in its possession pertaining to the bidding, pricing, 110
or performance of a construction management contract awarded to 111
the construction manager at risk. 112

Sec. 126.06. The total operating fund consists of all funds 113
in the state treasury except the auto registration distribution 114
fund, local motor vehicle license tax fund, development bond 115
retirement fund, facilities establishment fund, gasoline excise 116
tax fund, higher education improvement fund, highway improvement 117
bond retirement fund, highway obligations bond retirement fund, 118
highway capital improvement fund, improvements bond retirement 119
fund, mental health facilities improvement fund, parks and 120
recreation improvement fund, public improvements bond retirement 121
fund, school district income tax fund, state agency facilities 122
improvement fund, state and local government highway distribution 123
fund, state highway safety fund, Vietnam conflict compensation 124
fund, any other fund determined by the director of budget and 125
management to be a bond fund or bond retirement fund, and such 126
portion of the highway operating fund as is determined by the 127
director of budget and management and the director of 128
transportation to be restricted by Section 5a of Article XII, Ohio 129
Constitution. 130

When determining the availability of money in the total 131
operating fund to pay claims chargeable to a fund contained within 132
the total operating fund, the director of budget and management 133
shall use the same procedures and criteria the director employs in 134
determining the availability of money in a fund contained within 135
the total operating fund. The director may establish limits on the 136
negative cash balance of the general revenue fund within the total 137
operating fund, but in no case shall the negative cash balance of 138
the general revenue fund exceed ten per cent of the total revenue 139
of the general revenue fund in the preceding fiscal year. 140

Sec. 127.14. The controlling board may, at the request of any 141
state agency or the director of budget and management, authorize, 142
with respect to the provisions of any appropriation act: 143

144

(A) Transfers of all or part of an appropriation within but 145
not between state agencies, except such transfers as the director 146
of budget and management is authorized by law to make, provided 147
that no transfer shall be made by the director for the purpose of 148
effecting new or changed levels of program service not authorized 149
by the general assembly; 150

(B) Transfers of all or part of an appropriation from one 151
fiscal year to another; 152

(C) Transfers of all or part of an appropriation within or 153
between state agencies made necessary by administrative 154
reorganization or by the abolition of an agency or part of an 155
agency; 156

(D) Transfers of all or part of cash balances in excess of 157
needs from any fund of the state to the general revenue fund or to 158
such other fund of the state to which the money would have been 159
credited in the absence of the fund from which the transfers are 160
authorized to be made, except that the controlling board may not 161
authorize such transfers from the accrued leave liability fund, 162
auto registration distribution fund, local motor vehicle license 163
tax fund, budget stabilization fund, development bond retirement 164
fund, facilities establishment fund, gasoline excise tax fund, 165
general revenue fund, higher education improvement fund, highway 166
improvement bond retirement fund, highway obligations bond 167
retirement fund, highway capital improvement fund, highway 168
operating fund, horse racing tax fund, improvements bond 169
retirement fund, public library fund, liquor control fund, local 170
government fund, local transportation improvement program fund, 171
mental health facilities improvement fund, Ohio fairs fund, parks 172
and recreation improvement fund, public improvements bond 173
retirement fund, school district income tax fund, state agency 174
facilities improvement fund, state and local government highway 175

distribution fund, state highway safety fund, state lottery fund, 176
undivided liquor permit fund, Vietnam conflict compensation bond 177
retirement fund, volunteer fire fighters' dependents fund, 178
waterways safety fund, wildlife fund, workers' compensation fund, 179
or any fund not specified in this division that the director of 180
budget and management determines to be a bond fund or bond 181
retirement fund; 182

(E) Transfers of all or part of those appropriations included 183
in the emergency purposes account of the controlling board; 184

(F) Temporary transfers of all or part of an appropriation or 185
other moneys into and between existing funds, or new funds, as may 186
be established by law when needed for capital outlays for which 187
notes or bonds will be issued; 188

(G) Transfer or release of all or part of an appropriation to 189
a state agency requiring controlling board approval of such 190
transfer or release as provided by law; 191

(H) Temporary transfer of funds included in the emergency 192
purposes appropriation of the controlling board. Such temporary 193
transfers may be made subject to conditions specified by the 194
controlling board at the time temporary transfers are authorized. 195
No transfers shall be made under this division for the purpose of 196
effecting new or changed levels of program service not authorized 197
by the general assembly. 198

As used in this section, "request" means an application by a 199
state agency or the director of budget and management seeking some 200
action by the controlling board. 201

When authorizing the transfer of all or part of an 202
appropriation under this section, the controlling board may 203
authorize the transfer to an existing appropriation item and the 204
creation of and transfer to a new appropriation item. 205

Whenever there is a transfer of all or part of funds included 206

in the emergency purposes appropriation by the controlling board, 207
pursuant to division (E) of this section, the state agency or the 208
director of budget and management receiving such transfer shall 209
keep a detailed record of the use of the transferred funds. At the 210
earliest scheduled meeting of the controlling board following the 211
accomplishment of the purposes specified in the request originally 212
seeking the transfer, or following the total expenditure of the 213
transferred funds for the specified purposes, the state agency or 214
the director of budget and management shall submit a report on the 215
expenditure of such funds to the board. The portion of any 216
appropriation so transferred which is not required to accomplish 217
the purposes designated in the original request to the controlling 218
board shall be returned to the proper appropriation of the 219
controlling board at this time. 220

Notwithstanding any provisions of law providing for the 221
deposit of revenues received by a state agency to the credit of a 222
particular fund in the state treasury, whenever there is a 223
temporary transfer of funds included in the emergency purposes 224
appropriation of the controlling board pursuant to division (H) of 225
this section, revenues received by any state agency receiving such 226
a temporary transfer of funds shall, as directed by the 227
controlling board, be transferred back to the emergency purposes 228
appropriation. 229

The board may delegate to the director of budget and 230
management authority to approve transfers among items of 231
appropriation under division (A) of this section. 232

Sec. 153.01. (A) Whenever any building or structure for the 233
use of the state or any institution supported in whole or in part 234
by the state or in or upon the public works of the state that is 235
administered by the Ohio facilities construction commission or by 236
any other state officer or state agency authorized by law to 237

administer a project, including an educational institution listed 238
in section 3345.50 of the Revised Code, is to be erected or 239
constructed, whenever additions, alterations, or structural or 240
other improvements are to be made, or whenever heating, cooling, 241
or ventilating plants or other equipment is to be installed or 242
material supplied therefor, the estimated cost of which amounts to 243
two hundred thousand dollars or more, or the amount determined 244
pursuant to section 153.53 of the Revised Code or more, each 245
officer, board, or other authority upon which devolves the duty of 246
constructing, erecting, altering, or installing the same, referred 247
to in sections 153.01 to 153.60 of the Revised Code as the public 248
authority, shall cause to be made, by an architect or engineer 249
whose contract of employment shall be prepared and approved by the 250
attorney general, the following: 251

(1) Full and accurate plans, suitable for the use of 252
mechanics and other builders in the construction, improvement, 253
addition, alteration, or installation; 254

(2) Details to scale and full-sized, so drawn and represented 255
as to be easily understood; 256

(3) Definite and complete specifications of the work to be 257
performed, together with directions that will enable a competent 258
mechanic or other builder to carry them out and afford bidders all 259
needful information; 260

(4) A full and accurate estimate of each item of expense and 261
the aggregate cost of those items of expense; 262

(5) A life-cycle cost analysis; 263

(6) Further data as may be required by the Ohio facilities 264
construction commission. 265

(B)(1) Division (A) of this section shall not be required 266
with respect to a construction management contract entered into 267
with a construction manager at risk as described in section 9.334 268

of the Revised Code or a design-build contract entered into with a 269
design-build firm as described in section 153.693 of the Revised 270
Code. 271

(2) Nothing in this chapter shall interfere with the power of 272
the director of transportation to prepare plans for, acquire 273
rights-of-way for, construct, or maintain transportation 274
facilities, or to let contracts for those purposes. 275

Sec. 153.65. As used in sections 153.65 to 153.73 of the 276
Revised Code: 277

(A)(1) "Public authority" means the state, a state 278
institution of higher education as defined in section 3345.011 of 279
the Revised Code, a county, township, municipal corporation, 280
school district, or other political subdivision, or any public 281
agency, authority, board, commission, instrumentality, or special 282
purpose district of the state or of a political subdivision. 283

(2) "Public authority" does not include the Ohio turnpike 284
commission or the department of transportation. 285

(B) "Professional design firm" means any person legally 286
engaged in rendering professional design services. 287

(C) "Professional design services" means services within the 288
scope of practice of an architect or landscape architect 289
registered under Chapter 4703. of the Revised Code or a 290
professional engineer or surveyor registered under Chapter 4733. 291
of the Revised Code. 292

(D) "Qualifications" means all of the following: 293

(1)(a) For a professional design firm, competence to perform 294
the required professional design services as indicated by the 295
technical training, education, and experience of the firm's 296
personnel, especially the technical training, education, and 297
experience of the employees within the firm who would be assigned 298

to perform the services;	299
(b) For a design-build firm, competence to perform the	300
required design-build services as indicated by the technical	301
training, education, and experience of the design-build firm's	302
personnel and key consultants, especially the technical training,	303
education, and experience of the employees and consultants of the	304
design-build firm who would be assigned to perform the services,	305
including the proposed architect or engineer of record.	306
(2) Ability of the firm in terms of its workload and the	307
availability of qualified personnel, equipment, and facilities to	308
perform the required professional design services or design-build	309
services competently and expeditiously;	310
(3) Past performance of the firm as reflected by the	311
evaluations of previous clients with respect to such factors as	312
control of costs, quality of work, and meeting of deadlines;	313
(4) Any other relevant factors as determined by the public	314
authority;	315
(5) With respect to a design-build firm, compliance with	316
sections 4703.182, 4703.332, and 4733.16 of the Revised Code,	317
including the use of a licensed design professional for all design	318
services.	319
(E) "Design-build contract" means a contract between a public	320
authority and another person that obligates the person to provide	321
design-build services.	322
(F) "Design-build firm" means a person capable of providing	323
design-build services.	324
(G) "Design-build services" means services that form an	325
integrated delivery system for which a person is responsible to a	326
public authority for both the design and construction, demolition,	327
alteration, repair, or reconstruction of a public improvement.	328

(H) "Architect or engineer of record" means the architect or 329
engineer that serves as the final signatory on the plans and 330
specifications for the design-build project. 331

(I) "Criteria architect or engineer" means the architect or 332
engineer retained by a public authority to prepare conceptual 333
plans and specifications, to assist the public authority in 334
connection with the establishment of the design criteria for a 335
design-build project, and, if requested by the public authority, 336
to serve as the representative of the public authority and 337
provide, during the design-build project, other design and 338
construction administration services on behalf of the public 339
authority, including but not limited to, confirming that the 340
design prepared by the design-build firm reflects the original 341
design intent established in the design criteria package. 342

(J) "Open book pricing method" means a method in which a 343
design-build firm provides the public authority, at the public 344
authority's request, all books, records, documents, contracts, 345
subcontracts, purchase orders, and other data in its possession 346
pertaining to the bidding, pricing, or performance of a contract 347
for design-build services awarded to the design-build firm. 348

Sec. 307.05. As used in this section, "emergency medical 349
service organization" has the same meaning as in section 4765.01 350
of the Revised Code. 351

A board of county commissioners may operate an ambulance 352
service organization or emergency medical service organization, 353
or, in counties with a population of forty thousand or less, may 354
operate a nonemergency patient transport service organization, or 355
may enter into a contract with one or more counties, townships, 356
municipal corporations, nonprofit corporations, joint emergency 357
medical services districts, fire and ambulance districts, or 358
private ambulance owners, regardless of whether such counties, 359

townships, municipal corporations, nonprofit corporations, joint 360
emergency medical services districts, fire and ambulance 361
districts, or private ambulance owners are located within or 362
without the state, in order to furnish or obtain the services of 363
ambulance service organizations, to furnish or obtain additional 364
services from ambulance service organizations in times of 365
emergency, to furnish or obtain the services of emergency medical 366
service organizations, or, in counties with a population of forty 367
thousand or less, to furnish or obtain services of nonemergency 368
patient transport service organizations, or may enter into a 369
contract with any such entity to furnish or obtain the interchange 370
of services from ambulance or emergency medical service 371
organizations, or, within counties with a population of forty 372
thousand or less, to furnish or obtain the interchange of services 373
from nonemergency patient transport service organizations, within 374
the territories of the contracting subdivisions. Except in the 375
case of a contract with a joint emergency medical services 376
district to obtain the services of emergency medical service 377
organizations, such contracts shall not be entered into with a 378
public agency or nonprofit corporation that receives more than 379
half of its operating funds from governmental entities with the 380
intention of directly competing with the operation of other 381
ambulance service organizations, nonemergency patient transport 382
service organizations, or emergency medical service organizations 383
in the county unless the public agency or nonprofit corporation is 384
awarded the contract after submitting the lowest and best bid to 385
the board of county commissioners. Any county wishing to commence 386
operation of a nonemergency patient transport service organization 387
or wishing to enter into a contract for the first time to furnish 388
or obtain services from a nonemergency patient transport service 389
organization on or after March 1, 1993, including a county in 390
which a private provider has been providing the service, shall 391
demonstrate the need for public funding for the service to, and 392

obtain approval from, the state board of emergency medical, fire, 393
and transportation services or its immediate successor board prior 394
to operating or funding the organization. 395

When such an organization is operated by the board, the 396
organization may be administered by the board, by the county 397
sheriff, or by another county officer or employee designated by 398
the board. All rules, including the determining of reasonable 399
rates, necessary for the establishment, operation, and maintenance 400
of such an organization shall be adopted by the board. 401

A contract for services of an ambulance service, nonemergency 402
patient transport service, or emergency medical service 403
organization shall include the terms, conditions, and stipulations 404
as agreed to by the parties to the contract. It may provide for a 405
fixed annual charge to be paid at the times agreed upon and 406
stipulated in the contract, or for compensation based upon a 407
stipulated price for each run, call, or emergency or the number of 408
persons or pieces of apparatus employed, or the elapsed time of 409
service required in such run, call, or emergency, or any 410
combination thereof. 411

Sec. 307.051. As used in this section, "emergency medical 412
service organization" has the same meaning as in section 4766.01 413
of the Revised Code. 414

A board of county commissioners, by adoption of an 415
appropriate resolution, may choose to have the ~~Ohio~~ state board of 416
emergency medical, fire, and transportation ~~board~~ services license 417
any emergency medical service organization it operates. If a board 418
adopts such a resolution, Chapter 4766. of the Revised Code, 419
except for sections 4766.06 and 4766.99 of the Revised Code, 420
applies to the county emergency medical service organization. All 421
rules adopted under the applicable sections of that chapter also 422
apply to the organization. A board, by adoption of an appropriate 423

resolution, may remove its emergency medical service organization 424
from the jurisdiction of the ~~Ohio~~ state board of emergency 425
medical, fire, and transportation board services. 426

Sec. 307.055. (A) Subject to the terms and conditions of the 427
joint resolution creating it, each joint emergency medical 428
services district may furnish ambulance services and emergency 429
medical services by one of the following methods: 430

(1) By operating an emergency medical service organization as 431
defined in section 4765.01 of the Revised Code; 432

(2) By contracting for the operation of one or more 433
facilities pursuant to division (C) or (D) of this section; 434

(3) By providing necessary services and equipment to the 435
district either directly or under a contract entered into pursuant 436
to division (B) of this section; 437

(4) By providing service through any combination of methods 438
described in divisions (A)(1) to (3) of this section. 439

(B) In order to obtain ambulance service, to obtain 440
additional ambulance service in times of emergency, or to obtain 441
emergency medical services, a joint emergency medical services 442
district may enter into a contract, for a period not to exceed 443
three years, with one or more counties, townships, municipal 444
corporations, joint fire districts, other governmental units that 445
provide ambulance service or emergency medical services, nonprofit 446
corporations, or private ambulance owners, regardless of whether 447
the entities contracted with are located within or outside this 448
state, upon such terms as are agreed to, to furnish or receive 449
ambulance services or the interchange of ambulance services or 450
emergency medical services within the several territories of the 451
contracting subdivisions, if the contract is first authorized by 452
all boards of trustees and legislative authorities in the 453

territories to be served. 454

Such a contract may provide for a fixed annual charge to be 455
paid at the times agreed upon and stipulated in the contract; or 456
for compensation based on a stipulated price for each run, call, 457
or emergency or based on the elapsed time of service required for 458
each run, call, or emergency, or based on any combination of 459
these. 460

Expenditures of a district for ambulance service or emergency 461
medical service, whether pursuant to contract or otherwise, are 462
lawful expenditures, regardless of whether the district or the 463
party with which it contracts charges an additional fee to users 464
of the service. 465

(C) The board of trustees may enter into a contract with any 466
person, municipal corporation, township, or other political 467
subdivision, and any political subdivision may contract with the 468
board, for the operation and maintenance of emergency medical 469
services facilities regardless of whether the facilities used are 470
owned or leased by the district, by another political subdivision, 471
or by the contractor. 472

(D) The district may purchase, lease, and maintain all 473
materials, buildings, land, and equipment, including vehicles, the 474
board considers necessary for the district. 475

When the board finds, by resolution, that the district has 476
personal property that is not needed for public use, or is 477
obsolete or unfit for the use for which it was acquired, the board 478
may dispose of the property in the same manner as provided in 479
section 307.12 of the Revised Code. 480

(E) Except in the case of a contract with a board of county 481
commissioners for the provision of services of an emergency 482
medical service organization, any contract entered into by a joint 483
emergency medical services district shall conform to the same 484

bidding requirements that apply to county contracts under sections 485
307.86 to 307.92 of the Revised Code. 486

(F) A county participating in a joint district may contribute 487
any of its rights or interests in real or personal property, 488
including money, and may contribute services to the district. Any 489
such contributions shall be made by a written agreement between 490
the contributing county and the district, specifying the 491
contribution as well as the rights of the participating counties 492
in the contributed property. Written agreements shall also be 493
prepared specifying the rights of participating counties in 494
property acquired by the district other than by contribution of a 495
participating county. Written agreements required by this division 496
may be amended only by written agreement of all parties to the 497
original agreement. 498

(G) A district's board of trustees, by adoption of an 499
appropriate resolution, may choose to have the ~~Ohio~~ state board of 500
emergency medical, fire, and transportation board services license 501
any emergency medical service organization the district operates. 502
If a board adopts such a resolution, Chapter 4766. of the Revised 503
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 504
applies to the district emergency medical service organization. 505
All rules adopted under the applicable sections of that chapter 506
also apply to the organization. A board, by adoption of an 507
appropriate resolution, may remove the district emergency medical 508
service organization from the jurisdiction of the ~~Ohio~~ state board 509
of emergency medical, fire, and transportation board services. 510

Sec. 505.37. (A) The board of township trustees may establish 511
all necessary rules to guard against the occurrence of fires and 512
to protect the property and lives of the citizens against damage 513
and accidents, and may, with the approval of the specifications by 514
the prosecuting attorney or, if the township has adopted limited 515

home rule government under Chapter 504. of the Revised Code, with 516
the approval of the specifications by the township's law director, 517
purchase, lease, lease with an option to purchase, or otherwise 518
provide any fire apparatus, mechanical resuscitators, or other 519
equipment, appliances, materials, fire hydrants, and water supply 520
for fire-fighting purposes that seems advisable to the board. The 521
board shall provide for the care and maintenance of fire 522
equipment, and, for these purposes, may purchase, lease, lease 523
with an option to purchase, or construct and maintain necessary 524
buildings, and it may establish and maintain lines of fire-alarm 525
communications within the limits of the township. The board may 526
employ one or more persons to maintain and operate fire-fighting 527
equipment, or it may enter into an agreement with a volunteer fire 528
company for the use and operation of fire-fighting equipment. The 529
board may compensate the members of a volunteer fire company on 530
any basis and in any amount that it considers equitable. 531

532

When the estimated cost to purchase fire apparatus, 533
mechanical resuscitators, other equipment, appliances, materials, 534
fire hydrants, buildings, or fire-alarm communications equipment 535
or services exceeds fifty thousand dollars, the contract shall be 536
let by competitive bidding. When competitive bidding is required, 537
the board shall advertise once a week for not less than two 538
consecutive weeks in a newspaper of general circulation within the 539
township. The board may also cause notice to be inserted in trade 540
papers or other publications designated by it or to be distributed 541
by electronic means, including posting the notice on the board's 542
internet web site. If the board posts the notice on its web site, 543
it may eliminate the second notice otherwise required to be 544
published in a newspaper of general circulation within the 545
township, provided that the first notice published in such 546
newspaper meets all of the following requirements: 547

(1) It is published at least two weeks before the opening of 548
bids. 549

(2) It includes a statement that the notice is posted on the 550
board's internet web site. 551

(3) It includes the internet address of the board's internet 552
web site. 553

(4) It includes instructions describing how the notice may be 554
accessed on the board's internet web site. 555

The advertisement shall include the time, date, and place 556
where the clerk of the township, or the clerk's designee, will 557
read bids publicly. The time, date, and place of bid openings may 558
be extended to a later date by the board of township trustees, 559
provided that written or oral notice of the change shall be given 560
to all persons who have received or requested specifications not 561
later than ninety-six hours prior to the original time and date 562
fixed for the opening. The board may reject all the bids or accept 563
the lowest and best bid, provided that the successful bidder meets 564
the requirements of section 153.54 of the Revised Code when the 565
contract is for the construction, demolition, alteration, repair, 566
or reconstruction of an improvement. 567

(B) The boards of township trustees of any two or more 568
townships, or the legislative authorities of any two or more 569
political subdivisions, or any combination of these, may, through 570
joint action, unite in the joint purchase, lease, lease with an 571
option to purchase, maintenance, use, and operation of 572
fire-fighting equipment, or for any other purpose designated in 573
sections 505.37 to 505.42 of the Revised Code, and may prorate the 574
expense of the joint action on any terms that are mutually agreed 575
upon. 576

(C) The board of township trustees of any township may, by 577
resolution, whenever it is expedient and necessary to guard 578

against the occurrence of fires or to protect the property and 579
lives of the citizens against damages resulting from their 580
occurrence, create a fire district of any portions of the township 581
that it considers necessary. The board may purchase, lease, lease 582
with an option to purchase, or otherwise provide any fire 583
apparatus, appliances, materials, fire hydrants, and water supply 584
for fire-fighting purposes, or may contract for the fire 585
protection for the fire district as provided in section 9.60 of 586
the Revised Code. The fire district so created shall be given a 587
separate name by which it shall be known. 588

Additional unincorporated territory of the township may be 589
added to a fire district upon the board's adoption of a resolution 590
authorizing the addition. A municipal corporation that is within 591
or adjoining the township may be added to a fire district upon the 592
board's adoption of a resolution authorizing the addition and the 593
municipal legislative authority's adoption of a resolution or 594
ordinance requesting the addition of the municipal corporation to 595
the fire district. 596

If the township fire district imposes a tax, additional 597
unincorporated territory of the township or a municipal 598
corporation that is within or adjoining the township shall become 599
part of the fire district only after all of the following have 600
occurred: 601

(1) Adoption by the board of township trustees of a 602
resolution approving the expansion of the territorial limits of 603
the district and, if the resolution proposes to add a municipal 604
corporation, adoption by the municipal legislative authority of a 605
resolution or ordinance requesting the addition of the municipal 606
corporation to the district; 607

(2) Adoption by the board of township trustees of a 608
resolution recommending the extension of the tax to the additional 609
territory; 610

(3) Approval of the tax by the electors of the territory 611
proposed for addition to the district. 612

Each resolution of the board adopted under division (C)(2) of 613
this section shall state the name of the fire district, a 614
description of the territory to be added, and the rate and 615
termination date of the tax, which shall be the rate and 616
termination date of the tax currently in effect in the fire 617
district. 618

The board of trustees shall certify each resolution adopted 619
under division (C)(2) of this section to the board of elections in 620
accordance with section 5705.19 of the Revised Code. The election 621
required under division (C)(3) of this section shall be held, 622
canvassed, and certified in the manner provided for the submission 623
of tax levies under section 5705.25 of the Revised Code, except 624
that the question appearing on the ballot shall read: 625

"Shall the territory within 626
(description of the proposed territory to be added) be added to 627
..... (name) fire district, and a property tax 628
at a rate of taxation not exceeding (here insert tax rate) 629
be in effect for (here insert the number of years the 630
tax is to be in effect or "a continuing period of time," as 631
applicable)?" 632

If the question is approved by at least a majority of the 633
electors voting on it, the joinder shall be effective as of the 634
first day of July of the year following approval, and on that 635
date, the township fire district tax shall be extended to the 636
taxable property within the territory that has been added. If the 637
territory that has been added is a municipal corporation and if it 638
had adopted a tax levy for fire purposes, the levy is terminated 639
on the effective date of the joinder. 640

Any municipal corporation may withdraw from a township fire 641

district created under division (C) of this section by the 642
adoption by the municipal legislative authority of a resolution or 643
ordinance ordering withdrawal. On the first day of July of the 644
year following the adoption of the resolution or ordinance of 645
withdrawal, the municipal corporation withdrawing ceases to be a 646
part of the district, and the power of the fire district to levy a 647
tax upon taxable property in the withdrawing municipal corporation 648
terminates, except that the fire district shall continue to levy 649
and collect taxes for the payment of indebtedness within the 650
territory of the fire district as it was composed at the time the 651
indebtedness was incurred. 652

Upon the withdrawal of any municipal corporation from a 653
township fire district created under division (C) of this section, 654
the county auditor shall ascertain, apportion, and order a 655
division of the funds on hand, moneys and taxes in the process of 656
collection except for taxes levied for the payment of 657
indebtedness, credits, and real and personal property, either in 658
money or in kind, on the basis of the valuation of the respective 659
tax duplicates of the withdrawing municipal corporation and the 660
remaining territory of the fire district. 661

A board of township trustees may remove unincorporated 662
territory of the township from the fire district upon the adoption 663
of a resolution authorizing the removal. On the first day of July 664
of the year following the adoption of the resolution, the 665
unincorporated township territory described in the resolution 666
ceases to be a part of the district, and the power of the fire 667
district to levy a tax upon taxable property in that territory 668
terminates, except that the fire district shall continue to levy 669
and collect taxes for the payment of indebtedness within the 670
territory of the fire district as it was composed at the time the 671
indebtedness was incurred. 672

(D) The board of township trustees of any township, the board 673

of fire district trustees of a fire district created under section 674
505.371 of the Revised Code, or the legislative authority of any 675
municipal corporation may purchase, lease, or lease with an option 676
to purchase the necessary fire-fighting equipment, buildings, and 677
sites for the township, fire district, or municipal corporation 678
and issue securities for that purpose with maximum maturities as 679
provided in section 133.20 of the Revised Code. The board of 680
township trustees, board of fire district trustees, or legislative 681
authority may also construct any buildings necessary to house 682
fire-fighting equipment and issue securities for that purpose with 683
maximum maturities as provided in section 133.20 of the Revised 684
Code. 685

The board of township trustees, board of fire district 686
trustees, or legislative authority may issue the securities of the 687
township, fire district, or municipal corporation, signed by the 688
board or designated officer of the municipal corporation and 689
attested by the signature of the township fiscal officer, fire 690
district clerk, or municipal clerk, covering any deferred payments 691
and payable at the times provided, which securities shall bear 692
interest not to exceed the rate determined as provided in section 693
9.95 of the Revised Code, and shall not be subject to Chapter 133. 694
of the Revised Code. The legislation authorizing the issuance of 695
the securities shall provide for levying and collecting annually 696
by taxation, amounts sufficient to pay the interest on and 697
principal of the securities. The securities shall be offered for 698
sale on the open market or given to the vendor or contractor if no 699
sale is made. 700

Section 505.40 of the Revised Code does not apply to any 701
securities issued, or any lease with an option to purchase entered 702
into, in accordance with this division. 703

(E) A board of township trustees of any township or a board 704
of fire district trustees of a fire district created under section 705

505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

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

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

organization from the jurisdiction of the ~~Ohio~~ state board of 738
emergency medical, fire, and transportation ~~board~~ services. 739

Sec. 505.375. (A)(1)(a) The boards of township trustees of 740
one or more townships and the legislative authorities of one or 741
more municipal corporations, or the legislative authorities of two 742
or more municipal corporations, or the boards of township trustees 743
of two or more townships, may negotiate an agreement to form a 744
fire and ambulance district for the delivery of both fire and 745
ambulance services. The agreement shall be ratified by the 746
adoption of a joint resolution by a majority of the members of 747
each board of township trustees involved and a majority of the 748
members of the legislative authority of each municipal corporation 749
involved. The joint resolution shall specify a date on which the 750
fire and ambulance district shall come into being. 751

(b) If a joint fire district created under section 505.371 of 752
the Revised Code or a joint ambulance district created under 753
section 505.71 of the Revised Code is dissolved to facilitate the 754
creation of a fire and ambulance district under division (A)(1)(a) 755
of this section, the townships and municipal corporations forming 756
the fire and ambulance district may transfer to the fire and 757
ambulance district any of the funds on hand, moneys and taxes in 758
the process of collection, credits, and real and personal property 759
apportioned to them under division (D) of section 505.371 of the 760
Revised Code or section 505.71 of the Revised Code, as applicable, 761
for use by the fire and ambulance district in accordance with this 762
section. 763

(2)(a) The board of trustees of a joint ambulance district 764
created under section 505.71 of the Revised Code and the board of 765
fire district trustees of a joint fire district created under 766
section 505.371 of the Revised Code may negotiate to combine their 767
two joint districts into a single fire and ambulance district for 768

the delivery of both fire and ambulance services, if the 769
geographic area covered by the combining joint districts is 770
exactly the same. Both boards shall adopt a joint resolution 771
ratifying the agreement and setting a date on which the fire and 772
ambulance district shall come into being. 773

(b) On that date, the joint fire district and the joint 774
ambulance district shall cease to exist, and the power of each to 775
levy a tax upon taxable property shall terminate, except that any 776
levy of a tax for the payment of indebtedness within the territory 777
of the joint fire or joint ambulance district as it was composed 778
at the time the indebtedness was incurred shall continue to be 779
collected by the successor fire and ambulance district if the 780
indebtedness remains unpaid. All funds and other property of the 781
joint districts shall become the property of the fire and 782
ambulance district, unless otherwise provided in the negotiated 783
agreement. The agreement shall provide for the settlement of all 784
debts and obligations of the joint districts. 785

(B)(1) The governing body of a fire and ambulance district 786
created under division (A)(1) or (2) of this section shall be a 787
board of trustees of at least three but no more than nine members, 788
appointed as provided in the agreement creating the district. 789
Members of the board may be compensated at a rate not to exceed 790
thirty dollars per meeting for not more than fifteen meetings per 791
year, and may be reimbursed for all necessary expenses incurred, 792
as provided in the agreement creating the district. 793

(2) The board shall employ a clerk and other employees as it 794
considers best, including a fire chief or fire prevention 795
officers, and shall fix their compensation. Neither this section 796
nor any other section of the Revised Code requires, or shall be 797
construed to require, that the fire chief of a fire and ambulance 798
district be a resident of the district. 799

Before entering upon the duties of office, the clerk shall 800

execute a bond, in the amount and with surety to be approved by 801
the board, payable to the state, conditioned for the faithful 802
performance of all of the clerk's official duties. The clerk shall 803
deposit the bond with the presiding officer of the board, who 804
shall file a copy of it, certified by the presiding officer, with 805
the county auditor of the county containing the most territory in 806
the district. 807

The board also shall provide for the appointment of a fiscal 808
officer for the district and may enter into agreements with 809
volunteer fire companies for the use and operation of 810
fire-fighting equipment. Volunteer firefighters acting under such 811
an agreement are subject to the requirements for volunteer 812
firefighters set forth in division (A) of section 505.38 of the 813
Revised Code. 814

(3) Employees of the district shall not be removed from 815
office except as provided by sections 733.35 to 733.39 of the 816
Revised Code, except that, to initiate removal proceedings, the 817
board shall designate a private citizen or, if the employee is 818
employed as a firefighter, the board may designate the fire chief, 819
to investigate, conduct the proceedings, and prepare the necessary 820
charges in conformity with those sections, and except that the 821
board shall perform the functions and duties specified for the 822
municipal legislative authority under those sections. The board 823
may pay reasonable compensation to any private citizen hired for 824
services rendered in the matter. 825

(4) No person shall be appointed as a permanent full-time 826
paid member of the district whose duties include fire fighting, or 827
be appointed as a volunteer firefighter, unless that person has 828
received a certificate issued under former section 3303.07 or 829
section 4765.55 of the Revised Code evidencing satisfactory 830
completion of a firefighter training program. The board may send 831
its officers and firefighters to schools of instruction designed 832

to promote the efficiency of firefighters and, if authorized in 833
advance, may pay their necessary expenses from the funds used for 834
the maintenance and operation of the district. 835

The board may choose, by adoption of an appropriate 836
resolution, to have the ~~Ohio~~ state board of emergency medical, 837
fire, and transportation ~~board~~ services license any emergency 838
medical service organization it operates. If the board adopts such 839
a resolution, Chapter 4766. of the Revised Code, except for 840
sections 4766.06 and 4766.99 of the Revised Code, applies to the 841
organization. All rules adopted under the applicable sections of 842
that chapter also apply to the organization. The board may remove, 843
by resolution, its emergency medical service organization from the 844
jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, 845
and transportation ~~board~~ services. 846

(C) The board of trustees of a fire and ambulance district 847
created under division (A)(1) or (2) of this section may exercise 848
the following powers: 849

(1) Purchase or otherwise provide any fire apparatus, 850
mechanical resuscitators, or other fire or ambulance equipment, 851
appliances, or materials; fire hydrants; and water supply for 852
firefighting purposes that seems advisable to the board; 853

(2) Provide for the care and maintenance of equipment and, 854
for that purpose, purchase, lease, lease with an option to 855
purchase, or construct and maintain necessary buildings; 856

(3) Establish and maintain lines of fire-alarm communications 857
within the limits of the district; 858

(4) Appropriate land for a fire station or medical emergency 859
unit needed in order to respond in reasonable time to a fire or 860
medical emergency, in accordance with Chapter 163. of the Revised 861
Code; 862

(5) Purchase, appropriate, or accept a deed or gift of land 863

to enlarge or improve a fire station or medical emergency unit; 864

(6) Purchase, lease, lease with an option to purchase, 865
maintain, and use all materials, equipment, vehicles, buildings, 866
and land necessary to perform its duties; 867

(7) Contract for a period not to exceed three years with one 868
or more townships, municipal corporations, counties, joint fire 869
districts, joint ambulance districts, governmental agencies, 870
nonprofit corporations, or private ambulance owners located either 871
within or outside the state, to furnish or receive ambulance 872
services or emergency medical services within the several 873
territories of the contracting parties, if the contract is first 874
authorized by all boards of trustees and legislative authorities 875
concerned; 876

(8) Establish reasonable charges for the use of ambulance or 877
emergency medical services under the same conditions under which a 878
board of fire district trustees may establish those charges under 879
section 505.371 of the Revised Code; 880

(9) Establish all necessary rules to guard against the 881
occurrence of fires and to protect property and lives against 882
damage and accidents; 883

(10) Adopt a standard code pertaining to fire, fire hazards, 884
and fire prevention prepared and promulgated by the state or by a 885
public or private organization that publishes a model or standard 886
code; 887

(11) Provide for charges for false alarms at commercial 888
establishments in the same manner as joint fire districts are 889
authorized to do under section 505.391 of the Revised Code; 890

(12) Issue bonds and other evidences of indebtedness, subject 891
to Chapter 133. of the Revised Code, but only after approval by a 892
vote of the electors of the district as provided by section 133.18 893
of the Revised Code; 894

(13) To provide the services and equipment it considers 895
necessary, levy a sufficient tax, subject to Chapter 5705. of the 896
Revised Code, on all the taxable property in the district. 897

(D) Any municipal corporation or township may join an 898
existing fire and ambulance district, whether created under 899
division (A)(1) or (2) of this section, by its legislative 900
authority's adoption of a resolution requesting the membership and 901
upon approval of the board of trustees of the district. Any 902
municipal corporation or township may withdraw from a district, 903
whether created under division (A)(1) or (2) of this section, by 904
its legislative authority's adoption of a resolution ordering 905
withdrawal. Upon its withdrawal, the municipal corporation or 906
township ceases to be a part of the district, and the district's 907
power to levy a tax on taxable property in the withdrawing 908
township or municipal corporation terminates, except that the 909
district shall continue to levy and collect taxes for the payment 910
of indebtedness within the territory of the district as it was 911
composed at the time the indebtedness was incurred. 912

Upon the withdrawal of any township or municipal corporation 913
from a district, the county auditor of the county containing the 914
most territory in the district shall ascertain, apportion, and 915
order a division of the funds on hand, including funds in the 916
ambulance and emergency medical services fund, moneys and taxes in 917
the process of collection, except for taxes levied for the payment 918
of indebtedness, credits, and real and personal property on the 919
basis of the valuation of the respective tax duplicates of the 920
withdrawing municipal corporation or township and the remaining 921
territory of the district. 922

(E) As used in this section: 923

(1) "Governmental agency" includes all departments, boards, 924
offices, commissions, agencies, colleges, universities, 925
institutions, and other instrumentalities of this or another 926

state. 927

(2) "Emergency medical service organization" has the same 928
meaning as in section 4766.01 of the Revised Code. 929

Sec. 505.44. As used in this section: 930

(A) "Emergency medical service organization" has the same 931
meaning as in section 4765.01 of the Revised Code. 932

(B) "State agency" means all departments, boards, offices, 933
commissions, agencies, colleges, universities, institutions, and 934
other instrumentalities of this or another state. 935

In order to obtain the services of ambulance service 936
organizations, to obtain additional services from ambulance 937
service organizations in times of emergency, to obtain the 938
services of emergency medical service organizations, or, if the 939
township is located in a county with a population of forty 940
thousand or less, to obtain the services of nonemergency patient 941
transport service organizations, a township may enter into a 942
contract with one or more state agencies, townships, municipal 943
corporations, counties, nonprofit corporations, joint emergency 944
medical services districts, fire and ambulance districts, or 945
private ambulance owners, regardless of whether such state 946
agencies, townships, municipal corporations, counties, nonprofit 947
corporations, joint emergency medical services districts, fire and 948
ambulance districts, or private ambulance owners are located 949
within or outside the state, upon such terms as are agreed to by 950
them, to furnish or receive services from ambulance or emergency 951
medical service organizations or, if the township is located in a 952
county with a population of forty thousand or less, to furnish or 953
receive services from nonemergency patient transport service 954
organizations, or may enter into a contract for the interchange of 955
services from ambulance or emergency medical service organizations 956
or, if the township is located in a county with a population of 957

forty thousand or less, the interchange of services from 958
nonemergency patient transport service organizations, within the 959
several territories of the contracting parties, if the contract is 960
first authorized by the respective boards of township trustees, 961
the other legislative bodies, or the officer or body authorized to 962
contract on behalf of the state agency. Such contracts shall not 963
be entered into with a state agency or nonprofit corporation that 964
receives more than half of its operating funds from governmental 965
entities with the intention of directly competing with the 966
operation of other ambulance, emergency medical, or nonemergency 967
patient transport service organizations in the township unless the 968
state agency or nonprofit corporation is awarded the contract 969
after submitting the lowest and best bid to the board of township 970
trustees. 971

The contract may provide for compensation upon such terms as 972
the parties may agree. 973

Any township wishing to commence providing or wishing to 974
enter into a contract for the first time to furnish or obtain 975
services from nonemergency patient transport service organizations 976
on or after March 1, 1993, including a township in which a private 977
provider has been providing the service, shall demonstrate the 978
need for public funding for the service to, and obtain approval 979
from, the state board of emergency medical, fire, and 980
transportation services or its immediate successor board prior to 981
the establishment of a township-operated or township-funded 982
service. 983

Sec. 505.72. (A) The board of trustees of a joint ambulance 984
district shall provide for the employment of such employees as it 985
considers best, and shall fix their compensation. Such employees 986
shall continue in office until removed as provided by sections 987
733.35 to 733.39 of the Revised Code. To initiate removal 988

proceedings, and for such purpose, the board shall designate a 989
private citizen to investigate the conduct and prepare the 990
necessary charges in conformity with sections 733.35 to 733.39 of 991
the Revised Code. The board may pay reasonable compensation to 992
such person for the person's services. 993

In case of the removal of an employee of the district, an 994
appeal may be had from the decision of the board to the court of 995
common pleas of the county in which such district, or part of it, 996
is situated, to determine the sufficiency of the cause of removal. 997
Such appeal from the findings of the board shall be taken within 998
ten days. 999

(B) As used in this division, "emergency medical service 1000
organization" has the same meaning as in section 4765.01 of the 1001
Revised Code. 1002

(1) In order to obtain the services of ambulance service 1003
organizations, to obtain additional services from ambulance 1004
service organizations in times of emergency, or to obtain the 1005
services of emergency medical service organizations, a district 1006
may enter into a contract, for a period not to exceed three years, 1007
with one or more townships, municipal corporations, joint fire 1008
districts, nonprofit corporations, any other governmental unit 1009
that provides ambulance services or emergency medical services, or 1010
with private ambulance owners, regardless of whether such 1011
townships, municipal corporations, joint fire districts, nonprofit 1012
corporations, governmental unit, or private ambulance owners are 1013
located within or without this state, upon such terms as are 1014
agreed to, to furnish or receive services from ambulance or 1015
emergency medical service organizations or the interchange of 1016
services from ambulance or emergency medical service organizations 1017
within the several territories of the contracting subdivisions, if 1018
such contract is first authorized by all boards of trustees and 1019

legislative authorities concerned. 1020

The contract may provide for a fixed annual charge to be paid 1021
at the times agreed upon and stipulated in the contract, or for 1022
compensation based upon a stipulated price for each run, call, or 1023
emergency, or the elapsed time of service required in such run, 1024
call, or emergency, or any combination thereof. 1025

(2) Expenditures of a district for the services of ambulance 1026
service organizations or emergency medical service organizations, 1027
whether pursuant to contract or otherwise, are lawful 1028
expenditures, regardless of whether the district or the party with 1029
which it contracts charges additional fees to users of the 1030
services. 1031

(3) A district's board of trustees, by adoption of an 1032
appropriate resolution, may choose to have the ~~Ohio state board of~~ 1033
emergency medical, fire, and transportation board services license 1034
any emergency medical service organization the district operates. 1035
If a board adopts such a resolution, Chapter 4766. of the Revised 1036
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1037
applies to the district emergency medical service organization. 1038
All rules adopted under the applicable sections of that chapter 1039
also apply to the organization. A board, by adoption of an 1040
appropriate resolution, may remove the district emergency medical 1041
service organization from the jurisdiction of the ~~Ohio state board~~ 1042
of emergency medical, fire, and transportation board services. 1043

(C) Ambulance services or emergency medical services rendered 1044
for a joint ambulance district under this section and section 1045
505.71 of the Revised Code shall be deemed services of the 1046
district. These sections do not authorize suits against a district 1047
or any township or municipal corporation providing or receiving, 1048
or contracting to provide or receive, such services under these 1049
sections for damages for injury or loss to persons or property or 1050
for wrongful death caused by persons providing such services. 1051

Sec. 3705.242. (A)(1) The director of health, a person 1052
authorized by the director, a local commissioner of health, or a 1053
local registrar of vital statistics shall charge and collect a fee 1054
of one dollar and fifty cents for each certified copy of a birth 1055
record, each certification of birth, and each copy of a death 1056
record. The fee is in addition to the fee imposed by section 1057
3705.24 or any other section of the Revised Code. A local 1058
commissioner of health or local registrar of vital statistics may 1059
retain an amount of each additional fee collected, not to exceed 1060
three per cent of the amount of the additional fee, to be used for 1061
costs directly related to the collection of the fee and the 1062
forwarding of the fee to the department of health. 1063

The additional fees collected by the director of health or a 1064
person authorized by the director and the additional fees 1065
collected but not retained by a local commissioner of health or a 1066
local registrar of vital statistics shall be forwarded to the 1067
department of health not later than thirty days following the end 1068
of each quarter. Not later than two days after the fees are 1069
forwarded to the department each quarter, the department shall pay 1070
the collected fees to the treasurer of state in accordance with 1071
rules adopted by the treasurer of state under section 113.08 of 1072
the Revised Code. 1073

(2) On the filing of a divorce decree under section 3105.10 1074
or a decree of dissolution under section 3105.65 of the Revised 1075
Code, a court of common pleas shall charge and collect a fee of 1076
five dollars and fifty cents. The fee is in addition to any other 1077
court costs or fees. The county clerk of courts may retain an 1078
amount of each additional fee collected, not to exceed three per 1079
cent of the amount of the additional fee, to be used for costs 1080
directly related to the collection of the fee and the forwarding 1081
of the fee to the treasurer of state. The additional fees 1082
collected, but not retained, under division (A)(2) of this section 1083

shall be forwarded to the treasurer of state not later than twenty 1084
days following the end of each month. 1085

(B) The treasurer of state shall deposit the fees paid or 1086
forwarded under this section in the state treasury to the credit 1087
of the family violence prevention fund, which is hereby created. A 1088
person or government entity that fails to pay or forward the fees 1089
in a timely the manner, ~~as determined by the treasurer of state~~ 1090
~~described in this section~~, shall send to the ~~treasurer of state~~, 1091
~~in addition to the fees~~, department of public safety a penalty 1092
equal to ten per cent of the fees. The department of public safety 1093
shall forward all collected late fees to the treasurer of state 1094
for deposit into the family violence prevention fund in accordance 1095
with rules adopted by the treasurer of state under section 113.08 1096
of the Revised Code. 1097

The treasurer of state shall invest the moneys in the fund. 1098
All earnings resulting from investment of the fund shall be 1099
credited to the fund, except that actual administration costs 1100
incurred by the treasurer of state in administering the fund may 1101
be deducted from the earnings resulting from investments. The 1102
amount that may be deducted shall not exceed three per cent of the 1103
total amount of fees credited to the fund in each fiscal year. The 1104
balance of the investment earnings shall be credited to the fund. 1105

(C) The director of public safety shall use money credited to 1106
the fund to provide grants to family violence shelters in Ohio and 1107
to operate the division of criminal justice services. 1108

Sec. 4501.03. The registrar of motor vehicles shall open an 1109
account with each county and district of registration in the 1110
state, and may assign each county and district of registration in 1111
the state a unique code for identification purposes. Except as 1112
provided in section 4501.044 or division (A)(1) of section 1113
4501.045 of the Revised Code, the registrar shall pay all moneys 1114

the registrar receives under sections 4503.02, and 4503.12, ~~and~~ 1115
~~4504.09~~ of the Revised Code into the state treasury to the credit 1116
of the auto registration distribution fund, which is hereby 1117
created, for distribution in the manner provided for in this 1118
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 1119
~~4501.043~~ of the Revised Code. All other moneys received by the 1120
registrar shall be deposited in the state bureau of motor vehicles 1121
fund established in section 4501.25 of the Revised Code for the 1122
purposes enumerated in that section, unless otherwise provided by 1123
law. 1124

All moneys credited to the auto registration distribution 1125
fund shall be distributed to the counties and districts of 1126
registration, ~~except for funds received by the registrar under~~ 1127
~~section 4504.09 of the Revised Code,~~ after receipt of 1128
certifications from the commissioners of the sinking fund 1129
certifying, as required by sections 5528.15 and 5528.35 of the 1130
Revised Code, that there are sufficient moneys to the credit of 1131
the highway improvement bond retirement fund created by section 1132
5528.12 of the Revised Code to meet in full all payments of 1133
interest, principal, and charges for the retirement of bonds and 1134
other obligations issued pursuant to Section 2g of Article VIII, 1135
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1136
Code due and payable during the current calendar year, and that 1137
there are sufficient moneys to the credit of the highway 1138
obligations bond retirement fund created by section 5528.32 of the 1139
Revised Code to meet in full all payments of interest, principal, 1140
and charges for the retirement of highway obligations issued 1141
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1142
sections 5528.30 and 5528.31 of the Revised Code due and payable 1143
during the current calendar year, in the manner provided in 1144
section 4501.04 of the Revised Code. 1145

The treasurer of state may invest any portion of the moneys 1146

credited to the auto registration distribution fund, in the same 1147
manner and subject to all the laws with respect to the investment 1148
of state funds by the treasurer of state, and all investment 1149
earnings of the fund shall be credited to the fund. 1150

Once each month the registrar shall prepare vouchers in favor 1151
of the county auditor of each county for the amount of the tax 1152
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1153
Code apportioned to the county and to the districts of 1154
registration located wholly or in part in the county auditor's 1155
county. The county auditor shall distribute the proceeds of the 1156
tax collections due the county and the districts of registration 1157
in the manner provided in section 4501.04 of the Revised Code. 1158

~~Once each month the registrar also shall prepare vouchers in 1159
favor of the county auditor of each county levying a county motor 1160
vehicle license tax pursuant to section 4504.02, 4504.15, or 1161
4504.16 of the Revised Code and of each county in which is located 1162
one or more townships levying a township motor vehicle license tax 1163
pursuant to section 4504.18 of the Revised Code for the amount of 1164
the tax due the county or townships in the county. 1165~~

All moneys received by the registrar under sections 4503.02, 1166
and 4503.12, ~~and 4504.09~~ of the Revised Code shall be distributed 1167
to counties, townships, and municipal corporations within thirty 1168
days of the expiration of the registration year, except that a sum 1169
equal to five per cent of the total amount received under sections 1170
4503.02 and 4503.12 of the Revised Code may be reserved to make 1171
final adjustments in accordance with the formula for distribution 1172
set forth in section 4501.04 of the Revised Code. If amounts set 1173
aside to make the adjustments are inadequate, necessary 1174
adjustments shall be made immediately out of funds available for 1175
distribution for the following two registration years. 1176

Sec. 4501.031. All moneys received under section 4504.09 of 1177

the Revised Code shall be paid into the state treasury to the 1178
credit of the local motor vehicle license tax fund, which is 1179
hereby created, for distribution in the manner provided for in 1180
this chapter. The treasurer of state may invest any portion of the 1181
moneys credited to the fund in the same manner and subject to all 1182
the laws governing the investment of state funds by the treasurer 1183
of state. All investment earnings of the fund shall be credited to 1184
the fund. 1185

The registrar of motor vehicles shall open an account with 1186
each county and district of registration in the state, and may 1187
assign each county and district a code for identification 1188
purposes. The code for a county or district may be the same as the 1189
code assigned to the county or district by the registrar under 1190
section 4501.03 of the Revised Code. 1191

Once each month the registrar shall prepare vouchers in favor 1192
of the county auditor of each county levying a county motor 1193
vehicle license tax pursuant to section 4504.02, 4504.15, or 1194
4504.16 of the Revised Code and of each county in which is located 1195
one or more townships levying a township motor vehicle license tax 1196
pursuant to section 4504.18 of the Revised Code for the amount of 1197
the tax due the county or townships in the county. 1198

All moneys received by the registrar under section 4504.09 of 1199
the Revised Code shall be distributed to counties, townships, and 1200
municipal corporations within thirty days of the expiration of the 1201
registration year. Necessary adjustments shall be made immediately 1202
out of funds available for distribution for the following two 1203
registration years. 1204

Sec. 4501.04. All moneys paid into the auto registration 1205
distribution fund under section 4501.03 of the Revised Code, 1206
~~except moneys received under section 4504.09 of the Revised Code~~ 1207

~~and~~ moneys that consist of the portion of motorcycle registration 1208
fees received under section 4503.02 of the Revised Code ~~in~~ 1209
~~accordance with~~ that are deposited in the state highway safety 1210
fund under section ~~4501.13~~ 4501.06 of the Revised Code, and except 1211
moneys paid for costs of audits under section 4501.03 of the 1212
Revised Code, after receipt by the treasurer of state of 1213
certifications from the commissioners of the sinking fund 1214
certifying, as required by sections 5528.15 and 5528.35 of the 1215
Revised Code, that there are sufficient moneys to the credit of 1216
the highway improvement bond retirement fund created by section 1217
5528.12 of the Revised Code to meet in full all payments of 1218
interest, principal, and charges for the retirement of bonds and 1219
other obligations issued pursuant to Section 2g of Article VIII, 1220
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1221
Code, due and payable during the current calendar year, and that 1222
there are sufficient moneys to the credit of the highway 1223
obligations bond retirement fund created by section 5528.32 of the 1224
Revised Code to meet in full all payments of interest, principal, 1225
and charges for the retirement of highway obligations issued 1226
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1227
sections 5528.30 and 5528.31 of the Revised Code due and payable 1228
during the current calendar year, shall be distributed as follows: 1229

(A) Thirty-four per cent of all such moneys are for the use 1230
of the municipal corporation or county which constitutes the 1231
district of registration. The portion of such money due to the 1232
municipal corporation shall be paid into its treasury forthwith 1233
upon receipt by the county auditor, and shall be used to plan, 1234
construct, reconstruct, repave, widen, maintain, repair, clear, 1235
and clean public highways, roads, and streets; to maintain and 1236
repair bridges and viaducts; to purchase, erect, and maintain 1237
street and traffic signs and markers; to purchase, erect, and 1238
maintain traffic lights and signals; to pay the principal, 1239
interest, and charges on bonds and other obligations issued 1240

pursuant to Chapter 133. of the Revised Code or incurred pursuant 1241
to section 5531.09 of the Revised Code for the purpose of 1242
acquiring or constructing roads, highways, bridges, or viaducts, 1243
or acquiring or making other highway improvements for which the 1244
municipal corporation may issue bonds; and to supplement revenue 1245
already available for such purposes. 1246

The county portion of such funds shall be retained in the 1247
county treasury and shall be used for the planning, maintenance, 1248
repair, construction, and repaving of public streets, and 1249
maintaining and repairing bridges and viaducts; the payment of 1250
principal, interest, and charges on bonds and other obligations 1251
issued pursuant to Chapter 133. of the Revised Code or incurred 1252
pursuant to section 5531.09 of the Revised Code for the purpose of 1253
acquiring or constructing roads, highways, bridges, or viaducts or 1254
acquiring or making other highway improvements for which the board 1255
of county commissioners may issue bonds under such chapter; and 1256
for no other purpose. 1257

(B) Five per cent of all such moneys, together with interest 1258
earned by the treasurer of state as provided in section 4501.03 of 1259
the Revised Code, shall constitute a fund for the use of the 1260
several counties for the purposes specified in division (C) of 1261
this section. The moneys shall be divided equally among all the 1262
counties in the state and shall be paid out by the registrar of 1263
motor vehicles in equal proportions to the county auditor of each 1264
county within the state. 1265

(C) Forty-seven per cent of all such moneys shall be for the 1266
use of the county in which the owner resides or in which the place 1267
is located at which the established business or branch business in 1268
connection with which the motor vehicle registered is used, for 1269
the planning, construction, reconstruction, improvement, 1270
maintenance, and repair of roads and highways; maintaining and 1271
repairing bridges and viaducts; and the payment of principal, 1272

interest, and charges on bonds and other obligations issued 1273
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1274
to section 5531.09 of the Revised Code for the purpose of 1275
acquiring or constructing roads, highways, bridges, or viaducts or 1276
acquiring or making other highway improvements for which the board 1277
of county commissioners may issue bonds under such chapter. 1278

(D) Nine per cent of all such moneys shall be for the use of 1279
the several counties for the purposes specified in division (C) of 1280
this section and shall be distributed to the several counties in 1281
the ratio which the total number of miles of county roads under 1282
the jurisdiction of each board of county commissioners in each 1283
county bears to the total number of miles of county roads in the 1284
state, as determined by the director of transportation. Before 1285
such distribution is made each board of county commissioners shall 1286
certify in writing to the director the actual number of miles 1287
under its statutory jurisdiction which are used by and maintained 1288
for the public. 1289

(E) Five per cent of all such moneys shall be for the use of 1290
the several townships and shall be distributed to the several 1291
townships in the ratio which the total number of miles of township 1292
roads under the jurisdiction of each board of township trustees in 1293
each township bears to the total number of miles of township roads 1294
in the state, as determined by the director of transportation. 1295
Before such distribution is made each board of township trustees 1296
shall certify in writing to the director the actual number of 1297
miles under its statutory jurisdiction which are used by and 1298
maintained for the public. 1299

Sec. 4501.041. Except as provided in section 4501.042 of the 1300
Revised Code, all moneys received under section 4504.09 of the 1301
Revised Code with respect to counties levying county motor vehicle 1302
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 1303

the Revised Code and paid into the state treasury under section 1304
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 1305
respective counties levying such taxes for allocation and 1306
distribution as provided in section 4504.05 of the Revised Code. 1307

Sec. 4501.042. All moneys received under section 4504.09 of 1308
the Revised Code from municipal motor vehicle license taxes levied 1309
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 1310
Revised Code, and any part of the moneys received from county 1311
motor vehicle license taxes levied pursuant to section 4504.15 of 1312
the Revised Code which is to be distributed to municipal 1313
corporations, shall be paid ~~directly~~ into the state treasury to 1314
the credit of the local motor vehicle license tax fund created 1315
under section 4501.031 of the Revised Code and shall be 1316
distributed to the treasuries of the municipal corporations 1317
levying or entitled to such tax moneys. 1318

Sec. 4501.043. All moneys received under section 4504.09 of 1319
the Revised Code with respect to townships levying township 1320
license taxes pursuant to section 4504.18 of the Revised Code and 1321
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 1322
Revised Code shall be distributed to the respective townships 1323
levying such taxes for allocation and distribution as provided in 1324
section 4504.19 of the Revised Code. 1325

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1326
referred to in division (O) of section 4503.04, division (E) of 1327
section 4503.042, division (B) of section 4503.07, division (C)(1) 1328
of section 4503.10, division (D) of section 4503.182, division (A) 1329
of section 4503.19, division (D)(2) of section 4507.24, division 1330
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 1331
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 1332
of the Revised Code, and six dollars of each motorcycle 1333

registration fee designated for payment to the registrar of motor 1334
vehicles in section 4503.04 of the Revised Code, and the taxes 1335
charged in section 4503.65 that are distributed in accordance with 1336
division (A)(2) of section 4501.044 of the Revised Code unless 1337
otherwise designated by law, shall be deposited in the state 1338
treasury to the credit of the state highway safety fund, which is 1339
hereby created,~~and.~~ Money credited to the fund shall, after 1340
receipt of certifications from the commissioners of the sinking 1341
fund certifying that there are sufficient moneys to the credit of 1342
the highway obligations bond retirement fund created by section 1343
5528.32 of the Revised Code to meet in full all payments of 1344
interest, principal, and charges for the retirement of highway 1345
obligations issued pursuant to Section 2i of Article VIII, Ohio 1346
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1347
due and payable during the current calendar year, be used for the 1348
purpose of enforcing and paying the expenses of administering the 1349
law relative to the registration and operation of motor vehicles 1350
on the public roads or highways and for conducting motorcycle 1351
safety and education instruction. Amounts credited to the fund may 1352
also be used to pay the expenses of administering and enforcing 1353
the laws under which such fees were collected. All investment 1354
earnings of the state highway safety fund shall be credited to the 1355
fund. 1356

Sec. 4503.42. For each registration renewal with an 1357
expiration date before October 1, 2009, and for each initial 1358
application for registration received before that date the 1359
registrar of motor vehicles shall be allowed a fee not to exceed 1360
thirty-five dollars, and for each registration renewal with an 1361
expiration date on or after October 1, 2009, and for each initial 1362
application for registration received on or after that date the 1363
registrar shall be allowed a fee of fifty dollars, which shall be 1364
in addition to the regular license fee for tags as prescribed 1365

under section 4503.04 of the Revised Code and any tax levied under 1366
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 1367
each application received by the registrar for special reserved 1368
license plate numbers containing more than three letters or 1369
numerals, and the issuing of such licenses and validation stickers 1370
in the several series as the registrar may designate. Five dollars 1371
of the fee shall be for the purpose of compensating the bureau of 1372
motor vehicles for additional services required in the issuing of 1373
such licenses and validation stickers, and the remaining portion 1374
of the fee shall be deposited by the registrar into the state 1375
treasury to the credit of the state highway safety fund created by 1376
section 4501.06 of the Revised Code. 1377

This section does not apply to the issuance of reserved 1378
license plates as authorized by sections 4503.14, 4503.15, and 1379
4503.40 of the Revised Code. The types of motor vehicles for which 1380
license plate numbers containing more than three letters or 1381
numerals may be issued in accordance with this section shall 1382
include at least buses, passenger cars, and noncommercial motor 1383
vehicles. 1384

Sec. 4503.45. An owner of a collector's vehicle, upon 1385
complying with the motor vehicle laws relating to registration and 1386
licensing of motor vehicles, and upon payment of the regular 1387
license fee as prescribed under section 4503.04 of the Revised 1388
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 1389
4504. of the Revised Code, and the payment of an additional fee of 1390
five dollars, which shall be for the purpose of compensating the 1391
bureau of motor vehicles for additional services required in the 1392
issuing of such licenses, shall be issued validation stickers and 1393
license plates, or validation stickers alone when required by 1394
section 4503.191 of the Revised Code, upon which, in addition to 1395
the letters and numbers ordinarily inscribed thereon, shall be 1396
inscribed the words "collector's vehicle." 1397

Sec. 4503.49. (A) As used in this section, "ambulance," 1398
"ambulette," "emergency medical service organization," 1399
"nonemergency medical service organization," and "nontransport 1400
vehicle" have the same meanings as in section 4766.01 of the 1401
Revised Code. 1402

(B) Each private emergency medical service organization and 1403
each private nonemergency medical service organization shall apply 1404
to the registrar of motor vehicles for the registration of any 1405
ambulance, ambulette, or nontransport vehicle it owns or leases. 1406
The application shall be accompanied by a copy of the certificate 1407
of licensure issued to the organization by the ~~Ohio~~ state board of 1408
emergency medical, fire, and transportation board services and the 1409
following fees: 1410

(1) The regular license tax as prescribed under section 1411
4503.04 of the Revised Code; 1412

(2) Any local license tax levied under Chapter 4504. of the 1413
Revised Code; 1414

(3) An additional fee of seven dollars and fifty cents. The 1415
additional fee shall be for the purpose of compensating the bureau 1416
of motor vehicles for additional services required to be performed 1417
under this section and shall be transmitted by the registrar to 1418
the treasurer of state for deposit in the state bureau of motor 1419
vehicles fund created by section 4501.25 of the Revised Code. 1420

(C) On receipt of a complete application, the registrar shall 1421
issue to the applicant the appropriate certificate of registration 1422
for the vehicle and do one of the following: 1423

(1) Issue a set of license plates with a validation sticker 1424
and a set of stickers to be attached to the plates as an 1425
identification of the vehicle's classification as an ambulance, 1426
ambulette, or nontransport vehicle; 1427

(2) Issue a validation sticker alone when so required by 1428
section 4503.191 of the Revised Code. 1429

Sec. 4504.19. Upon receipt by ~~him~~ the county auditor of 1430
moneys pursuant to section 4501.043 of the Revised Code, the 1431
county auditor shall pay into the treasury of each township in the 1432
county levying a township motor vehicle license tax the portion of 1433
such money due the township as shown by the certificate of the 1434
registrar of motor vehicles prepared pursuant to section ~~4501.03~~ 1435
4501.031 of the Revised Code. The money shall be used by the 1436
township only for the purposes described in section 4504.18 of the 1437
Revised Code. 1438

Sec. 4504.21. (A) For the purpose of paying the costs and 1439
expenses of enforcing and administering the tax provided for in 1440
this section; for planning, constructing, reconstructing, 1441
improving, maintaining, and repairing roads, bridges, and 1442
culverts; for purchasing, erecting, and maintaining traffic signs, 1443
markers, lights, and signals; for paying debt service charges on 1444
obligations issued for those purposes; and to supplement revenue 1445
already available for those purposes, a transportation improvement 1446
district created in accordance with section 5540.02 of the Revised 1447
Code may levy an annual license tax upon the operation of motor 1448
vehicles on the public roads and highways in the territory of the 1449
district. The tax shall be levied in increments of five dollars 1450
and shall not exceed twenty dollars per motor vehicle on all motor 1451
vehicles the owners of which reside in the district and shall be 1452
in addition to all other taxes levied under this chapter, subject 1453
to reduction in the manner provided in division (B)(2) of section 1454
4503.11 of the Revised Code. The tax may be levied in all or part 1455
of the territory of the district. 1456

(B) The board of trustees of a transportation improvement 1457
district proposing to levy a motor vehicle license tax under this 1458

section shall put the question of the tax to the electors of the 1459
district or of that part of the district in which the tax would be 1460
levied. The election shall be held on the date of a primary or 1461
general election held not less than ninety days after the board of 1462
trustees certifies to the county board of elections its resolution 1463
proposing the tax. The resolution shall specify the rate of the 1464
tax. The board of elections shall submit the question of the tax 1465
to the electors at the primary or general election. The secretary 1466
of state shall prescribe the form of the ballot for the election. 1467
If approved by a majority of the electors voting on the question 1468
of the tax, the board of trustees shall levy the tax as provided 1469
in the resolution. 1470

(C) A transportation improvement district license tax levied 1471
under this section shall continue in effect until repealed, or 1472
until the dissolution of the transportation improvement district 1473
that levied it. 1474

(D) Money received by the registrar of motor vehicles 1475
pursuant to ~~sections 4501.03 and section~~ 4504.09 of the Revised 1476
Code that consists of the taxes levied under this section shall be 1477
deposited in the ~~auto-registration distribution~~ local motor 1478
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 1479
the Revised Code and distributed to the transportation improvement 1480
district levying such tax. The registrar may assign to the 1481
transportation improvement district a unique code to facilitate 1482
the distribution of such money, which may be the same unique code 1483
assigned to a county under section 4501.03 of the Revised Code. 1484

Sec. 4506.08. (A)(1) Each application for a commercial 1485
driver's license temporary instruction permit shall be accompanied 1486
by a fee of ten dollars. Each application for a commercial 1487
driver's license, restricted commercial driver's license, renewal 1488
of such a license, or waiver for farm-related service industries 1489

shall be accompanied by a fee of twenty-five dollars, except that 1490
an application for a commercial driver's license or restricted 1491
commercial driver's license received pursuant to division (A)(3) 1492
of section 4506.14 of the Revised Code shall be accompanied by a 1493
fee of eighteen dollars and seventy-five cents if the license will 1494
expire on the licensee's birthday three years after the date of 1495
issuance, a fee of twelve dollars and fifty cents if the license 1496
will expire on the licensee's birthday two years after the date of 1497
issuance, and a fee of six dollars and twenty-five cents if the 1498
license will expire on the licensee's birthday one year after the 1499
date of issuance. Each application for a duplicate commercial 1500
driver's license shall be accompanied by a fee of ten dollars. 1501

(2) In addition, the registrar of motor vehicles or deputy 1502
registrar may collect and retain an additional fee of no more than 1503
three dollars and fifty cents for each application for a 1504
commercial driver's license temporary instruction permit, 1505
commercial driver's license, renewal of a commercial driver's 1506
license, or duplicate commercial driver's license received by the 1507
registrar or deputy. 1508

(B) In addition to the fees imposed under division (A) of 1509
this section, the registrar of motor vehicles or deputy registrar 1510
shall collect a fee of twelve dollars for each application for a 1511
commercial driver's license temporary instruction permit, 1512
commercial driver's license, or duplicate commercial driver's 1513
license and for each application for renewal of a commercial 1514
driver's license. The additional fee is for the purpose of 1515
defraying the department of public safety's costs associated with 1516
the administration and enforcement of the motor vehicle and 1517
traffic laws of Ohio. 1518

(C) Each deputy registrar shall transmit the fees collected 1519
under divisions (A)(1) and (B) of this section in the time and 1520
manner prescribed by the registrar. The registrar shall deposit 1521

all moneys ~~received~~ collected under division ~~(C)~~(A)(1) of this 1522
section into the state ~~highway safety bureau of motor vehicles~~ 1523
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 1524
The registrar shall deposit all moneys collected under division 1525
(B) of this section into the state highway safety fund established 1526
in section 4501.06 of the Revised Code. 1527

(D) Information regarding the driving record of any person 1528
holding a commercial driver's license issued by this state shall 1529
be furnished by the registrar, upon request and payment of a fee 1530
of five dollars, to the employer or prospective employer of such a 1531
person and to any insurer. 1532

Of each five-dollar fee the registrar collects under this 1533
division, the registrar shall pay two dollars into the state 1534
treasury to the credit of the state bureau of motor vehicles fund 1535
established in section 4501.25 of the Revised Code, sixty cents 1536
into the state treasury to the credit of the trauma and emergency 1537
medical services fund established in section 4513.263 of the 1538
Revised Code, sixty cents into the state treasury to the credit of 1539
the homeland security fund established in section 5502.03 of the 1540
Revised Code, thirty cents into the state treasury to the credit 1541
of the investigations fund established in section 5502.131 of the 1542
Revised Code, one dollar and twenty-five cents into the state 1543
treasury to the credit of the emergency management agency service 1544
and reimbursement fund established in section 5502.39 of the 1545
Revised Code, and twenty-five cents into the state treasury to the 1546
credit of the justice program services fund established in section 1547
5502.67 of the Revised Code. 1548

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 1549
approval by the director of public safety, shall adopt rules 1550
conforming with applicable standards adopted by the federal motor 1551
carrier safety administration as regulations under Pub. L. No. 1552

103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 1553
31317. The rules shall establish requirements for the 1554
qualification and testing of persons applying for a commercial 1555
driver's license, which shall be in addition to other requirements 1556
established by this chapter. Except as provided in division (B) of 1557
this section, the highway patrol or any other employee of the 1558
department of public safety the registrar authorizes shall 1559
supervise and conduct the testing of persons applying for a 1560
commercial driver's license. 1561

(B) The director may adopt rules, in accordance with Chapter 1562
119. of the Revised Code and applicable requirements of the 1563
federal motor carrier safety administration, authorizing the 1564
skills test specified in this section to be administered by any 1565
person, by an agency of this or another state, or by an agency, 1566
department, or instrumentality of local government. Each party 1567
authorized under this division to administer the skills test may 1568
charge a maximum divisible fee of eighty-five dollars for each 1569
skills test given as part of a commercial driver's license 1570
examination. The fee shall consist of not more than twenty dollars 1571
for the pre-trip inspection portion of the test, not more than 1572
twenty dollars for the off-road maneuvering portion of the test, 1573
and not more than forty-five dollars for the on-road portion of 1574
the test. Each such party may require an appointment fee in the 1575
same manner provided in division (F)(2) of this section, except 1576
that the maximum amount such a party may require as an appointment 1577
fee is eighty-five dollars. The skills test administered by 1578
another party under this division shall be the same as otherwise 1579
would be administered by this state. The other party shall enter 1580
into an agreement with the director that, without limitation, does 1581
all of the following: 1582

(1) Allows the director or the director's representative and 1583
the federal motor carrier safety administration or its 1584

representative to conduct random examinations, inspections, and 1585
audits of the other party without prior notice; 1586

(2) Requires the director or the director's representative to 1587
conduct on-site inspections of the other party at least annually; 1588

(3) Requires that all examiners of the other party meet the 1589
same qualification and training standards as examiners of the 1590
department of public safety, to the extent necessary to conduct 1591
skills tests in the manner required by 49 C.F.R. 383.110 through 1592
383.135; 1593

(4) Requires either that state employees take, at least 1594
annually and as though the employees were test applicants, the 1595
tests actually administered by the other party, that the director 1596
test a sample of drivers who were examined by the other party to 1597
compare the test results, or that state employees accompany a test 1598
applicant during an actual test; 1599

(5) Reserves to this state the right to take prompt and 1600
appropriate remedial action against testers of the other party if 1601
the other party fails to comply with standards of this state or 1602
federal standards for the testing program or with any other terms 1603
of the contract. 1604

(C) The director shall enter into an agreement with the 1605
department of education authorizing the skills test specified in 1606
this section to be administered by the department at any location 1607
operated by the department for purposes of training and testing 1608
school bus drivers, provided that the agreement between the 1609
director and the department complies with the requirements of 1610
division (B) of this section. Skills tests administered by the 1611
department shall be limited to persons applying for a commercial 1612
driver's license with a school bus endorsement. 1613

(D) The director shall adopt rules, in accordance with 1614
Chapter 119. of the Revised Code, authorizing waiver of the skills 1615

test specified in this section for any applicant for a commercial
driver's license who meets all of the following requirements:

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

(a) The applicant has not had more than one license.

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

(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.

(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.

(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.

(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:

(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.

(b) The applicant has regularly operated, for at least two

years immediately preceding application for a commercial driver's 1646
license, a vehicle representative of the commercial motor vehicle 1647
the applicant operates or expects to operate. 1648

(E) The director shall adopt rules, in accordance with 1649
Chapter 119. of the Revised Code, authorizing waiver of the skills 1650
test specified in this section for any applicant for a commercial 1651
driver's license who meets all of the following requirements: 1652

(1) At the time of applying, is a member or uniformed 1653
employee of the armed forces of the United States or their reserve 1654
components, including the Ohio national guard, or separated from 1655
such service or employment within the preceding ninety days; 1656

(2) Certifies that, during the two-year period immediately 1657
preceding application for a commercial driver's license, all of 1658
the following apply: 1659

(a) The applicant has not had more than one license, 1660
excluding any military license. 1661

(b) The applicant has not had any license suspended, revoked, 1662
or canceled. 1663

(c) The applicant has not had any convictions for any type of 1664
motor vehicle for the offenses for which disqualification is 1665
prescribed in section 4506.16 of the Revised Code. 1666

(d) The applicant has not had more than one conviction for 1667
any type of motor vehicle for a serious traffic violation. 1668

(e) The applicant has not had any violation of a state or 1669
local law relating to motor vehicle traffic control other than a 1670
parking violation arising in connection with any traffic accident 1671
and has no record of an accident in which the applicant was at 1672
fault. 1673

(3) In accordance with rules adopted by the director, 1674
certifies and also provides evidence of all of the following: 1675

(a) That the applicant is regularly employed or was regularly
employed within the preceding ninety days in a military position
requiring operation of a commercial motor vehicle;

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

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

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

(2) The director may require an applicant for a commercial
driver's license who schedules an appointment with the highway
patrol or other authorized employee of the department of public
safety to take all portions of the skills test, to pay an
appointment fee of fifty dollars at the time of scheduling the
appointment. If the applicant appears at the time and location
specified for the appointment and takes all portions of the skills
test during that appointment, the appointment fee shall serve as
the skills test fee. If the applicant schedules an appointment to
take all portions of the skills test and fails to appear at the
time and location specified for the appointment, no portion of the
appointment fee shall be refunded. If the applicant schedules an
appointment to take all portions of the skills test and appears at
the time and location specified for the appointment, but declines

or is unable to take all portions of the skills test, no portion 1708
of the appointment fee shall be refunded. If the applicant cancels 1709
a scheduled appointment forty-eight hours or more prior to the 1710
time of the appointment time, the applicant shall not forfeit the 1711
appointment fee. 1712

An applicant for a commercial driver's license who schedules 1713
an appointment to take one or more, but not all, portions of the 1714
skills test shall be required to pay an appointment fee equal to 1715
the costs of each test scheduled, as prescribed in division (F)(1) 1716
of this section, when scheduling such an appointment. If the 1717
applicant appears at the time and location specified for the 1718
appointment and takes all the portions of the skills test during 1719
that appointment that the applicant was scheduled to take, the 1720
appointment fee shall serve as the skills test fee. If the 1721
applicant schedules an appointment to take one or more, but not 1722
all, portions of the skills test and fails to appear at the time 1723
and location specified for the appointment, no portion of the 1724
appointment fee shall be refunded. If the applicant schedules an 1725
appointment to take one or more, but not all, portions of the 1726
skills test and appears at the time and location specified for the 1727
appointment, but declines or is unable to take all portions of the 1728
skills test that the applicant was scheduled to take, no portion 1729
of the appointment fee shall be refunded. If the applicant cancels 1730
a scheduled appointment forty-eight hours or more prior to the 1731
time of the appointment time, the applicant shall not forfeit the 1732
appointment fee. 1733

(3) The department of public safety shall deposit all fees it 1734
collects under division (F) of this section in the state ~~highway~~ 1735
~~safety bureau of motor vehicles~~ fund established in section 1736
4501.25 of the Revised Code. 1737

(G) As used in this section, "skills test" means a test of an 1738
applicant's ability to drive the type of commercial motor vehicle 1739

for which the applicant seeks a commercial driver's license by 1740
having the applicant drive such a motor vehicle while under the 1741
supervision of an authorized state driver's license examiner or 1742
tester. 1743

Sec. 4507.011. (A) Each deputy registrar assigned to a 1744
driver's license examining station by the registrar of motor 1745
vehicles as provided in section 4507.01 of the Revised Code shall 1746
remit to the director of public safety a rental fee equal to the 1747
percentage of space occupied by the deputy registrar in the 1748
driver's license examining station multiplied by the rental fee 1749
paid for the entire driver's license examining station plus a pro 1750
rata share of all utility costs. All such moneys received by the 1751
director shall be deposited in the state treasury to the credit of 1752
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 1753
~~hereby created in section 4501.25 of the Revised Code. The moneys~~ 1754
~~in the fund shall be used by the department of public safety only~~ 1755
~~to pay the rent and expenses of the driver's license examining~~ 1756
~~stations. All investment earnings of the fund shall be credited to~~ 1757
~~the fund.~~ 1758

(B) Each deputy registrar assigned to a bureau of motor 1759
vehicles' location shall reimburse the registrar a monthly 1760
building rental fee, including applicable utility charges. All 1761
such moneys received by the registrar shall be deposited into the 1762
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 1763
~~the Revised Code.~~ 1764

Sec. 4507.23. (A) Except as provided in division (I) of this 1765
section, each application for a temporary instruction permit and 1766
examination shall be accompanied by a fee of five dollars. 1767

(B) Except as provided in division (I) of this section, each 1768
application for a driver's license made by a person who previously 1769

held such a license and whose license has expired not more than 1770
two years prior to the date of application, and who is required 1771
under this chapter to give an actual demonstration of the person's 1772
ability to drive, shall be accompanied by a fee of three dollars 1773
in addition to any other fees. 1774

(C)(1) Except as provided in divisions (E) and (I) of this 1775
section, each application for a driver's license, or motorcycle 1776
operator's endorsement, or renewal of a driver's license shall be 1777
accompanied by a fee of six dollars. 1778

(2) Except as provided in division (I) of this section, each 1779
application for a duplicate driver's license shall be accompanied 1780
by a fee of seven dollars and fifty cents. The duplicate driver's 1781
licenses issued under this section shall be distributed by the 1782
deputy registrar in accordance with rules adopted by the registrar 1783
of motor vehicles. 1784

(D) Except as provided in division (I) of this section, each 1785
application for a motorized bicycle license or duplicate thereof 1786
shall be accompanied by a fee of two dollars and fifty cents. 1787

(E) Except as provided in division (I) of this section, each 1788
application for a driver's license or renewal of a driver's 1789
license that will be issued to a person who is less than 1790
twenty-one years of age shall be accompanied by whichever of the 1791
following fees is applicable: 1792

(1) If the person is sixteen years of age or older, but less 1793
than seventeen years of age, a fee of seven dollars and 1794
twenty-five cents; 1795

(2) If the person is seventeen years of age or older, but 1796
less than eighteen years of age, a fee of six dollars; 1797

(3) If the person is eighteen years of age or older, but less 1798
than nineteen years of age, a fee of four dollars and seventy-five 1799
cents; 1800

(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;

(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.

(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.

(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.

(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

of each fee collected under divisions (A), (B), (C)(1) and (2), 1833
(D), and (E)(1) to (4) of this section, and the entire fee 1834
collected under division (E)(5) of this section, into the state 1835
~~highway safety~~ bureau of motor vehicles fund established in 1836
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 1837
be used for the sole purpose of supporting driver licensing 1838
activities. The registrar also shall pay five dollars of each fee 1839
collected under division (C)(2) of this section and the entire fee 1840
collected under division (G) of this section into the state 1841
highway safety fund created in section 4501.06 of the Revised 1842
Code. The remaining fees collected by the registrar under this 1843
section shall be paid into the state bureau of motor vehicles fund 1844
established in section 4501.25 of the Revised Code. 1845

(I) A disabled veteran who has a service-connected disability 1846
rated at one hundred per cent by the veterans' administration may 1847
apply to the registrar or a deputy registrar for the issuance to 1848
that veteran, without the payment of any fee prescribed in this 1849
section, of any of the following items: 1850

- (1) A temporary instruction permit and examination; 1851
- (2) A new, renewal, or duplicate driver's or commercial 1852
driver's license; 1853
- (3) A motorcycle operator's endorsement; 1854
- (4) A motorized bicycle license or duplicate thereof; 1855
- (5) Lamination of a driver's license, motorized bicycle 1856
license, or temporary instruction permit identification card as 1857
provided in division (F) of this section. 1858

An application made under division (I) of this section shall 1859
be accompanied by such documentary evidence of disability as the 1860
registrar may require by rule. 1861

Sec. 4508.08. There is hereby created in the department of 1862

public safety the motorcycle safety and education program. The 1863
director of public safety shall administer the program in 1864
accordance with the following guidelines: 1865

(A) The program shall include courses of instruction 1866
conducted at vocational schools, community colleges, or other 1867
suitable locations, by instructors who have obtained certification 1868
in the manner and form prescribed by the director. The courses 1869
shall meet standards established in rules adopted by the 1870
department in accordance with Chapter 119. of the Revised Code. 1871
The courses may include instruction for novice motorcycle 1872
operators, instruction in motorist awareness and alcohol and drug 1873
awareness, and any other kind of instruction the director 1874
considers appropriate. A reasonable tuition fee, as determined by 1875
the director, may be charged. The director may authorize private 1876
organizations or corporations to offer courses without tuition fee 1877
restrictions, but such entities are not eligible for reimbursement 1878
of expenses or subsidies from the ~~motorcycle safety and education~~ 1879
state highway safety fund created in section ~~4501.13~~ 4501.06 of 1880
the Revised Code. 1881

(B) In addition to courses of instruction, the program may 1882
include provisions for equipment purchases, marketing and 1883
promotion, improving motorcycle license testing procedures, and 1884
any other provisions the director considers appropriate. 1885

(C) The director shall evaluate the program every two years 1886
and shall periodically inspect the facilities, equipment, and 1887
procedures used in the courses of instruction. 1888

(D) The director shall appoint at least one training 1889
specialist who shall oversee the operation of the program, 1890
establish courses of instruction, and supervise instructors. The 1891
training specialist shall be a licensed motorcycle operator and 1892
shall obtain certification in the manner and form prescribed by 1893
the director. 1894

(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. 1925

(2) Vehicular traffic, streetcars, and trackless trolleys 1926
facing a green arrow signal indication, displayed alone or in 1927
combination with another signal indication, are permitted to 1928
cautiously enter the intersection only to make the movement 1929
indicated by such arrow, or such other movement as is permitted by 1930
other indications displayed at the same time. Such vehicular 1931
traffic, streetcars, and trackless trolleys, including vehicles 1932
turning right or left or making a u-turn movement, shall yield the 1933
right-of-way to both of the following: 1934

(a) Pedestrians lawfully within an associated crosswalk; 1935

(b) Other traffic lawfully using the intersection. 1936

(3)(a) Unless otherwise directed by a pedestrian signal 1937
indication, as provided in section 4511.14 of the Revised Code, 1938
pedestrians facing a circular green signal indication are 1939
permitted to proceed across the roadway within any marked or 1940
unmarked associated crosswalk. The pedestrian shall yield the 1941
right-of-way to vehicles lawfully within the intersection or so 1942
close as to create an immediate hazard at the time that the green 1943
signal indication is first displayed. 1944

(b) Pedestrians facing a green arrow signal indication, 1945
unless otherwise directed by a pedestrian signal indication or 1946
other traffic control device, shall not cross the roadway. 1947

(B) Steady yellow signal indication: 1948

(1) Vehicular traffic, streetcars, and trackless trolleys 1949
facing a steady circular yellow signal indication are thereby 1950
warned that the related green movement or the related flashing 1951
arrow movement is being terminated or that a steady red signal 1952
indication will be exhibited immediately thereafter when vehicular 1953
traffic, streetcars, and trackless trolleys shall not enter the 1954
intersection. The provisions governing vehicular operation under 1955

the movement being terminated shall continue to apply while the 1956
steady circular yellow signal indication is displayed. 1957

(2) Vehicular traffic facing a steady yellow arrow signal 1958
indication is thereby warned that the related green arrow movement 1959
or the related flashing arrow movement is being terminated. The 1960
provisions governing vehicular operation under the movement being 1961
terminated shall continue to apply while the steady yellow arrow 1962
signal indication is displayed. 1963

(3) Pedestrians facing a steady circular yellow or yellow 1964
arrow signal indication, unless otherwise directed by a pedestrian 1965
signal indication as provided in section 4511.14 of the Revised 1966
Code or other traffic control device, shall not start to cross the 1967
roadway. 1968

(C) Steady red signal indication: 1969

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 1970
facing a steady circular red signal indication, unless entering 1971
the intersection to make another movement permitted by another 1972
signal indication, shall stop at a clearly marked stop line; but 1973
if there is no stop line, traffic shall stop before entering the 1974
crosswalk on the near side of the intersection; or if there is no 1975
crosswalk, then before entering the intersection; and shall remain 1976
stopped until a signal indication to proceed is displayed except 1977
as provided in divisions (C)(1), (2), and (3) of this section. 1978

(b) Except when a traffic control device is in place 1979
prohibiting a turn on red or a steady red arrow signal indication 1980
is displayed, vehicular traffic facing a steady circular red 1981
signal indication is permitted, after stopping, to enter the 1982
intersection to turn right, or to turn left from a one-way street, 1983
~~after stopping into a one-way street~~. The right to proceed with 1984
the turn shall be subject to the provisions that are applicable 1985
after making a stop at a stop sign. 1986

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 1987
facing a steady red arrow signal indication shall not enter the 1988
intersection to make the movement indicated by the arrow and, 1989
unless entering the intersection to make another movement 1990
permitted by another signal indication, shall stop at a clearly 1991
marked stop line; but if there is no stop line, before entering 1992
the crosswalk on the near side of the intersection; or if there is 1993
no crosswalk, then before entering the intersection; and shall 1994
remain stopped until a signal indication or other traffic control 1995
device permitting the movement indicated by such red arrow is 1996
displayed. 1997

(b) When a traffic control device is in place permitting a 1998
turn on a steady red arrow signal indication, vehicular traffic 1999
facing a steady red arrow indication is permitted, after stopping, 2000
to enter the intersection to ~~make the movement indicated by the~~ 2001
~~arrow signal indication, after stopping~~ turn right, or to turn 2002
left from a one-way street into a one-way street. The right to 2003
proceed with the turn shall be limited to the direction indicated 2004
by the arrow and shall be subject to the provisions that are 2005
applicable after making a stop at a stop sign. 2006

(3) Unless otherwise directed by a pedestrian signal 2007
indication as provided in section 4511.14 of the Revised Code or 2008
other traffic control device, pedestrians facing a steady circular 2009
red or steady red arrow signal indication shall not enter the 2010
roadway. 2011

(4) Local authorities by ordinance, or the director of 2012
transportation on state highways, may prohibit a right or a left 2013
turn against a steady red signal at any intersection, which shall 2014
be effective when signs giving notice thereof are posted at the 2015
intersection. 2016

(D) A flashing green signal indication has no meaning and 2017
shall not be used. 2018

(E) Flashing yellow signal indication: 2019

(1)(a) Vehicular traffic, on an approach to an intersection, 2020
facing a flashing circular yellow signal indication, is permitted 2021
to cautiously enter the intersection to proceed straight through 2022
or turn right or left or make a u-turn movement except as such 2023
movement is modified by lane-use signs, turn prohibition signs, 2024
lane markings, roadway design, separate turn signal indications, 2025
or other traffic control devices. Such vehicular traffic, 2026
including vehicles turning right or left or making a u-turn 2027
movement, shall yield the right-of-way to both of the following: 2028

(i) Pedestrians lawfully within an associated crosswalk; 2029

(ii) Other vehicles lawfully within the intersection. 2030

(b) In addition, vehicular traffic turning left or making a 2031
u-turn to the left shall yield the right-of-way to other vehicles 2032
approaching from the opposite direction so closely as to 2033
constitute an immediate hazard during the time when such turning 2034
vehicle is moving across or within the intersection. 2035

(2)(a) Vehicular traffic, on an approach to an intersection, 2036
facing a flashing yellow arrow signal indication, displayed alone 2037
or in combination with another signal indication, is permitted to 2038
cautiously enter the intersection only to make the movement 2039
indicated by such arrow, or other such movement as is permitted by 2040
other signal indications displayed at the same time. Such 2041
vehicular traffic, including vehicles turning right or left or 2042
making a u-turn, shall yield the right-of-way to both of the 2043
following: 2044

(i) Pedestrians lawfully within an associated crosswalk; 2045

(ii) Other vehicles lawfully within the intersection. 2046

(b) In addition, vehicular traffic turning left or making a 2047
u-turn to the left shall yield the right-of-way to other vehicles 2048

approaching from the opposite direction so closely as to 2049
constitute an immediate hazard during the time when such turning 2050
vehicle is moving across or within the intersection. 2051

(3) Pedestrians facing any flashing yellow signal indication 2052
at an intersection, unless otherwise directed by a pedestrian 2053
signal indication or other traffic control device, are permitted 2054
to proceed across the roadway within any marked or unmarked 2055
associated crosswalk. Pedestrians shall yield the right-of-way to 2056
vehicles lawfully within the intersection at the time that the 2057
flashing yellow signal indication is first displayed. 2058

(4) When a flashing circular yellow signal indication is 2059
displayed as a beacon to supplement another traffic control 2060
device, road users are notified that there is a need to pay 2061
additional attention to the message contained thereon or that the 2062
regulatory or warning requirements of the other traffic control 2063
device, which might not be applicable at all times, are currently 2064
applicable. 2065

(F) Flashing red signal indication: 2066

(1) Vehicular traffic, on an approach to an intersection, 2067
facing a flashing circular red signal indication, shall stop at a 2068
clearly marked stop line; but if there is no stop line, before 2069
entering the crosswalk on the near side of the intersection; or if 2070
there is no crosswalk, at the point nearest the intersecting 2071
roadway where the driver has a view of approaching traffic on the 2072
intersecting roadway before entering the intersection. The right 2073
to proceed shall be subject to the provisions that are applicable 2074
after making a stop at a stop sign. 2075

(2) Pedestrians facing any flashing red signal indication at 2076
an intersection, unless otherwise directed by a pedestrian signal 2077
indication or other traffic control device, are permitted to 2078
proceed across the roadway within any marked or unmarked 2079

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

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

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

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

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

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

Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 2111

(2) "Occupant restraining device" means a seat safety belt, 2112
shoulder belt, harness, or other safety device for restraining a 2113
person who is an operator of or passenger in an automobile and 2114
that satisfies the minimum federal vehicle safety standards 2115
established by the United States department of transportation. 2116

(3) "Passenger" means any person in an automobile, other than 2117
its operator, who is occupying a seating position for which an 2118
occupant restraining device is provided. 2119

(4) "Commercial tractor," "passenger car," and "commercial 2120
car" have the same meanings as in section 4501.01 of the Revised 2121
Code. 2122

(5) "Vehicle" and "motor vehicle," as used in the definitions 2123
of the terms set forth in division (A)(4) of this section, have 2124
the same meanings as in section 4511.01 of the Revised Code. 2125

(6) "Tort action" means a civil action for damages for 2126
injury, death, or loss to person or property. "Tort action" 2127
includes a product liability claim, as defined in section 2307.71 2128
of the Revised Code, and an asbestos claim, as defined in section 2129
2307.91 of the Revised Code, but does not include a civil action 2130
for damages for breach of contract or another agreement between 2131
persons. 2132

(B) No person shall do any of the following: 2133

(1) Operate an automobile on any street or highway unless 2134
that person is wearing all of the available elements of a properly 2135
adjusted occupant restraining device, or operate a school bus that 2136
has an occupant restraining device installed for use in its 2137
operator's seat unless that person is wearing all of the available 2138
elements of the device, as properly adjusted; 2139

(2) Operate an automobile on any street or highway unless 2140

each passenger in the automobile who is subject to the requirement 2141
set forth in division (B)(3) of this section is wearing all of the 2142
available elements of a properly adjusted occupant restraining 2143
device; 2144

(3) Occupy, as a passenger, a seating position on the front 2145
seat of an automobile being operated on any street or highway 2146
unless that person is wearing all of the available elements of a 2147
properly adjusted occupant restraining device; 2148

(4) Operate a taxicab on any street or highway unless all 2149
factory-equipped occupant restraining devices in the taxicab are 2150
maintained in usable form. 2151

(C) Division (B)(3) of this section does not apply to a 2152
person who is required by section 4511.81 of the Revised Code to 2153
be secured in a child restraint device or booster seat. Division 2154
(B)(1) of this section does not apply to a person who is an 2155
employee of the United States postal service or of a newspaper 2156
home delivery service, during any period in which the person is 2157
engaged in the operation of an automobile to deliver mail or 2158
newspapers to addressees. Divisions (B)(1) and (3) of this section 2159
do not apply to a person who has an affidavit signed by a 2160
physician licensed to practice in this state under Chapter 4731. 2161
of the Revised Code or a chiropractor licensed to practice in this 2162
state under Chapter 4734. of the Revised Code that states that the 2163
person has a physical impairment that makes use of an occupant 2164
restraining device impossible or impractical. 2165

(D) Notwithstanding any provision of law to the contrary, no 2166
law enforcement officer shall cause an operator of an automobile 2167
being operated on any street or highway to stop the automobile for 2168
the sole purpose of determining whether a violation of division 2169
(B) of this section has been or is being committed or for the sole 2170
purpose of issuing a ticket, citation, or summons for a violation 2171
of that nature or causing the arrest of or commencing a 2172

prosecution of a person for a violation of that nature, and no law 2173
enforcement officer shall view the interior or visually inspect 2174
any automobile being operated on any street or highway for the 2175
sole purpose of determining whether a violation of that nature has 2176
been or is being committed. 2177

(E) All fines collected for violations of division (B) of 2178
this section, or for violations of any ordinance or resolution of 2179
a political subdivision that is substantively comparable to that 2180
division, shall be forwarded to the treasurer of state for deposit 2181
into the state treasury to the credit of the trauma and emergency 2182
medical services fund, which is hereby created. In addition, sixty 2183
cents of each fee collected under sections 4501.34, 4503.26, 2184
4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as 2185
specified in those sections, plus the portion of the driver's 2186
license reinstatement fee described in division (F)(2)(g) of 2187
section 4511.191 of the Revised Code, plus all fees collected 2188
under section 4765.11 of the Revised Code, plus all fines imposed 2189
under section 4765.55 of the Revised Code, plus the fees and other 2190
moneys specified in section 4766.05 of the Revised Code, and plus 2191
five per cent of fines and moneys arising from bail forfeitures as 2192
directed by section 5503.04 of the Revised Code, also shall be 2193
deposited into the trauma and emergency medical services fund. All 2194
money deposited into the trauma and emergency medical services 2195
fund shall be used by the department of public safety for the 2196
administration and operation of the division of emergency medical 2197
services and the state board of emergency medical, fire, and 2198
transportation services, and by the state board of emergency 2199
medical, fire, and transportation services to make grants, in 2200
accordance with section 4765.07 of the Revised Code and rules the 2201
board adopts under section 4765.11 of the Revised Code. The 2202
director of budget and management may transfer excess money from 2203
the trauma and emergency medical services fund to the state 2204
highway safety fund if the director of public safety determines 2205

that the amount of money in the trauma and emergency medical 2206
services fund exceeds the amount required to cover such costs 2207
incurred by the emergency medical services agency and the grants 2208
made by the state board of emergency medical, fire, and 2209
transportation services and requests the director of budget and 2210
management to make the transfer. 2211

(F)(1) Subject to division (F)(2) of this section, the 2212
failure of a person to wear all of the available elements of a 2213
properly adjusted occupant restraining device in violation of 2214
division (B)(1) or (3) of this section or the failure of a person 2215
to ensure that each minor who is a passenger of an automobile 2216
being operated by that person is wearing all of the available 2217
elements of a properly adjusted occupant restraining device in 2218
violation of division (B)(2) of this section shall not be 2219
considered or used by the trier of fact in a tort action as 2220
evidence of negligence or contributory negligence. But, the trier 2221
of fact may determine based on evidence admitted consistent with 2222
the Ohio Rules of Evidence that the failure contributed to the 2223
harm alleged in the tort action and may diminish a recovery of 2224
compensatory damages that represents noneconomic loss, as defined 2225
in section 2307.011 of the Revised Code, in a tort action that 2226
could have been recovered but for the plaintiff's failure to wear 2227
all of the available elements of a properly adjusted occupant 2228
restraining device. Evidence of that failure shall not be used as 2229
a basis for a criminal prosecution of the person other than a 2230
prosecution for a violation of this section; and shall not be 2231
admissible as evidence in a criminal action involving the person 2232
other than a prosecution for a violation of this section. 2233

(2) If, at the time of an accident involving a passenger car 2234
equipped with occupant restraining devices, any occupant of the 2235
passenger car who sustained injury or death was not wearing an 2236
available occupant restraining device, was not wearing all of the 2237

available elements of such a device, or was not wearing such a 2238
device as properly adjusted, then, consistent with the Rules of 2239
Evidence, the fact that the occupant was not wearing the available 2240
occupant restraining device, was not wearing all of the available 2241
elements of such a device, or was not wearing such a device as 2242
properly adjusted is admissible in evidence in relation to any 2243
claim for relief in a tort action to the extent that the claim for 2244
relief satisfies all of the following: 2245

(a) It seeks to recover damages for injury or death to the 2246
occupant. 2247

(b) The defendant in question is the manufacturer, designer, 2248
distributor, or seller of the passenger car. 2249

(c) The claim for relief against the defendant in question is 2250
that the injury or death sustained by the occupant was enhanced or 2251
aggravated by some design defect in the passenger car or that the 2252
passenger car was not crashworthy. 2253

(G)(1) Whoever violates division (B)(1) of this section shall 2254
be fined thirty dollars. 2255

(2) Whoever violates division (B)(3) of this section shall be 2256
fined twenty dollars. 2257

(3) Except as otherwise provided in this division, whoever 2258
violates division (B)(4) of this section is guilty of a minor 2259
misdemeanor. If the offender previously has been convicted of or 2260
pleaded guilty to a violation of division (B)(4) of this section, 2261
whoever violates division (B)(4) of this section is guilty of a 2262
misdemeanor of the third degree. 2263

Sec. 4513.53. (A) The superintendent of the state highway 2264
patrol, with approval of the director of public safety, may 2265
appoint and maintain necessary staff to carry out the inspection 2266
of buses. 2267

(B) The superintendent of the state highway patrol shall 2268
adopt a distinctive annual safety inspection decal bearing the 2269
date of inspection. The state highway patrol may remove any decal 2270
from a bus that fails any inspection. 2271

(C) ~~Fees~~ Bus inspection fees collected by the state highway 2272
patrol under section 4513.52 of the Revised Code shall be paid 2273
into the state treasury to the credit of the ~~general revenue fund~~. 2274
~~Annually by the first day of June, the director of public safety~~ 2275
~~shall determine the amount of fees collected under section 4513.52~~ 2276
~~of the Revised Code and shall certify the amount to the director~~ 2277
~~of budget and management for reimbursement. The director of budget~~ 2278
~~and management then may transfer cash up to the amount certified~~ 2279
~~from the general revenue fund to the state highway safety fund~~ 2280
created in section 4501.06 of the Revised Code. 2281

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 2282
highway, public street, or other property open to the public for 2283
purposes of vehicular travel and if any motor vehicle, cargo, or 2284
personal property that has been damaged or spilled as a result of 2285
the motor vehicle accident is blocking the highway, street, or 2286
other property or is otherwise endangering public safety, the 2287
sheriff of the county, or the chief of police of the municipal 2288
corporation, township, or township or joint police district, in 2289
which the accident occurred, a state highway patrol trooper, ~~or~~ 2290
the chief of the fire department having jurisdiction where the 2291
accident occurred ~~may~~, or any duly authorized designee of an 2292
official specified above, without consent of the owner but with 2293
the approval of the law enforcement agency conducting any 2294
investigation of the accident, may remove the motor vehicle if the 2295
motor vehicle is unoccupied, cargo, or personal property from the 2296
portion of the highway, public street, or property ordinarily used 2297
for vehicular travel on the highway, public street, or other 2298
property open to the public for purposes of vehicular travel. 2299

(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. 2333

(3) Division (B)(1) of this section does not apply to a 2334
private tow truck operator or towing company that was not 2335
authorized, employed, or arranged by the department of 2336
transportation, a sheriff, a chief of police of a municipal 2337
corporation, township, or township or joint police district, the 2338
head of the state highway patrol, ~~or~~ a chief of a fire department, 2339
or any duly authorized designee of such an official or to a 2340
private tow truck operator or towing company that was authorized, 2341
employed, or arranged by the department of transportation, a 2342
sheriff, a chief of police of a municipal corporation, township, 2343
or township or joint police district, the head of the state 2344
highway patrol, or a chief of a fire department, or any duly 2345
authorized designee of such an official to perform the removal of 2346
the unoccupied motor vehicle, cargo, or personal property and the 2347
private tow truck operator or towing company performed the removal 2348
in a reckless or willful manner. 2349

(C) As used in this section, "hazardous material" has the 2350
same meaning as in section 2305.232 of the Revised Code. 2351

Sec. 4561.21. (A) The director of transportation shall 2352
deposit all aircraft transfer fees in the state treasury to the 2353
credit of the general fund. 2354

(B) The director shall deposit all aircraft license taxes and 2355
fines in the state treasury to the credit of the airport 2356
assistance fund, which is hereby created. Money in the fund shall 2357
be used for maintenance and capital improvements to publicly owned 2358
airports, and the operating costs associated with the office of 2359
aviation. For maintenance and capital improvements to publicly 2360
owned airports, the director shall distribute the money to 2361
eligible recipients in accordance with such procedures, 2362
guidelines, and criteria as the director shall establish. 2363

Sec. 4743.05. Except as otherwise provided in sections 2364
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 2365
Revised Code, all money collected under Chapters 3773., 4701., 2366
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 2367
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 2368
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 2369
shall be paid into the state treasury to the credit of the 2370
occupational licensing and regulatory fund, which is hereby 2371
created for use in administering such chapters. 2372

At the end of each quarter, the director of budget and 2373
management shall transfer from the occupational licensing and 2374
regulatory fund to the nurse education assistance fund created in 2375
section 3333.28 of the Revised Code the amount certified to the 2376
director under division (B) of section 4723.08 of the Revised 2377
Code. 2378

At the end of each quarter, the director shall transfer from 2379
the occupational licensing and regulatory fund to the certified 2380
public accountant education assistance fund created in section 2381
4701.26 of the Revised Code the amount certified to the director 2382
under division (H)(2) of section 4701.10 of the Revised Code. 2383

Sec. 4765.02. (A)(1) There is hereby created the state board 2384
of emergency medical, fire, and transportation services within the 2385
division of emergency medical services of the department of public 2386
safety. The board shall consist of the members specified in this 2387
section who are residents of this state. The governor, with the 2388
advice and consent of the senate, shall appoint all members of the 2389
board, except the employee of the department of public safety 2390
designated by the director of public safety under this section to 2391
be a member of the board. In making the appointments, the governor 2392
shall appoint only members with background or experience in 2393
emergency medical services or trauma care and shall attempt to 2394

include members representing urban and rural areas, various 2395
geographical regions of the state, and various schools of 2396
training. 2397

(2) One member of the board shall be a physician certified by 2398
the American board of emergency medicine or the American 2399
osteopathic board of emergency medicine who is active in the 2400
practice of emergency medicine and is actively involved with an 2401
emergency medical service organization. The governor shall appoint 2402
this member from among three persons nominated by the Ohio chapter 2403
of the American college of emergency physicians and three persons 2404
nominated by the Ohio osteopathic association. One member shall be 2405
a physician certified by the American board of surgery or the 2406
American osteopathic board of surgery who is active in the 2407
practice of trauma surgery and is actively involved with emergency 2408
medical services. The governor shall appoint this member from 2409
among three persons nominated by the Ohio chapter of the American 2410
college of surgeons and three persons nominated by the Ohio 2411
osteopathic association. One member shall be a physician certified 2412
by the American academy of pediatrics or American osteopathic 2413
board of pediatrics who is active in the practice of pediatric 2414
emergency medicine and actively involved with an emergency medical 2415
service organization. The governor shall appoint this member from 2416
among three persons nominated by the Ohio chapter of the American 2417
academy of pediatrics and three persons nominated by the Ohio 2418
osteopathic association. ~~One member shall be the administrator of~~ 2419
~~an adult or pediatric trauma center. The governor shall appoint~~ 2420
~~this member from among three persons nominated by the OHA: the~~ 2421
~~association for hospitals and health systems, three persons~~ 2422
~~nominated by the Ohio osteopathic association, three persons~~ 2423
~~nominated by the association of Ohio children's hospitals, and~~ 2424
~~three persons nominated by the health forum of Ohio.~~ One member 2425
shall be the administrator of a hospital ~~that is not a trauma~~ 2426
~~center~~ located in this state. The governor shall appoint this 2427

member from among three persons nominated by OHA: the association 2428
for hospitals and health systems, three persons nominated by the 2429
Ohio osteopathic association, and three persons nominated by the 2430
association of Ohio children's hospitals, ~~and three persons~~ 2431
~~nominated by the health forum of Ohio.~~ One member shall be a 2432
registered nurse with EMS certification who ~~is in the active~~ 2433
~~practice of emergency nursing performs mobile intensive care or~~ 2434
air medical transport. The governor shall appoint this member from 2435
among three persons nominated by the Ohio nurses association, 2436
three persons nominated by the Ohio association of critical care 2437
transport, and three persons nominated by the Ohio state council 2438
of the emergency nurses association. One member shall be the chief 2439
of a fire department that is also an emergency medical service 2440
organization in which more than fifty per cent of the persons who 2441
provide emergency medical services are full-time paid employees. 2442
The governor shall appoint this member from among three persons 2443
nominated by the Ohio fire chiefs' association. One member shall 2444
be the chief of a fire department that is also an emergency 2445
medical service organization in which more than fifty per cent of 2446
the persons who provide emergency medical services are volunteers. 2447
The governor shall appoint this member from among three persons 2448
nominated by the Ohio fire chiefs' association. One member shall 2449
be a person who is certified to teach under section 4765.23 of the 2450
Revised Code ~~or, if the board has not yet certified persons to~~ 2451
~~teach under that section, a person who is qualified to be~~ 2452
~~certified to teach under that section~~ and holds a valid 2453
certificate to practice as an EMT, AEMT, or paramedic. The 2454
governor shall appoint this member from among three persons 2455
nominated by the Ohio emergency medical technician instructors 2456
association and the Ohio instructor/coordinators' society. One 2457
member shall be an ~~EMT basic, one shall be an EMT I, and one EMT,~~ 2458
AEMT, or paramedic, and one member shall be a paramedic. The 2459
governor shall appoint these members from among three ~~EMTs basic,~~ 2460

~~three EMTs I, EMTs or AEMTs and three paramedics nominated by the~~ 2461
~~Ohio association of professional fire fighters and three~~ 2462
~~EMTs basic, three EMTs I, and three paramedics nominated by the~~ 2463
~~northern Ohio fire fighters. One member shall be an EMT basic, one~~ 2464
~~shall be an EMT I, and one EMT, AEMT, or paramedic, and one member~~ 2465
~~shall be a paramedic whom the. The governor shall appoint these~~ 2466
~~members from among three EMTs basic, three EMTs I, EMTs or AEMTs~~ 2467
~~and three paramedics nominated by the Ohio state firefighter's~~ 2468
~~association. One member shall be a person whom the governor shall~~ 2469
~~appoint from among an EMT basic, an EMT I, and EMT, AEMT, or a~~ 2470
~~paramedic nominated by the Ohio association of emergency medical~~ 2471
~~services or the Ohio ambulance and medical transportation~~ 2472
~~association. One member shall be an EMT, AEMT, or a paramedic,~~ 2473
~~whom the governor shall appoint from among three persons nominated~~ 2474
~~by the Ohio ambulance and medical transportation association. One~~ 2475
~~member shall be a paramedic, whom the governor shall appoint from~~ 2476
~~among three persons nominated by the Ohio ambulance and medical~~ 2477
~~transportation association. The governor shall appoint one member~~ 2478
~~who is an EMT basic, EMT I, or paramedic affiliated with an~~ 2479
~~emergency medical services organization. One member shall be a~~ 2480
~~member of the Ohio ambulance association whom the governor shall~~ 2481
~~appoint from among three persons nominated by the Ohio ambulance~~ 2482
~~association. One member shall be a physician certified by the~~ 2483
~~American board of surgery, American board of osteopathic surgery,~~ 2484
~~American osteopathic board of emergency medicine, or American~~ 2485
~~board of emergency medicine who is the chief medical officer of an~~ 2486
~~air medical agency and is currently active in providing emergency~~ 2487
~~medical services. The governor shall appoint this member from~~ 2488
~~among three persons nominated by the Ohio association of air~~ 2489
~~medical services. One member shall be the owner or operator of a~~ 2490
~~private emergency medical service organization whom the governor~~ 2491
~~shall appoint from among three persons nominated by the Ohio~~ 2492
~~ambulance and medical transportation association. One member shall~~ 2493

be a provider of mobile intensive care unit transportation in this 2494
state whom the governor shall appoint from among three persons 2495
nominated by the Ohio association of critical care transport. One 2496
member shall be a provider of air-medical transportation in this 2497
state whom the governor shall appoint from among three persons 2498
nominated by the Ohio association of critical care transport. One 2499
member shall be the owner or operator of a nonemergency medical 2500
service organization in this state that provides ambulette 2501
services whom the governor shall appoint from among three persons 2502
nominated by the Ohio ambulance and medical transportation 2503
association. 2504

The governor may refuse to appoint any of the persons 2505
nominated by one or more organizations under division (A)(2) of 2506
this section, except the employee of the department of public 2507
safety designated by the director of public safety under this 2508
section to be a member of the board. In that event, the 2509
organization or organizations shall continue to nominate the 2510
required number of persons until the governor appoints to the 2511
board one or more of the persons nominated by the organization or 2512
organizations. 2513

The director of public safety shall designate an employee of 2514
the department of public safety to serve as a member of the board 2515
at the director's pleasure. This member shall serve as a liaison 2516
between the department and the division of emergency medical 2517
services in cooperation with the executive director of the board. 2518

~~Initial appointments to the board by the governor and the~~ 2519
~~director of public safety shall be made within ninety days after~~ 2520
~~November 12, 1992. Of the initial appointments by the governor,~~ 2521
~~five shall be for terms ending one year after November 12, 1992,~~ 2522
~~six shall be for terms ending two years after November 12, 1992,~~ 2523
~~and six shall be for terms ending three years after November 12,~~ 2524
~~1992. Within ninety days after the effective date of this~~ 2525

~~amendment, the governor shall appoint the member of the board who~~ 2526
~~is the chief medical officer of an air medical agency for an~~ 2527
~~initial term ending November 12, 2000. Thereafter, terms~~ 2528

(B) Terms of office of all members appointed by the governor 2529
shall be for three years, each term ending on the same day of the 2530
same month as did the term it succeeds. Each member shall hold 2531
office from the date of appointment until the end of the term for 2532
which the member was appointed. A member shall continue in office 2533
subsequent to the expiration date of the member's term until the 2534
member's successor takes office, or until a period of sixty days 2535
has elapsed, whichever occurs first. 2536

Each vacancy shall be filled in the same manner as the 2537
original appointment. A member appointed to fill a vacancy 2538
occurring prior to the expiration of the term for which the 2539
member's predecessor was appointed shall hold office for the 2540
remainder of the unexpired term. 2541

The term of a member shall expire if the member ceases to 2542
meet any of the requirements to be appointed as that member. The 2543
governor may remove any member from office for neglect of duty, 2544
malfeasance, misfeasance, or nonfeasance, after an adjudication 2545
hearing held in accordance with Chapter 119. of the Revised Code. 2546

(C) The members of the board shall serve without compensation 2547
but shall be reimbursed for their actual and necessary expenses 2548
incurred in carrying out their duties as board members. 2549

(D) The board shall organize by annually selecting a chair 2550
and vice-chair from among its members. The board may adopt bylaws 2551
to regulate its affairs. A majority of all members of the board 2552
shall constitute a quorum. No action shall be taken without the 2553
concurrence of a majority of all members of the board. The board 2554
shall meet at least four times annually and at the call of the 2555
chair. The chair shall call a meeting on the request of the 2556

executive director or the medical director of the board or on the 2557
written request of five members. The board shall maintain written 2558
or electronic records of its meetings. 2559

(E) Upon twenty-four hours' notice from a member of the 2560
board, the member's employer shall release the member from the 2561
member's employment duties to attend meetings of the full board. 2562
Nothing in this ~~paragraph~~ division requires the employer of a 2563
member of the board to compensate the member for time the member 2564
is released from employment duties under this paragraph, but any 2565
civil immunity, workers' compensation, disability, or similar 2566
coverage that applies to a member of the board as a result of the 2567
member's employment shall continue to apply while the member is 2568
released from employment duties under this paragraph. 2569

Sec. 4765.03. (A) The director of public safety shall appoint 2570
a full-time executive director for the state board of emergency 2571
medical, fire, and transportation services. The executive director 2572
shall be knowledgeable in emergency medical services and trauma 2573
care and shall serve at the pleasure of the director of public 2574
safety. The director of public safety shall appoint the executive 2575
director from among three persons nominated by the board. The 2576
director of public safety may refuse, for cause, to appoint any of 2577
the board's nominees. If the director fails to appoint any of the 2578
board's nominees, the board shall continue to nominate groups of 2579
three persons until the director does appoint one of the board's 2580
nominees. The executive director shall serve as the chief 2581
executive officer of the board and as the executive director of 2582
the division of emergency medical services. The executive director 2583
shall attend each meeting of the board, except the board may 2584
exclude the executive director from discussions concerning the 2585
employment or performance of the executive director or medical 2586
director of the board. The executive director shall give a surety 2587
bond to the state in such sum as the board determines, conditioned 2588

on the faithful performance of the duties of the executive 2589
director's office. The executive director shall receive a salary 2590
from the board and shall be reimbursed for actual and necessary 2591
expenses incurred in carrying out duties as executive director. 2592
2593

The executive director shall submit a report to the director 2594
of public safety at least every three months regarding the status 2595
of emergency medical services in this state. The executive 2596
director shall meet with the director of public safety at the 2597
director's request. 2598

(B) The board shall appoint a medical director, who shall 2599
serve at the pleasure of the board. The medical director shall be 2600
a physician certified by the American board of emergency medicine 2601
or the American osteopathic board of emergency medicine who is 2602
active in the practice of emergency medicine and has been actively 2603
involved with an emergency medical service organization for at 2604
least five years prior to being appointed. The board shall 2605
consider any recommendations for this appointment from the Ohio 2606
chapter of the American college of emergency physicians, the Ohio 2607
chapter of the American college of surgeons, the Ohio chapter of 2608
the American academy of pediatrics, the Ohio osteopathic 2609
association, and the Ohio state medical association. 2610

The medical director shall direct the executive director and 2611
advise the board with regard to adult and pediatric trauma and 2612
emergency medical services issues. The medical director shall 2613
attend each meeting of the board, except the board may exclude the 2614
medical director from discussions concerning the appointment or 2615
performance of the medical director or executive director of the 2616
board. The medical director shall be employed and paid by the 2617
board and shall be reimbursed for actual and necessary expenses 2618
incurred in carrying out duties as medical director. 2619

(C) The board may appoint employees as it determines 2620

necessary. The board shall prescribe the duties and titles of its 2621
employees. 2622

Sec. 4765.04. (A) The firefighter and fire safety inspector 2623
training committee of the state board of emergency medical, fire, 2624
and transportation services is hereby created and shall consist of 2625
the members of the board who are chiefs of fire departments, and 2626
the members of the board who are emergency medical 2627
technicians-basic, emergency medical technicians-intermediate, and 2628
emergency medical technicians-paramedic appointed from among 2629
persons nominated by the Ohio association of professional fire 2630
fighters or the northern Ohio fire fighters and from among persons 2631
nominated by the Ohio state firefighter's association. Each member 2632
of the committee, except the chairperson, may designate a person 2633
with fire experience to serve in that member's place. The members 2634
of the committee or their designees shall select a chairperson 2635
from among the members or their designees. 2636

The committee may conduct investigations in the course of 2637
discharging its duties under this chapter. In the course of an 2638
investigation, the committee may issue subpoenas. If a person 2639
subpoenaed fails to comply with the subpoena, the committee may 2640
authorize its chairperson to apply to the court of common pleas in 2641
the county where the person to be subpoenaed resides for an order 2642
compelling compliance in the same manner as compliance with a 2643
subpoena issued by the court is compelled. 2644

(B) The trauma committee of the state board of emergency 2645
medical, fire, and transportation services is hereby created and 2646
shall consist of the following members appointed by the director 2647
of public safety: 2648

(1) A physician who is certified by the American board of 2649
surgery or American osteopathic board of surgery and actively 2650
practices general trauma surgery, appointed from among three 2651

persons nominated by the Ohio chapter of the American college of 2652
surgeons, three persons nominated by the Ohio state medical 2653
association, and three persons nominated by the Ohio osteopathic 2654
association; 2655

(2) A physician who is certified by the American board of 2656
surgery or the American osteopathic board of surgery and actively 2657
practices orthopedic trauma surgery, appointed from among three 2658
persons nominated by the Ohio orthopedic society and three persons 2659
nominated by the Ohio osteopathic association; 2660

(3) A physician who is certified by the American board of 2661
neurological surgeons or the American osteopathic board of surgery 2662
and actively practices neurosurgery on trauma victims, appointed 2663
from among three persons nominated by the Ohio state neurological 2664
society and three persons nominated by the Ohio osteopathic 2665
association; 2666

(4) A physician who is certified by the American board of 2667
surgeons or American osteopathic board of surgeons and actively 2668
specializes in treating burn victims, appointed from among three 2669
persons nominated by the Ohio chapter of the American college of 2670
surgeons and three persons nominated by the Ohio osteopathic 2671
association; 2672

(5) A dentist who is certified by the American board of oral 2673
and maxillofacial surgery and actively practices oral and 2674
maxillofacial surgery, appointed from among three persons 2675
nominated by the Ohio dental association; 2676

(6) A physician who is certified by the American board of 2677
physical medicine and rehabilitation or American osteopathic board 2678
of rehabilitation medicine and actively provides rehabilitative 2679
care to trauma victims, appointed from among three persons 2680
nominated by the Ohio society of physical medicine and 2681
rehabilitation and three persons nominated by the Ohio osteopathic 2682

association; 2683

(7) A physician who is certified by the American board of 2684
surgery or American osteopathic board of surgery with special 2685
qualifications in pediatric surgery and actively practices 2686
pediatric trauma surgery, appointed from among three persons 2687
nominated by the Ohio chapter of the American academy of 2688
pediatrics and three persons nominated by the Ohio osteopathic 2689
association; 2690

(8) A physician who is certified by the American board of 2691
emergency medicine or American osteopathic board of emergency 2692
medicine, actively practices emergency medicine, and is actively 2693
involved in emergency medical services, appointed from among three 2694
persons nominated by the Ohio chapter of the American college of 2695
emergency physicians and three persons nominated by the Ohio 2696
osteopathic association; 2697

(9) A physician who is certified by the American board of 2698
pediatrics, American osteopathic board of pediatrics, or American 2699
board of emergency medicine, is sub-boarded in pediatric emergency 2700
medicine, actively practices pediatric emergency medicine, and is 2701
actively involved in emergency medical services, appointed from 2702
among three persons nominated by the Ohio chapter of the American 2703
academy of pediatrics, three persons nominated by the Ohio chapter 2704
of the American college of emergency physicians, and three persons 2705
nominated by the Ohio osteopathic association; 2706

(10) A physician who is certified by the American board of 2707
surgery, American osteopathic board of surgery, or American board 2708
of emergency medicine and is the chief medical officer of an air 2709
medical organization, appointed from among three persons nominated 2710
by the Ohio association of air medical services; 2711

(11) A coroner or medical examiner appointed from among three 2712
people nominated by the Ohio state coroners' association; 2713

(12) A registered nurse who actively practices trauma nursing	2714
at an adult or pediatric trauma center, appointed from among three	2715
persons nominated by the Ohio association of trauma nurse	2716
coordinators;	2717
(13) A registered nurse who actively practices emergency	2718
nursing and is actively involved in emergency medical services,	2719
appointed from among three persons nominated by the Ohio chapter	2720
of the emergency nurses' association;	2721
(14) The chief trauma registrar of an adult or pediatric	2722
trauma center, appointed from among three persons nominated by the	2723
alliance of Ohio trauma registrars;	2724
(15) The administrator of an adult or pediatric trauma	2725
center, appointed from among three persons nominated by OHA: the	2726
association for hospitals and health systems, three persons	2727
nominated by the Ohio osteopathic association, three persons	2728
nominated by the association of Ohio children's hospitals, and	2729
three persons nominated by the health forum of Ohio;	2730
(16) The administrator of a hospital that is not a trauma	2731
center and actively provides emergency care to adult or pediatric	2732
trauma patients, appointed from among three persons nominated by	2733
OHA: the association for hospitals and health systems, three	2734
persons nominated by the Ohio osteopathic association, three	2735
persons nominated by the association of Ohio children's hospitals,	2736
and three persons nominated by the health forum of Ohio;	2737
(17) The operator of an ambulance company that actively	2738
provides trauma care to emergency patients, appointed from among	2739
three persons nominated by the Ohio ambulance association;	2740
(18) The chief of a fire department that actively provides	2741
trauma care to emergency patients, appointed from among three	2742
persons nominated by the Ohio fire chiefs' association;	2743
(19) An EMT or paramedic who is certified under this chapter	2744

and actively provides trauma care to emergency patients, appointed 2745
from among three persons nominated by the Ohio association of 2746
professional firefighters, three persons nominated by the northern 2747
Ohio fire fighters, three persons nominated by the Ohio state 2748
firefighters' association, and three persons nominated by the Ohio 2749
association of emergency medical services; 2750

(20) A person who actively advocates for trauma victims, 2751
appointed from three persons nominated by the Ohio brain injury 2752
association and three persons nominated by the governor's council 2753
on people with disabilities; 2754

(21) A physician or nurse who has substantial administrative 2755
responsibility for trauma care provided in or by an adult or 2756
pediatric trauma center, appointed from among three persons 2757
nominated by OHA: the association for hospitals and health 2758
systems, three persons nominated by the Ohio osteopathic 2759
association, three persons nominated by the association of Ohio 2760
children's hospitals, and three persons nominated by the health 2761
forum of Ohio; 2762

(22) Three representatives of hospitals that are not trauma 2763
centers and actively provide emergency care to trauma patients, 2764
appointed from among three persons nominated by OHA: the 2765
association for hospitals and health systems, three persons 2766
nominated by the Ohio osteopathic association, three persons 2767
nominated by the association of Ohio children's hospitals, and 2768
three persons nominated by the health forum of Ohio. The 2769
representatives may be hospital administrators, physicians, 2770
nurses, or other clinical professionals. 2771

Members of the committee shall have substantial experience in 2772
the categories they represent, shall be residents of this state, 2773
and may be members of the state board of emergency medical, fire, 2774
and transportation services. In appointing members of the 2775
committee, the director shall attempt to include members 2776

representing urban and rural areas, various geographical areas of 2777
the state, and various schools of training. The director shall not 2778
appoint to the committee more than one member who is employed by 2779
or practices at the same hospital, health system, or emergency 2780
medical service organization. 2781

The director may refuse to appoint any of the persons 2782
nominated by an organization or organizations under this division. 2783
In that event, the organization or organizations shall continue to 2784
nominate the required number of persons until the director 2785
appoints to the committee one or more of the persons nominated by 2786
the organization or organizations. 2787

Initial appointments to the committee shall be made by the 2788
director not later than ninety days after November 3, 2000. 2789
Members of the committee shall serve at the pleasure of the 2790
director, except that any member of the committee who ceases to be 2791
qualified for the position to which the member was appointed shall 2792
cease to be a member of the committee. Vacancies on the committee 2793
shall be filled in the same manner as original appointments. 2794

The members of the committee shall serve without compensation 2795
but shall be reimbursed for actual and necessary expenses incurred 2796
in carrying out duties as members of the committee. 2797

The committee shall select a chairperson and vice-chairperson 2798
from among its members. A majority of all members of the committee 2799
shall constitute a quorum. No action shall be taken without the 2800
concurrence of a majority of all members of the committee. The 2801
committee shall meet at the call of the chair, upon written 2802
request of five members of the committee, and at the direction of 2803
the state board of emergency medical, fire, and transportation 2804
services. The committee shall not meet at times or locations that 2805
conflict with meetings of the board. The executive director and 2806
medical director of the state board of emergency medical, fire, 2807
and transportation services may participate in any meeting of the 2808

committee and shall do so at the request of the committee. 2809

The committee shall advise and assist the state board of 2810
emergency medical, fire, and transportation services in matters 2811
related to adult and pediatric trauma care and the establishment 2812
and operation of the state trauma registry. In matters relating to 2813
the state trauma registry, the board and the committee shall 2814
consult with trauma registrars from adult and pediatric trauma 2815
centers in the state. The committee may appoint a subcommittee to 2816
advise and assist with the trauma registry. The subcommittee may 2817
include persons with expertise relevant to the trauma registry who 2818
are not members of the board or committee. 2819

(C) The state board of emergency medical, fire, and 2820
transportation services may appoint other committees and 2821
subcommittees as it considers necessary. 2822

(D) The state board of emergency medical, fire, and 2823
transportation services, and any of its committees or 2824
subcommittees, may request assistance from any state agency. The 2825
board and its committees and subcommittees may permit persons who 2826
are not members of those bodies to participate in deliberations of 2827
those bodies, but no person who is not a member of the board shall 2828
vote on the board and no person who is not a member of a committee 2829
created under division (A) or (B) of this section shall vote on 2830
that committee. 2831

(E) Sections 101.82 to 101.87 of the Revised Code do not 2832
apply to the committees established under division (A) or (B) of 2833
this section. 2834

Sec. 4765.05. (A) As used in this section, "prehospital 2835
emergency medical services" means an emergency medical services 2836
system that provides medical services to patients who require 2837
immediate assistance, because of illness or injury, prior to their 2838
arrival at an emergency medical facility. 2839

(B) The state board of emergency medical, fire, and 2840
transportation services shall divide the state geographically into 2841
prehospital emergency medical services regions for purposes of 2842
overseeing the delivery of adult and pediatric prehospital 2843
emergency medical services. For each prehospital emergency medical 2844
services region, the state board of emergency medical, fire, and 2845
transportation services shall appoint either a physician to serve 2846
as the regional director or a physician advisory board to serve as 2847
the regional advisory board. The state board of emergency medical, 2848
fire, and transportation services shall specify the duties of each 2849
regional director and regional advisory board. Regional directors 2850
and members of regional advisory boards shall serve without 2851
compensation, but shall be reimbursed for actual and necessary 2852
expenses incurred in carrying out duties as regional directors and 2853
members of regional advisory boards. 2854

(C) Nothing in this section shall be construed to limit in 2855
any way the ability of a hospital to determine the market area of 2856
that hospital. 2857

Sec. 4765.06. (A) The state board of emergency medical, fire, 2858
and transportation services shall establish an emergency medical 2859
services incidence reporting system for the collection of 2860
information regarding the delivery of emergency medical services 2861
in this state and the frequency at which the services are 2862
provided. All emergency medical service organizations shall submit 2863
to the board any information that the board determines is 2864
necessary for maintaining the incidence reporting system. 2865

(B) The board shall establish a state trauma registry to be 2866
used for the collection of information regarding the care of adult 2867
and pediatric trauma victims in this state. The registry shall 2868
provide for the reporting of adult and pediatric trauma-related 2869
deaths, identification of adult and pediatric trauma patients, 2870

monitoring of adult and pediatric trauma patient care data, 2871
determination of the total amount of uncompensated adult and 2872
pediatric trauma care provided annually by each facility that 2873
provides care to trauma victims, and collection of any other 2874
information specified by the board. All persons designated by the 2875
board shall submit to the board any information it determines is 2876
necessary for maintaining the state trauma registry. At the 2877
request of the board any state agency possessing information 2878
regarding adult or pediatric trauma care shall provide the 2879
information to the board. The board shall maintain the state 2880
trauma registry in accordance with rules adopted under section 2881
4765.11 of the Revised Code. 2882

Rules relating to the state trauma registry adopted under 2883
this section and section 4765.11 of the Revised Code shall not 2884
prohibit the operation of other trauma registries and may provide 2885
for the reporting of information to the state trauma registry by 2886
or through other trauma registries in a manner consistent with 2887
information otherwise reported to the state trauma registry. Other 2888
trauma registries may report aggregate information to the state 2889
trauma registry, provided the information can be matched to the 2890
person that reported it. Information maintained by another trauma 2891
registry and reported to the state trauma registry in lieu of 2892
being reported directly to the state trauma registry is a public 2893
record and shall be maintained, made available to the public, held 2894
in confidence, risk adjusted, and not subject to discovery or 2895
introduction into evidence in a civil action as provided in 2896
section 149.43 of the Revised Code and this section. Any person 2897
who provides, maintains, or risk adjusts such information shall 2898
comply with this section and rules adopted under it in performing 2899
that function and has the same immunities with respect to that 2900
function as a person who performs that function with respect to 2901
the state trauma registry. 2902

(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 2935
pediatric trauma care. 2936

(F) No provider that furnishes information to the board with 2937
respect to any patient the provider examined or treated shall, 2938
because of this furnishing, be deemed liable in damages to any 2939
person or be held to answer for betrayal of a professional 2940
confidence in the absence of willful or wanton misconduct. No such 2941
information shall be subject to introduction in evidence in any 2942
civil action against the provider. No provider that furnishes 2943
information to the board shall be liable for the misuse or 2944
improper release of the information by the board or any other 2945
person. 2946

No person who performs risk adjustment functions under this 2947
section shall, because of performing such functions, be held 2948
liable in a civil action for betrayal of professional confidence 2949
or otherwise in the absence of willful or wanton misconduct. 2950

(G) The board may transmit data that identifies or tends to 2951
identify a specific provider of emergency medical services care 2952
and has not been risk-adjusted from the emergency medical services 2953
incident reporting system directly to the national emergency 2954
medical services information system, pursuant to a written 2955
contract between the board and the federal agency that administers 2956
the national emergency medical services information system, which 2957
shall ensure to the maximum extent permitted by federal law that 2958
such agency shall use such data solely for inclusion in the 2959
national emergency medical services information system and shall 2960
not disclose such data to the public, through legal discovery, a 2961
freedom of information request, or otherwise, in a manner that 2962
identifies or tends to identify a specific provider of emergency 2963
medical services care. 2964

Sec. 4765.07. (A) The state board of emergency medical, fire, 2965

and transportation services shall adopt rules under section 2966
4765.11 of the Revised Code to establish and administer a grant 2967
program under which grants are distributed according to the 2968
following priorities: 2969

(1) First priority shall be given to emergency medical 2970
service organizations for the training of personnel, for the 2971
purchase of equipment and vehicles, and to improve the 2972
availability, accessibility, and quality of emergency medical 2973
services in this state. In this category, the board shall give 2974
priority to grants that fund training and equipping of emergency 2975
medical service personnel. 2976

(2) Second priority shall be given to entities that research, 2977
test, and evaluate medical procedures and systems related to adult 2978
and pediatric trauma care. 2979

(3) Third priority shall be given to entities that research 2980
the causes, nature, and effects of traumatic injuries, educate the 2981
public about injury prevention, and implement, test, and evaluate 2982
injury prevention strategies. 2983

(4) Fourth priority shall be given to entities that research, 2984
test, and evaluate procedures that promote the rehabilitation, 2985
retraining, and reemployment of adult or pediatric trauma victims 2986
and social service support mechanisms for adult or pediatric 2987
trauma victims and their families. 2988

(5) Fifth priority shall be given to entities that conduct 2989
research on, test, or evaluate one or more of the following: 2990

(a) Procedures governing the performance of emergency medical 2991
services in this state; 2992

(b) The training of emergency medical service personnel; 2993

(c) The staffing of emergency medical service organizations. 2994

(6) For grants distributed for the grant award years 2995

occurring not later than the award year ending June 30, 2017, 2996
sixth priority shall be given to entities that operate paramedic 2997
training programs and are seeking national accreditation of the 2998
programs. 2999

(B) To be eligible for a grant distributed pursuant to 3000
division (A)(6) of this section, an applicant for the grant shall 3001
meet all of the following conditions: 3002

(1) Hold a certificate of accreditation issued by the board 3003
under section 4765.17 of the Revised Code to operate a paramedic 3004
training program; 3005

(2) Be seeking initial national accreditation of the program 3006
from an accrediting organization approved by the board; 3007

(3) Apply for the national accreditation on or after February 3008
25, 2010. 3009

(C) The grant program shall be funded from the trauma and 3010
emergency medical services fund created by section 4513.263 of the 3011
Revised Code. 3012

Sec. 4765.08. The state board of emergency medical, fire, and 3013
transportation services shall prepare a statewide emergency 3014
medical services plan and shall revise the plan as necessary. 3015

The board shall prepare a plan for the statewide regulation 3016
of emergency medical services during periods of disaster. The plan 3017
shall be consistent with the statewide emergency medical services 3018
plan required under this section and with the statewide emergency 3019
operations plan required under section 5502.22 of the Revised 3020
Code. The board shall submit the plan to the emergency management 3021
agency created under section 5502.22 of the Revised Code. The 3022
board shall cooperate with the agency in any other manner the 3023
agency considers necessary to develop and implement the statewide 3024
emergency operations plan. 3025

Sec. 4765.09. The state board of emergency medical, fire, and 3026
transportation services shall prepare recommendations for the 3027
operation of ambulance service organizations, air medical 3028
organizations, and emergency medical service organizations. Within 3029
thirty days following the preparation or modification of 3030
recommendations, the board shall notify the board of county 3031
commissioners of any county, the board of township trustees of any 3032
township, the board of trustees of any joint ambulance district, 3033
or the board of trustees of any joint emergency medical services 3034
district in which there exist ambulance service organizations, air 3035
medical organizations, or emergency medical service organizations 3036
of any board recommendations for the operation of such 3037
organizations. The recommendations shall include, but not be 3038
limited to: 3039

(A) The definition and classification of ambulances and 3040
medical aircraft; 3041

(B) The design, equipment, and supplies for ambulances and 3042
medical aircraft, including special equipment, supplies, training, 3043
and staffing required to assist pediatric and geriatric emergency 3044
victims; 3045

(C) The minimum number and type of personnel for the 3046
operation of ambulances and medical aircraft; 3047

(D) The communication systems necessary for the operation of 3048
ambulances and medical aircraft; 3049

(E) Reports to be made by persons holding certificates of 3050
accreditation or approval issued under section 4765.17 of the 3051
Revised Code and certificates to practice issued under section 3052
4765.30 of the Revised Code to ascertain compliance with this 3053
chapter and the rules and recommendations adopted thereunder and 3054
to ascertain the quantity and quality of ambulance service 3055
organizations, air medical organizations, and emergency medical 3056

service organizations throughout the state. 3057

Sec. 4765.10. (A) The state board of emergency medical, fire, 3058
and transportation services shall do all of the following: 3059

(1) Administer and enforce the provisions of this chapter and 3060
the rules adopted under it; 3061

(2) Approve, in accordance with procedures established in 3062
rules adopted under section 4765.11 of the Revised Code, 3063
examinations that demonstrate competence to have a certificate to 3064
practice renewed without completing a continuing education 3065
program; 3066

(3) Advise applicants for state or federal emergency medical 3067
services funds, review and comment on applications for these 3068
funds, and approve the use of all state and federal funds 3069
designated solely for emergency medical service programs unless 3070
federal law requires another state agency to approve the use of 3071
all such federal funds; 3072

(4) Serve as a statewide clearinghouse for discussion, 3073
inquiry, and complaints concerning emergency medical services; 3074

(5) Make recommendations to the general assembly on 3075
legislation to improve the delivery of emergency medical services; 3076

(6) Maintain a toll-free long distance telephone number 3077
through which it shall respond to questions about emergency 3078
medical services; 3079

(7) Work with appropriate state offices in coordinating the 3080
training of firefighters and emergency medical service personnel. 3081
Other state offices that are involved in the training of 3082
firefighters or emergency medical service personnel shall 3083
cooperate with the board and its committees and subcommittees to 3084
achieve this goal. 3085

(8) Provide a liaison to the state emergency operation center 3086

during those periods when a disaster, as defined in section 3087
5502.21 of the Revised Code, has occurred in this state and the 3088
governor has declared an emergency as defined in that section. 3089

(B) The board may do any of the following: 3090

(1) Investigate complaints concerning emergency medical 3091
services and emergency medical service organizations as it 3092
determines necessary; 3093

(2) Enter into reciprocal agreements with other states that 3094
have standards for accreditation of emergency medical services 3095
training programs and for certification of first responders, 3096
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 3097
inspectors that are substantially similar to those established 3098
under this chapter and the rules adopted under it; 3099

(3) Establish a statewide public information system and 3100
public education programs regarding emergency medical services; 3101

(4) Establish an injury prevention program. 3102

Sec. 4765.101. (A) The state board of emergency medical, 3103
fire, and transportation services shall investigate any allegation 3104
that a person has violated this chapter or a rule adopted under 3105
it. 3106

Any person may submit to the board a written complaint 3107
regarding an alleged violation of this chapter or a rule adopted 3108
under it. In the absence of fraud or bad faith, no person 3109
submitting a complaint to the board or testifying in an 3110
adjudication hearing conducted in accordance with Chapter 119. of 3111
the Revised Code with regard to such an alleged violation shall be 3112
liable to any person in damages in a civil action as a result of 3113
submitting the complaint or providing testimony. 3114

(B) In investigating an allegation, the board may do any of 3115
the following: 3116

(1) Administer oaths;	3117
(2) Order the taking of depositions;	3118
(3) Issue subpoenas;	3119
(4) Compel the attendance of witnesses and production of	3120
books, accounts, papers, records, documents, and testimony.	3121
(C) A subpoena for patient record information shall not be	3122
issued without consultation with the attorney general's office and	3123
approval of the executive director of the board. Before issuance	3124
of a subpoena for patient record information, the executive	3125
director shall determine whether there is probable cause to	3126
believe that the complaint filed alleges a violation of this	3127
chapter or any rule adopted under it and that the records sought	3128
are relevant to the alleged violation and material to the	3129
investigation. The subpoena may apply only to records that cover a	3130
reasonable period of time surrounding the alleged violation.	3131
(D) On failure to comply with any subpoena issued by the	3132
board and after reasonable notice to the person being subpoenaed,	3133
the board may move, pursuant to the Rules of Civil Procedure, for	3134
an order compelling the production of persons or records.	3135
(E) A subpoena issued by the board may be served by a	3136
sheriff, the sheriff's deputy, or an investigator for the division	3137
of emergency medical services of the department of public safety.	3138
Service of a subpoena issued by the board may be made by	3139
delivering a copy of the subpoena to the person named in it,	3140
reading it to the person, or leaving it at the person's usual	3141
place of residence. When the person being served is an individual	3142
authorized by this chapter to practice emergency medical services,	3143
service of the subpoena may be made by certified mail, restricted	3144
delivery, return receipt requested, and the subpoena shall be	3145
deemed served on the date delivery is made or on the date that the	3146
person refuses to accept delivery.	3147

Sec. 4765.102. (A) As used in this section, "licensing 3148
agency" means any entity that has the authority pursuant to Title 3149
XLVII of the Revised Code to issue a license, and any other agency 3150
of this or another state, other than the Ohio supreme court, that 3151
has the authority to issue a license that authorizes an individual 3152
to engage in an occupation or profession. "Licensing agency" 3153
includes an administrative officer that has authority to issue a 3154
license that authorizes an individual to engage in an occupation 3155
or profession. 3156

(B) Except as provided in divisions (C) and (D) of this 3157
section and section 4765.111 of the Revised Code, all information 3158
the state board of emergency medical, fire, and transportation 3159
services receives pursuant to an investigation, including 3160
information regarding an alleged violation of this chapter or 3161
rules adopted under it or a complaint submitted under division (A) 3162
of section 4765.101 of the Revised Code, is confidential, and is 3163
not subject to discovery in any civil action, during the course of 3164
the investigation and any adjudication proceedings that result 3165
from the investigation. Upon completion of the investigation and 3166
any resulting adjudication proceedings, the information is a 3167
matter of public record for purposes of section 149.43 of the 3168
Revised Code. 3169

(C) The board may release information otherwise made 3170
confidential by division (B) of this section to law enforcement 3171
officers or licensing agencies of this or another state that are 3172
prosecuting, adjudicating, or investigating the holder of a 3173
certificate issued under this chapter or a person who allegedly 3174
engaged in the unauthorized provision of emergency medical 3175
services. 3176

A law enforcement officer or licensing agency with 3177
information disclosed by the board under this division shall not 3178

divulge the information other than for the purpose of an 3179
adjudication by a court or licensing agency to which the subject 3180
of the adjudication is a party. 3181

(D) If an investigation conducted under section 4765.101 of 3182
the Revised Code requires a review of patient records, the 3183
investigation and proceedings related to it shall be conducted in 3184
such a manner as to protect patient confidentiality. The board 3185
shall not make public the name or any other identifying 3186
information about a patient unless proper consent is given in 3187
accordance with rules adopted by the board. If the patient is less 3188
than eighteen years of age, the board shall obtain consent from 3189
the patient's parent, guardian, or custodian. 3190

Sec. 4765.11. (A) The state board of emergency medical, fire, 3191
and transportation services shall adopt, and may amend and 3192
rescind, rules in accordance with Chapter 119. of the Revised Code 3193
and division (C) of this section that establish all of the 3194
following: 3195

(1) Procedures for its governance and the control of its 3196
actions and business affairs; 3197

(2) Standards for the performance of emergency medical 3198
services by first responders, emergency medical technicians-basic, 3199
emergency medical technicians-intermediate, and emergency medical 3200
technicians-paramedic; 3201

(3) Application fees for certificates of accreditation, 3202
certificates of approval, certificates to teach, and certificates 3203
to practice, which shall be deposited into the trauma and 3204
emergency medical services fund created in section 4513.263 of the 3205
Revised Code; 3206

(4) Criteria for determining when the application or renewal 3207
fee for a certificate to practice may be waived because an 3208

applicant cannot afford to pay the fee;	3209
(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;	3210 3211 3212 3213 3214 3215
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	3216 3217 3218
(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;	3219 3220 3221 3222
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	3223 3224
(9) Standards for certificates of accreditation and certificates of approval;	3225 3226
(10) Qualifications for certificates to teach;	3227
(11) Requirements for a certificate to practice;	3228
(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;	3229 3230 3231 3232 3233
(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;	3234 3235 3236 3237 3238

(14) Examinations for certificates to practice;	3239
(15) Procedures for administering examinations for	3240
certificates to practice;	3241
(16) Procedures for approving examinations that demonstrate	3242
competence to have a certificate to practice renewed without	3243
completing an emergency medical services continuing education	3244
program;	3245
(17) Procedures for granting extensions and exemptions of	3246
emergency medical services continuing education requirements;	3247
(18) Procedures for approving the additional emergency	3248
medical services first responders are authorized by division (C)	3249
of section 4765.35 of the Revised Code to perform, EMTs-basic are	3250
authorized by division (C) of section 4765.37 of the Revised Code	3251
to perform, EMTs-I are authorized by division (B)(5) of section	3252
4765.38 of the Revised Code to perform, and paramedics are	3253
authorized by division (B)(6) of section 4765.39 of the Revised	3254
Code to perform;	3255
(19) Standards and procedures for implementing the	3256
requirements of section 4765.06 of the Revised Code, including	3257
designations of the persons who are required to report information	3258
to the board and the types of information to be reported;	3259
(20) Procedures for administering the emergency medical	3260
services grant program established under section 4765.07 of the	3261
Revised Code;	3262
(21) Procedures consistent with Chapter 119. of the Revised	3263
Code for appealing decisions of the board;	3264
(22) Minimum qualifications and peer review and quality	3265
improvement requirements for persons who provide medical direction	3266
to emergency medical service personnel;	3267
(23) The manner in which a patient, or a patient's parent,	3268

guardian, or custodian may consent to the board releasing 3269
identifying information about the patient under division (D) of 3270
section 4765.102 of the Revised Code; 3271

(24) Circumstances under which a training program or 3272
continuing education program, or portion of either type of 3273
program, may be taught by a person who does not hold a certificate 3274
to teach issued under section 4765.23 of the Revised Code; 3275

(25) Certification cycles for certificates issued under 3276
sections 4765.23 and 4765.30 of the Revised Code and certificates 3277
issued by the executive director of the state board of emergency 3278
medical, fire, and transportation services under section 4765.55 3279
of the Revised Code that establish a common expiration date for 3280
all certificates. 3281

(B) The board may adopt, and may amend and rescind, rules in 3282
accordance with Chapter 119. of the Revised Code and division (C) 3283
of this section that establish the following: 3284

(1) Specifications of information that may be collected under 3285
the trauma system registry and incidence reporting system created 3286
under section 4765.06 of the Revised Code; 3287

(2) Standards and procedures for implementing any of the 3288
recommendations made by any committees of the board or under 3289
section 4765.04 of the Revised Code; 3290

(3) Requirements that a person must meet to receive a 3291
certificate to practice as a first responder pursuant to division 3292
(A)(2) of section 4765.30 of the Revised Code; 3293

(4) Any other rules necessary to implement this chapter. 3294

(C) In developing and administering rules adopted under this 3295
chapter, the state board of emergency medical, fire, and 3296
transportation services shall consult with regional directors and 3297
regional physician advisory boards created by section 4765.05 of 3298

the Revised Code and emphasize the special needs of pediatric and 3299
geriatric patients. 3300

(D) Except as otherwise provided in this division, before 3301
adopting, amending, or rescinding any rule under this chapter, the 3302
board shall submit the proposed rule to the director of public 3303
safety for review. The director may review the proposed rule for 3304
not more than sixty days after the date it is submitted. If, 3305
within this sixty-day period, the director approves the proposed 3306
rule or does not notify the board that the rule is disapproved, 3307
the board may adopt, amend, or rescind the rule as proposed. If, 3308
within this sixty-day period, the director notifies the board that 3309
the proposed rule is disapproved, the board shall not adopt, 3310
amend, or rescind the rule as proposed unless at least twelve 3311
members of the board vote to adopt, amend, or rescind it. 3312

This division does not apply to an emergency rule adopted in 3313
accordance with section 119.03 of the Revised Code. 3314

Sec. 4765.111. Except as provided in this section or sections 3315
4765.112 to 4765.116 of the Revised Code, the state board of 3316
emergency medical, fire, and transportation services shall conduct 3317
disciplinary proceedings regarding the holder of a certificate 3318
issued under this chapter in accordance with rules adopted by the 3319
board under section 4765.11 of the Revised Code. 3320

The board and a holder of a certificate are the parties to a 3321
hearing conducted under this chapter. Either party may submit a 3322
written request to the other party for a list of witnesses and 3323
copies of documents intended to be introduced at the hearing. The 3324
request shall be in writing and shall be served not less than 3325
thirty-seven days prior to the commencement of the hearing, unless 3326
the hearing officer or presiding board member grants an extension 3327
of time to make the request. Not later than thirty days before the 3328
hearing, the responding party shall provide the requested list of 3329

witnesses and copies of documents to the requesting party, unless 3330
the hearing officer or presiding board member grants an extension 3331
of time to provide the list and copies. 3332

Failure to timely provide a list or copies requested in 3333
accordance with this section shall result in exclusion from the 3334
hearing of the witnesses, testimony, or documents. 3335

Sec. 4765.112. (A) The state board of emergency medical, 3336
fire, and transportation services, by an affirmative vote of the 3337
majority of its members, may suspend without a prior hearing a 3338
certificate to practice issued under this chapter if the board 3339
determines that there is clear and convincing evidence that 3340
continued practice by the certificate holder presents a danger of 3341
immediate and serious harm to the public and that the certificate 3342
holder has done any of the following: 3343

(1) Furnished false, fraudulent, or misleading information to 3344
the board; 3345

(2) Engaged in activities that exceed those permitted by the 3346
individual's certificate; 3347

(3) In a court of this or any other state or federal court 3348
been convicted of, pleaded guilty to, or been the subject of a 3349
judicial finding of guilt of, a judicial finding of guilt 3350
resulting from a plea of no contest to, or a judicial finding of 3351
eligibility for intervention in lieu of conviction for, a felony 3352
or for a misdemeanor committed in the course of practice or 3353
involving gross immorality or moral turpitude. 3354

(B) Immediately following the decision to impose a summary 3355
suspension, the board, in accordance with section 119.07 of the 3356
Revised Code, shall issue a written order of suspension, cause it 3357
to be delivered to the certificate holder, and notify the 3358
certificate holder of the opportunity for a hearing. If timely 3359

requested by the certificate holder, a hearing shall be conducted 3360
in accordance with section 4765.115 of the Revised Code. 3361

Sec. 4765.113. If the state board of emergency medical, fire, 3362
and transportation services imposes a suspension on the basis of a 3363
conviction, judicial finding, or plea as described in division 3364
(A)(3) of section 4765.112 of the Revised Code that is overturned 3365
on appeal, the certificate holder, on exhaustion of the criminal 3366
appeal process, may file with the board a petition for 3367
reconsideration of the suspension along with appropriate court 3368
documents. On receipt of the petition and documents, the board 3369
shall reinstate the certificate holder's certificate to practice. 3370

Sec. 4765.114. (A) A certificate to practice emergency 3371
medical services issued under this chapter is automatically 3372
suspended on the certificate holder's conviction of, plea of 3373
guilty to, or judicial finding of guilt of any of the following: 3374
aggravated murder, murder, voluntary manslaughter, felonious 3375
assault, kidnapping, rape, sexual battery, gross sexual 3376
imposition, aggravated arson, aggravated burglary, aggravated 3377
robbery, or a substantially equivalent offense committed in this 3378
or another jurisdiction. Continued practice after the suspension 3379
is practicing without a certificate. 3380

(B) If the state board of emergency medical, fire, and 3381
transportation services has knowledge that an automatic suspension 3382
has occurred, it shall notify, in accordance with section 119.07 3383
of the Revised Code, the certificate holder of the suspension and 3384
of the opportunity for a hearing. If timely requested by the 3385
certificate holder, a hearing shall be conducted in accordance 3386
with section 4765.115 of the Revised Code. 3387

Sec. 4765.115. (A) A suspension order issued under section 3388
4765.112 or automatic suspension under section 4765.114 of the 3389

Revised Code is not subject to suspension by a court prior to a 3390
hearing under this section or during the pendency of any appeal 3391
filed under section 119.12 of the Revised Code. 3392

(B) A suspension order issued under section 4765.112 or 3393
automatic suspension under section 4765.114 of the Revised Code 3394
remains in effect, unless reversed by the state board of emergency 3395
medical, fire, and transportation services, until a final 3396
adjudication order issued by the board pursuant to this section 3397
becomes effective. 3398

(C) Hearings requested pursuant to section 4765.112 or 3399
4765.114 of the Revised Code shall be conducted under this section 3400
in accordance with Chapter 119. of the Revised Code. 3401

(D) A hearing under this section shall be held not later than 3402
forty-five days but not earlier than forty days after the 3403
certificate holder requests it, unless another date is agreed to 3404
by the certificate holder and the board. 3405

(E) After completion of an adjudication hearing, the board 3406
may adopt, by an affirmative vote of the majority of its members, 3407
a final adjudication order that imposes any of the following 3408
sanctions: 3409

(1) Suspension of the holder's certificate to practice; 3410

(2) Revocation of the holder's certificate to practice; 3411

(3) Issuance of a written reprimand; 3412

(4) A refusal to renew or a limitation on the holder's 3413
certificate to practice. 3414

The board shall issue its final adjudication order not later 3415
than forty-five days after completion of an adjudication hearing. 3416
If the board does not issue a final order within that time period, 3417
the suspension order is void, but any final adjudication order 3418
subsequently issued is not affected. 3419

(F) Any action taken by the board under this section 3420
resulting in a suspension from practice shall be accompanied by a 3421
written statement of the conditions under which the certificate to 3422
practice may be reinstated. Reinstatement of a certificate 3423
suspended under this section requires an affirmative vote by the 3424
majority of the members of the board. 3425

(G) When the board revokes or refuses to reinstate a 3426
certificate to practice, the board may specify that its action is 3427
permanent. An individual subject to permanent action taken by the 3428
board is forever ineligible to hold a certificate of the type 3429
revoked or refused, and the board shall not accept from the 3430
individual an application for reinstatement of the certificate or 3431
for a new certificate. 3432

Sec. 4765.116. If a certificate holder subject to a 3433
suspension order issued by the state board of emergency medical, 3434
fire, and transportation services under section 4765.112 or an 3435
automatic suspension order under section 4765.114 of the Revised 3436
Code fails to make a timely request for a hearing, the following 3437
apply: 3438

(A) In the case of a certificate holder subject to a summary 3439
suspension order, the board is not required to hold a hearing, but 3440
may adopt, by an affirmative vote of a majority of its members, a 3441
final order that contains the board's findings. In the final 3442
order, the board may order any of the sanctions listed in division 3443
(E) of section 4765.115 of the Revised Code. 3444

(B) In the case of a certificate holder subject to an 3445
automatic suspension order, the board may adopt, by an affirmative 3446
vote of a majority of its members, a final order that permanently 3447
revokes the holder's certificate to practice. 3448

Sec. 4765.12. (A) Not later than two years after ~~the~~ 3449

~~effective date of this section~~ November 3, 2000, the state board 3450
of emergency medical, fire, and transportation services shall 3451
develop and distribute guidelines for the care of trauma victims 3452
by emergency medical service personnel and for the conduct of peer 3453
review and quality assurance programs by emergency medical service 3454
organizations. The guidelines shall be consistent with the state 3455
trauma triage protocols adopted in rules under sections 4765.11 3456
and 4765.40 of the Revised Code and shall place emphasis on the 3457
special needs of pediatric and geriatric trauma victims. In 3458
developing the guidelines, the board shall consult with entities 3459
with interests in trauma and emergency medical services and shall 3460
consider any relevant guidelines adopted by national 3461
organizations, including the American college of surgeons, 3462
American college of emergency physicians, and American academy of 3463
pediatrics. The board shall distribute the guidelines, and 3464
amendments to the guidelines, to each emergency medical service 3465
organization, regional director, regional physician advisory 3466
board, certified emergency medical service instructor, and person 3467
who regularly provides medical direction to emergency medical 3468
service personnel in this state. 3469

(B) Not later than three years after ~~the effective date of~~ 3470
~~this section~~ November 3, 2000, each emergency medical service 3471
organization in this state shall implement ongoing peer review and 3472
quality assurance programs designed to improve the availability 3473
and quality of the emergency medical services it provides. The 3474
form and content of the programs shall be determined by each 3475
emergency medical service organization. In implementing the 3476
programs, each emergency medical service organization shall 3477
consider how to improve its ability to provide effective trauma 3478
care, particularly for pediatric and geriatric trauma victims, and 3479
shall take into account the trauma care guidelines developed by 3480
the state board of emergency medical, fire, and transportation 3481
services under this section. 3482

Information generated solely for use in a peer review or 3483
quality assurance program conducted on behalf of an emergency 3484
medical service organization is not a public record under section 3485
149.43 of the Revised Code. Such information, and any discussion 3486
conducted in the course of a peer review or quality assurance 3487
program conducted on behalf of an emergency medical service 3488
organization, is not subject to discovery in a civil action and 3489
shall not be introduced into evidence in a civil action against 3490
the emergency medical service organization on whose behalf the 3491
information was generated or the discussion occurred. 3492

No emergency medical service organization on whose behalf a 3493
peer review or quality assurance program is conducted, and no 3494
person who conducts such a program, because of performing such 3495
functions, shall be liable in a civil action for betrayal of 3496
professional confidence or otherwise in the absence of willful or 3497
wanton misconduct. 3498

Sec. 4765.15. A person seeking to operate an emergency 3499
medical services training program shall submit a completed 3500
application for accreditation to the state board of emergency 3501
medical, fire, and transportation services on a form the board 3502
shall prescribe and furnish. The application shall be accompanied 3503
by the appropriate application fee established in rules adopted 3504
under section 4765.11 of the Revised Code. 3505

A person seeking to operate an emergency medical services 3506
continuing education program shall submit a completed application 3507
for approval to the board on a form the board shall prescribe and 3508
furnish. The application shall be accompanied by the appropriate 3509
application fee established in rules adopted under section 4765.11 3510
of the Revised Code. 3511

The board shall administer the accreditation and approval 3512
processes pursuant to rules adopted under section 4765.11 of the 3513

Revised Code. In administering these processes, the board may 3514
authorize other persons to evaluate applications for accreditation 3515
or approval and may accept the recommendations made by those 3516
persons. 3517

The board may cause an investigation to be made into the 3518
accuracy of the information submitted in any application for 3519
accreditation or approval. If an investigation indicates that 3520
false, misleading, or incomplete information has been submitted to 3521
the board in connection with any application for accreditation or 3522
approval, the board shall conduct a hearing on the matter in 3523
accordance with Chapter 119. of the Revised Code. 3524

Sec. 4765.16. (A) All courses offered through an emergency 3525
medical services training program or an emergency medical services 3526
continuing education program, other than ambulance driving, shall 3527
be developed under the direction of a physician who specializes in 3528
emergency medicine. Each course that deals with trauma care shall 3529
be developed in consultation with a physician who specializes in 3530
trauma surgery. Except as specified by the state board of 3531
emergency medical, fire, and transportation services pursuant to 3532
rules adopted under section 4765.11 of the Revised Code, each 3533
course offered through a training program or continuing education 3534
program shall be taught by a person who holds the appropriate 3535
certificate to teach issued under section 4765.23 of the Revised 3536
Code. 3537

(B) A training program for first responders shall meet the 3538
standards established in rules adopted by the board under section 3539
4765.11 of the Revised Code. The program shall include courses in 3540
both of the following areas for at least the number of hours 3541
established by the board's rules: 3542

(1) Emergency victim care; 3543

(2) Reading and interpreting a trauma victim's vital signs. 3544

(C) A training program for emergency medical 3545
technicians-basic shall meet the standards established in rules 3546
adopted by the board under section 4765.11 of the Revised Code. 3547
The program shall include courses in each of the following areas 3548
for at least the number of hours established by the board's rules: 3549

- (1) Emergency victim care; 3550
- (2) Reading and interpreting a trauma victim's vital signs; 3551
- (3) Triage protocols for adult and pediatric trauma victims; 3552
- (4) In-hospital training; 3553
- (5) Clinical training; 3554
- (6) Training as an ambulance driver. 3555

Each operator of a training program for emergency medical 3556
technicians-basic shall allow any pupil in the twelfth grade in a 3557
secondary school who is at least seventeen years old and who 3558
otherwise meets the requirements for admission into such a 3559
training program to be admitted to and complete the program and, 3560
as part of the training, to ride in an ambulance with emergency 3561
medical technicians-basic, emergency medical 3562
technicians-intermediate, and emergency medical 3563
technicians-paramedic. Each emergency medical service organization 3564
shall allow pupils participating in training programs to ride in 3565
an ambulance with emergency medical technicians-basic, advanced 3566
emergency medical technicians-intermediate, and emergency medical 3567
technicians-paramedic. 3568

(D) A training program for emergency medical 3569
technicians-intermediate shall meet the standards established in 3570
rules adopted by the board under section 4765.11 of the Revised 3571
Code. The program shall include, or require as a prerequisite, the 3572
training specified in division (C) of this section and courses in 3573
each of the following areas for at least the number of hours 3574

established by the board's rules: 3575

(1) Recognizing symptoms of life-threatening allergic 3576
reactions and in calculating proper dosage levels and 3577
administering injections of epinephrine to persons who suffer 3578
life-threatening allergic reactions, conducted in accordance with 3579
rules adopted by the board under section 4765.11 of the Revised 3580
Code; 3581

(2) Venous access procedures; 3582

(3) Cardiac monitoring and electrical interventions to 3583
support or correct the cardiac function. 3584

(E) A training program for emergency medical 3585
technicians-paramedic shall meet the standards established in 3586
rules adopted by the board under section 4765.11 of the Revised 3587
Code. The program shall include, or require as a prerequisite, the 3588
training specified in divisions (C) and (D) of this section and 3589
courses in each of the following areas for at least the number of 3590
hours established by the board's rules: 3591

(1) Medical terminology; 3592

(2) Venous access procedures; 3593

(3) Airway procedures; 3594

(4) Patient assessment and triage; 3595

(5) Acute cardiac care, including administration of 3596
parenteral injections, electrical interventions, and other 3597
emergency medical services; 3598

(6) Emergency and trauma victim care beyond that required 3599
under division (C) of this section; 3600

(7) Clinical training beyond that required under division (C) 3601
of this section. 3602

(F) A continuing education program for first responders, 3603

EMTs-basic, EMTs-I, or paramedics shall meet the standards 3604
established in rules adopted by the board under section 4765.11 of 3605
the Revised Code. A continuing education program shall include 3606
instruction and training in subjects established by the board's 3607
rules for at least the number of hours established by the board's 3608
rules. 3609

Sec. 4765.17. (A) The state board of emergency medical, fire, 3610
and transportation services shall issue the appropriate 3611
certificate of accreditation or certificate of approval to an 3612
applicant who is of good reputation and meets the requirements of 3613
section 4765.16 of the Revised Code. The board shall grant or deny 3614
a certificate of accreditation or certificate of approval within 3615
one hundred twenty days of receipt of the application. The board 3616
may issue or renew a certificate of accreditation or certificate 3617
of approval on a provisional basis to an applicant who is of good 3618
reputation and is in substantial compliance with the requirements 3619
of section 4765.16 of the Revised Code. The board shall inform an 3620
applicant receiving such a certificate of the conditions that must 3621
be met to complete compliance with section 4765.16 of the Revised 3622
Code. 3623

(B) Except as provided in division (C) of this section, a 3624
certificate of accreditation or certificate of approval is valid 3625
for up to five years and may be renewed by the board pursuant to 3626
procedures and standards established in rules adopted under 3627
section 4765.11 of the Revised Code. An application for renewal 3628
shall be accompanied by the appropriate renewal fee established in 3629
rules adopted under section 4765.11 of the Revised Code. 3630

(C) A certificate of accreditation or certificate of approval 3631
issued on a provisional basis is valid for the length of time 3632
established by the board. If the board finds that the holder of 3633
such a certificate has met the conditions it specifies under 3634

division (A) of this section, the board shall issue the 3635
appropriate certificate of accreditation or certificate of 3636
approval. 3637

(D) A certificate of accreditation is valid only for the 3638
emergency medical services training program or programs for which 3639
it is issued. The holder of a certificate of accreditation may 3640
apply to operate additional training programs in accordance with 3641
rules adopted by the board under section 4765.11 of the Revised 3642
Code. Any additional training programs shall expire on the 3643
expiration date of the applicant's current certificate. A 3644
certificate of approval is valid only for the emergency medical 3645
services continuing education program for which it is issued. 3646
Neither is transferable. 3647

(E) The holder of a certificate of accreditation or a 3648
certificate of approval may offer courses at more than one 3649
location in accordance with rules adopted under section 4765.11 of 3650
the Revised Code. 3651

Sec. 4765.18. The state board of emergency medical, fire, and 3652
transportation services may suspend or revoke a certificate of 3653
accreditation or a certificate of approval issued under section 3654
4765.17 of the Revised Code for any of the following reasons: 3655

(A) Violation of this chapter or any rule adopted under it; 3656

(B) Furnishing of false, misleading, or incomplete 3657
information to the board; 3658

(C) The signing of an application or the holding of a 3659
certificate of accreditation by a person who has pleaded guilty to 3660
or has been convicted of a felony, or has pleaded guilty to or 3661
been convicted of a crime involving moral turpitude; 3662

(D) The signing of an application or the holding of a 3663
certificate of accreditation by a person who is addicted to the 3664

use of any controlled substance or has been adjudicated 3665
incompetent for that purpose by a court, as provided in section 3666
5122.301 of the Revised Code; 3667

(E) Violation of any commitment made in an application for a 3668
certificate of accreditation or certificate of approval; 3669

(F) Presentation to prospective students of misleading, 3670
false, or fraudulent information relating to the emergency medical 3671
services training program or emergency medical services continuing 3672
education program, employment opportunities, or opportunities for 3673
enrollment in accredited institutions of higher education after 3674
entering or completing courses offered by the operator of a 3675
program; 3676

(G) Failure to maintain in a safe and sanitary condition 3677
premises and equipment used in conducting courses of study; 3678

(H) Failure to maintain financial resources adequate for the 3679
satisfactory conduct of courses of study or to retain a sufficient 3680
number of certified instructors; 3681

(I) Discrimination in the acceptance of students upon the 3682
basis of race, color, religion, sex, or national origin. 3683

Sec. 4765.22. A person seeking a certificate to teach in an 3684
emergency medical services training program or an emergency 3685
medical services continuing education program shall submit a 3686
completed application for certification to the state board of 3687
emergency medical, fire, and transportation services on a form the 3688
board shall prescribe and furnish. The application shall be 3689
accompanied by the appropriate application fee established in 3690
rules adopted under section 4765.11 of the Revised Code. 3691

Sec. 4765.23. The state board of emergency medical, fire, and 3692
transportation services shall issue a certificate to teach in an 3693
emergency medical services training program or an emergency 3694

medical services continuing education program to any applicant who 3695
it determines meets the qualifications established in rules 3696
adopted under section 4765.11 of the Revised Code. The certificate 3697
shall indicate each type of instruction and training the 3698
certificate holder may teach under the certificate. 3699

A certificate to teach shall have a certification cycle 3700
established by the board and may be renewed by the board pursuant 3701
to rules adopted under section 4765.11 of the Revised Code. An 3702
application for renewal shall be accompanied by the appropriate 3703
renewal fee established in rules adopted under section 4765.11 of 3704
the Revised Code. 3705

The board may suspend or revoke a certificate to teach 3706
pursuant to rules adopted under section 4765.11 of the Revised 3707
Code. 3708

Sec. 4765.28. A person seeking a certificate to practice as a 3709
first responder, emergency medical technician-basic, emergency 3710
medical technician-intermediate, or emergency medical 3711
technician-paramedic shall submit a completed application for 3712
certification to the state board of emergency medical, fire, and 3713
transportation services on a form the board shall prescribe and 3714
furnish. Except as provided in division (B) of section 4765.29 of 3715
the Revised Code, the application shall include evidence that the 3716
applicant received the appropriate certificate of completion 3717
pursuant to section 4765.24 of the Revised Code. The application 3718
shall be accompanied by the appropriate application fee 3719
established in rules adopted under section 4765.11 of the Revised 3720
Code, unless the board waives the fee on determining pursuant to 3721
those rules that the applicant cannot afford to pay the fee. 3722

Sec. 4765.29. (A) The state board of emergency medical, fire, 3723
and transportation services shall provide for the examination of 3724

applicants for certification to practice as first responders, 3725
emergency medical technicians-basic, emergency medical 3726
technicians-intermediate, and emergency medical 3727
technicians-paramedic. The examinations shall be established by 3728
the board in rules adopted under section 4765.11 of the Revised 3729
Code. The board may administer the examinations or contract with 3730
other persons to administer the examinations. In either case, the 3731
examinations shall be administered pursuant to procedures 3732
established in rules adopted under section 4765.11 of the Revised 3733
Code and shall be offered at various locations in the state 3734
selected by the board. 3735

Except as provided in division (B) of this section, an 3736
applicant shall not be permitted to take an examination for the 3737
same certificate to practice more than three times since last 3738
receiving the certificate of completion pursuant to section 3739
4765.24 of the Revised Code that qualifies the applicant to take 3740
the examination unless the applicant receives another certificate 3741
of completion that qualifies the applicant to take the 3742
examination. 3743

(B) On request of an applicant who fails three examinations 3744
for the same certificate to practice, the board may direct the 3745
applicant to complete a specific portion of an accredited 3746
emergency medical services training program. If the applicant 3747
provides satisfactory proof to the board that the applicant has 3748
successfully completed that portion of the program, the applicant 3749
shall be permitted to take the examination. 3750

Sec. 4765.30. (A)(1) The state board of emergency medical, 3751
fire, and transportation services shall issue a certificate to 3752
practice as a first responder to an applicant who meets all of the 3753
following conditions: 3754

(a) Except as provided in division (A)(2) of this section, is 3755

a volunteer for a nonprofit emergency medical service organization 3756
or a nonprofit fire department; 3757

(b) Holds the appropriate certificate of completion issued in 3758
accordance with section 4765.24 of the Revised Code; 3759

(c) Passes the appropriate examination conducted under 3760
section 4765.29 of the Revised Code; 3761

(d) Is not in violation of any provision of this chapter or 3762
the rules adopted under it; 3763

(e) Meets any other certification requirements established in 3764
rules adopted under section 4765.11 of the Revised Code. 3765

(2) The board may waive the requirement to be a volunteer for 3766
a nonprofit entity if the applicant meets other requirements 3767
established in rules adopted under division (B)(3) of section 3768
4765.11 of the Revised Code relative to a person's eligibility to 3769
practice as a first responder. 3770

(B) The state board of emergency medical, fire, and 3771
transportation services shall issue a certificate to practice as 3772
an emergency medical technician-basic to an applicant who meets 3773
all of the following conditions: 3774

(1) Holds a certificate of completion in emergency medical 3775
services training-basic issued in accordance with section 4765.24 3776
of the Revised Code; 3777

(2) Passes the examination for emergency medical 3778
technicians-basic conducted under section 4765.29 of the Revised 3779
Code; 3780

(3) Is not in violation of any provision of this chapter or 3781
the rules adopted under it; 3782

(4) Meets any other certification requirements established in 3783
rules adopted under section 4765.11 of the Revised Code. 3784

(C) The state board of emergency medical, fire, and 3785

transportation services shall issue a certificate to practice as 3786
an emergency medical technician-intermediate or emergency medical 3787
technician-paramedic to an applicant who meets all of the 3788
following conditions: 3789

(1) Holds a certificate to practice as an emergency medical 3790
technician-basic; 3791

(2) Holds the appropriate certificate of completion issued in 3792
accordance with section 4765.24 of the Revised Code; 3793

(3) Passes the appropriate examination conducted under 3794
section 4765.29 of the Revised Code; 3795

(4) Is not in violation of any provision of this chapter or 3796
the rules adopted under it; 3797

(5) Meets any other certification requirements established in 3798
rules adopted under section 4765.11 of the Revised Code. 3799

(D) A certificate to practice shall have a certification 3800
cycle established by the board and may be renewed by the board 3801
pursuant to rules adopted under section 4765.11 of the Revised 3802
Code. Not later than sixty days prior to the expiration date of an 3803
individual's certificate to practice, the board shall notify the 3804
individual of the scheduled expiration. 3805

An application for renewal shall be accompanied by the 3806
appropriate renewal fee established in rules adopted under section 3807
4765.11 of the Revised Code, unless the board waives the fee on 3808
determining pursuant to those rules that the applicant cannot 3809
afford to pay the fee. Except as provided in division (B) of 3810
section 4765.31 of the Revised Code, the application shall include 3811
evidence of either of the following: 3812

(1) That the applicant received a certificate of completion 3813
from the appropriate emergency medical services continuing 3814
education program pursuant to section 4765.24 of the Revised Code; 3815

(2) That the applicant has successfully passed an examination 3816
that demonstrates the competence to have a certificate renewed 3817
without completing an emergency medical services continuing 3818
education program. The board shall approve such examinations in 3819
accordance with rules adopted under section 4765.11 of the Revised 3820
Code. 3821

(E) The board shall not require an applicant for renewal of a 3822
certificate to practice to take an examination as a condition of 3823
renewing the certificate. This division does not preclude the use 3824
of examinations by operators of approved emergency medical 3825
services continuing education programs as a condition for issuance 3826
of a certificate of completion in emergency medical services 3827
continuing education. 3828

Sec. 4765.31. (A) Except as provided in division (B) of this 3829
section, a first responder, emergency medical technician-basic, 3830
emergency medical technician-intermediate, and emergency medical 3831
technician-paramedic shall complete an emergency medical services 3832
continuing education program or pass an examination approved by 3833
the state board of emergency medical, fire, and transportation 3834
services under division (A) of section 4765.10 of the Revised Code 3835
prior to the expiration of the individual's certificate to 3836
practice. Completion of the continuing education requirements for 3837
EMTs-I or paramedics satisfies the continuing education 3838
requirements for renewing the certificate to practice as an 3839
EMT-basic held by an EMT-I or paramedic. 3840

(B)(1) An applicant for renewal of a certificate to practice 3841
may apply to the board, in writing, for an extension to complete 3842
the continuing education requirements established under division 3843
(A) of this section. The board may grant such an extension and 3844
determine the length of the extension. The board may authorize the 3845
applicant to continue to practice during the extension as if the 3846

certificate to practice had not expired. 3847

(2) An applicant for renewal of a certificate to practice may 3848
apply to the board, in writing, for an exemption from the 3849
continuing education requirements established under division (A) 3850
of this section. The board may exempt an individual or a group of 3851
individuals from all or any part of the continuing education 3852
requirements due to active military service, unusual circumstance, 3853
emergency, special hardship, or any other cause considered 3854
reasonable by the board. 3855

(C) Decisions of whether to grant an extension or exemption 3856
under division (B) of this section shall be made by the board 3857
pursuant to procedures established in rules adopted under section 3858
4765.11 of the Revised Code. 3859

Sec. 4765.32. A current, valid certificate of accreditation 3860
issued under the provisions of former section 3303.11 or 3303.23 3861
of the Revised Code shall remain valid until one year after the 3862
expiration date of the certificate as determined by the provisions 3863
of those sections and shall confer the same privileges and impose 3864
the same responsibilities and requirements as a certificate of 3865
accreditation issued by the state board of emergency medical, 3866
fire, and transportation services under section 4765.17 of the 3867
Revised Code. 3868

A certificate to practice as an emergency medical 3869
technician-ambulance that is valid on November 24, 1995, shall be 3870
considered a certificate to practice as an emergency medical 3871
technician-basic. A certificate to practice as an advanced 3872
emergency medical technician-ambulance that is valid on November 3873
24, 1995, shall be considered a certificate to practice as an 3874
emergency medical technician-intermediate. 3875

Sec. 4765.33. The state board of emergency medical, fire, and 3876

transportation services may suspend or revoke certificates to 3877
practice issued under section 4765.30 of the Revised Code, and may 3878
take other disciplinary action against first responders, emergency 3879
medical technicians-basic, emergency medical 3880
technicians-intermediate, and emergency medical 3881
technicians-paramedic pursuant to rules adopted under section 3882
4765.11 of the Revised Code. 3883

Sec. 4765.37. (A) An emergency medical technician-basic shall 3884
perform the emergency medical services described in this section 3885
in accordance with this chapter and any rules adopted under it by 3886
the state board of emergency medical, fire, and transportation 3887
services. 3888

(B) An emergency medical technician-basic may operate, or be 3889
responsible for operation of, an ambulance and may provide 3890
emergency medical services to patients. In an emergency, an 3891
EMT-basic may determine the nature and extent of illness or injury 3892
and establish priority for required emergency medical services. An 3893
EMT-basic may render emergency medical services such as opening 3894
and maintaining an airway, giving positive pressure ventilation, 3895
cardiac resuscitation, electrical interventions with automated 3896
defibrillators to support or correct the cardiac function and 3897
other methods determined by the board, controlling of hemorrhage, 3898
treatment of shock, immobilization of fractures, bandaging, 3899
assisting in childbirth, management of mentally disturbed 3900
patients, initial care of poison and burn patients, and 3901
determining triage of adult and pediatric trauma victims. Where 3902
patients must in an emergency be extricated from entrapment, an 3903
EMT-basic may assess the extent of injury and render all possible 3904
emergency medical services and protection to the entrapped 3905
patient; provide light rescue services if an ambulance has not 3906
been accompanied by a specialized unit; and after extrication, 3907
provide additional care in sorting of the injured in accordance 3908

with standard emergency procedures. 3909

(C) An EMT-basic may perform any other emergency medical 3910
services approved pursuant to rules adopted under section 4765.11 3911
of the Revised Code. The board shall determine whether the nature 3912
of any such service requires that an EMT-basic receive 3913
authorization prior to performing the service. 3914

(D)(1) Except as provided in division (D)(2) of this section, 3915
if the board determines under division (C) of this section that a 3916
service requires prior authorization, the service shall be 3917
performed only pursuant to the written or verbal authorization of 3918
a physician or of the cooperating physician advisory board, or 3919
pursuant to an authorization transmitted through a direct 3920
communication device by a physician or registered nurse designated 3921
by a physician. 3922

(2) If communications fail during an emergency situation or 3923
the required response time prohibits communication, an EMT-basic 3924
may perform services subject to this division, if, in the judgment 3925
of the EMT-basic, the life of the patient is in immediate danger. 3926
Services performed under these circumstances shall be performed in 3927
accordance with the protocols for triage of adult and pediatric 3928
trauma victims established in rules adopted under sections 4765.11 3929
and 4765.40 of the Revised Code and any applicable protocols 3930
adopted by the emergency medical service organization with which 3931
the EMT-basic is affiliated. 3932

Sec. 4765.38. (A) An emergency medical 3933
technician-intermediate shall perform the emergency medical 3934
services described in this section in accordance with this chapter 3935
and any rules adopted under it. 3936

(B) An EMT-I may do any of the following: 3937

(1) Establish and maintain an intravenous lifeline that has 3938

been approved by a cooperating physician or physician advisory board; 3939
3940

(2) Perform cardiac monitoring; 3941

(3) Perform electrical interventions to support or correct the cardiac function; 3942
3943

(4) Administer epinephrine; 3944

(5) Determine triage of adult and pediatric trauma victims; 3945

(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code. 3946
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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. 3949
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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. 3956
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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, 3966
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and 4511.19 of the Revised Code. An emergency medical 3969
technician-intermediate shall withdraw blood in accordance with 3970
this chapter and any rules adopted under it by the state board of 3971
emergency medical, fire, and transportation services. 3972

Sec. 4765.39. (A) An emergency medical technician-paramedic 3973
shall perform the emergency medical services described in this 3974
section in accordance with this chapter and any rules adopted 3975
under it. 3976

(B) A paramedic may do any of the following: 3977

(1) Perform cardiac monitoring; 3978

(2) Perform electrical interventions to support or correct 3979
the cardiac function; 3980

(3) Perform airway procedures; 3981

(4) Perform relief of pneumothorax; 3982

(5) Administer appropriate drugs and intravenous fluids; 3983

(6) Determine triage of adult and pediatric trauma victims; 3984

(7) Perform any other emergency medical services, including 3985
life support or intensive care techniques, approved pursuant to 3986
rules adopted under section 4765.11 of the Revised Code. 3987

(C)(1) Except as provided in division (C)(2) of this section, 3988
the services described in division (B) of this section shall be 3989
performed by a paramedic only pursuant to the written or verbal 3990
authorization of a physician or of the cooperating physician 3991
advisory board, or pursuant to an authorization transmitted 3992
through a direct communication device by a physician or registered 3993
nurse designated by a physician. 3994

(2) If communications fail during an emergency situation or 3995
the required response time prohibits communication, a paramedic 3996
may perform any of the services described in division (B) of this 3997

section, if, in the paramedic's judgment, the life of the patient 3998
is in immediate danger. Services performed under these 3999
circumstances shall be performed in accordance with the protocols 4000
for triage of adult and pediatric trauma victims established in 4001
rules adopted under sections 4765.11 and 4765.40 of the Revised 4002
Code and any applicable protocols adopted by the emergency medical 4003
service organization with which the paramedic is affiliated. 4004

(D) In addition to, and in the course of, providing emergency 4005
medical treatment, an emergency medical technician-paramedic may 4006
withdraw blood as provided under sections 1547.11, 4506.17, and 4007
4511.19 of the Revised Code. An emergency medical 4008
technician-paramedic shall withdraw blood in accordance with this 4009
chapter and any rules adopted under it by the state board of 4010
emergency medical, fire, and transportation services. 4011

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 4012
~~effective date of this amendment~~ November 3, 2000, the state board 4013
of emergency medical, fire, and transportation services shall 4014
adopt rules under section 4765.11 of the Revised Code establishing 4015
written protocols for the triage of adult and pediatric trauma 4016
victims. The rules shall define adult and pediatric trauma in a 4017
manner that is consistent with section 4765.01 of the Revised 4018
Code, minimizes overtriage and undertriage, and emphasizes the 4019
special needs of pediatric and geriatric trauma patients. 4020

(2) The state triage protocols adopted under division (A) of 4021
this section shall require a trauma victim to be transported 4022
directly to an adult or pediatric trauma center that is qualified 4023
to provide appropriate adult or pediatric trauma care, unless one 4024
or more of the following exceptions applies: 4025

(a) It is medically necessary to transport the victim to 4026
another hospital for initial assessment and stabilization before 4027
transfer to an adult or pediatric trauma center; 4028

(b) It is unsafe or medically inappropriate to transport the 4029
victim directly to an adult or pediatric trauma center due to 4030
adverse weather or ground conditions or excessive transport time; 4031

(c) Transporting the victim to an adult or pediatric trauma 4032
center would cause a shortage of local emergency medical service 4033
resources; 4034

(d) No appropriate adult or pediatric trauma center is able 4035
to receive and provide adult or pediatric trauma care to the 4036
trauma victim without undue delay; 4037

(e) Before transport of a patient begins, the patient 4038
requests to be taken to a particular hospital that is not a trauma 4039
center or, if the patient is less than eighteen years of age or is 4040
not able to communicate, such a request is made by an adult member 4041
of the patient's family or a legal representative of the patient. 4042

(3)(a) The state triage protocols adopted under division (A) 4043
of this section shall require trauma patients to be transported to 4044
an adult or pediatric trauma center that is able to provide 4045
appropriate adult or pediatric trauma care, but shall not require 4046
a trauma patient to be transported to a particular trauma center. 4047
The state triage protocols shall establish one or more procedures 4048
for evaluating whether an injury victim requires or would benefit 4049
from adult or pediatric trauma care, which procedures shall be 4050
applied by emergency medical service personnel based on the 4051
patient's medical needs. In developing state trauma triage 4052
protocols, the board shall consider relevant model triage rules 4053
and shall consult with the commission on minority health, regional 4054
directors, regional physician advisory boards, and appropriate 4055
medical, hospital, and emergency medical service organizations. 4056

(b) Before the joint committee on agency rule review 4057
considers state triage protocols for trauma victims proposed by 4058
the state board of emergency medical, fire, and transportation 4059

services, or amendments thereto, the board shall send a copy of 4060
the proposal to the Ohio chapter of the American college of 4061
emergency physicians, the Ohio chapter of the American college of 4062
surgeons, the Ohio chapter of the American academy of pediatrics, 4063
OHA: the association for hospitals and health systems, the Ohio 4064
osteopathic association, and the association of Ohio children's 4065
hospitals and shall hold a public hearing at which it must 4066
consider the appropriateness of the protocols to minimize 4067
overtriage and undertriage of trauma victims. 4068

(c) The board shall provide copies of the state triage 4069
protocols, and amendments to the protocols, to each emergency 4070
medical service organization, regional director, regional 4071
physician advisory board, certified emergency medical service 4072
instructor, and person who regularly provides medical direction to 4073
emergency medical service personnel in the state; to each medical 4074
service organization in other jurisdictions that regularly provide 4075
emergency medical services in this state; and to others upon 4076
request. 4077

(B)(1) The state board of emergency medical, fire, and 4078
transportation services shall approve regional protocols for the 4079
triage of adult and pediatric trauma victims, and amendments to 4080
such protocols, that are submitted to the board as provided in 4081
division (B)(2) of this section and provide a level of adult and 4082
pediatric trauma care comparable to the state triage protocols 4083
adopted under division (A) of this section. The board shall not 4084
otherwise approve regional triage protocols for trauma victims. 4085
The board shall not approve regional triage protocols for regions 4086
that overlap and shall resolve any such disputes by apportioning 4087
the overlapping territory among appropriate regions in a manner 4088
that best serves the medical needs of the residents of that 4089
territory. The trauma committee of the board shall have reasonable 4090
opportunity to review and comment on regional triage protocols and 4091

amendments to such protocols before the board approves or 4092
disapproves them. 4093

(2) Regional protocols for the triage of adult and pediatric 4094
trauma victims, and amendments to such protocols, shall be 4095
submitted in writing to the state board of emergency medical, 4096
fire, and transportation services by the regional physician 4097
advisory board or regional director, as appropriate, that serves a 4098
majority of the population in the region in which the protocols 4099
apply. Prior to submitting regional triage protocols, or an 4100
amendment to such protocols, to the state board of emergency 4101
medical, fire, and transportation services, a regional physician 4102
advisory board or regional director shall consult with each of the 4103
following that regularly serves the region in which the protocols 4104
apply: 4105

(a) Other regional physician advisory boards and regional 4106
directors; 4107

(b) Hospitals that operate an emergency facility; 4108

(c) Adult and pediatric trauma centers; 4109

(d) Professional societies of physicians who specialize in 4110
adult or pediatric emergency medicine or adult or pediatric trauma 4111
surgery; 4112

(e) Professional societies of nurses who specialize in adult 4113
or pediatric emergency nursing or adult or pediatric trauma 4114
surgery; 4115

(f) Professional associations or labor organizations of 4116
emergency medical service personnel; 4117

(g) Emergency medical service organizations and medical 4118
directors of such organizations; 4119

(h) Certified emergency medical service instructors. 4120

(3) Regional protocols for the triage of adult and pediatric 4121

trauma victims approved under division (B)(2) of this section 4122
shall require patients to be transported to a trauma center that 4123
is able to provide an appropriate level of adult or pediatric 4124
trauma care; shall not discriminate among trauma centers for 4125
reasons not related to a patient's medical needs; shall seek to 4126
minimize undertriage and overtriage; may include any of the 4127
exceptions in division (A)(2) of this section; and supersede the 4128
state triage protocols adopted under division (A) of this section 4129
in the region in which the regional protocols apply. 4130

(4) Upon approval of regional protocols for the triage of 4131
adult and pediatric trauma victims under division (B)(2) of this 4132
section, or an amendment to such protocols, the state board of 4133
emergency medical, fire, and transportation services shall provide 4134
written notice of the approval and a copy of the protocols or 4135
amendment to each entity in the region in which the protocols 4136
apply to which the board is required to send a copy of the state 4137
triage protocols adopted under division (A) of this section. 4138

(C)(1) The state board of emergency medical, fire, and 4139
transportation services shall review the state triage protocols 4140
adopted under division (A) of this section at least every three 4141
years to determine if they are causing overtriage or undertriage 4142
of trauma patients, and shall modify them as necessary to minimize 4143
overtriage and undertriage. 4144

(2) Each regional physician advisory board or regional 4145
director that has had regional triage protocols approved under 4146
division (B)(2) of this section shall review the protocols at 4147
least every three years to determine if they are causing 4148
overtriage or undertriage of trauma patients and shall submit an 4149
appropriate amendment to the state board, as provided in division 4150
(B) of this section, as necessary to minimize overtriage and 4151
undertriage. The state board shall approve the amendment if it 4152
will reduce overtriage or undertriage while complying with 4153

division (B) of this section, and shall not otherwise approve the amendment. 4154
4155

(D) No provider of emergency medical services or person who 4156
provides medical direction to emergency medical service personnel 4157
in this state shall fail to comply with the state triage protocols 4158
adopted under division (A) of this section or applicable regional 4159
triage protocols approved under division (B)(2) of this section. 4160

(E) The state board of emergency medical, fire, and 4161
transportation services shall adopt rules under section 4765.11 of 4162
the Revised Code that provide for enforcement of the state triage 4163
protocols adopted under division (A) of this section and regional 4164
triage protocols approved under division (B)(2) of this section, 4165
and for education regarding those protocols for emergency medical 4166
service organizations and personnel, regional directors and 4167
regional physician advisory boards, emergency medical service 4168
instructors, and persons who regularly provide medical direction 4169
to emergency medical service personnel in this state. 4170

Sec. 4765.42. Each emergency medical service organization 4171
shall give notice of the name of its medical director or the names 4172
of the members of its cooperating physician advisory board to the 4173
state board of emergency medical, fire, and transportation 4174
services. The notice shall be made in writing. 4175

Sec. 4765.48. The attorney general, the prosecuting attorney 4176
of the county, or the city director of law shall, upon complaint 4177
of the state board of emergency medical, fire, and transportation 4178
services, prosecute to termination or bring an action for 4179
injunction against any person violating this chapter or the rules 4180
adopted under it. The common pleas court in which an action for 4181
injunction is filed has the jurisdiction to grant injunctive 4182
relief upon a showing that the respondent named in the complaint 4183

is in violation of this chapter or the rules adopted under it. 4184

Sec. 4765.49. (A) A first responder, emergency medical 4185
technician-basic, emergency medical technician-intermediate, or 4186
emergency medical technician-paramedic is not liable in damages in 4187
a civil action for injury, death, or loss to person or property 4188
resulting from the individual's administration of emergency 4189
medical services, unless the services are administered in a manner 4190
that constitutes willful or wanton misconduct. A physician or 4191
registered nurse designated by a physician, who is advising or 4192
assisting in the emergency medical services by means of any 4193
communication device or telemetering system, is not liable in 4194
damages in a civil action for injury, death, or loss to person or 4195
property resulting from the individual's advisory communication or 4196
assistance, unless the advisory communication or assistance is 4197
provided in a manner that constitutes willful or wanton 4198
misconduct. Medical directors and members of cooperating physician 4199
advisory boards of emergency medical service organizations are not 4200
liable in damages in a civil action for injury, death, or loss to 4201
person or property resulting from their acts or omissions in the 4202
performance of their duties, unless the act or omission 4203
constitutes willful or wanton misconduct. 4204

(B) A political subdivision, joint ambulance district, joint 4205
emergency medical services district, or other public agency, and 4206
any officer or employee of a public agency or of a private 4207
organization operating under contract or in joint agreement with 4208
one or more political subdivisions, that provides emergency 4209
medical services, or that enters into a joint agreement or a 4210
contract with the state, any political subdivision, joint 4211
ambulance district, or joint emergency medical services district 4212
for the provision of emergency medical services, is not liable in 4213
damages in a civil action for injury, death, or loss to person or 4214
property arising out of any actions taken by a first responder, 4215

EMT-basic, EMT-I, or paramedic working under the officer's or 4216
employee's jurisdiction, or for injury, death, or loss to person 4217
or property arising out of any actions of licensed medical 4218
personnel advising or assisting the first responder, EMT-basic, 4219
EMT-I, or paramedic, unless the services are provided in a manner 4220
that constitutes willful or wanton misconduct. 4221

(C) A student who is enrolled in an emergency medical 4222
services training program accredited under section 4765.17 of the 4223
Revised Code or an emergency medical services continuing education 4224
program approved under that section is not liable in damages in a 4225
civil action for injury, death, or loss to person or property 4226
resulting from either of the following: 4227

(1) The student's administration of emergency medical 4228
services or patient care or treatment, if the services, care, or 4229
treatment is administered while the student is under the direct 4230
supervision and in the immediate presence of an EMT-basic, EMT-I, 4231
paramedic, registered nurse, or physician and while the student is 4232
receiving clinical training that is required by the program, 4233
unless the services, care, or treatment is provided in a manner 4234
that constitutes willful or wanton misconduct; 4235

(2) The student's training as an ambulance driver, unless the 4236
driving is done in a manner that constitutes willful or wanton 4237
misconduct. 4238

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 4239
holds a valid commercial driver's license issued pursuant to 4240
Chapter 4506. of the Revised Code or driver's license issued 4241
pursuant to Chapter 4507. of the Revised Code and who is employed 4242
by an emergency medical service organization that is not owned or 4243
operated by a political subdivision as defined in section 2744.01 4244
of the Revised Code, is not liable in damages in a civil action 4245
for injury, death, or loss to person or property that is caused by 4246
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 4247

or other operator while responding to or completing a call for 4248
emergency medical services, unless the operation constitutes 4249
willful or wanton misconduct or does not comply with the 4250
precautions of section 4511.03 of the Revised Code. An emergency 4251
medical service organization is not liable in damages in a civil 4252
action for any injury, death, or loss to person or property that 4253
is caused by the operation of an ambulance by its employee or 4254
agent, if this division grants the employee or agent immunity from 4255
civil liability for the injury, death, or loss. 4256

(E) An employee or agent of an emergency medical service 4257
organization who receives requests for emergency medical services 4258
that are directed to the organization, dispatches first 4259
responders, EMTs-basic, EMTs-I, or paramedics in response to those 4260
requests, communicates those requests to those employees or agents 4261
of the organization who are authorized to dispatch first 4262
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 4263
combination of these functions for the organization, is not liable 4264
in damages in a civil action for injury, death, or loss to person 4265
or property resulting from the individual's acts or omissions in 4266
the performance of those duties for the organization, unless an 4267
act or omission constitutes willful or wanton misconduct. 4268

(F) A person who is performing the functions of a first 4269
responder, EMT-basic, EMT-I, or paramedic under the authority of 4270
the laws of a state that borders this state and who provides 4271
emergency medical services to or transportation of a patient in 4272
this state is not liable in damages in a civil action for injury, 4273
death, or loss to person or property resulting from the person's 4274
administration of emergency medical services, unless the services 4275
are administered in a manner that constitutes willful or wanton 4276
misconduct. A physician or registered nurse designated by a 4277
physician, who is licensed to practice in the adjoining state and 4278
who is advising or assisting in the emergency medical services by 4279

means of any communication device or telemetering system is not 4280
liable in damages in a civil action for injury, death, or loss to 4281
person or property resulting from the person's advisory 4282
communication or assistance, unless the advisory communication or 4283
assistance is provided in a manner that constitutes willful or 4284
wanton misconduct. 4285

(G) A person certified under section 4765.23 of the Revised 4286
Code to teach in an emergency medical services training program or 4287
emergency medical services continuing education program, and a 4288
person who teaches at the Ohio fire academy established under 4289
section 3737.33 of the Revised Code or in a fire service training 4290
program described in division (A) of section 4765.55 of the 4291
Revised Code, is not liable in damages in a civil action for 4292
injury, death, or loss to person or property resulting from the 4293
person's acts or omissions in the performance of the person's 4294
duties, unless an act or omission constitutes willful or wanton 4295
misconduct. 4296

(H) In the accreditation of emergency medical services 4297
training programs or approval of emergency medical services 4298
continuing education programs, the state board of emergency 4299
medical, fire, and transportation services and any person or 4300
entity authorized by the board to evaluate applications for 4301
accreditation or approval are not liable in damages in a civil 4302
action for injury, death, or loss to person or property resulting 4303
from their acts or omissions in the performance of their duties, 4304
unless an act or omission constitutes willful or wanton 4305
misconduct. 4306

(I) A person authorized by an emergency medical service 4307
organization to review the performance of first responders, 4308
EMTs-basic, EMTs-I, and paramedics or to administer quality 4309
assurance programs is not liable in damages in a civil action for 4310
injury, death, or loss to person or property resulting from the 4311

person's acts or omissions in the performance of the person's 4312
duties, unless an act or omission constitutes willful or wanton 4313
misconduct. 4314

Sec. 4765.55. (A) The executive director of the state board 4315
of emergency medical, fire, and transportation services, with the 4316
advice and counsel of the firefighter and fire safety inspector 4317
training committee of the state board of emergency medical, fire, 4318
and transportation services, shall assist in the establishment and 4319
maintenance by any state agency, or any county, township, city, 4320
village, school district, or educational service center of a fire 4321
service training program for the training of all persons in 4322
positions of any fire training certification level approved by the 4323
executive director, including full-time paid firefighters, 4324
part-time paid firefighters, volunteer firefighters, and, fire 4325
safety inspectors in this state. The executive director, with the 4326
advice and counsel of the committee, shall adopt rules to regulate 4327
those firefighter and fire safety inspector training programs, and 4328
other training programs approved by the executive director. The 4329
rules may include, but need not be limited to, training 4330
curriculum, certification examinations, training schedules, 4331
minimum hours of instruction, attendance requirements, required 4332
equipment and facilities, basic physical requirements, and methods 4333
of training for all persons in positions of any fire training 4334
certification level approved by the executive director, including 4335
full-time paid firefighters, part-time paid firefighters, 4336
volunteer firefighters, and fire safety inspectors. The rules 4337
adopted to regulate training programs for volunteer firefighters 4338
shall not require more than thirty-six hours of training. 4339

The executive director, with the advice and counsel of the 4340
committee, shall provide for the classification and chartering of 4341
fire service training programs in accordance with rules adopted 4342
under division (B) of this section, and may take action against 4343

any chartered training program or applicant, in accordance with 4344
rules adopted under divisions (B)(4) and (5) of this section, for 4345
failure to meet standards set by the adopted rules. 4346

(B) The executive director, with the advice and counsel of 4347
the firefighter and fire safety inspector training committee of 4348
the state board of emergency medical, fire, and transportation 4349
services, shall adopt, and may amend or rescind, rules under 4350
Chapter 119. of the Revised Code that establish all of the 4351
following: 4352

(1) Requirements for, and procedures for chartering, the 4353
training programs regulated by this section; 4354

(2) Requirements for, and requirements and procedures for 4355
obtaining and renewing, an instructor certificate to teach the 4356
training programs and continuing education classes regulated by 4357
this section; 4358

(3) Requirements for, and requirements and procedures for 4359
obtaining and renewing, any of the fire training certificates 4360
regulated by this section; 4361

(4) Grounds and procedures for suspending, revoking, 4362
restricting, or refusing to issue or renew any of the certificates 4363
or charters regulated by this section, which grounds shall be 4364
limited to one of the following: 4365

(a) Failure to satisfy the education or training requirements 4366
of this section; 4367

(b) Conviction of a felony offense; 4368

(c) Conviction of a misdemeanor involving moral turpitude; 4369

(d) Conviction of a misdemeanor committed in the course of 4370
practice; 4371

(e) In the case of a chartered training program or applicant, 4372
failure to meet standards set by the rules adopted under this 4373

division. 4374

(5) Grounds and procedures for imposing and collecting fines, 4375
not to exceed one thousand dollars, in relation to actions taken 4376
under division (B)(4) of this section against persons holding 4377
certificates and charters regulated by this section, the fines to 4378
be deposited into the trauma and emergency medical services fund 4379
established under section 4513.263 of the Revised Code; 4380

(6) Continuing education requirements for certificate 4381
holders, including a requirement that credit shall be granted for 4382
in-service training programs conducted by local entities; 4383

(7) Procedures for considering the granting of an extension 4384
or exemption of fire service continuing education requirements; 4385

(8) Certification cycles for which the certificates and 4386
charters regulated by this section are valid. 4387

(C) The executive director, with the advice and counsel of 4388
the firefighter and fire safety inspector training committee of 4389
the state board of emergency medical, fire, and transportation 4390
services, shall issue or renew an instructor certificate to teach 4391
the training programs and continuing education classes regulated 4392
by this section to any applicant that the executive director 4393
determines meets the qualifications established in rules adopted 4394
under division (B) of this section, and may take disciplinary 4395
action against an instructor certificate holder or applicant in 4396
accordance with rules adopted under division (B) of this section. 4397
The executive director, with the advice and counsel of the 4398
committee, shall charter or renew the charter of any training 4399
program that the executive director determines meets the 4400
qualifications established in rules adopted under division (B) of 4401
this section, and may take disciplinary action against the holder 4402
of a charter in accordance with rules adopted under division (B) 4403
of this section. 4404

(D) The executive director shall issue or renew a fire 4405
training certificate for a firefighter, a fire safety inspector, 4406
or another position of any fire training certification level 4407
approved by the executive director, to any applicant that the 4408
executive director determines meets the qualifications established 4409
in rules adopted under division (B) of this section and may take 4410
disciplinary actions against a certificate holder or applicant in 4411
accordance with rules adopted under division (B) of this section. 4412

(E) Certificates issued under this section shall be on a form 4413
prescribed by the executive director, with the advice and counsel 4414
of the firefighter and fire safety inspector training committee of 4415
the state board of emergency medical, fire, and transportation 4416
services. 4417

(F)(1) The executive director, with the advice and counsel of 4418
the firefighter and fire safety inspector training committee of 4419
the state board of emergency medical, fire, and transportation 4420
services, shall establish criteria for evaluating the standards 4421
maintained by other states and the branches of the United States 4422
military for firefighter, fire safety inspector, and fire 4423
instructor training programs, and other training programs 4424
recognized by the executive director, to determine whether the 4425
standards are equivalent to those established under this section 4426
and shall establish requirements and procedures for issuing a 4427
certificate to each person who presents proof to the executive 4428
director of having satisfactorily completed a training program 4429
that meets those standards. 4430

(2) The executive director, with the committee's advice and 4431
counsel, shall adopt rules establishing requirements and 4432
procedures for issuing a fire training certificate in lieu of 4433
completing a chartered training program. 4434

(G) Nothing in this section invalidates any other section of 4435
the Revised Code relating to the fire training academy. Section 4436

4765.11 of the Revised Code does not affect any powers and duties 4437
granted to the executive director under this section. 4438

Sec. 4765.56. On receipt of a notice pursuant to section 4439
3123.43 of the Revised Code, the state board of emergency medical, 4440
fire, and transportation services shall comply with sections 4441
3123.41 to 3123.50 of the Revised Code and any applicable rules 4442
adopted under section 3123.63 of the Revised Code with respect to 4443
a certificate to practice issued pursuant to this chapter. 4444

Sec. 4766.01. As used in this chapter: 4445

(A) "Advanced life support" means treatment described in 4446
section 4765.39 of the Revised Code that a paramedic is certified 4447
to perform. 4448

(B) "Air medical service organization" means an organization 4449
that furnishes, conducts, maintains, advertises, promotes, or 4450
otherwise engages in providing medical services with a rotorcraft 4451
air ambulance or fixed wing air ambulance. 4452

(C) "Air medical transportation" means the transporting of a 4453
patient by rotorcraft air ambulance or fixed wing air ambulance 4454
with appropriately licensed and certified medical personnel. 4455

(D) "Ambulance" means any motor vehicle that is specifically 4456
designed, constructed, or modified and equipped and is intended to 4457
be used to provide basic life support, intermediate life support, 4458
advanced life support, or mobile intensive care unit services and 4459
transportation upon the streets or highways of this state of 4460
persons who are seriously ill, injured, wounded, or otherwise 4461
incapacitated or helpless. "Ambulance" does not include air 4462
medical transportation or a vehicle designed and used solely for 4463
the transportation of nonstretcher-bound persons, whether 4464
hospitalized or handicapped or whether ambulatory or confined to a 4465
wheelchair. 4466

(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 4498
ten or more persons being injured, incapacitated, made ill, or 4499
killed. 4500

(N) "Medical emergency" means an unforeseen event affecting 4501
an individual in such a manner that a need for immediate care is 4502
created. 4503

(O) "Mobile intensive care unit" means an ambulance used only 4504
for maintaining specialized or intensive care treatment and used 4505
primarily for interhospital transports of patients whose 4506
conditions require care beyond the scope of a paramedic as 4507
provided in section 4765.39 of the Revised Code. 4508

(P)(1) "Nonemergency medical service organization" means a 4509
person that does both of the following: 4510

(a) Provides services to the public on a regular basis for 4511
the purpose of transporting individuals who require the use of a 4512
wheelchair or are confined to a wheelchair to receive health care 4513
services at health care facilities or health care practitioners' 4514
offices in nonemergency circumstances; 4515

(b) Provides the services for a fee, regardless of whether 4516
the fee is paid by the person being transported, a third party 4517
payer, as defined in section 3702.51 of the Revised Code, or any 4518
other person or government entity. 4519

(2) "Nonemergency medical service organization" does not 4520
include a health care facility, as defined in section 1751.01 of 4521
the Revised Code, that provides ambulette services only to 4522
patients of that facility. 4523

(Q) "Nontransport vehicle" means a motor vehicle operated by 4524
a licensed emergency medical service organization not as an 4525
ambulance, but as a vehicle for providing services in conjunction 4526
with the ambulances operated by the organization or other 4527
emergency medical service organizations. 4528

(R) "Patient" means any individual who as a result of illness 4529
or injury needs medical attention, whose physical or mental 4530
condition is such that there is imminent danger of loss of life or 4531
significant health impairment, who may be otherwise incapacitated 4532
or helpless as a result of a physical or mental condition, or 4533
whose physical condition requires the use of a wheelchair. 4534

(S) "Rotorcraft air ambulance" means a helicopter or other 4535
aircraft capable of vertical takeoffs, vertical landings, and 4536
hovering that is specifically designed, constructed, or modified 4537
and equipped and is intended to be used as a means of air medical 4538
transportation. 4539

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical, 4540
fire, and transportation ~~board~~ services shall adopt rules, in 4541
accordance with Chapter 119. of the Revised Code, implementing the 4542
requirements of this chapter. The rules shall include provisions 4543
relating to the following: 4544

(1) Requirements for an emergency medical service 4545
organization to receive a permit for an ambulance or nontransport 4546
vehicle; 4547

(2) Requirements for an emergency medical service 4548
organization to receive a license as a basic life-support, 4549
intermediate life-support, advanced life-support, or mobile 4550
intensive care unit organization; 4551

(3) Requirements for a nonemergency medical service 4552
organization to receive a permit for an ambulette vehicle; 4553

(4) Requirements for a nonemergency medical service 4554
organization to receive a license for an ambulette service; 4555

(5) Requirements for an air medical service organization to 4556
receive a permit for a rotorcraft air ambulance or fixed wing air 4557
ambulance; 4558

(6) Requirements for licensure of air medical service organizations;	4559 4560
(7) Forms for applications and renewals of licenses and permits;	4561 4562
(8) Requirements for record keeping of service responses made by licensed emergency medical service organizations;	4563 4564
(9) Fee amounts for licenses and permits, and their renewals;	4565
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	4566 4567
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	4568 4569 4570
(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;	4571 4572 4573 4574 4575 4576 4577 4578 4579
(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;	4580 4581 4582
(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	4583 4584 4585 4586 4587 4588

consideration for employment. 4589

(15) Any other rules that the board determines necessary for 4590
the implementation and enforcement of this chapter. 4591

(B) In the rules for ambulances and nontransport vehicles 4592
adopted under division (A)(12) of this section, the board may 4593
establish requirements that vary according to whether the 4594
emergency medical service organization using the vehicles is 4595
licensed as a basic life-support, intermediate life-support, 4596
advanced life-support, or mobile intensive care unit organization. 4597

(C) A mobile intensive care unit that is not dually certified 4598
to provide advanced life-support and meets the requirements of the 4599
rules adopted under this section is not required to carry 4600
immobilization equipment, including board splint kits, traction 4601
splints, backboards, backboard straps, cervical immobilization 4602
devices, cervical collars, stair chairs, folding cots, or other 4603
types of immobilization equipment determined by the board to be 4604
unnecessary for mobile intensive care units. 4605

A mobile intensive care unit is exempt from the emergency 4606
medical technician staffing requirements of section 4765.43 of the 4607
Revised Code when it is staffed by at least one physician or 4608
registered nurse and another person, designated by a physician, 4609
who holds a valid license or certificate to practice in a health 4610
care profession, and when at least one of the persons staffing the 4611
mobile intensive care unit is a registered nurse whose training 4612
meets or exceeds the training required for a paramedic. 4613

Sec. 4766.04. (A) Except as otherwise provided in this 4614
chapter, no person shall furnish, operate, conduct, maintain, 4615
advertise, engage in, or propose or profess to engage in the 4616
business or service in this state of transporting persons who are 4617
seriously ill, injured, or otherwise incapacitated or who require 4618
the use of a wheelchair or are confined to a wheelchair unless the 4619

person is licensed pursuant to this section. 4620

(B) To qualify for a license as a basic life-support, 4621
intermediate life-support, advanced life-support, or mobile 4622
intensive care unit organization, an emergency medical service 4623
organization shall do all of the following: 4624

(1) Apply for a permit for each ambulance and nontransport 4625
vehicle owned or leased as provided in section 4766.07 of the 4626
Revised Code; 4627

(2) Meet all requirements established in rules adopted by the 4628
~~Ohio state board of emergency~~ medical, fire, and transportation 4629
~~board services~~ regarding ambulances and nontransport vehicles, 4630
including requirements pertaining to equipment, communications 4631
systems, staffing, and level of care the particular organization 4632
is permitted to render; 4633

(3) Maintain the appropriate type and amount of insurance as 4634
specified in section 4766.06 of the Revised Code; 4635

(4) Meet all other requirements established under rules 4636
adopted by the board for the particular license. 4637

(C) To qualify for a license to provide ambulette service, a 4638
nonemergency medical service organization shall do all of the 4639
following: 4640

(1) Apply for a permit for each ambulette owned or leased as 4641
provided in section 4766.07 of the Revised Code; 4642

(2) Meet all requirements established in rules adopted by the 4643
~~Ohio state board of emergency~~ medical, fire, and transportation 4644
~~board services~~ regarding ambulettes, including requirements 4645
pertaining to equipment, communication systems, staffing, and 4646
level of care the organization is permitted to render; 4647

(3) Maintain the appropriate type and amount of insurance as 4648
specified in section 4766.06 of the Revised Code; 4649

(4) Meet all other requirements established under rules 4650
adopted by the board for the license. 4651

(D) To qualify for a license to provide air medical 4652
transportation, an air medical service organization shall do all 4653
of the following: 4654

(1) Apply for a permit for each rotorcraft air ambulance and 4655
fixed wing air ambulance owned or leased as provided in section 4656
4766.07 of the Revised Code; 4657

(2) Meet all requirements established in rules adopted by the 4658
~~Ohio state board of emergency~~ medical, ~~fire, and~~ transportation 4659
~~board services~~ regarding rotorcraft air ambulances and fixed wing 4660
air ambulances, including requirements pertaining to equipment, 4661
communication systems, staffing, and level of care the 4662
organization is permitted to render; 4663

(3) Maintain the appropriate type and amount of insurance as 4664
specified in section 4766.06 of the Revised Code; 4665

(4) Meet all other requirements established under rules 4666
adopted by the board for the license. 4667

(E) An emergency medical service organization that applies 4668
for a license as a basic life-support, intermediate life-support, 4669
advanced life-support, or mobile intensive care unit organization; 4670
a nonemergency medical service organization that applies for a 4671
license to provide ambulette service; or an air medical service 4672
organization that applies for a license to provide air medical 4673
transportation shall submit a completed application to the board, 4674
on a form provided by the board for each particular license, 4675
together with the appropriate fees established under section 4676
4766.05 of the Revised Code. The application form shall include 4677
all of the following: 4678

(1) The name and business address of the operator of the 4679
organization for which licensure is sought; 4680

(2) The name under which the applicant will operate the organization; 4681
4682

(3) A list of the names and addresses of all officers and directors of the organization; 4683
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(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; 4685
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(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; 4691
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(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; 4695
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(7) The location and description of each place from which the organization will operate; 4701
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(8) A description of the geographic area to be served by the applicant; 4703
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(9) Any other information the board, by rule, determines necessary. 4705
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(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 4707
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board shall approve or deny the application. The board shall deny 4711
an application if it determines that the applicant does not meet 4712
the requirements of this chapter or any rules adopted under it. 4713
The board shall send notice of the denial of an application by 4714
certified mail to the applicant. The applicant may request a 4715
hearing within ten days after receipt of the notice. If the board 4716
receives a timely request, it shall hold a hearing in accordance 4717
with Chapter 119. of the Revised Code. 4718

(G) If an applicant or licensee operates or plans to operate 4719
an organization in more than one location under the same or 4720
different identities, the applicant or licensee shall apply for 4721
and meet all requirements for licensure or renewal of a license, 4722
other than payment of a license fee or renewal fee, for operating 4723
the organization at each separate location. An applicant or 4724
licensee that operates or plans to operate under the same 4725
organization identity in separate locations shall pay only a 4726
single license fee. 4727

(H) An emergency medical service organization that wishes to 4728
provide ambulette services to the public must apply for a separate 4729
license under division (C) of this section. 4730

(I) Each license issued under this section and each permit 4731
issued under section 4766.07 of the Revised Code expires one year 4732
after the date of issuance and may be renewed in accordance with 4733
the standard renewal procedures of Chapter 4745. of the Revised 4734
Code. An application for renewal shall include the license or 4735
permit renewal fee established under section 4766.05 of the 4736
Revised Code. An applicant for renewal of a permit also shall 4737
submit to the board proof of an annual inspection of the vehicle 4738
or aircraft for which permit renewal is sought. The board shall 4739
renew a license if the applicant meets the requirements for 4740
licensure and shall renew a permit if the applicant and vehicle or 4741
aircraft meet the requirements to maintain a permit for that 4742

vehicle or aircraft. 4743

(J) Each licensee shall maintain accurate records of all 4744
service responses conducted. The records shall be maintained on 4745
forms prescribed by the board and shall contain information as 4746
specified by rule by the board. 4747

Sec. 4766.05. (A) The ~~Ohio~~ state board of emergency medical, 4748
fire, and transportation board services shall establish by rule a 4749
license fee, a permit fee for each ambulance, ambulette, 4750
rotorcraft air ambulance, fixed wing air ambulance, and 4751
nontransport vehicle owned or leased by the licensee that is or 4752
will be used as provided in section 4766.07 of the Revised Code, 4753
and fees for renewals of licenses and permits, taking into 4754
consideration the actual costs incurred by the board in carrying 4755
out its duties under this chapter. However, the fee for each 4756
license and each renewal of a license shall not exceed one hundred 4757
dollars, and the fee for each permit and each renewal of a permit 4758
shall not exceed one hundred dollars for each ambulance, 4759
rotorcraft air ambulance, fixed wing air ambulance, and 4760
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 4761
~~a permit shall be twenty five dollars for each ambulette for one~~ 4762
~~year after March 9, 2004. Thereafter, the~~ board shall determine by 4763
rule the fee, which shall not exceed fifty dollars, for each 4764
permit and each renewal of a permit for each ambulette. For 4765
purposes of establishing fees, "actual costs" includes the costs 4766
of salaries, expenses, inspection equipment, supervision, and 4767
program administration. 4768

(B) The board shall deposit all fees and other moneys 4769
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 4770
the Revised Code in the state treasury to the credit of the 4771
~~occupational licensing trauma and regulatory emergency medical~~ 4772
services fund, which is created by section ~~4743.05~~ 4513.263 of the 4773

Revised Code. ~~All moneys from the fund shall be used solely for~~ 4774
~~the salaries and expenses of the board incurred in implementing~~ 4775
~~and enforcing this chapter.~~ 4776

(C) The board, subject to the approval of the controlling 4777
board, may establish fees in excess of the maximum amounts allowed 4778
under division (A) of this section, but such fees shall not exceed 4779
those maximum amounts by more than fifty per cent. 4780

Sec. 4766.07. (A) Except as otherwise provided by rule of the 4781
~~Ohio state board of emergency~~ medical, fire, and transportation 4782
~~board services~~, each emergency medical service organization, 4783
nonemergency medical service organization, and air medical service 4784
organization subject to licensure under this chapter shall possess 4785
a valid permit for each ambulance, ambulette, rotorcraft air 4786
ambulance, fixed wing air ambulance, and nontransport vehicle it 4787
owns or leases that is or will be used by the licensee to perform 4788
the services permitted by the license. Each licensee and license 4789
applicant shall submit the appropriate fee and an application for 4790
a permit for each ambulance, ambulette, rotorcraft air ambulance, 4791
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 4792
state board of emergency medical, fire, and transportation ~~board~~ 4793
services on forms provided by the board. The application shall 4794
include documentation that the vehicle or aircraft meets the 4795
appropriate standards set by the board, that the vehicle or 4796
aircraft has been inspected pursuant to division (C) of this 4797
section, that the permit applicant maintains insurance as provided 4798
in section 4766.06 of the Revised Code, and that the vehicle or 4799
aircraft and permit applicant meet any other requirements 4800
established under rules adopted by the board. 4801

The ~~Ohio state board of emergency~~ medical, fire, and 4802
transportation ~~board services~~ may adopt rules in accordance with 4803
Chapter 119. of the Revised Code to authorize the temporary use of 4804

a vehicle or aircraft for which a permit is not possessed under 4805
this section in back-up or disaster situations. 4806

(B)(1) Within sixty days after receiving a completed 4807
application for a permit, the board shall issue or deny the 4808
permit. The board shall deny an application if it determines that 4809
the permit applicant, vehicle, or aircraft does not meet the 4810
requirements of this chapter and the rules adopted under it that 4811
apply to permits for ambulances, ambulettes, rotorcraft air 4812
ambulances, fixed wing air ambulances, and nontransport vehicles. 4813
The board shall send notice of the denial of an application by 4814
certified mail to the permit applicant. The permit applicant may 4815
request a hearing within ten days after receipt of the notice. If 4816
the board receives a timely request, it shall hold a hearing in 4817
accordance with Chapter 119. of the Revised Code. 4818

(2) If the board issues the vehicle permit for an ambulance, 4819
ambulette, or nontransport vehicle, it also shall issue a decal, 4820
in a form prescribed by rule, to be displayed on the rear window 4821
of the vehicle. The board shall not issue a decal until all of the 4822
requirements for licensure and permit issuance have been met. 4823

(3) If the board issues the aircraft permit for a rotorcraft 4824
air ambulance or fixed wing air ambulance, it also shall issue a 4825
decal, in a form prescribed by rule, to be displayed on the left 4826
fuselage aircraft window in a manner that complies with all 4827
applicable federal aviation regulations. The board shall not issue 4828
a decal until all of the requirements for licensure and permit 4829
issuance have been met. 4830

(C) In addition to any other requirements that the board 4831
establishes by rule, a licensee or license applicant applying for 4832
an initial vehicle or aircraft permit under division (A) of this 4833
section shall submit to the board the vehicle or aircraft for 4834
which the permit is sought. Thereafter, a licensee shall annually 4835
submit to the board each vehicle or aircraft for which a permit 4836

has been issued. 4837

(1) The board shall conduct a physical inspection of an 4838
ambulance, ambulette, or nontransport vehicle to determine its 4839
roadworthiness and compliance with standard motor vehicle 4840
requirements. 4841

(2) The board shall conduct a physical inspection of the 4842
medical equipment, communication system, and interior of an 4843
ambulance to determine the operational condition and safety of the 4844
equipment and the ambulance's interior and to determine whether 4845
the ambulance is in compliance with the federal requirements for 4846
ambulance construction that were in effect at the time the 4847
ambulance was manufactured, as specified by the general services 4848
administration in the various versions of its publication titled 4849
"federal specification for the star-of-life ambulance, 4850
KKK-A-1822." 4851

(3) The board shall conduct a physical inspection of the 4852
equipment, communication system, and interior of an ambulette to 4853
determine the operational condition and safety of the equipment 4854
and the ambulette's interior and to determine whether the 4855
ambulette is in compliance with state requirements for ambulette 4856
construction. The board shall determine by rule requirements for 4857
the equipment, communication system, interior, and construction of 4858
an ambulette. 4859

(4) The board shall conduct a physical inspection of the 4860
medical equipment, communication system, and interior of a 4861
rotorcraft air ambulance or fixed wing air ambulance to determine 4862
the operational condition and safety of the equipment and the 4863
aircraft's interior. 4864

(5) The board shall issue a certificate to the applicant for 4865
each vehicle or aircraft that passes the inspection and may assess 4866
a fee for each inspection, as established by the board. 4867

(6) The board shall adopt rules regarding the implementation 4868
and coordination of inspections. The rules may permit the board to 4869
contract with a third party to conduct the inspections required of 4870
the board under this section. 4871

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical, 4872
fire, and transportation board may services, pursuant to an 4873
adjudication conducted in accordance with Chapter 119. of the 4874
Revised Code, may suspend or revoke any license or permit or 4875
renewal thereof issued under this chapter for any one or 4876
combination of the following causes: 4877

(1) Violation of this chapter or any rule adopted thereunder; 4878

(2) Refusal to permit the board to inspect a vehicle or 4879
aircraft used under the terms of a permit or to inspect the 4880
records or physical facilities of a licensee; 4881

(3) Failure to meet the ambulance, ambulette, rotorcraft air 4882
ambulance, fixed wing air ambulance, and nontransport vehicle 4883
requirements specified in this chapter or the rules adopted 4884
thereunder; 4885

(4) Violation of an order issued by the board; 4886

(5) Failure to comply with any of the terms of an agreement 4887
entered into with the board regarding the suspension or revocation 4888
of a license or permit or the imposition of a penalty under this 4889
section. 4890

(B) If the board determines that the records, record-keeping 4891
procedures, or physical facilities of a licensee, or an ambulance, 4892
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 4893
nontransport vehicle for which a valid permit has been issued, do 4894
not meet the standards specified in this chapter and the rules 4895
adopted thereunder, the board shall notify the licensee of any 4896
deficiencies within thirty days of finding the deficiencies. If 4897

the board determines that the deficiencies exist and they remain 4898
uncorrected after thirty days, the board may suspend the license, 4899
vehicle permit, or aircraft permit. The licensee, notwithstanding 4900
the suspension under this division, may operate until all appeals 4901
have been exhausted. 4902

(C) At the discretion of the board, a licensee whose license 4903
has been suspended or revoked under this section may be ineligible 4904
to be licensed under this chapter for a period of not more than 4905
three years from the date of the violation, provided that the 4906
board shall make no determination on a period of ineligibility 4907
until all the licensee's appeals relating to the suspension or 4908
revocation have been exhausted. 4909

(D) The board may, in addition to any other action taken 4910
under this section and after a hearing conducted pursuant to 4911
Chapter 119. of the Revised Code, impose a penalty of not more 4912
than fifteen hundred dollars for any violation specified in this 4913
section. The attorney general shall institute a civil action for 4914
the collection of any such penalty imposed. 4915

Sec. 4766.09. This chapter does not apply to any of the 4916
following: 4917

(A) A person rendering services with an ambulance in the 4918
event of a disaster situation when licensees' vehicles based in 4919
the locality of the disaster situation are incapacitated or 4920
insufficient in number to render the services needed; 4921

(B) Any person operating an ambulance, ambulette, rotorcraft 4922
air ambulance, or fixed wing air ambulance outside this state 4923
unless receiving a person within this state for transport to a 4924
location within this state; 4925

(C) A publicly owned or operated emergency medical service 4926
organization and the vehicles it owns or leases and operates, 4927

except as provided in section 307.051, division (G) of section 4928
307.055, division (F) of section 505.37, division (B) of section 4929
505.375, and division (B)(3) of section 505.72 of the Revised 4930
Code; 4931

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 4932
wing air ambulance, or nontransport vehicle owned or leased and 4933
operated by the federal government; 4934

(E) A publicly owned and operated fire department vehicle; 4935

(F) Emergency vehicles owned by a corporation and operating 4936
only on the corporation's premises, for the sole use by that 4937
corporation; 4938

(G) An ambulance, nontransport vehicle, or other emergency 4939
medical service organization vehicle owned and operated by a 4940
municipal corporation; 4941

(H) A motor vehicle titled in the name of a volunteer rescue 4942
service organization, as defined in section 4503.172 of the 4943
Revised Code; 4944

(I) A public emergency medical service organization; 4945

(J) A fire department, rescue squad, or life squad comprised 4946
of volunteers who provide services without expectation of 4947
remuneration and do not receive payment for services other than 4948
reimbursement for expenses; 4949

(K) A private, nonprofit emergency medical service 4950
organization when fifty per cent or more of its personnel are 4951
volunteers, as defined in section 4765.01 of the Revised Code; 4952

(L) Emergency medical service personnel who are regulated by 4953
the state board of emergency medical, fire, and transportation 4954
services under Chapter 4765. of the Revised Code; 4955

(M) Any of the following that operates a transit bus, as that 4956
term is defined in division (Q) of section 5735.01 of the Revised 4957

Code, unless the entity provides ambulette services that are 4958
reimbursed under the state medicaid plan: 4959

(1) A public nonemergency medical service organization; 4960

(2) An urban or rural public transit system; 4961

(3) A private nonprofit organization that receives grants 4962
under section 5501.07 of the Revised Code. 4963

(N)(1) An entity, to the extent it provides ambulette 4964
services, if the entity meets all of the following conditions: 4965

(a) The entity is certified by the department of aging or the 4966
department's designee in accordance with section 173.391 of the 4967
Revised Code or operates under a contract or grant agreement with 4968
the department or the department's designee in accordance with 4969
section 173.392 of the Revised Code. 4970

(b) The entity meets the requirements of section 4766.14 of 4971
the Revised Code. 4972

(c) The entity does not provide ambulette services that are 4973
reimbursed under the state medicaid plan. 4974

(2) A vehicle, to the extent it is used to provide ambulette 4975
services, if the vehicle meets both of the following conditions: 4976

(a) The vehicle is owned by an entity that meets the 4977
conditions specified in division (N)(1) of this section. 4978

(b) The vehicle does not provide ambulette services that are 4979
reimbursed under the state medicaid plan. 4980

(O) A vehicle that meets both of the following criteria, 4981
unless the vehicle provides services that are reimbursed under the 4982
state medicaid plan: 4983

(1) The vehicle was purchased with funds from a grant made by 4984
the United States secretary of transportation under 49 U.S.C. 4985
5310; 4986

(2) The department of transportation holds a lien on the 4987
vehicle. 4988

Sec. 4766.10. This chapter does not invalidate any ordinance 4989
or resolution adopted by a municipal corporation that establishes 4990
standards for the licensure of emergency medical service 4991
organizations as basic life-support, intermediate life-support, or 4992
advanced life-support service organizations that have their 4993
principal places of business located within the limits of the 4994
municipal corporation, as long as the licensure standards meet or 4995
exceed the standards established in this chapter and the rules 4996
adopted thereunder. 4997

Emergency medical service organizations licensed by a 4998
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 4999
state board of emergency medical, fire, and transportation board 5000
services, but the fees they pay to the board for licenses, 5001
permits, and renewals thereof shall not exceed fifty per cent of 5002
the fee amounts established by the board pursuant to section 5003
4766.03 of the Revised Code. The board may choose to waive the 5004
vehicle inspection requirements and inspection fees, but not the 5005
permit fees, for the vehicles of organizations licensed by a 5006
municipal corporation. 5007

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical, 5008
fire, and transportation board services may investigate alleged 5009
violations of this chapter or the rules adopted under it and may 5010
investigate any complaints received regarding alleged violations. 5011

In addition to any other remedies available and regardless of 5012
whether an adequate remedy at law exists, the board may apply to 5013
the court of common pleas in the county where a violation of any 5014
provision of this chapter or any rule adopted pursuant thereto is 5015
occurring for a temporary or permanent injunction restraining a 5016

person from continuing to commit that violation. On a showing that 5017
a person has committed a violation, the court shall grant the 5018
injunction. 5019

In conducting an investigation under this section, the board 5020
may issue subpoenas compelling the attendance and testimony of 5021
witnesses and the production of books, records, and other 5022
documents pertaining to the investigation. If a person fails to 5023
obey a subpoena from the board, the board may apply to the court 5024
of common pleas in the county where the investigation is being 5025
conducted for an order compelling the person to comply with the 5026
subpoena. On application by the board, the court shall compel 5027
obedience by attachment proceedings for contempt, as in the case 5028
of disobedience of the requirements of a subpoena from the court 5029
or a refusal to testify therein. 5030

(B) The ~~medical-transportation~~ board may suspend a license 5031
issued under this chapter without a prior hearing if it determines 5032
that there is evidence that the license holder is subject to 5033
action under this section and that there is clear and convincing 5034
evidence that continued operation by the license holder presents a 5035
danger of immediate and serious harm to the public. The 5036
chairperson and executive director of the board shall make a 5037
preliminary determination and describe the evidence on which they 5038
made their determination to the board members. The board by 5039
resolution may designate another board member to act in place of 5040
the chairperson or another employee to act in place of the 5041
executive director in the event that the chairperson or executive 5042
director is unavailable or unable to act. Upon review of the 5043
allegations, the board, by the affirmative vote of ~~at least four a~~ 5044
majority of its members, may suspend the license without a 5045
hearing. 5046

~~Any method of communication, including a telephone conference~~ 5047
~~call, may be utilized for describing the evidence to the board~~ 5048

~~members, for reviewing the allegations, and for voting on the~~ 5049
~~suspension.~~ 5050

Immediately following the decision by the board to suspend a 5051
license under this division, the board shall issue a written order 5052
of suspension and cause it to be delivered in accordance with 5053
section 119.07 of the Revised Code. If the license holder subject 5054
to the suspension requests an adjudication hearing by the board, 5055
the date set for the adjudication shall be within fifteen days but 5056
not earlier than seven days after the request unless another date 5057
is agreed to by the license holder and the board. 5058

Any summary suspension imposed under this division remains in 5059
effect, unless reversed by the board, until a final adjudicative 5060
order issued by the board pursuant to this section and Chapter 5061
119. of the Revised Code becomes effective. The board shall issue 5062
its final adjudicative order not less than ninety days after 5063
completion of its adjudication hearing. Failure to issue the order 5064
by that day shall cause the summary suspension order to end, but 5065
such failure shall not affect the validity of any subsequent final 5066
adjudication order. 5067

Sec. 4766.12. If a county, township, joint ambulance 5068
district, or joint emergency medical services district chooses to 5069
have the ~~Ohio~~ state board of emergency medical, fire, and 5070
transportation board services license its emergency medical 5071
service organizations and issue permits for its vehicles pursuant 5072
to this chapter, except as may be otherwise provided, all 5073
provisions of this chapter and all rules adopted by the board 5074
thereunder are fully applicable. However, a county, township, 5075
joint ambulance district, or joint emergency medical services 5076
district is not required to obtain any type of permit from the 5077
board for any of its nontransport vehicles. 5078

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical, 5079
fire, and transportation board services, by endorsement, may 5080
license and issue vehicle permits to an emergency medical service 5081
organization or a nonemergency medical service organization that 5082
is regulated by another state. To qualify for a license and 5083
vehicle permits by endorsement, an organization must submit 5084
evidence satisfactory to the board that it has met standards in 5085
another state that are equal to or more stringent than the 5086
standards established by this chapter and the rules adopted under 5087
it. 5088

Sec. 4766.15. (A) An applicant for employment as an ambulette 5089
driver with an organization licensed pursuant to this chapter 5090
shall submit proof to the organization of, or give consent to the 5091
employer to obtain, all of the following: 5092

(1)(a) A valid driver's license issued pursuant to Chapter 5093
4506. or 4507. of the Revised Code, or its equivalent, if the 5094
applicant is a resident of another state; 5095

(b) A recent certified abstract of the applicant's record of 5096
convictions for violations of motor vehicle laws provided by the 5097
registrar of motor vehicles pursuant to section 4509.05 of the 5098
Revised Code, or its equivalent, if the applicant is a resident of 5099
another state. 5100

(2)(a) A certificate of completion of a course in first aid 5101
techniques offered by the American red cross or an equivalent 5102
organization; 5103

(b) A certificate of completion of a course in 5104
cardiopulmonary resuscitation, or its equivalent, offered by an 5105
organization approved by the ~~Ohio~~ state board of emergency 5106
medical, fire, and transportation board services. 5107

(3) The result of a chemical test or tests of the applicant's 5108

blood, breath, or urine conducted at a hospital or other 5109
institution approved by the board for the purpose of determining 5110
the alcohol, drug of abuse, controlled substance, or metabolite of 5111
a controlled substance content of the applicant's whole blood, 5112
blood serum or plasma, breath, or urine; 5113

(4) The result of a criminal records check conducted by the 5114
bureau of criminal identification and investigation. 5115

(B) An organization may employ an applicant on a temporary 5116
provisional basis pending the completion of all of the 5117
requirements of this section. The length of the provisional period 5118
shall be determined by the board. 5119

(C) An organization licensed pursuant to this chapter shall 5120
use information received pursuant to this section to determine in 5121
accordance with rules adopted by the ~~Ohio~~ state board of emergency 5122
medical, fire, and transportation ~~board~~ services under section 5123
4766.03 of the Revised Code whether an applicant is disqualified 5124
for employment. 5125

No applicant shall be accepted for permanent employment as an 5126
ambulette driver by an organization licensed pursuant to this 5127
chapter until all of the requirements of division (A) of this 5128
section have been met. 5129

Sec. 4766.22. (A) Not later than forty-five days after the 5130
end of each fiscal year, the ~~Ohio~~ state board of emergency 5131
medical, fire, and transportation ~~board~~ services shall submit a 5132
report to the governor and general assembly that provides all of 5133
the following information for that fiscal year: 5134

(1) The number of each of the following the board issued: 5135

(a) Basic life-support organization licenses; 5136

(b) Intermediate life-support organization licenses; 5137

(c) Advanced life-support organization licenses; 5138

(d) Mobile intensive care unit organization licenses;	5139
(e) Ambulette service licenses;	5140
(f) Air medical service organization licenses;	5141
(g) Ambulance permits;	5142
(h) Nontransport vehicle permits;	5143
(i) Ambulette vehicle permits;	5144
(j) Rotorcraft air ambulance permits;	5145
(k) Fixed wing air ambulance permits.	5146
(2) The amount of fees the board collected for issuing and	5147
renewing each type of license and permit specified in division	5148
(A)(1) of this section;	5149
(3) The number of inspections the board or a third party on	5150
the board's behalf conducted in connection with each type of	5151
license and permit specified in division (A)(1) of this section	5152
and the amount of fees the board collected for the inspections;	5153
(4) The number of complaints that were submitted to the	5154
board;	5155
(5) The number of investigations the board conducted under	5156
section 4766.11 of the Revised Code;	5157
(6) The number of adjudication hearings the board held and	5158
the outcomes of the adjudications;	5159
(7) The amount of penalties the board imposed and collected	5160
under section 4766.08 of the Revised Code;	5161
(8) Other information the board determines reflects the	5162
board's operations.	5163
(B) The board shall post the annual report required by this	5164
section on its web site and make it available to the public on	5165
request.	5166

Sec. 5501.73. (A) After selecting a solicited or unsolicited 5167
proposal for a public-private initiative, the department of 5168
transportation shall enter into a public-private agreement for a 5169
transportation facility with the selected private entity or any 5170
configuration of private entities. An affected jurisdiction may be 5171
a party to a public-private agreement entered into by the 5172
department and a selected private entity or combination of private 5173
entities. 5174

(B) A public-private agreement under this section shall 5175
provide for all of the following: 5176

(1) Planning, acquisition, financing, development, design, 5177
construction, reconstruction, replacement, improvement, 5178
maintenance, management, repair, leasing, or operation of a 5179
transportation facility; 5180

(2) Term of the public-private agreement; 5181

(3) Type of property interest, if any, the private entity 5182
will have in the transportation facility; 5183

(4) A specific plan to ensure proper maintenance of the 5184
transportation facility throughout the term of the agreement and a 5185
return of the facility to the department, if applicable, in good 5186
condition and repair; 5187

(5) Whether user fees will be collected on the transportation 5188
facility and the basis by which such user fees shall be determined 5189
and modified; 5190

(6) Compliance with applicable federal, state, and local 5191
laws; 5192

(7) Grounds for termination of the public-private agreement 5193
by the department or operator; 5194

(8) Disposition of the facility upon completion of the 5195
agreement; 5196

(9) Procedures for amendment of the agreement.	5197
(C) A public-private agreement under this section may provide	5198
for any of the following:	5199
(1) Review and approval by the department of the operator's	5200
plans for the development and operation of the transportation	5201
facility;	5202
(2) Inspection by the department of construction of or	5203
improvements to the transportation facility;	5204
(3) Maintenance by the operator of a policy of liability	5205
insurance or self-insurance;	5206
(4) Filing by the operator, on a periodic basis, of	5207
appropriate financial statements in a form acceptable to the	5208
department;	5209
(5) Filing by the operator, on a periodic basis, of traffic	5210
reports in a form acceptable to the department;	5211
(6) Financing obligations of the operator and the department;	5212
(7) Apportionment of expenses between the operator and the	5213
department;	5214
(8) Rights and duties of the operator, the department, and	5215
other state and local governmental entities with respect to use of	5216
the transportation facility;	5217
(9) Rights and remedies available in the event of default or	5218
delay;	5219
(10) Terms and conditions of indemnification of the operator	5220
by the department;	5221
(11) Assignment, subcontracting, or other delegation of	5222
responsibilities of the operator or the department under the	5223
agreement to third parties, including other private entities and	5224
other state agencies;	5225

(12) Sale or lease to the operator of private property 5226
related to the transportation facility; 5227

(13) Traffic enforcement and other policing issues, including 5228
any reimbursement by the private entity for such services. 5229

(D)(1) The director of transportation may include in any 5230
public-private agreement under sections 5501.70 to 5501.83 of the 5231
Revised Code a provision authorizing a binding dispute resolution 5232
method for any controversy subsequently arising out of the 5233
contract. The binding dispute resolution method may proceed only 5234
upon agreement of all parties to the controversy. If all parties 5235
do not agree to proceed to a binding dispute resolution, a party 5236
having a claim against the department shall exhaust its 5237
administrative remedies specified in the public-private agreement 5238
prior to filing any action against the department in the court of 5239
claims. 5240

No appeal from the determination of a technical expert lies 5241
to any court, except that the court of common pleas of Franklin 5242
County may issue an order vacating such a determination upon the 5243
application of any party to the binding dispute resolution if any 5244
of the following applies: 5245

(a) The determination was procured by corruption, fraud, or 5246
undue means. 5247

(b) There was evidence of partiality or corruption on the 5248
part of the technical expert. 5249

(c) The technical expert was guilty of misconduct in refusing 5250
to postpone the hearing, upon sufficient cause shown, or in 5251
refusing to hear evidence pertinent and material to the 5252
controversy, or of any other misbehavior by which the rights of 5253
any party have been prejudiced. 5254

(2) As used in this division, "binding dispute resolution" 5255
means a binding determination after review by a technical expert 5256

of all relevant items, which may include documents, and by 5257
interviewing appropriate personnel and visiting the project site 5258
involved in the controversy. "Binding dispute resolution" does not 5259
involve representation by legal counsel or advocacy by any person 5260
on behalf of any party to the controversy. 5261

(E) No public-private agreement entered into under this 5262
section shall be construed to transfer to a private entity the 5263
director's authority to appropriate property under Chapters 163., 5264
5501., and 5519. of the Revised Code. 5265

Sec. 5501.77. (A) For the purposes of carrying out sections 5266
5501.70 to 5501.83 of the Revised Code, the department of 5267
transportation may do all of the following: 5268

(1) Accept, subject to applicable terms and conditions, 5269
available funds from the United States or any of its agencies, 5270
whether the funds are made available by grant, loan, or other 5271
financial assistance; 5272

(2) Enter into agreements or other arrangements with the 5273
United States or any of its agencies as may be necessary; 5274

(3) For the purpose of completing a transportation facility 5275
under an agreement, accept from any source any grant, donation, 5276
gift, or other form of conveyance of land, money, other real or 5277
personal property, or other item of value made to the state or the 5278
department. 5279

(B) Any transportation facility may be financed in whole or 5280
in part by contribution of any funds or property made by any 5281
private entity or affected jurisdiction that is party to a 5282
public-private agreement under sections 5501.70 to 5501.83 of the 5283
Revised Code. 5284

(C) The department may use federal, state, local, and private 5285
funds to finance a transportation facility under sections 5501.70 5286

to 5501.83 of the Revised Code and shall comply with any 5287
requirements and restrictions governing the use of the funds, 5288
including maintaining the funds separately when necessary. 5289

(D) The director of transportation, in accordance with 5290
Chapter 119. of the Revised Code, may adopt such rules as the 5291
director considers advisable for the control and regulation of 5292
traffic on any transportation facility subject to a public-private 5293
agreement, for the protection and preservation of the 5294
transportation facility, for the maintenance and preservation of 5295
good order within the transportation facility, and for the purpose 5296
of establishing vehicle owner or operator liability for avoidance 5297
of user fees. The rules shall provide that public police officers 5298
shall be afforded ready access, while in the performance of their 5299
official duties, to the transportation facility without the 5300
payment of user fees. 5301

(1) No person shall violate any rules of the department of 5302
transportation adopted under this division. 5303

(2)(a) All fines collected for the violation of applicable 5304
laws of the state and the rules of the department of 5305
transportation or money arising from bonds forfeited for such 5306
violation shall be disposed of in accordance with section 5503.04 5307
of the Revised Code. 5308

(b) All fees or charges assessed by the department of 5309
transportation or a public-private operator in accordance with 5310
this section against an owner or operator of a vehicle as a civil 5311
violation for failure to comply with toll collection rules shall 5312
be revenues of the department or public-private operator as set 5313
forth in the public-private agreement. 5314

(E)(1) Except as provided in division (E)(2) of this section, 5315
whoever violates division (D)(1) of this section is guilty of a 5316
minor misdemeanor on a first offense; on each subsequent offense 5317

such person is guilty of a misdemeanor of the fourth degree. 5318

(2) Whoever violates division (D)(1) of this section when the 5319
violation is a civil violation for failure to comply with toll 5320
collection rules is subject to a fee or charge established by the 5321
department by rule. 5322

Sec. 5502.01. (A) The department of public safety shall 5323
administer and enforce the laws relating to the registration, 5324
licensing, sale, and operation of motor vehicles and the laws 5325
pertaining to the licensing of drivers of motor vehicles. 5326

The department shall compile, analyze, and publish statistics 5327
relative to motor vehicle accidents and the causes of them, 5328
prepare and conduct educational programs for the purpose of 5329
promoting safety in the operation of motor vehicles on the 5330
highways, and conduct research and studies for the purpose of 5331
promoting safety on the highways of this state. 5332

(B) The department shall administer the laws and rules 5333
relative to trauma and emergency medical services specified in 5334
Chapter 4765. of the Revised Code and any laws and rules relative 5335
to commercial medical transportation services as may be specified 5336
in Chapter 4766. of the Revised Code. 5337

(C) The department shall administer and enforce the laws 5338
contained in Chapters 4301. and 4303. of the Revised Code and 5339
enforce the rules and orders of the liquor control commission 5340
pertaining to retail liquor permit holders. 5341

(D) The department shall administer the laws governing the 5342
state emergency management agency and shall enforce all additional 5343
duties and responsibilities as prescribed in the Revised Code 5344
related to emergency management services. 5345

(E) The department shall conduct investigations pursuant to 5346
Chapter 5101. of the Revised Code in support of the duty of the 5347

department of job and family services to administer the 5348
supplemental nutrition assistance program throughout this state. 5349
The department of public safety shall conduct investigations 5350
necessary to protect the state's property rights and interests in 5351
the supplemental nutrition assistance program. 5352

(F) The department of public safety shall enforce compliance 5353
with orders and rules of the public utilities commission and 5354
applicable laws in accordance with Chapters 4905., 4921., and 5355
4923. of the Revised Code regarding commercial motor vehicle 5356
transportation safety, economic, and hazardous materials 5357
requirements. 5358

(G) Notwithstanding Chapter 4117. of the Revised Code, the 5359
department of public safety may establish requirements for its 5360
enforcement personnel, including its enforcement agents described 5361
in section 5502.14 of the Revised Code, that include standards of 5362
conduct, work rules and procedures, and criteria for eligibility 5363
as law enforcement personnel. 5364

(H) The department shall administer, maintain, and operate 5365
the Ohio criminal justice network. The Ohio criminal justice 5366
network shall be a computer network that supports state and local 5367
criminal justice activities. The network shall be an electronic 5368
repository for various data, which may include arrest warrants, 5369
notices of persons wanted by law enforcement agencies, criminal 5370
records, prison inmate records, stolen vehicle records, vehicle 5371
operator's licenses, and vehicle registrations and titles. 5372

(I) The department shall coordinate all homeland security 5373
activities of all state agencies and shall be a liaison between 5374
state agencies and local entities for those activities and related 5375
purposes. 5376

(J) Beginning July 1, 2004, the department shall administer 5377
and enforce the laws relative to private investigators and 5378

security service providers specified in Chapter 4749. of the 5379
Revised Code. 5380

(K) The department shall administer criminal justice services 5381
in accordance with sections 5502.61 to 5502.66 of the Revised 5382
Code. 5383

Sec. 5503.04. Forty-five per cent of the fines collected from 5384
or moneys arising from bail forfeited by persons apprehended or 5385
arrested by state highway patrol troopers shall be paid into the 5386
state treasury to be credited to the general revenue fund, five 5387
per cent shall be paid into the state treasury to be credited to 5388
the trauma and emergency medical services fund created by section 5389
4513.263 of the Revised Code, and fifty per cent shall be paid 5390
into the treasury of the municipal corporation where the case is 5391
prosecuted, if in a mayor's court. If the prosecution is in a 5392
trial court outside a municipal corporation, or outside the 5393
territorial jurisdiction of a municipal court, the fifty per cent 5394
of the fines and moneys that is not paid into the state treasury 5395
shall be paid into the treasury of the county where the case is 5396
prosecuted. The fines and moneys paid into a county treasury and 5397
the fines and moneys paid into the treasury of a municipal 5398
corporation shall be deposited one-half to the same fund and 5399
expended in the same manner as is the revenue received from the 5400
registration of motor vehicles, and one-half to the general fund 5401
of such county or municipal corporation. 5402

If the prosecution is in a municipal court, forty-five per 5403
cent of the fines and moneys shall be paid into the state treasury 5404
to be credited to the general revenue fund, five per cent shall be 5405
paid into the state treasury to be credited to the trauma and 5406
emergency medical services ~~grants~~ fund created by division (E) of 5407
section 4513.263 of the Revised Code, ten per cent shall be paid 5408
into the county treasury to be credited to the general fund of the 5409

county, and forty per cent shall be paid into the municipal 5410
treasury to be credited to the general fund of the municipal 5411
corporation. In the Auglaize county, Clermont county, Crawford 5412
county, Hocking county, Jackson county, Lawrence county, Madison 5413
county, Miami county, Ottawa county, Portage county, and Wayne 5414
county municipal courts, that portion of money otherwise paid into 5415
the municipal treasury shall be paid into the county treasury. 5416

The trial court shall make remittance of the fines and moneys 5417
as prescribed in this section, and at the same time as the 5418
remittance is made of the state's portion to the state treasury, 5419
the trial court shall notify the superintendent of the state 5420
highway patrol of the case and the amount covered by the 5421
remittance. 5422

This section does not apply to fines for violations of 5423
division (B) of section 4513.263 of the Revised Code, or for 5424
violations of any municipal ordinance that is substantively 5425
comparable to that division, all of which shall be delivered to 5426
the treasurer of state as provided in division (E) of section 5427
4513.263 of the Revised Code. 5428

Sec. 5515.01. ~~(A)~~ The director of transportation ~~may~~, upon 5429
formal application being made to the director, ~~may~~ grant a permit 5430
to any individual, firm, or corporation to use or occupy such 5431
portion of a road or highway on the state highway system as will 5432
not incommode the traveling public. Such permits, when granted, 5433
shall be upon the following conditions: 5434

~~(A)~~ (1) The director may issue a permit to any individual, 5435
firm, or corporation for any use of a road or highway on the state 5436
highway system that is consistent with applicable federal law or 5437
federal regulations. 5438

~~(B)~~ (2) Such location shall be changed as prescribed by the 5439
director when the director deems such change necessary for the 5440

convenience of the traveling public, or in connection with or 5441
contemplation of, the construction, reconstruction, improvement, 5442
relocating, maintenance, or repair of such road or highway. 5443

~~(C)~~(3) The placing of objects or things shall be at a grade 5444
and in accordance with such plans, specifications, or both, as 5445
shall be first approved by the director. 5446

~~(D)~~(4) The road or highway in all respects shall be fully 5447
restored to its former condition of usefulness and at the expense 5448
of such individual, firm, or corporation. 5449

~~(E)~~(5) Such individual, firm, or corporation shall maintain 5450
all objects and things in a proper manner, promptly repair all 5451
damages resulting to such road or highway on account thereof, and 5452
in event of failure to so repair such road or highway to pay to 5453
the state all costs and expenses that may be expended by the 5454
director in repairing any damage. 5455

~~(F)~~(6) Such other conditions as may seem reasonable to the 5456
director, ~~but no condition shall be prescribed that imposes the~~ 5457
~~payment of a money consideration for the privilege granted~~ 5458
including payment of a reasonable one-time access permit 5459
processing fee not exceeding thirty dollars for agricultural 5460
access, seventy dollars for residential access, and three hundred 5461
dollars for commercial or industrial access. Nothing in this 5462
division prohibits the director from requiring payment of money 5463
consideration for a lease, easement, license, or other interest in 5464
a transportation facility under control of the department of 5465
transportation. 5466

~~(G)~~(7) Permits may be revoked by the director at any time for 5467
a noncompliance with the conditions imposed. 5468

~~(H)~~(8) As a condition precedent to the issuance of any permit 5469
for telecommunications facilities or carbon capture and storage 5470
pipelines, the director shall require the applicant to provide 5471

proof it is party to a lease, easement, or license for the 5472
construction, placement, or operation of such facility or pipeline 5473
in or on a transportation facility. 5474

(B) Except as otherwise provided in this section and section 5475
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 5476
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5477
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 5478
telephone and electric light and power companies from 5479
constructing, maintaining, and using telephone or electric light 5480
and power lines along and upon such roads or highways under 5481
section 4933.14 or other sections of the Revised Code, or to 5482
affect existing rights of any such companies, or to require such 5483
companies to obtain a permit from the director, except with 5484
respect to the location of poles, wires, conduits, and other 5485
equipment comprising lines on or beneath the surface of such road 5486
or highways. 5487

(C) This section does not prohibit steam or electric railroad 5488
companies from constructing tracks across such roads or highways, 5489
nor authorize the director to grant permission to any company 5490
owning, operating, controlling, or managing a steam railroad or 5491
interurban railway in this state to build a new line of railroad, 5492
or to change or alter the location of existing tracks across any 5493
road or highway on the state highway system at grade. No such 5494
company shall change the elevation of any of its tracks across 5495
such road or highway except in accordance with plans and 5496
specifications first approved by the director. 5497

(D) This section does not relieve any individual, firm, or 5498
corporation from the obligation of satisfying any claim or demand 5499
of an owner of lands abutting on such road or highway on the state 5500
highway system on account of placing in such road or highway a 5501
burden in addition to public travel. 5502

Sec. 5517.011. (A) Notwithstanding section 5517.01 or Chapter 5503
153. of the Revised Code, the director of transportation may 5504
establish a program to programs that expedite the sale and 5505
construction of special projects by combining. The programs may do 5506
the following: 5507

(1) Combine the design and construction elements of a ~~highway~~ 5508
~~or bridge~~ transportation facility project into a single contract. 5509
The director shall prepare and distribute a scope of work document 5510
upon which the bidders shall base their bids. ~~Except in regard to~~ 5511
~~those requirements relating to providing plans, the director shall~~ 5512
~~award contracts under this section in accordance with Chapter~~ 5513
~~5525. of the Revised Code.~~ 5514

~~Notwithstanding any provision of Chapter 5525. of the Revised~~ 5515
~~Code, the~~ The director may develop and use a value-based selection 5516
process, combining technical qualifications and competitive 5517
bidding elements, including consideration for minority or 5518
disadvantaged businesses that may include joint ventures, when 5519
letting special projects that contain both design and construction 5520
elements of a transportation facility project into a single 5521
contract. 5522

(2) Engage a construction manager during the design phase of 5523
a transportation facility project to provide constructability 5524
input including scheduling, pricing, and phasing, and utilize the 5525
same construction manager to construct the project. The director 5526
may execute separate contracts with the construction manager for 5527
constructability input and construction, and may include a 5528
guaranteed maximum price in the construction contract. The 5529
director may develop and use a value-based selection process, 5530
combining technical qualifications and competitive bidding 5531
elements, including consideration for minority or disadvantaged 5532
businesses that may include joint ventures, when letting special 5533

projects that utilize a construction manager for both 5534
constructability input and construction. The authority granted 5535
under division (A)(2) of this section shall be limited to one 5536
pilot project as determined by the director unless otherwise 5537
specified by law. 5538

(B) Except as provided in this section, the director shall 5539
award contracts in accordance with Chapter 5525. of the Revised 5540
Code. 5541

The total dollar value of contracts made under this section 5542
shall not exceed one billion dollars per fiscal year. The director 5543
may provide compensation for preparation of a responsive 5544
preliminary design concept to not more than two bidders who, after 5545
the successful bidder, submitted the next best bids. The director 5546
may establish policies or procedures necessary to determine the 5547
amount of compensation to be provided for each project and the 5548
method of evaluating the value of the preliminary design concept 5549
submitted, but in no instance may the compensation exceed the 5550
value of such concept. 5551

Sec. 5517.02. (A) Before undertaking the construction, 5552
reconstruction by widening or resurfacing, or improvement of a 5553
state highway, or a bridge or culvert thereon, or the installation 5554
of a traffic control signal on a state highway, the director of 5555
transportation, except as provided in section 5517.021 of the 5556
Revised Code, shall make an estimate of the cost of the work using 5557
the force account project assessment form developed by the auditor 5558
of state under section 117.16 of the Revised Code. ~~In~~ 5559
~~constructing, or reconstructing by widening or resurfacing,~~ 5560
~~improving, maintaining, and repairing state highways, and the~~ 5561
~~bridges and culverts thereon, and in installing, maintaining, and~~ 5562
~~repairing traffic control signals on state highways, the director,~~ 5563
~~except as provided in division (B) of this section, shall proceed~~ 5564

~~by contract let to the lowest competent and responsible bidder,~~ 5565
~~after advertisement as provided in section 5525.01 of the Revised~~ 5566
~~Code~~ When a force account project assessment form is required, the 5567
estimate shall include costs for subcontracted work and any 5568
competitively bid component costs. 5569

~~(B)(1) Where the work contemplated is the construction of a~~ 5570
~~bridge or culvert, or the installation of a traffic control~~ 5571
~~signal, estimated to cost not more than fifty thousand dollars,~~ 5572
~~the director may proceed by employing labor, purchasing materials,~~ 5573
~~and furnishing equipment.~~ 5574

~~(2) The~~ After complying with division (A) of this section, 5575
the director may also proceed without competitive bidding with 5576
maintenance or repair work by employing labor, purchasing 5577
materials, and furnishing equipment, provided if the total 5578
estimated cost of the completed operation, or series of connected 5579
operations, does not exceed twenty-five the following, as adjusted 5580
under division (B)(2) of this section: 5581

(a) Thirty thousand dollars per centerline mile of highway, 5582
exclusive of structures and traffic control signals,~~or fifty;~~ 5583

(b) Sixty thousand dollars for any single structure or 5584
traffic control signal or any other single project. 5585

~~(3)(2)~~ On the first day of July of every odd-numbered year 5586
beginning in 2015, the director shall increase the amounts 5587
established in division (B)(1) of this section by an amount not to 5588
exceed the lesser of three per cent, or the percentage amount of 5589
any increase in the department of transportation's construction 5590
cost index as annualized and totaled for the prior two calendar 5591
years. The director shall publish the applicable amounts on the 5592
department's internet web site. 5593

(C) The director may proceed by furnishing equipment, 5594
purchasing materials, and employing labor in the erection of 5595

temporary bridges or the making of temporary repairs to a highway 5596
or bridge rendered necessary by flood, landslide, or other 5597
extraordinary emergency. If the director determines inability to 5598
complete such emergency work by force account, the director may 5599
contract for any part of the work, with or without advertising for 5600
bids, as the director considers for the best interest of the 5601
department of transportation. 5602

(D) When a project proceeds by force account under this 5603
section or section 5517.021 of the Revised Code, the department of 5604
transportation shall perform the work in compliance with any 5605
project requirements and specifications that would have applied if 5606
a contract for the work had been let by competitive bidding. The 5607
department shall retain in the project record all records 5608
documenting materials testing compliance, materials placement 5609
compliance, actual personnel and equipment hours usage, and all 5610
other documentation that would have been required if a contract 5611
for the work had been let by competitive bidding. 5612

(E) The director shall proceed by competitive bidding to let 5613
work to the lowest competent and responsible bidder after 5614
advertisement as provided in section 5525.01 of the Revised Code 5615
in both of the following situations: 5616

(1) When the scope of work exceeds the limits established in 5617
section 5517.021 of the Revised Code; 5618

(2) When the estimated cost for a project, other than work 5619
described in section 5517.021 of the Revised Code, exceeds the 5620
amounts established in division (B) of this section, as adjusted. 5621

Sec. 5517.021. (A)(1) The director of transportation may 5622
proceed without competitive bidding by employing labor, purchasing 5623
materials, and furnishing equipment to do any of the following 5624
work: 5625

(a) Replace any single span bridge in its substantial 5626
entirety or widen any single span bridge, including necessary 5627
modifications to accommodate widening the existing substructure 5628
and wing walls. The director shall proceed under division 5629
(A)(1)(a) of this section only if the deck area of the new or 5630
widened bridge does not exceed seven hundred square feet as 5631
measured around the outside perimeter of the deck. 5632

(b) Replace the bearings, beams, and deck of any bridge on 5633
that bridge's existing foundation if the deck area of the 5634
rehabilitated structure does not exceed eight hundred square feet; 5635

(c) Construct or replace any single cell or multi-cell 5636
culvert whose total waterway opening does not exceed fifty-two 5637
square feet; 5638

(d) Pave or patch an asphalt surface if the operation does 5639
not exceed one hundred twenty tons of asphalt per lane-mile of 5640
roadway length, except that the department shall not perform a 5641
continuous resurfacing operation under this section if the cost of 5642
the work exceeds the amount established in division (B)(1)(a) of 5643
section 5517.02 of the Revised Code, as adjusted. 5644

(2) Work performed in accordance with division (A)(1) of this 5645
section may include approach roadway work, extending not more than 5646
one hundred fifty feet as measured from the back side of the 5647
bridge abutment wall or outside edge of the culvert, as 5648
applicable. The length of an approach guardrail shall be in 5649
accordance with department of transportation design requirements 5650
and shall not be included in the approach work size limitation. 5651

(B) The requirements of section 117.16 of the Revised Code 5652
shall not apply to work described in division (A) of this section 5653
and the work shall be exempt from audit for force account purposes 5654
except to determine compliance with the applicable size or tonnage 5655
restrictions. 5656

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.

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 5689
into a contract, or to furnish the contract performance bond and 5690
the payment bond required by that section until the bids have been 5691
opened and the bidder has been notified by the director that the 5692
bidder is awarded the contract. 5693

The director shall permit a bidder to withdraw the bidder's 5694
bid from consideration, without forfeiture of the check, 5695
transferred sum, or bid bond filed with the bid, providing a 5696
written request together with a sworn statement of the grounds for 5697
such withdrawal is delivered within forty-eight hours after the 5698
time established for the receipt of bids, and if the price bid was 5699
substantially lower than the other bids, providing the bid was 5700
submitted in good faith, and the reason for the price bid being 5701
substantially lower was a clerical mistake evident on the face of 5702
the bid, as opposed to a judgment mistake, and was actually due to 5703
an unintentional and substantial arithmetic error or an 5704
unintentional omission of a substantial quantity of work, labor, 5705
or material made directly in the compilation of the bid. In the 5706
event the director decides the conditions for withdrawal have not 5707
been met, the director may award the contract to such bidder. If 5708
such bidder does not then enter into a contract and furnish the 5709
contract bond as required by law, the director may declare 5710
forfeited the check, transferred sum, or bid bond as liquidated 5711
damages and award the contract to the next higher bidder or reject 5712
the remaining bids and readvertise the project for bids. Such 5713
bidder ~~may~~, within thirty days, may appeal the decision of the 5714
director to the court of common pleas of Franklin county and the 5715
court may affirm or reverse the decision of the director and may 5716
order the director to refund the amount of the forfeiture. At the 5717
hearing before the common pleas court evidence may be introduced 5718
for and against the decision of the director. The decision of the 5719
common pleas court may be appealed as in other cases. 5720

There is hereby created the ODOT letting fund, which shall be 5721
in the custody of the treasurer of state but shall not be part of 5722
the state treasury. All certified checks and cashiers' checks 5723
received with bidders' bids, and all sums transferred to the 5724
treasurer of state by electronic funds transfer in connection with 5725
bidders' bids, under this section shall be credited to the fund. 5726
All such bid guaranties shall be held in the fund until a 5727
determination is made as to the final disposition of the money. If 5728
the department determines that any such bid guaranty is no longer 5729
required to be held, the amount of the bid guaranty shall be 5730
returned to the appropriate bidder. If the department determines 5731
that a bid guaranty under this section shall be forfeited, the 5732
amount of the bid guaranty shall be transferred or, in the case of 5733
money paid on a forfeited bond, deposited into the state treasury, 5734
to the credit of the highway operating fund. Any investment 5735
earnings of the ODOT letting fund shall be distributed as the 5736
treasurer of state considers appropriate. 5737

The director shall require all bidders to furnish the 5738
director, upon such forms as the director may prescribe, detailed 5739
information with respect to all pending work of the bidder, 5740
whether with the department of transportation or otherwise, 5741
together with such other information as the director considers 5742
necessary. 5743

In the event a bidder fails to submit anything required to be 5744
submitted with the bid and then fails or refuses to so submit such 5745
at the request of the director, the failure or refusal constitutes 5746
grounds for the director, in the director's discretion, to declare 5747
as forfeited the bid guaranty submitted with the bid. 5748

The director may reject any or all bids. Except in regard to 5749
contracts for environmental remediation and specialty work for 5750
which there are no classes of work set out in the rules adopted by 5751
the director, if the director awards the contract, the director 5752

shall award it to the lowest competent and responsible bidder as 5753
defined by rules adopted by the director under section 5525.05 of 5754
the Revised Code, who is qualified to bid under sections 5525.02 5755
to 5525.09 of the Revised Code. In regard to contracts for 5756
environmental remediation and specialty work for which there are 5757
no classes of work set out in the rules adopted by the director, 5758
the director shall competitively bid the projects in accordance 5759
with this chapter and shall award the contracts to the lowest and 5760
best bidder. 5761

The award for all projects competitively let by the director 5762
under this section shall be made within ten days after the date on 5763
which the bids are opened, and the successful bidder shall enter 5764
into a contract and furnish a contract performance bond and a 5765
payment bond, as provided for in section 5525.16 of the Revised 5766
Code, within ten days after the bidder is notified that the bidder 5767
has been awarded the contract. 5768

The director may insert in any contract awarded under this 5769
chapter a clause providing for value engineering change proposals, 5770
under which a contractor who has been awarded a contract may 5771
propose a change in the plans and specifications of the project 5772
that saves the department time or money on the project without 5773
impairing any of the essential functions and characteristics of 5774
the project such as service life, reliability, economy of 5775
operation, ease of maintenance, safety, and necessary standardized 5776
features. If the director adopts the value engineering proposal, 5777
the savings from the proposal shall be divided between the 5778
department and the contractor according to guidelines established 5779
by the director, provided that the contractor shall receive at 5780
least fifty per cent of the savings from the proposal. The 5781
adoption of a value engineering proposal does not invalidate the 5782
award of the contract or require the director to rebid the 5783
project. 5784

Sec. 5525.16. (A) Before entering into a contract, the 5785
director of transportation shall require a contract performance 5786
bond and a payment bond with sufficient sureties, as follows: 5787

(1) A contract performance bond in an amount equal to one 5788
hundred per cent of the ~~estimated cost of the work~~ contract 5789
amount, conditioned, among other things, that the contractor will 5790
perform the work upon the terms proposed, within the time 5791
prescribed, and in accordance with the plans and specifications, 5792
will indemnify the state against any damage that may result from 5793
any failure of the contractor to so perform, and, further, in case 5794
of a grade separation will indemnify any railroad company involved 5795
against any damage that may result by reason of the negligence of 5796
the contractor in making the improvement. 5797

(2) A payment bond in an amount equal to one hundred per cent 5798
of the ~~estimated cost of the work~~ contract amount, conditioned for 5799
the payment by the contractor and all subcontractors for labor or 5800
work performed or materials furnished in connection with the work, 5801
improvement, or project involved. 5802

(B) In no case is the state liable for damages sustained in 5803
the construction of any work, improvement, or project under this 5804
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5805
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 5806
5535. of the Revised Code. 5807

This section does not require the director to take bonds as 5808
described in division (A) of this section in connection with any 5809
force account work, but the director may require those bonds in 5810
connection with force account work. 5811

If any bonds taken under this section are executed by a 5812
surety company, the director may not approve such bonds unless 5813
there is attached a certificate of the superintendent of insurance 5814
that the company is authorized to transact business in this state, 5815

and a copy of the power of attorney of the agent of the company. 5816
The superintendent, upon request, shall issue to any licensed 5817
agent of such company the certificate without charge. 5818

The bonds required to be taken under this section shall be 5819
executed by the same surety, approved by the director as to 5820
sufficiency of the sureties, and be in the form prescribed by the 5821
attorney general. 5822

(C) Any person to whom any money is due for labor or work 5823
performed or materials furnished in connection with a work, 5824
improvement, or project, at any time after performing the labor or 5825
furnishing the materials but not later than ninety days after the 5826
acceptance of the work, improvement, or project by the director, 5827
may furnish to the sureties on the payment bond a statement of the 5828
amount due the person. If the indebtedness is not paid in full at 5829
the expiration of sixty days after the statement is furnished, the 5830
person may commence an action in the person's own name upon the 5831
bond as provided in sections 2307.06 and 2307.07 of the Revised 5832
Code. 5833

An action shall not be commenced against the sureties on a 5834
payment bond until sixty days after the furnishing of the 5835
statement described in this section or, notwithstanding section 5836
2305.12 of the Revised Code, later than one year after the date of 5837
the acceptance of the work, improvement, or project. 5838

(D) As used in this section, "improvement," "subcontractor," 5839
"material supplier," and "materials" have the same meanings as in 5840
section 1311.01 of the Revised Code, and "contractor" has the same 5841
meaning as "original contractor" as defined in that section. 5842

Sec. 5751.02. (A) For the purpose of funding the needs of 5843
this state and its local governments ~~beginning with the tax period~~ 5844
~~that commences July 1, 2005, and continuing for every tax period~~ 5845
~~thereafter and providing revenue to the commercial activity tax~~ 5846

motor fuel receipts fund, there is hereby levied a commercial 5847
activity tax on each person with taxable gross receipts for the 5848
privilege of doing business in this state. For the purposes of 5849
this chapter, "doing business" means engaging in any activity, 5850
whether legal or illegal, that is conducted for, or results in, 5851
gain, profit, or income, at any time during ~~the~~ a calendar year. 5852
Persons on which the commercial activity tax is levied include, 5853
but are not limited to, persons with substantial nexus with this 5854
state. The tax imposed under this section is not a transactional 5855
tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The 5856
tax imposed under this section is in addition to any other taxes 5857
or fees imposed under the Revised Code. The tax levied under this 5858
section is imposed on the person receiving the gross receipts and 5859
is not a tax imposed directly on a purchaser. The tax imposed by 5860
this section is an annual privilege tax for the calendar year 5861
that, in the case of calendar year taxpayers, is the annual tax 5862
period and, in the case of calendar quarter taxpayers, contains 5863
all quarterly tax periods in the calendar year. A taxpayer is 5864
subject to the annual privilege tax for doing business during any 5865
portion of such calendar year. 5866

(B) The tax imposed by this section is a tax on the taxpayer 5867
and shall not be billed or invoiced to another person. Even if the 5868
tax or any portion thereof is billed or invoiced and separately 5869
stated, such amounts remain part of the price for purposes of the 5870
sales and use taxes levied under Chapters 5739. and 5741. of the 5871
Revised Code. Nothing in division (B) of this section prohibits: 5872

(1) A person from including in the price charged for a good 5873
or service an amount sufficient to recover the tax imposed by this 5874
section; or 5875

(2) A lessor from including an amount sufficient to recover 5876
the tax imposed by this section in a lease payment charged, or 5877

from including such an amount on a billing or invoice pursuant to 5878
the terms of a written lease agreement providing for the recovery 5879
of the lessor's tax costs. The recovery of such costs shall be 5880
based on an estimate of the total tax cost of the lessor during 5881
the tax period, as the tax liability of the lessor cannot be 5882
calculated until the end of that period. 5883

Sec. 5751.051. (A)(1) Not later than the tenth day of the 5884
second month after the end of each calendar quarter, every 5885
taxpayer other than a calendar year taxpayer shall file with the 5886
tax commissioner a tax return in such form as the commissioner 5887
prescribes. The return shall include, but is not limited to, the 5888
amount of the taxpayer's taxable gross receipts for the calendar 5889
quarter and shall indicate the amount of tax due under section 5890
5751.03 of the Revised Code for the calendar quarter. The taxpayer 5891
shall indicate on the return the portion of the taxpayer's 5892
receipts attributable to motor fuel used for propelling vehicles 5893
on public highways. 5894

(2)(a) Subject to division (C) of section 5751.05 of the 5895
Revised Code, a calendar quarter taxpayer shall report the taxable 5896
gross receipts for that calendar quarter. 5897

(b) With respect to taxable gross receipts incorrectly 5898
reported in a calendar quarter that has a lower tax rate, the tax 5899
shall be computed at the tax rate in effect for the quarterly 5900
return in which such receipts should have been reported. Nothing 5901
in division (A)(2)(b) of this section prohibits a taxpayer from 5902
filing an application for refund under section 5751.08 of the 5903
Revised Code with regard to the incorrect reporting of taxable 5904
gross receipts discovered after filing the annual return described 5905
in division (A)(3) of this section. 5906

A tax return shall not be deemed to be an incorrect reporting 5907
of taxable gross receipts for the purposes of division (A)(2)(b) 5908

of this section if the return reflects between ninety-five and one 5909
hundred five per cent of the actual taxable gross receipts for the 5910
calendar quarter. 5911

(3) For the purposes of division (A)(2)(b) of this section, 5912
the tax return filed for the fourth calendar quarter of a calendar 5913
year is the annual return for the privilege tax imposed by this 5914
chapter. Such return shall report any additional taxable gross 5915
receipts not previously reported in the calendar year and shall 5916
adjust for any over-reported taxable gross receipts in the 5917
calendar year. If the taxpayer ceases to be a taxpayer before the 5918
end of the calendar year, the last return the taxpayer is required 5919
to file shall be the annual return for the taxpayer and the 5920
taxpayer shall report any additional taxable gross receipts not 5921
previously reported in the calendar year and shall adjust for any 5922
over-reported taxable gross receipts in the calendar year. 5923
Taxpayers reporting taxable gross receipts attributable to motor 5924
fuel used for propelling vehicles on public highways shall report 5925
the actual amount of such receipts and pay the full amount of tax 5926
due on those receipts with each calendar quarter tax return and 5927
shall not pay such tax based on estimates of such receipts or 5928
otherwise fail to report such receipts. 5929

(4) Because the tax imposed by this chapter is a privilege 5930
tax, the tax rate with respect to taxable gross receipts for a 5931
calendar quarter is not fixed until the end of the measurement 5932
period for each calendar quarter. Subject to division (A)(2)(b) of 5933
this section, the total amount of taxable gross receipts reported 5934
for a given calendar quarter shall be subject to the tax rate in 5935
effect in that quarter. 5936

(5) Not later than the tenth day of May following the end of 5937
each calendar year, every calendar year taxpayer shall file with 5938
the tax commissioner a tax return in such form as the commissioner 5939
prescribes. The return shall include, but is not limited to, the 5940

amount of the taxpayer's taxable gross receipts for the calendar 5941
year and shall indicate the amount of tax due under section 5942
5751.03 of the Revised Code for the calendar year. The taxpayer 5943
shall indicate on the return the portion of the taxpayer's 5944
receipts attributable to motor fuel used for propelling vehicles 5945
on public highways. 5946

(B)(1) A person that first becomes subject to the tax imposed 5947
under this chapter shall pay the minimum tax imposed under 5948
division (B) of section 5751.03 of the Revised Code on or before 5949
the day the return is required to be filed for that quarter under 5950
division (A)(1) of this section, regardless of whether the person 5951
registers as a calendar year taxpayer under section 5751.05 of the 5952
Revised Code. 5953

(2) The amount of the minimum tax for a person subject to 5954
division (B)(1) of this section shall be reduced to seventy-five 5955
dollars if the registration is timely filed after the first day of 5956
May and before the first day of January of the following calendar 5957
year. 5958

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 5959
the Revised Code: 5960

(1) "School district," "joint vocational school district," 5961
"local taxing unit," "recognized valuation," "fixed-rate levy," 5962
and "fixed-sum levy" have the same meanings as used in section 5963
5727.84 of the Revised Code. 5964

(2) "State education aid" for a school district means the 5965
following: 5966

(a) For fiscal years prior to fiscal year 2010, the sum of 5967
state aid amounts computed for the district under the following 5968
provisions, as they existed for the applicable fiscal year: 5969
division (A) of section 3317.022 of the Revised Code, including 5970

the amounts calculated under sections 3317.029 and 3317.0217 of 5971
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 5972
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 5973
divisions (L) and (N) of section 3317.024; section 3317.0216; and 5974
any unit payments for gifted student services paid under sections 5975
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 5976
for fiscal years 2008 and 2009, the amount computed for the 5977
district under Section 269.20.80 of H.B. 119 of the 127th general 5978
assembly and as that section subsequently may be amended shall be 5979
substituted for the amount computed under division (D) of section 5980
3317.022 of the Revised Code, and the amount computed under 5981
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 5982
that section subsequently may be amended shall be included. 5983

(b) For fiscal years 2010 and 2011, the sum of the amounts 5984
computed under former sections 3306.052, 3306.12, 3306.13, 5985
3306.19, 3306.191, and 3306.192 of the Revised Code; 5986

(c) For fiscal years 2012 and 2013, the sum of the amounts 5987
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 5988
153 of the 129th general assembly. 5989

(3) "State education aid" for a joint vocational school 5990
district means the following: 5991

(a) For fiscal years prior to fiscal year 2010, the sum of 5992
the state aid computed for the district under division (N) of 5993
section 3317.024 and section 3317.16 of the Revised Code, except 5994
that, for fiscal years 2008 and 2009, the amount computed under 5995
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 5996
that section subsequently may be amended shall be included. 5997

(b) For fiscal years 2010 and 2011, the amount paid in 5998
accordance with Section 265.30.50 of H.B. 1 of the 128th general 5999
assembly. 6000

(c) For fiscal years 2012 and 2013, the amount paid in 6001

accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 6002
6003

(4) "State education aid offset" means the amount determined 6004
for each school district or joint vocational school district under 6005
division (A)(1) of section 5751.21 of the Revised Code. 6006

(5) "Machinery and equipment property tax value loss" means 6007
the amount determined under division (C)(1) of this section. 6008

(6) "Inventory property tax value loss" means the amount 6009
determined under division (C)(2) of this section. 6010

(7) "Furniture and fixtures property tax value loss" means 6011
the amount determined under division (C)(3) of this section. 6012

(8) "Machinery and equipment fixed-rate levy loss" means the 6013
amount determined under division (D)(1) of this section. 6014

(9) "Inventory fixed-rate levy loss" means the amount 6015
determined under division (D)(2) of this section. 6016

(10) "Furniture and fixtures fixed-rate levy loss" means the 6017
amount determined under division (D)(3) of this section. 6018

(11) "Total fixed-rate levy loss" means the sum of the 6019
machinery and equipment fixed-rate levy loss, the inventory 6020
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 6021
loss, and the telephone company fixed-rate levy loss. 6022

(12) "Fixed-sum levy loss" means the amount determined under 6023
division (E) of this section. 6024

(13) "Machinery and equipment" means personal property 6025
subject to the assessment rate specified in division (F) of 6026
section 5711.22 of the Revised Code. 6027

(14) "Inventory" means personal property subject to the 6028
assessment rate specified in division (E) of section 5711.22 of 6029
the Revised Code. 6030

(15) "Furniture and fixtures" means personal property subject 6031
to the assessment rate specified in division (G) of section 6032
5711.22 of the Revised Code. 6033

(16) "Qualifying levies" are levies in effect for tax year 6034
2004 or applicable to tax year 2005 or approved at an election 6035
conducted before September 1, 2005. For the purpose of determining 6036
the rate of a qualifying levy authorized by section 5705.212 or 6037
5705.213 of the Revised Code, the rate shall be the rate that 6038
would be in effect for tax year 2010. 6039

(17) "Telephone property" means tangible personal property of 6040
a telephone, telegraph, or interexchange telecommunications 6041
company subject to an assessment rate specified in section 6042
5727.111 of the Revised Code in tax year 2004. 6043

(18) "Telephone property tax value loss" means the amount 6044
determined under division (C)(4) of this section. 6045

(19) "Telephone property fixed-rate levy loss" means the 6046
amount determined under division (D)(4) of this section. 6047

(20) "Taxes charged and payable" means taxes charged and 6048
payable after the reduction required by section 319.301 of the 6049
Revised Code but before the reductions required by sections 6050
319.302 and 323.152 of the Revised Code. 6051

(21) "Median estate tax collections" means, in the case of a 6052
municipal corporation to which revenue from the taxes levied in 6053
Chapter 5731. of the Revised Code was distributed in each of 6054
calendar years 2006, 2007, 2008, and 2009, the median of those 6055
distributions. In the case of a municipal corporation to which no 6056
distributions were made in one or more of those years, "median 6057
estate tax collections" means zero. 6058

(22) "Total resources," in the case of a school district, 6059
means the sum of the amounts in divisions (A)(22)(a) to (h) of 6060
this section less any reduction required under division (A)(32) or 6061

(33) of this section. 6062

(a) The state education aid for fiscal year 2010; 6063

(b) The sum of the payments received by the school district 6064
in fiscal year 2010 for current expense levy losses pursuant to 6065
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 6066
section 5751.21 of the Revised Code, excluding the portion of such 6067
payments attributable to levies for joint vocational school 6068
district purposes; 6069

(c) The sum of fixed-sum levy loss payments received by the 6070
school district in fiscal year 2010 pursuant to division (E)(1) of 6071
section 5727.85 and division (E)(1) of section 5751.21 of the 6072
Revised Code for fixed-sum levies charged and payable for a 6073
purpose other than paying debt charges; 6074

(d) Fifty per cent of the school district's taxes charged and 6075
payable against all property on the tax list of real and public 6076
utility property for current expense purposes for tax year 2008, 6077
including taxes charged and payable from emergency levies charged 6078
and payable under section 5709.194 of the Revised Code and 6079
excluding taxes levied for joint vocational school district 6080
purposes; 6081

(e) Fifty per cent of the school district's taxes charged and 6082
payable against all property on the tax list of real and public 6083
utility property for current expenses for tax year 2009, including 6084
taxes charged and payable from emergency levies and excluding 6085
taxes levied for joint vocational school district purposes; 6086

(f) The school district's taxes charged and payable against 6087
all property on the general tax list of personal property for 6088
current expenses for tax year 2009, including taxes charged and 6089
payable from emergency levies; 6090

(g) The amount certified for fiscal year 2010 under division 6091
(A)(2) of section 3317.08 of the Revised Code; 6092

(h) Distributions received during calendar year 2009 from 6093
taxes levied under section 718.09 of the Revised Code. 6094

(23) "Total resources," in the case of a joint vocational 6095
school district, means the sum of amounts in divisions (A)(23)(a) 6096
to (g) of this section less any reduction required under division 6097
(A)(32) of this section. 6098

(a) The state education aid for fiscal year 2010; 6099

(b) The sum of the payments received by the joint vocational 6100
school district in fiscal year 2010 for current expense levy 6101
losses pursuant to division (C)(2) of section 5727.85 and 6102
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 6103

(c) Fifty per cent of the joint vocational school district's 6104
taxes charged and payable against all property on the tax list of 6105
real and public utility property for current expense purposes for 6106
tax year 2008; 6107

(d) Fifty per cent of the joint vocational school district's 6108
taxes charged and payable against all property on the tax list of 6109
real and public utility property for current expenses for tax year 6110
2009; 6111

(e) Fifty per cent of a city, local, or exempted village 6112
school district's taxes charged and payable against all property 6113
on the tax list of real and public utility property for current 6114
expenses of the joint vocational school district for tax year 6115
2008; 6116

(f) Fifty per cent of a city, local, or exempted village 6117
school district's taxes charged and payable against all property 6118
on the tax list of real and public utility property for current 6119
expenses of the joint vocational school district for tax year 6120
2009; 6121

(g) The joint vocational school district's taxes charged and 6122

payable against all property on the general tax list of personal 6123
property for current expenses for tax year 2009. 6124

(24) "Total resources," in the case of county mental health 6125
and disability related functions, means the sum of the amounts in 6126
divisions (A)(24)(a) and (b) of this section less any reduction 6127
required under division (A)(32) of this section. 6128

(a) The sum of the payments received by the county for mental 6129
health and developmental disability related functions in calendar 6130
year 2010 under division (A)(1) of section 5727.86 and divisions 6131
(A)(1) and (2) of section 5751.22 of the Revised Code as they 6132
existed at that time; 6133

(b) With respect to taxes levied by the county for mental 6134
health and developmental disability related purposes, the taxes 6135
charged and payable for such purposes against all property on the 6136
tax list of real and public utility property for tax year 2009. 6137

(25) "Total resources," in the case of county senior services 6138
related functions, means the sum of the amounts in divisions 6139
(A)(25)(a) and (b) of this section less any reduction required 6140
under division (A)(32) of this section. 6141

(a) The sum of the payments received by the county for senior 6142
services related functions in calendar year 2010 under division 6143
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 6144
5751.22 of the Revised Code as they existed at that time; 6145

(b) With respect to taxes levied by the county for senior 6146
services related purposes, the taxes charged and payable for such 6147
purposes against all property on the tax list of real and public 6148
utility property for tax year 2009. 6149

(26) "Total resources," in the case of county children's 6150
services related functions, means the sum of the amounts in 6151
divisions (A)(26)(a) and (b) of this section less any reduction 6152
required under division (A)(32) of this section. 6153

(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;

(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.

(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.

(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;

(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.

(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.

(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 6185
section 5747.51 of the Revised Code or division (F) of section 6186
5747.53 of the Revised Code multiplied by the total amount 6187
actually distributed in calendar year 2010 from the county 6188
undivided local government fund; 6189

(c) With respect to taxes levied by the county for all other 6190
purposes, the taxes charged and payable for such purposes against 6191
all property on the tax list of real and public utility property 6192
for tax year 2009, excluding taxes charged and payable for the 6193
purpose of paying debt charges; 6194

(d) The sum of the amounts distributed to the county in 6195
calendar year 2010 for the taxes levied pursuant to sections 6196
5739.021 and 5741.021 of the Revised Code. 6197

(29) "Total resources," in the case of a municipal 6198
corporation, means the sum of the amounts in divisions (A)(29)(a) 6199
to (g) of this section less any reduction required under division 6200
(A)(32) or (33) of this section. 6201

(a) The sum of the payments received by the municipal 6202
corporation in calendar year 2010 for current expense levy losses 6203
under division (A)(1) of section 5727.86 and divisions (A)(1) and 6204
(2) of section 5751.22 of the Revised Code as they existed at that 6205
time; 6206

(b) The municipal corporation's percentage share of county 6207
undivided local government fund allocations as certified to the 6208
tax commissioner for calendar year 2010 by the county auditor 6209
under division (J) of section 5747.51 of the Revised Code or 6210
division (F) of section 5747.53 of the Revised Code multiplied by 6211
the total amount actually distributed in calendar year 2010 from 6212
the county undivided local government fund; 6213

(c) The sum of the amounts distributed to the municipal 6214
corporation in calendar year 2010 pursuant to section 5747.50 of 6215

the Revised Code; 6216

(d) With respect to taxes levied by the municipal 6217
corporation, the taxes charged and payable against all property on 6218
the tax list of real and public utility property for current 6219
expenses, defined in division (A)(35) of this section, for tax 6220
year 2009; 6221

(e) The amount of admissions tax collected by the municipal 6222
corporation in calendar year 2008, or if such information has not 6223
yet been reported to the tax commissioner, in the most recent year 6224
before 2008 for which the municipal corporation has reported data 6225
to the commissioner; 6226

(f) The amount of income taxes collected by the municipal 6227
corporation in calendar year 2008, or if such information has not 6228
yet been reported to the tax commissioner, in the most recent year 6229
before 2008 for which the municipal corporation has reported data 6230
to the commissioner; 6231

(g) The municipal corporation's median estate tax 6232
collections. 6233

(30) "Total resources," in the case of a township, means the 6234
sum of the amounts in divisions (A)(30)(a) to (c) of this section 6235
less any reduction required under division (A)(32) or (33) of this 6236
section. 6237

(a) The sum of the payments received by the township in 6238
calendar year 2010 pursuant to division (A)(1) of section 5727.86 6239
of the Revised Code and divisions (A)(1) and (2) of section 6240
5751.22 of the Revised Code as they existed at that time, 6241
excluding payments received for debt purposes; 6242

(b) The township's percentage share of county undivided local 6243
government fund allocations as certified to the tax commissioner 6244
for calendar year 2010 by the county auditor under division (J) of 6245
section 5747.51 of the Revised Code or division (F) of section 6246

5747.53 of the Revised Code multiplied by the total amount 6247
actually distributed in calendar year 2010 from the county 6248
undivided local government fund; 6249

(c) With respect to taxes levied by the township, the taxes 6250
charged and payable against all property on the tax list of real 6251
and public utility property for tax year 2009 excluding taxes 6252
charged and payable for the purpose of paying debt charges. 6253

(31) "Total resources," in the case of a local taxing unit 6254
that is not a county, municipal corporation, or township, means 6255
the sum of the amounts in divisions (A)(31)(a) to (e) of this 6256
section less any reduction required under division (A)(32) of this 6257
section. 6258

(a) The sum of the payments received by the local taxing unit 6259
in calendar year 2010 pursuant to division (A)(1) of section 6260
5727.86 of the Revised Code and divisions (A)(1) and (2) of 6261
section 5751.22 of the Revised Code as they existed at that time; 6262

(b) The local taxing unit's percentage share of county 6263
undivided local government fund allocations as certified to the 6264
tax commissioner for calendar year 2010 by the county auditor 6265
under division (J) of section 5747.51 of the Revised Code or 6266
division (F) of section 5747.53 of the Revised Code multiplied by 6267
the total amount actually distributed in calendar year 2010 from 6268
the county undivided local government fund; 6269

(c) With respect to taxes levied by the local taxing unit, 6270
the taxes charged and payable against all property on the tax list 6271
of real and public utility property for tax year 2009 excluding 6272
taxes charged and payable for the purpose of paying debt charges; 6273

(d) The amount received from the tax commissioner during 6274
calendar year 2010 for sales or use taxes authorized under 6275
sections 5739.023 and 5741.022 of the Revised Code; 6276

(e) For institutions of higher education receiving tax 6277

revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2010 as calculated by the board of regents and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total resources" 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 division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) In the case of a county, municipal corporation, school district, or township with fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, division (C)(12) of section 5751.21, or division (A)(1)(c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A)(34)(a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A)(22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library'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 a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges.

(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or

any levy containing the words "sewage" or "sewer"; park 6342
improvement; parkland acquisition; storm drain; street or any levy 6343
name containing the word "street"; lighting, or any levy name 6344
containing the word "lighting"; and water. 6345

(36) "Current expense TPP allocation" means, in the case of a 6346
school district or joint vocational school district, the sum of 6347
the payments received by the school district in fiscal year 2011 6348
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 6349
Revised Code to the extent paid for current expense levies. In the 6350
case of a municipal corporation, "current expense TPP allocation" 6351
means the sum of the payments received by the municipal 6352
corporation in calendar year 2010 pursuant to divisions (A)(1) and 6353
(2) of section 5751.22 of the Revised Code to the extent paid for 6354
municipal current expense property tax levies as defined in 6355
division (A)(35) of this section, excluding any such payments 6356
received for current expense levy losses attributable to a tax 6357
levied under section 5705.23 of the Revised Code. If a fixed-rate 6358
levy that is a qualifying levy is not charged and payable in any 6359
year after tax year 2010, "current expense TPP allocation" used to 6360
compute payments to be made under division (C)(12) of section 6361
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 6362
Revised Code in the tax years following the last year the levy is 6363
charged and payable shall be reduced to the extent that the 6364
payments are attributable to the fixed-rate levy loss of that levy 6365
as would be computed under divisions (C)(10) and (11) of section 6366
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 6367

(37) "TPP allocation" means the sum of payments received by a 6368
local taxing unit in calendar year 2010 pursuant to divisions 6369
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 6370
any such payments received for fixed-rate levy losses attributable 6371
to a tax levied under section 5705.23 of the Revised Code. If a 6372
fixed-rate levy that is a qualifying levy is not charged and 6373

payable in any year after tax year 2010, "TPP allocation" used to 6374
compute payments to be made under division (A)(1)(b) or (c) of 6375
section 5751.22 of the Revised Code in the tax years following the 6376
last year the levy is charged and payable shall be reduced to the 6377
extent that the payments are attributable to the fixed-rate levy 6378
loss of that levy as would be computed under division (A)(1) of 6379
that section. 6380

(38) "Total TPP allocation" means, in the case of a school 6381
district or joint vocational school district, the sum of the 6382
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 6383
and (11) and (D) of section 5751.21 of the Revised Code. In the 6384
case of a local taxing unit, "total TPP allocation" means the sum 6385
of payments received by the unit in calendar year 2010 pursuant to 6386
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 6387
Code. If a fixed-rate levy that is a qualifying levy is not 6388
charged and payable in any year after tax year 2010, "total TPP 6389
allocation" used to compute payments to be made under division 6390
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 6391
5751.22 of the Revised Code in the tax years following the last 6392
year the levy is charged and payable shall be reduced to the 6393
extent that the payments are attributable to the fixed-rate levy 6394
loss of that levy as would be computed under divisions (C)(10) and 6395
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 6396
the Revised Code. 6397

(39) "Non-current expense TPP allocation" means the 6398
difference of total TPP allocation minus the sum of current 6399
expense TPP allocation and the portion of total TPP allocation 6400
constituting reimbursement for debt levies, pursuant to division 6401
(D) of section 5751.21 of the Revised Code in the case of a school 6402
district or joint vocational school district and pursuant to 6403
division (A)(3) of section 5751.22 of the Revised Code in the case 6404
of a municipal corporation. 6405

(40) "TPP allocation for library purposes" means the sum of payments received by a county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to section 5751.22 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the Revised Code that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation for library purposes" used to compute payments to be made under division (A)(1)(d) 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 section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited ~~for each~~

~~fiscal year~~ to the commercial activity tax motor fuel receipts 6438
fund, which is hereby created in the state treasury, pursuant to 6439
division (B)(2) of this section, and the remainder shall be 6440
credited in the following percentages each fiscal year to the 6441
general revenue fund, to the school district tangible property tax 6442
replacement fund, which is hereby created in the state treasury 6443
for the purpose of making the payments described in section 6444
5751.21 of the Revised Code, and to the local government tangible 6445
property tax replacement fund, which is hereby created in the 6446
state treasury for the purpose of making the payments described in 6447
section 5751.22 of the Revised Code, in the following percentages: 6448

Fiscal year	General Revenue	School District	Local Government	
	Fund	Tangible	Tangible	
		Property Tax	Property Tax	
		Replacement Fund	Replacement Fund	
2006	67.7%	22.6%	9.7%	6450
2007	0%	70.0%	30.0%	6451
2008	0%	70.0%	30.0%	6452
2009	0%	70.0%	30.0%	6453
2010	0%	70.0%	30.0%	6454
2011	0%	70.0%	30.0%	6455
2012	25.0%	52.5%	22.5%	6456
2013 and	50.0%	35.0%	15.0%	6457
thereafter				

(2) Not later than the twentieth day of February, May, 6458
August, and November of each year, the commissioner shall provide 6459
for payment from the commercial activities tax receipts fund to 6460
the commercial activity tax motor fuel receipts fund an amount 6461
that bears the same ratio to the balance in the commercial 6462
activities tax receipts fund that (a) the taxable gross receipts 6463
attributed to motor fuel used for propelling vehicles on public 6464
highways as indicated by returns filed by the tenth day of that 6465
month bears to (b) all taxable gross receipts as indicated by 6466

those returns. 6467

(C) Not later than September 15, 2005, the tax commissioner 6468
shall determine for each school district, joint vocational school 6469
district, and local taxing unit its machinery and equipment, 6470
inventory property, furniture and fixtures property, and telephone 6471
property tax value losses, which are the applicable amounts 6472
described in divisions (C)(1), (2), (3), and (4) of this section, 6473
except as provided in division (C)(5) of this section: 6474

(1) Machinery and equipment property tax value loss is the 6475
taxable value of machinery and equipment property as reported by 6476
taxpayers for tax year 2004 multiplied by: 6477

(a) For tax year 2006, thirty-three and eight-tenths per 6478
cent; 6479

(b) For tax year 2007, sixty-one and three-tenths per cent; 6480

(c) For tax year 2008, eighty-three per cent; 6481

(d) For tax year 2009 and thereafter, one hundred per cent. 6482

(2) Inventory property tax value loss is the taxable value of 6483
inventory property as reported by taxpayers for tax year 2004 6484
multiplied by: 6485

(a) For tax year 2006, a fraction, the numerator of which is 6486
five and three-fourths and the denominator of which is 6487
twenty-three; 6488

(b) For tax year 2007, a fraction, the numerator of which is 6489
nine and one-half and the denominator of which is twenty-three; 6490

(c) For tax year 2008, a fraction, the numerator of which is 6491
thirteen and one-fourth and the denominator of which is 6492
twenty-three; 6493

(d) For tax year 2009 and thereafter a fraction, the 6494
numerator of which is seventeen and the denominator of which is 6495
twenty-three. 6496

(3) Furniture and fixtures property tax value loss is the 6497
taxable value of furniture and fixture property as reported by 6498
taxpayers for tax year 2004 multiplied by: 6499

(a) For tax year 2006, twenty-five per cent; 6500

(b) For tax year 2007, fifty per cent; 6501

(c) For tax year 2008, seventy-five per cent; 6502

(d) For tax year 2009 and thereafter, one hundred per cent. 6503

The taxable value of property reported by taxpayers used in 6504
divisions (C)(1), (2), and (3) of this section shall be such 6505
values as determined to be final by the tax commissioner as of 6506
August 31, 2005. Such determinations shall be final except for any 6507
correction of a clerical error that was made prior to August 31, 6508
2005, by the tax commissioner. 6509

(4) Telephone property tax value loss is the taxable value of 6510
telephone property as taxpayers would have reported that property 6511
for tax year 2004 if the assessment rate for all telephone 6512
property for that year were twenty-five per cent, multiplied by: 6513

(a) For tax year 2006, zero per cent; 6514

(b) For tax year 2007, zero per cent; 6515

(c) For tax year 2008, zero per cent; 6516

(d) For tax year 2009, sixty per cent; 6517

(e) For tax year 2010, eighty per cent; 6518

(f) For tax year 2011 and thereafter, one hundred per cent. 6519

(5) Division (C)(5) of this section applies to any school 6520
district, joint vocational school district, or local taxing unit 6521
in a county in which is located a facility currently or formerly 6522
devoted to the enrichment or commercialization of uranium or 6523
uranium products, and for which the total taxable value of 6524
property listed on the general tax list of personal property for 6525

any tax year from tax year 2001 to tax year 2004 was fifty per 6526
cent or less of the taxable value of such property listed on the 6527
general tax list of personal property for the next preceding tax 6528
year. 6529

In computing the fixed-rate levy losses under divisions 6530
(D)(1), (2), and (3) of this section for any school district, 6531
joint vocational school district, or local taxing unit to which 6532
division (C)(5) of this section applies, the taxable value of such 6533
property as listed on the general tax list of personal property 6534
for tax year 2000 shall be substituted for the taxable value of 6535
such property as reported by taxpayers for tax year 2004, in the 6536
taxing district containing the uranium facility, if the taxable 6537
value listed for tax year 2000 is greater than the taxable value 6538
reported by taxpayers for tax year 2004. For the purpose of making 6539
the computations under divisions (D)(1), (2), and (3) of this 6540
section, the tax year 2000 valuation is to be allocated to 6541
machinery and equipment, inventory, and furniture and fixtures 6542
property in the same proportions as the tax year 2004 values. For 6543
the purpose of the calculations in division (A) of section 5751.21 6544
of the Revised Code, the tax year 2004 taxable values shall be 6545
used. 6546

To facilitate the calculations required under division (C) of 6547
this section, the county auditor, upon request from the tax 6548
commissioner, shall provide by August 1, 2005, the values of 6549
machinery and equipment, inventory, and furniture and fixtures for 6550
all single-county personal property taxpayers for tax year 2004. 6551

(D) Not later than September 15, 2005, the tax commissioner 6552
shall determine for each tax year from 2006 through 2009 for each 6553
school district, joint vocational school district, and local 6554
taxing unit its machinery and equipment, inventory, and furniture 6555
and fixtures fixed-rate levy losses, and for each tax year from 6556
2006 through 2011 its telephone property fixed-rate levy loss. 6557

Except as provided in division (F) of this section, such losses 6558
are the applicable amounts described in divisions (D)(1), (2), 6559
(3), and (4) of this section: 6560

(1) The machinery and equipment fixed-rate levy loss is the 6561
machinery and equipment property tax value loss multiplied by the 6562
sum of the tax rates of fixed-rate qualifying levies. 6563

(2) The inventory fixed-rate loss is the inventory property 6564
tax value loss multiplied by the sum of the tax rates of 6565
fixed-rate qualifying levies. 6566

(3) The furniture and fixtures fixed-rate levy loss is the 6567
furniture and fixture property tax value loss multiplied by the 6568
sum of the tax rates of fixed-rate qualifying levies. 6569

(4) The telephone property fixed-rate levy loss is the 6570
telephone property tax value loss multiplied by the sum of the tax 6571
rates of fixed-rate qualifying levies. 6572

(E) Not later than September 15, 2005, the tax commissioner 6573
shall determine for each school district, joint vocational school 6574
district, and local taxing unit its fixed-sum levy loss. The 6575
fixed-sum levy loss is the amount obtained by subtracting the 6576
amount described in division (E)(2) of this section from the 6577
amount described in division (E)(1) of this section: 6578

(1) The sum of the machinery and equipment property tax value 6579
loss, the inventory property tax value loss, and the furniture and 6580
fixtures property tax value loss, and, for 2008 through 2010, the 6581
telephone property tax value loss of the district or unit 6582
multiplied by the sum of the fixed-sum tax rates of qualifying 6583
levies. For 2006 through 2010, this computation shall include all 6584
qualifying levies remaining in effect for the current tax year and 6585
any school district levies charged and payable under section 6586
5705.194 or 5705.213 of the Revised Code that are qualifying 6587
levies not remaining in effect for the current year. For 2011 6588

through 2017 in the case of school district levies charged and 6589
payable under section 5705.194 or 5705.213 of the Revised Code and 6590
for all years after 2010 in the case of other fixed-sum levies, 6591
this computation shall include only qualifying levies remaining in 6592
effect for the current year. For purposes of this computation, a 6593
qualifying school district levy charged and payable under section 6594
5705.194 or 5705.213 of the Revised Code remains in effect in a 6595
year after 2010 only if, for that year, the board of education 6596
levies a school district levy charged and payable under section 6597
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 6598
an annual sum at least equal to the annual sum levied by the board 6599
in tax year 2004 less the amount of the payment certified under 6600
this division for 2006. 6601

(2) The total taxable value in tax year 2004 less the sum of 6602
the machinery and equipment, inventory, furniture and fixtures, 6603
and telephone property tax value losses in each school district, 6604
joint vocational school district, and local taxing unit multiplied 6605
by one-half of one mill per dollar. 6606

(3) For the calculations in divisions (E)(1) and (2) of this 6607
section, the tax value losses are those that would be calculated 6608
for tax year 2009 under divisions (C)(1), (2), and (3) of this 6609
section and for tax year 2011 under division (C)(4) of this 6610
section. 6611

(4) To facilitate the calculation under divisions (D) and (E) 6612
of this section, not later than September 1, 2005, any school 6613
district, joint vocational school district, or local taxing unit 6614
that has a qualifying levy that was approved at an election 6615
conducted during 2005 before September 1, 2005, shall certify to 6616
the tax commissioner a copy of the county auditor's certificate of 6617
estimated property tax millage for such levy as required under 6618
division (B) of section 5705.03 of the Revised Code, which is the 6619
rate that shall be used in the calculations under such divisions. 6620

If the amount determined under division (E) of this section 6621
for any school district, joint vocational school district, or 6622
local taxing unit is greater than zero, that amount shall equal 6623
the reimbursement to be paid pursuant to division (E) of section 6624
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 6625
and the one-half of one mill that is subtracted under division 6626
(E)(2) of this section shall be apportioned among all contributing 6627
fixed-sum levies in the proportion that each levy bears to the sum 6628
of all fixed-sum levies within each school district, joint 6629
vocational school district, or local taxing unit. 6630

(F) If a school district levies a tax under section 5705.219 6631
of the Revised Code, the fixed-rate levy loss for qualifying 6632
levies, to the extent repealed under that section, shall equal the 6633
sum of the following amounts in lieu of the amounts computed for 6634
such levies under division (D) of this section: 6635

(1) The sum of the rates of qualifying levies to the extent 6636
so repealed multiplied by the sum of the machinery and equipment, 6637
inventory, and furniture and fixtures tax value losses for 2009 as 6638
determined under that division; 6639

(2) The sum of the rates of qualifying levies to the extent 6640
so repealed multiplied by the telephone property tax value loss 6641
for 2011 as determined under that division. 6642

The fixed-rate levy losses for qualifying levies to the 6643
extent not repealed under section 5705.219 of the Revised Code 6644
shall be as determined under division (D) of this section. The 6645
revised fixed-rate levy losses determined under this division and 6646
division (D) of this section first apply in the year following the 6647
first year the district levies the tax under section 5705.219 of 6648
the Revised Code. 6649

(G) Not later than October 1, 2005, the tax commissioner 6650
shall certify to the department of education for every school 6651

district and joint vocational school district the machinery and 6652
equipment, inventory, furniture and fixtures, and telephone 6653
property tax value losses determined under division (C) of this 6654
section, the machinery and equipment, inventory, furniture and 6655
fixtures, and telephone fixed-rate levy losses determined under 6656
division (D) of this section, and the fixed-sum levy losses 6657
calculated under division (E) of this section. The calculations 6658
under divisions (D) and (E) of this section shall separately 6659
display the levy loss for each levy eligible for reimbursement. 6660

(H) Not later than October 1, 2005, the tax commissioner 6661
shall certify the amount of the fixed-sum levy losses to the 6662
county auditor of each county in which a school district, joint 6663
vocational school district, or local taxing unit with a fixed-sum 6664
levy loss reimbursement has territory. 6665

(I) Not later than the twenty-eighth day of February each 6666
year beginning in 2011 and ending in 2014, the tax commissioner 6667
shall certify to the department of education for each school 6668
district first levying a tax under section 5705.219 of the Revised 6669
Code in the preceding year the revised fixed-rate levy losses 6670
determined under divisions (D) and (F) of this section. 6671

Section 101.02. That existing sections 9.33, 126.06, 127.14, 6672
153.01, 153.65, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 6673
505.72, 3705.242, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 6674
4501.06, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4506.08, 6675
4506.09, 4507.011, 4507.23, 4508.08, 4511.13, 4513.263, 4513.53, 6676
4513.66, 4561.21, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 6677
4765.06, 4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 6678
4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 6679
4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 6680
4765.23, 4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 6681
4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 6682

4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 6683
4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 6684
4766.22, 5501.73, 5501.77, 5502.01, 5503.04, 5515.01, 5517.011, 6685
5517.02, 5525.01, 5525.16, 5751.02, 5751.051, and 5751.20 and 6686
sections 4501.13, 4766.02, 4766.20, 4981.36, and 4981.361 of the 6687
Revised Code are hereby repealed. 6688

Section 201.10. Except as otherwise provided in this act, all 6689
appropriation items in this act are appropriated out of any moneys 6690
in the state treasury to the credit of the designated fund that 6691
are not otherwise appropriated. For all appropriations made in 6692
this act, the amounts in the first column are for fiscal year 2014 6693
and the amounts in the second column are for fiscal year 2015. 6694
6695

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 6696

FUND	TITLE	FY 2014	FY 2015	
Highway Operating Fund Group				6698
2120 772426	Highway	\$ 5,000,000	\$ 5,000,000	6699
	Infrastructure Bank -			
	Federal			
2120 772427	Highway	\$ 10,350,000	\$ 10,350,000	6700
	Infrastructure Bank -			
	State			
2120 772430	Infrastructure Debt	\$ 525,000	\$ 525,000	6701
	Reserve Title 23-49			
2130 772431	Roadway	\$ 2,475,000	\$ 2,475,000	6702
	Infrastructure Bank -			
	State			
2130 772433	Infrastructure Debt	\$ 650,000	\$ 650,000	6703
	Reserve - State			
2130 777477	Aviation	\$ 1,000,000	\$ 1,000,000	6704

		Infrastructure Bank -				
		State				
7002	771411	Planning and Research	\$	21,144,581	\$	21,738,277 6705
		- State				
7002	771412	Planning and Research	\$	28,835,906	\$	28,959,514 6706
		- Federal				
7002	772421	Highway Construction	\$	583,246,763	\$	585,240,020 6707
		- State				
7002	772422	Highway Construction	\$	1,065,253,182	\$	1,063,145,274 6708
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 6709
		- Other				
7002	772437	GARVEE Debt Service -	\$	31,139,500	\$	31,635,300 6710
		State				
7002	772438	GARVEE Debt Service -	\$	136,039,500	\$	138,027,800 6711
		Federal				
7002	773431	Highway Maintenance -	\$	485,165,521	\$	497,506,152 6712
		State				
7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748 6713
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 6714
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 6715
		Special Equipment				
7002	776462	Grade Crossings -	\$	14,136,500	\$	14,129,500 6716
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 6717
		- Federal				
7002	777475	Aviation	\$	4,875,000	\$	4,935,000 6718
		Administration				
7002	779491	Administration -	\$	91,218,054	\$	92,543,982 6719
		State				
		TOTAL HOF Highway Operating				6720

Fund Group	\$ 2,595,280,255	\$ 2,612,086,567	6721
State Special Revenue Fund Group			6722
4N40 776664 Rail Transportation -	\$ 2,875,800	\$ 2,875,800	6723
Other			
5W90 777615 County Airport	\$ 620,000	\$ 620,000	6724
Maintenance			
TOTAL SSR State Special Revenue			6725
Fund Group	\$ 3,495,800	\$ 3,495,800	6726
Infrastructure Bank Obligations Fund Group			6727
7045 772428 Highway	\$ 96,092,215	\$ 97,000,000	6728
Infrastructure Bank -			
Bonds			
TOTAL 045 Infrastructure Bank			6729
Obligations Fund Group	\$ 96,092,215	\$ 97,000,000	6730
Highway Capital Improvement Fund Group			6731
7042 772723 Highway Construction	\$ 100,294,652	\$ 119,617,631	6732
- Bonds			
TOTAL 042 Highway Capital			6733
Improvement Fund Group	\$ 100,294,652	\$ 119,617,631	6734
TOTAL ALL BUDGET FUND GROUPS	\$ 2,795,162,922	\$ 2,832,199,998	6735

Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES 6737

Of the foregoing appropriation item 772421, Highway 6738
Construction - State, \$5,000,000 shall be used in each fiscal year 6739
for the construction, reconstruction, or maintenance of public 6740
access roads, including support features, to and within state 6741
facilities owned or operated by the Department of Natural 6742
Resources. 6743

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 6744
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 6745

Notwithstanding section 5511.06 of the Revised Code, of the 6746

foregoing appropriation item 772421, Highway Construction - State, 6747
\$2,228,000 in each fiscal year shall be used for the construction, 6748
reconstruction, or maintenance of park drives or park roads within 6749
the boundaries of metropolitan parks. 6750

The Department of Transportation may use the foregoing 6751
appropriation item 772421, Highway Construction - State, to 6752
perform related road work on behalf of the Ohio Expositions 6753
Commission at the state fairgrounds, including reconstruction or 6754
maintenance of public access roads and support features to and 6755
within fairgrounds facilities, as requested by the Commission and 6756
approved by the Director of Transportation. 6757

The Department of Transportation may use the foregoing 6758
appropriation item 772421, Highway Construction - State, to 6759
perform related road work on behalf of the Ohio Historical 6760
Society, including reconstruction or maintenance of public access 6761
roads and support features to and within Historical Society 6762
facilities, as requested by the Society and approved by the 6763
Director of Transportation. 6764

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 6765

(A) Notwithstanding section 5540.151 of the Revised Code, of 6766
the foregoing appropriation item 772421, Highway Construction - 6767
State, \$3,500,000 in each fiscal year shall be made available for 6768
distribution by the Director of Transportation to Transportation 6769
Improvement Districts that have facilitated funding for the cost 6770
of a project or projects, as defined in division (C) of section 6771
5540.01 of the Revised Code, in conjunction with and through other 6772
governmental agencies, as defined in division (B) of section 6773
5540.01 of the Revised Code. 6774

(B) A Transportation Improvement District shall submit 6775
requests for project funding to the Ohio Department of 6776
Transportation not later than the first day of September in each 6777

fiscal year. The Ohio Department of Transportation shall notify 6778
the Transportation Improvement District whether the Department has 6779
approved or disapproved the project funding request within 90 days 6780
after the day the request was submitted by the Transportation 6781
Improvement District. 6782

(C) Any funding provided to a Transportation Improvement 6783
District specified in this section shall not be used for the 6784
purposes of administrative costs or administrative staffing and 6785
must be used to fund a specific project or projects within that 6786
District's area. The total amount of a specific project's cost 6787
shall not be fully funded by the amount of funds provided under 6788
this section. The total amount of funding provided for each 6789
project is limited to 10% of total project costs or \$250,000 per 6790
fiscal year, whichever is greater. Transportation Improvement 6791
Districts that are co-sponsoring a specific project may 6792
individually apply for up to \$250,000 for that project. However, 6793
not more than 10% of a project's total costs shall be funded 6794
through moneys provided under this section. 6795

(D) Funds provided under this section may be used for 6796
preliminary engineering, detailed design, right-of-way 6797
acquisition, and construction of the specific project and such 6798
other project costs that are defined in section 5540.01 of the 6799
Revised Code and approved by the Director of Transportation. Upon 6800
receipt of a copy of an invoice for work performed on the specific 6801
project, the Director of Transportation shall reimburse a 6802
Transportation Improvement District for the expenditures described 6803
above, subject to the requirements of this section. 6804

(E) Any Transportation Improvement District that is 6805
requesting funds under this section shall register with the 6806
Director of Transportation. The Director of Transportation shall 6807
register a Transportation Improvement District only if the 6808
district has a specific, eligible project and may cancel the 6809

registration of a Transportation Improvement District that is not 6810
eligible to receive funds under this section. The Director shall 6811
not provide funds to any Transportation Improvement District under 6812
this section if the district is not registered. 6813

Section 203.50. ISSUANCE OF BONDS 6814

The Treasurer of State, upon the request of the Director of 6815
Transportation, is authorized to issue and sell, in accordance 6816
with Section 2m of Article VIII, Ohio Constitution, and Chapter 6817
151. and particularly sections 151.01 and 151.06 of the Revised 6818
Code, obligations, including bonds and notes, in the aggregate 6819
amount of \$220,000,000 in addition to the original issuance of 6820
obligations authorized by prior acts of the General Assembly. 6821

The obligations shall be issued and sold from time to time in 6822
amounts necessary to provide sufficient moneys to the credit of 6823
the Highway Capital Improvement Fund (Fund 7042) created by 6824
section 5528.53 of the Revised Code to pay costs charged to the 6825
fund when due as estimated by the Director of Transportation, 6826
provided, however, that such obligations shall be issued and sold 6827
at such time or times so that not more than \$220,000,000 original 6828
principal amount of obligations, plus the principal amount of 6829
obligations that in prior fiscal years could have been, but were 6830
not, issued within the \$220,000,000 limit, may be issued in any 6831
fiscal year, and not more than \$1,200,000,000 original principal 6832
amount of such obligations are outstanding at any one time. 6833

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 6834
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 6835
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 6836
ADMINISTRATION 6837

The Director of Budget and Management may approve requests 6838
from the Director of Transportation for transfer of Highway 6839

Operating Fund (Fund 7002) appropriations for planning and 6840
research (appropriation items 771411 and 771412), highway 6841
construction and debt service (appropriation items 772421, 772422, 6842
772424, 772425, 772437, and 772438), highway maintenance 6843
(appropriation item 773431), public transportation - federal 6844
(appropriation item 775452), elderly and disabled special 6845
equipment (appropriation item 775459), rail grade crossings 6846
(appropriation item 776462), aviation (appropriation item 777475), 6847
and administration (appropriation item 779491). The Director of 6848
Budget and Management may not make transfers out of debt service 6849
appropriation items unless the Director determines that the 6850
appropriated amounts exceed the actual and projected debt service 6851
requirements. Transfers of appropriations may be made upon the 6852
written request of the Director of Transportation and with the 6853
approval of the Director of Budget and Management. The transfers 6854
shall be reported to the Controlling Board at the next regularly 6855
scheduled meeting of the board. 6856

This transfer authority is intended to provide for emergency 6857
situations and flexibility to meet unforeseen conditions that 6858
could arise during the budget period. It also is intended to allow 6859
the department to optimize the use of available resources and 6860
adjust to circumstances affecting the obligation and expenditure 6861
of federal funds. 6862

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 6863
AVIATION, AND RAIL AND LOCAL TRANSIT 6864

The Director of Budget and Management may approve written 6865
requests from the Director of Transportation for the transfer of 6866
appropriations between appropriation items 772422, Highway 6867
Construction - Federal, 775452, Public Transportation - Federal, 6868
775454, Public Transportation - Other, 775459, Elderly and 6869
Disabled Special Equipment, 776475, Federal Rail Administration, 6870
and 777472, Airport Improvements - Federal. The transfers shall be 6871

reported to the Controlling Board at its next regularly scheduled meeting. 6872
6873

TRANSFER OF APPROPRIATIONS - ARRA 6874

The Director of Budget and Management may approve written 6875
requests from the Director of Transportation for the transfer of 6876
appropriations between appropriation items 771412, Planning and 6877
Research - Federal, 772422, Highway Construction - Federal, 6878
772424, Highway Construction - Other, 775452, Public 6879
Transportation - Federal, 776462, Grade Crossing - Federal, and 6880
777472, Airport Improvements - Federal, based upon the 6881
requirements of the American Recovery and Reinvestment Act of 2009 6882
that apply to the money appropriated. The transfers shall be 6883
reported to the Controlling Board at its next regularly scheduled 6884
meeting. 6885

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 6886
BANK 6887

The Director of Budget and Management may approve requests 6888
from the Director of Transportation for transfer of appropriations 6889
and cash of the Infrastructure Bank funds created in section 6890
5531.09 of the Revised Code, including transfers between fiscal 6891
years 2014 and 2015. The transfers shall be reported to the 6892
Controlling Board at its next regularly scheduled meeting. 6893

The Director of Budget and Management may approve requests 6894
from the Director of Transportation for transfer of appropriations 6895
and cash from the Highway Operating Fund (Fund 7002) to the 6896
Infrastructure Bank funds created in section 5531.09 of the 6897
Revised Code. The Director of Budget and Management may transfer 6898
from the Infrastructure Bank funds to the Highway Operating Fund 6899
up to the amounts originally transferred to the Infrastructure 6900
Bank funds under this section. However, the Director may not make 6901
transfers between modes or transfers between different funding 6902

sources. The transfers shall be reported to the Controlling Board 6903
at its next regularly scheduled meeting. 6904

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 6905

The Director of Budget and Management may approve requests 6906
from the Director of Transportation for transfer of appropriations 6907
and cash of the Ohio Toll Fund and any subaccounts created in 6908
section 5531.14 of the Revised Code, including transfers between 6909
fiscal years 2014 and 2015. The transfers shall be reported to the 6910
Controlling Board at its next regularly scheduled meeting. 6911

INCREASING APPROPRIATIONS: STATE FUNDS 6912

In the event that receipts or unexpended balances credited to 6913
the Highway Operating Fund (Fund 7002) exceed the estimates upon 6914
which the appropriations have been made in this act, upon the 6915
request of the Director of Transportation, the Controlling Board 6916
may increase those appropriations in the manner prescribed in 6917
section 131.35 of the Revised Code. 6918

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 6919

In the event that receipts or unexpended balances credited to 6920
the Highway Operating Fund (Fund 7002) or apportionments or 6921
allocations made available from the federal and local government 6922
exceed the estimates upon which the appropriations have been made 6923
in this act, upon the request of the Director of Transportation, 6924
the Controlling Board may increase those appropriations in the 6925
manner prescribed in section 131.35 of the Revised Code. 6926

REAPPROPRIATIONS 6927

In each fiscal year of the biennium ending June 30, 2015, the 6928
Director of Transportation may request that the Director of Budget 6929
and Management transfer any remaining unencumbered balances of 6930
prior years' appropriations to the Highway Operating Fund (Fund 6931
7002), the Highway Capital Improvement Fund (Fund 7042), and the 6932

Infrastructure Bank funds created in section 5531.09 of the 6933
Revised Code for the same purpose in the following fiscal year. In 6934
the request, the Director of Transportation shall identify the 6935
appropriate fund and appropriation item of the transfer, the 6936
requested transfer amount. The Director of Budget and Management 6937
may request additional information necessary for evaluating the 6938
transfer request, and the Director of Transportation shall provide 6939
the requested information to the Director of Budget and 6940
Management. Based on the information provided by the Director of 6941
Transportation, the Director of Budget and Management shall 6942
determine the amount to be transferred by fund and appropriation 6943
item, and those amounts are hereby reappropriated. The Director of 6944
Transportation shall report the reappropriations to the 6945
Controlling Board. 6946

Any balances of prior years' unencumbered appropriations to 6947
the Highway Operating Fund (Fund 7002), the Highway Capital 6948
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 6949
created in section 5531.09 of the Revised Code for which the 6950
Director of Transportation requests reappropriations, and for 6951
which reappropriations are approved by the Director of Budget and 6952
Management, are subject to the availability of revenue as 6953
determined by the Director of Transportation. 6954

LIQUIDATION OF UNFORESEEN LIABILITIES 6955

Any appropriation made from the Highway Operating Fund (Fund 6956
7002) not otherwise restricted by law is available to liquidate 6957
unforeseen liabilities arising from contractual agreements of 6958
prior years when the prior year encumbrance is insufficient. 6959

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 6960

The Director of Transportation may remove snow and ice and 6961
maintain, repair, improve, or provide lighting upon interstate 6962
highways that are located within the boundaries of municipal 6963

corporations, adequate to meet the requirements of federal law. 6964
When agreed in writing by the Director of Transportation and the 6965
legislative authority of a municipal corporation and 6966
notwithstanding sections 125.01 and 125.11 of the Revised Code, 6967
the Department of Transportation may reimburse a municipal 6968
corporation for all or any part of the costs, as provided by such 6969
agreement, incurred by the municipal corporation in maintaining, 6970
repairing, lighting, and removing snow and ice from the interstate 6971
system. 6972

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 6973

The Director of Transportation may use revenues from the 6974
state motor vehicle fuel tax to match approved federal grants 6975
awarded to the Department of Transportation, regional transit 6976
authorities, or eligible public transportation systems, for public 6977
transportation highway purposes, or to support local or state 6978
funded projects for public transportation highway purposes. Public 6979
transportation highway purposes include: the construction or 6980
repair of high-occupancy vehicle traffic lanes, the acquisition or 6981
construction of park-and-ride facilities, the acquisition or 6982
construction of public transportation vehicle loops, the 6983
construction or repair of bridges used by public transportation 6984
vehicles or that are the responsibility of a regional transit 6985
authority or other public transportation system, or other similar 6986
construction that is designated as an eligible public 6987
transportation highway purpose. Motor vehicle fuel tax revenues 6988
may not be used for operating assistance or for the purchase of 6989
vehicles, equipment, or maintenance facilities. 6990

Section 203.90. The federal payments made to the state for 6991
highway infrastructure or for transit agencies under Title XII of 6992
Division A of the American Recovery and Reinvestment Act of 2009 6993
shall be deposited to the credit of the Highway Operating Fund 6994

(Fund 7002), which is created in section 5735.291 of the Revised Code. 6995
6996

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 6997

State Highway Safety Fund Group 6998

4W40 762321 Operating Expense - \$ 127,359,268 \$ 127,268,957 6999
BMV

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 7000
Contribution

7036 761321 Operating Expense - \$ 6,264,266 \$ 6,208,531 7001
Information and
Education

7036 761401 Lease Rental Payments \$ 2,472,300 \$ 2,473,100 7002

7036 761630 Motorcycle Programs \$ 3,280,563 \$ 3,280,563 7003

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 7004

7036 764321 Operating Expense - \$ 268,232,602 \$ 270,232,602 7005
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 7006
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 7007
Administration

8310 761610 Information and \$ 300,000 \$ 300,000 7008
Education - Federal

8310 764608 FARS Grant Federal \$ 175,000 \$ 175,000 7009

8310 764610 Patrol - Federal \$ 2,250,000 \$ 2,250,000 7010

8310 764659 Transportation \$ 5,200,000 \$ 5,200,000 7011
Enforcement - Federal

8310 765610 EMS - Federal \$ 225,000 \$ 225,000 7012

8310 769610 Investigative Unit \$ 1,400,000 \$ 1,400,000 7013
Federal Reimbursement

8310 769631 Homeland Security - \$ 750,000 \$ 400,000 7014
Federal

8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	7015
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	7016
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	7017
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	7018
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	7019
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	7020
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	7021
83M0	765624	Operating - EMS	\$	2,711,069	\$	2,711,069	7022
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	7023
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	7024
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	7025
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	7026
8400	764617	Security and Investigations	\$	8,793,865	\$	9,514,236	7027
8400	764626	State Fairgrounds Police Force	\$	1,047,560	\$	1,084,559	7028
8400	769632	Homeland Security - Operating	\$	650,000	\$	630,000	7029
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	7030
8490	762627	Automated Title Processing Board	\$	16,675,513	\$	16,467,293	7031
TOTAL	HSF	State Highway Safety Fund Group	\$	511,114,660	\$	513,148,564	7032

General Services Fund Group					7033
4P60	768601	Justice Program	\$	900,000 \$	875,000 7034
Services					
4S30	766661	Hilltop Utility	\$	540,800 \$	540,800 7035
Reimbursement					
5ET0	768625	Drug Law Enforcement	\$	4,250,000 \$	4,250,000 7036
5LM0	768698	Criminal Justice	\$	850,946 \$	850,946 7037
Services Law					
Enforcement Support					
TOTAL GSF General Services Fund			\$	6,541,746 \$	6,516,746 7038
Group					
Federal Special Revenue Fund Group					7039
3290	763645	Federal Mitigation	\$	10,413,642 \$	10,413,642 7040
Program					
3370	763609	Federal Disaster	\$	27,707,636 \$	27,707,636 7041
Relief					
3390	763647	Emergency Management	\$	70,934,765 \$	70,934,765 7042
Assistance and					
Training					
3CE0	768611	Justice Assistance	\$	400,000 \$	100,000 7043
Grants - FFY09					
3DE0	768612	Federal Stimulus -	\$	1,000,000 \$	300,000 7044
Justice Assistance					
Grants					
3DU0	762628	BMV Grants	\$	1,350,000 \$	1,325,000 7045
3EU0	768614	Justice Assistance	\$	830,000 \$	500,000 7046
Grants - FFY10					
3FK0	768615	Justice Assistance	\$	900,000 \$	900,000 7047
Grants - FFY11					
3FP0	767620	Ohio Investigative	\$	55,000 \$	55,000 7048
Unit Justice					
Contraband					

3FY0	768616	Justice Assistance	\$	2,200,000	\$	1,500,000	7049
		Grants - FFY12					
3FZ0	768617	Justice Assistance	\$	7,000,000	\$	2,000,000	7050
		Grants - FFY13					
3GA0	768618	Justice Assistance	\$	0	\$	7,500,000	7051
		Grants - FFY14					
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	7052
3N50	763644	U.S. Department of	\$	31,672	\$	31,672	7053
		Energy Agreement					
TOTAL FED	Federal Special Revenue		\$	133,322,715	\$	133,767,715	7054
	Fund Group						
	State Special Revenue Fund Group						7055
4V30	763662	Storms/NOAA	\$	4,950,000	\$	4,950,000	7056
		Maintenance					
5390	762614	Motor Vehicle Dealers	\$	150,000	\$	140,000	7057
		Board					
5B90	766632	Private Investigator	\$	1,400,000	\$	1,400,000	7058
		and Security Guard					
		Provider					
5BK0	768687	Criminal Justice	\$	400,000	\$	400,000	7059
		Services - Operating					
5BK0	768689	Family Violence	\$	750,000	\$	750,000	7060
		Shelter Programs					
5BP0	764609	DPS Wireless 911	\$	290,000	\$	290,000	7061
		Administration					
5CM0	767691	Equitable Share	\$	300,000	\$	300,000	7062
		Account					
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	7063
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000	7064
		and Alcohol					
		Monitoring					
5FL0	769634	Investigations	\$	899,300	\$	899,300	7065
5ML0	769635	Infrastructure	\$	400,000	\$	400,000	7066

		Protection				
6220	767615	Investigative	\$	325,000	\$	325,000 7067
		Contraband and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,415,945	\$	1,415,945 7068
		Safety				
6810	763653	SARA Title III HAZMAT	\$	262,438	\$	262,438 7069
		Planning				
8500	767628	Investigative Unit	\$	92,700	\$	92,700 7070
		Salvage				
TOTAL SSR State Special Revenue		\$	15,049,767	\$	15,039,767	7071
Fund Group						
Agency Fund Group						7072
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 7073
TOTAL AGY Agency Fund Group		\$	1,500,000	\$	1,500,000	7074
Holding Account Redistribution Fund Group						7075
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000 7076
		Vehicle Receipts				
R052	762623	Security Deposits	\$	350,000	\$	350,000 7077
TOTAL 090 Holding Account		\$	2,235,000	\$	2,235,000	7078
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	669,763,888	\$	672,207,792	7079
MOTOR VEHICLE REGISTRATION						7080
The Registrar of Motor Vehicles may deposit revenues to meet						7081
the cash needs of the State Bureau of Motor Vehicles Fund (Fund						7082
4W40) established in section 4501.25 of the Revised Code, obtained						7083
under sections 4503.02 and 4504.02 of the Revised Code, less all						7084
other available cash. Revenue deposited pursuant to this paragraph						7085
shall support, in part, appropriations for operating expenses and						7086
defray the cost of manufacturing and distributing license plates						7087
and license plate stickers and enforcing the law relative to the						7088
operation and registration of motor vehicles. Notwithstanding						7089

section 4501.03 of the Revised Code, the revenues shall be paid 7090
into Fund 4W40 before any revenues obtained pursuant to sections 7091
4503.02 and 4504.02 of the Revised Code are paid into any other 7092
fund. The deposit of revenues to meet the aforementioned cash 7093
needs shall be in approximately equal amounts on a monthly basis 7094
or as otherwise determined by the Director of Budget and 7095
Management pursuant to a plan submitted by the Registrar of Motor 7096
Vehicles. 7097

LEASE RENTAL PAYMENTS 7098

The foregoing appropriation item 761401, Lease Rental 7099
Payments, shall be used for payments to the Treasurer of State for 7100
the period July 1, 2013, through June 30, 2015, under the primary 7101
leases and agreements for public safety related buildings. The 7102
appropriations are the source of funds pledged for bond service 7103
charges on obligations pursuant to Chapters 152. and 154. of the 7104
Revised Code. 7105

CASH TRANSFERS BETWEEN FUNDS 7106

Notwithstanding any provision of law to the contrary, the 7107
Director of Budget and Management, upon the written request of the 7108
Director of Public Safety, may transfer cash between the following 7109
six funds: the Trauma and Emergency Medical Services Fund (Fund 7110
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 7111
Fund (Fund 5FL0), the Emergency Management Agency Service and 7112
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 7113
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 7114
4W40). 7115

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 7116
PLATE CONTRIBUTION FUND 7117

On July 1, 2013, or as soon as possible thereafter, the 7118
Director of Budget and Management may transfer the unexpended and 7119
unencumbered cash balance in the Teen Driver Education Fund (Fund 7120

5JS0) to the License Plate Contribution Fund (Fund 5V10). Upon 7121
completion of the transfer, Fund 5JS0 is hereby abolished. 7122

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 7123
STATE HIGHWAY SAFETY FUND 7124

Not later than January 1, 2014, the Director of Budget and 7125
Management may transfer the unexpended and unencumbered cash 7126
balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to 7127
the State Highway Safety Fund (Fund 7036). Upon completion of the 7128
transfer, Fund 4S30 is hereby abolished. 7129

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 7130
SAFETY FUND 7131

On July 1, 2013, or as soon as possible thereafter, the 7132
Director of Budget and Management shall transfer the unexpended 7133
and unencumbered cash balance in the Registrar Rental Fund (Fund 7134
8380) to the State Bureau of Motor Vehicles Fund (Fund 4W40). Upon 7135
completion of the transfer, Fund 8380 is abolished. 7136

CASH TRANSFER FROM MOTORCYCLE SAFETY AND EDUCATION FUND TO 7137
STATE HIGHWAY SAFETY FUND 7138

Not later than January 1, 2014, the Director of Budget and 7139
Management shall transfer the unexpended and unencumbered cash 7140
balance in the Motorcycle Safety and Education Fund (Fund 8460) to 7141
the State Highway Safety Fund (Fund 7036). Upon completion of the 7142
transfer, Fund 8460 is abolished. 7143

STATE DISASTER RELIEF 7144

The State Disaster Relief Fund (Fund 5330) may accept 7145
transfers of cash and appropriations from Controlling Board 7146
appropriation items for Ohio Emergency Management Agency disaster 7147
response costs and disaster program management costs, and may also 7148
be used for the following purposes: 7149

(A) To accept transfers of cash and appropriations from 7150

Controlling Board appropriation items for Ohio Emergency 7151
Management Agency public assistance and mitigation program match 7152
costs to reimburse eligible local governments and private 7153
nonprofit organizations for costs related to disasters; 7154

(B) To accept and transfer cash to reimburse the costs 7155
associated with Emergency Management Assistance Compact (EMAC) 7156
deployments; 7157

(C) To accept disaster related reimbursement from federal, 7158
state, and local governments. The Director of Budget and 7159
Management may transfer cash from reimbursements received by this 7160
fund to other funds of the state from which transfers were 7161
originally approved by the Controlling Board. 7162

(D) To accept transfers of cash and appropriations from 7163
Controlling Board appropriation items to fund the State Disaster 7164
Relief Program, for disasters that qualify for the program by 7165
written authorization of the Governor, and the State Individual 7166
Assistance Program for disasters that have been declared by the 7167
federal Small Business Administration and that qualify for the 7168
program by written authorization of the Governor. The Ohio 7169
Emergency Management Agency shall publish and make available 7170
application packets outlining procedures for the State Disaster 7171
Relief Program and the State Individual Assistance Program. 7172

JUSTICE ASSISTANCE GRANT FUND 7173

The federal payments made to the state for the Byrne Justice 7174
Assistance Grants Program under Title II of Division A of the 7175
American Recovery and Reinvestment Act of 2009 shall be deposited 7176
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 7177
which is hereby created in the state treasury. All investment 7178
earnings of the fund shall be credited to the fund. 7179

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 7180
AGENCY SERVICE AND REIMBURSEMENT FUND 7181

On July 1 of each fiscal year, or as soon as possible 7182
thereafter, the Director of Budget and Management shall transfer 7183
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 7184
Emergency Management Agency Service and Reimbursement Fund (Fund 7185
4V30) to be distributed to the Ohio Task Force One - Urban Search 7186
and Rescue Unit and other urban search and rescue programs around 7187
the state. 7188

FAMILY VIOLENCE PREVENTION FUND 7189

Notwithstanding any provision of law to the contrary, in each 7190
of fiscal years 2014 and 2015, the first \$750,000 received to the 7191
credit of the Family Violence Prevention Fund (Fund 5BK0) is 7192
appropriated to appropriation item 768689, Family Violence Shelter 7193
Programs, and the next \$400,000 received to the credit of Fund 7194
5BK0 in each of those fiscal years is appropriated to 7195
appropriation item 768687, Criminal Justice Services - Operating. 7196
Any moneys received to the credit of Fund 5BK0 in excess of the 7197
aforementioned appropriated amounts in each fiscal year shall, 7198
upon the approval of the Controlling Board, be used to provide 7199
grants to family violence shelters in Ohio. 7200

SARA TITLE III HAZMAT PLANNING 7201

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 7202
entitled to receive grant funds from the Emergency Response 7203
Commission to implement the Emergency Management Agency's 7204
responsibilities under Chapter 3750. of the Revised Code. 7205

COLLECTIVE BARGAINING INCREASES 7206

Notwithstanding division (D) of section 127.14 and division 7207
(B) of section 131.35 of the Revised Code, except for the General 7208
Revenue Fund, the Controlling Board may, upon the request of 7209
either the Director of Budget and Management, or the Department of 7210
Public Safety with the approval of the Director of Budget and 7211
Management, authorize expenditures in excess of appropriations and 7212

transfer appropriations, as necessary, for any fund used by the 7213
Department of Public Safety, to assist in paying the costs of 7214
increases in employee compensation that have occurred pursuant to 7215
collective bargaining agreements under Chapter 4117. of the 7216
Revised Code and, for exempt employees, under section 124.152 of 7217
the Revised Code. Any money approved for expenditure under this 7218
paragraph is hereby appropriated. 7219

CASH BALANCE FUND REVIEW 7220

Not later than the first day of April in each fiscal year of 7221
the biennium, the Director of Budget and Management shall review 7222
the cash balances for each fund, except the State Highway Safety 7223
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 7224
4W40), in the State Highway Safety Fund Group, and shall recommend 7225
to the Controlling Board an amount to be transferred to the credit 7226
of Fund 7036 or Fund 4W40, as appropriate. 7227

AUTO REGISTRATION DISTRIBUTION FUND 7228

Notwithstanding the amendment by this act to section 4501.03 7229
of the Revised Code and the enactment by this act of section 7230
4501.031 of the Revised Code, any license tax assessed under 7231
Chapters 4503. or 4504. of the Revised Code, and derived from 7232
registrations processed on business days prior to July 1, 2013, 7233
shall be deposited to the state treasury to the credit of the Auto 7234
Registration Distribution Fund (Fund 7051) created by section 7235
4501.03 of the Revised Code, even if such deposit does not occur 7236
until on or after July 1, 2013. All license tax assessed on 7237
registrations under Chapters 4503. or 4504. of the Revised Code 7238
prior to July 1, 2013, shall be deposited, and distributed, in 7239
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 7240
4501.043 of the Revised Code as they existed prior to the 7241
amendments to those sections by this act. 7242

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 7243

State Special Revenue Fund Group				7244	
4W00 195629 Roadwork Development	\$	15,199,900	\$	15,199,900	7245
TOTAL SSR State Special Revenue					7246
Fund Group	\$	15,199,900	\$	15,199,900	7247
TOTAL ALL BUDGET FUND GROUPS	\$	15,199,900	\$	15,199,900	7248

ROADWORK DEVELOPMENT FUND 7249

The Roadwork Development Fund shall be used for road 7250
improvements associated with economic development opportunities 7251
that will retain or attract businesses for Ohio. "Road 7252
improvements" are improvements to public roadway facilities 7253
located on, or serving or capable of serving, a project site. 7254

The Department of Transportation, under the direction of the 7255
Development Services Agency, shall provide these funds in 7256
accordance with all guidelines and requirements established for 7257
Development Services Agency appropriation item 195623, Business 7258
Incentive Grants, including Controlling Board review and approval 7259
as well as the requirements for usage of gas tax revenue 7260
prescribed in Section 5a of Article XII, Ohio Constitution. Should 7261
the Development Services Agency require the assistance of the 7262
Department of Transportation to bring a project to completion, the 7263
Department of Transportation shall use its authority under Title 7264
LV of the Revised Code to provide such assistance and may enter 7265
into contracts on behalf of the Development Services Agency. In 7266
addition, these funds may be used in conjunction with 7267
appropriation item 195623, Business Incentive Grants, or any other 7268
state funds appropriated for infrastructure improvements. 7269

The Director of Budget and Management, pursuant to a plan 7270
submitted by the Director of Development Services or as otherwise 7271
determined by the Director of Budget and Management, shall set a 7272
cash transfer schedule to meet the cash needs of the Development 7273
Services Agency Roadwork Development Fund (Fund 4W00), less any 7274
other available cash. The Director shall transfer to the Roadwork 7275

Development Fund from the Highway Operating Fund (Fund 7002),				7276
established in section 5735.291 of the Revised Code, such amounts				7277
at such times as determined by the transfer schedule.				7278
Section 209.10. PWC PUBLIC WORKS COMMISSION				7279
Local Transportation Improvements Fund Group				7280
7052 150402 Local Transportation	\$	292,526	\$	296,555
Improvement Program -				
Operating				
7052 150701 Local Transportation	\$	52,000,000	\$	52,000,000
Improvement Program				
TOTAL 052 Local Transportation				7283
Improvements Fund Group	\$	52,292,526	\$	52,296,555
Local Infrastructure Improvements Fund Group				7285
7038 150321 State Capital	\$	902,579	\$	909,665
Improvements Program				
- Operating Expenses				
TOTAL LIF Local Infrastructure				7287
Improvements Fund Group	\$	902,579	\$	909,665
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$	53,206,220
PUBLIC WORKS OPERATING EXPENSES				7290
The forgoing appropriation item 150321, State Capital				7291
Improvements Program-Operating Expenses, shall be used by the Ohio				7292
Public Works Commission to administer the State Capital				7293
Improvement Program under sections 164.01 to 164.16 of the Revised				7294
Code.				7295
DISTRICT ADMINISTRATION COSTS				7296
The Director of the Public Works Commission is authorized to				7297
create a District Administration Costs Program from interest				7298
earnings of the Capital Improvements Fund and Local Transportation				7299
Improvement Program Fund proceeds. The program shall be used to				7300

provide for the direct costs of district administration of the 7301
nineteen public works districts. Districts choosing to participate 7302
in the program shall only expend State Capital Improvements Fund 7303
moneys for State Capital Improvements Fund costs and Local 7304
Transportation Improvement Program Fund moneys for Local 7305
Transportation Improvement Program Fund costs. The account shall 7306
not exceed \$1,235,000 per fiscal year. Each public works district 7307
may be eligible for up to \$65,000 per fiscal year from its 7308
district allocation as provided in sections 164.08 and 164.14 of 7309
the Revised Code. 7310

The Director, by rule, shall define allowable and 7311
nonallowable costs for the purpose of the District Administration 7312
Costs Program. Nonallowable costs include indirect costs, elected 7313
official salaries and benefits, and project-specific costs. No 7314
district public works committee may participate in the District 7315
Administration Costs Program without the approval of those costs 7316
by the district public works committee under section 164.04 of the 7317
Revised Code. 7318

REAPPROPRIATIONS 7319

All capital appropriations from the Local Transportation 7320
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 7321
129th General Assembly remaining unencumbered as of June 30, 2013, 7322
are reappropriated for use during the period July 1, 2013, through 7323
June 30, 2014, for the same purpose. 7324

Notwithstanding division (B) of section 127.14 of the Revised 7325
Code, all capital appropriations and reappropriations from the 7326
Local Transportation Improvement Program Fund (Fund 7052) in this 7327
act remaining unencumbered as of June 30, 2014, are reappropriated 7328
for use during the period July 1, 2014, through June 30, 2015, for 7329
the same purposes, subject to the availability of revenue as 7330
determined by the Director of the Public Works Commission. 7331

TEMPORARY TRANSFERS 7332

Notwithstanding section 127.14 of the Revised Code, the 7333
Director of the Public Works Commission may request the Director 7334
of Budget and Management to transfer moneys from the Local 7335
Transportation Improvement Fund (Fund 7052) to the State Capital 7336
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 7337
(Fund 7056). The Director of Budget and Management may approve 7338
temporary transfers if such transfers are needed for capital 7339
outlays for which notes or bonds will be issued. Any transfers 7340
executed under this section shall be reported to the Controlling 7341
Board by June 30 of the fiscal year in which the transfer 7342
occurred. 7343

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 7344

There is hereby appropriated, from those funds designated by 7345
or pursuant to the applicable proceedings authorizing the issuance 7346
of state obligations, amounts computed at the time to represent 7347
the portion of investment income to be rebated or amounts in lieu 7348
of or in addition to any rebate amount to be paid to the federal 7349
government in order to maintain the exclusion from gross income 7350
for federal income tax purposes of interest on those state 7351
obligations under section 148(f) of the Internal Revenue Code. 7352

Rebate payments shall be approved and vouchered by the Office 7353
of Budget and Management. 7354

Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 7355
PURPOSES 7356

Appropriation item 725509, Parks Special Purposes, is hereby 7357
established in the General Revenue Fund with an appropriation of 7358
\$14,000,000 in fiscal year 2013. The appropriation item shall be 7359
used by the Department of Natural Resources to facilitate the 7360
mutual termination of a lease agreement between the City of 7361

Cleveland and the Department of Natural Resources for Cleveland 7362
Lakefront Parks. 7363

Section 506.10. Notwithstanding division (A)(3) of section 7364
4501.044 and division (A)(1) of section 4501.045 of the Revised 7365
Code, commencing July 1, 2013, and extending through June 30, 7366
2014, the Director of Public Safety shall deposit the money 7367
otherwise deposited and distributed in accordance with those 7368
divisions into the State Highway Safety Fund (Fund 7036) created 7369
by section 4501.06 of the Revised Code until such time as the 7370
deposits equal a cumulative total of \$24,000,000. At that point, 7371
the Director shall cease depositing any such money into Fund 7036 7372
and shall deposit and distribute that money as prescribed in 7373
division (A)(3) of section 4501.044 and division (A)(1) of section 7374
4501.045 of the Revised Code. 7375

Notwithstanding division (A)(3) of section 4501.044 and 7376
division (A)(1) of section 4501.045 of the Revised Code, 7377
commencing July 1, 2014, and extending through June 30, 2015, the 7378
Director of Public Safety shall deposit the money otherwise 7379
deposited and distributed in accordance with those divisions into 7380
the State Highway Safety Fund (Fund 7036) created by section 7381
4501.06 of the Revised Code until such time as the deposits equal 7382
a cumulative total of \$24,000,000. At that point, the Director 7383
shall cease depositing any such money into Fund 7036 and shall 7384
deposit and distribute that money as prescribed in division (A)(3) 7385
of section 4501.044 and division (A)(1) of section 4501.045 of the 7386
Revised Code. 7387

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 7388
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 7389

The Director of Budget and Management shall initiate and 7390
process payments from lease rental payment appropriation items 7391

during the period from July 1, 2013, to June 30, 2015, pursuant to 7392
the lease agreements for bonds or notes issued under Section 2i of 7393
Article VIII of the Ohio Constitution and Chapters 152. and 154. 7394
of the Revised Code. Payments shall be made upon certification by 7395
the Treasurer of State of the dates and amounts due on those 7396
dates. 7397

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 7398

Certain appropriations are in this act for the purpose of 7399
lease rental and other payments under leases and agreements 7400
relating to bonds or notes issued under the Ohio Constitution and 7401
acts of the General Assembly. If it is determined that additional 7402
appropriations are necessary for this purpose, such amounts are 7403
hereby appropriated. 7404

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 7405
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND** 7406

Upon the request of the Director of Transportation, the 7407
Director of Budget and Management may transfer cash from the 7408
Highway Operating Fund (Fund 7002) to the Highway Capital 7409
Improvement Fund (Fund 7042) created in section 5528.53 of the 7410
Revised Code. The Director of Budget and Management may transfer 7411
cash from Fund 7042 to Fund 7002 up to the amount of cash 7412
previously transferred to Fund 7042 under this section. 7413

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 7414

The Director of Budget and Management shall transfer cash in 7415
equal monthly increments totaling \$171,724,944 in fiscal year 2014 7416
and in equal monthly increments totaling \$173,884,776 in fiscal 7417
year 2015 from the Highway Operating Fund (Fund 7002), created in 7418
section 5735.291 of the Revised Code, to the Gasoline Excise Tax 7419
Fund (Fund 7060) created in division (A) of section 5735.27 of the 7420

Revised Code. The monthly amounts transferred under this section 7421
shall be distributed as follows: 42.86 per cent shall be 7422
distributed among the municipal corporations within the state 7423
under division (A)(2) of section 5735.27 of the Revised Code; 7424
37.14 per cent shall be distributed among the counties within the 7425
state under division (A)(3) of section 5735.27 of the Revised 7426
Code; and 20 per cent shall be distributed among the townships 7427
within the state under division (A)(5)(b) of section 5735.27 of 7428
the Revised Code. 7429

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 7430

On July 1, 2013, and on January 1, 2014, or as soon as 7431
possible thereafter, respectively, the Director of Budget and 7432
Management shall transfer \$200,000 in cash, for each period, from 7433
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 7434
General for ODOT Fund (Fund 5FA0). 7435

On July 1, 2014, and on January 1, 2015, or as soon as 7436
possible thereafter, respectively, the Director of Budget and 7437
Management shall transfer \$200,000 in cash, for each period, from 7438
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 7439
General for ODOT Fund (Fund 5FA0). 7440

Should additional amounts be necessary, the Inspector 7441
General, with the consent of the Director of Budget and 7442
Management, may seek Controlling Board approval for additional 7443
transfers of cash and to increase the amount appropriated from 7444
appropriation item 965603, Deputy Inspector General for ODOT, in 7445
the amount of the additional transfers. 7446

Section 601.10. That Section 10 of Am. Sub. H.B. 386 of the 7447
129th General Assembly be amended to read as follows: 7448

Sec. 10. ~~The~~ To the extent that sufficient cash is available, 7449

within three months after the receipt of moneys into the Casino 7450
Operator Settlement Fund created in section 3772.34 of the Revised 7451
Code, the Director of Budget and Management shall pay one million 7452
dollars ~~by December 31, 2012,~~ to the municipal corporation or 7453
township in which each commercial racetrack is located, including 7454
a municipal corporation or township to which a racetrack is to 7455
relocate as specified in the memorandum of understanding of 7456
February 17, 2012, between the Office of the Governor, State of 7457
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 7458
transfers, but excluding the previous municipal corporation or 7459
township of each moved track and excluding a municipal corporation 7460
or township in a county with a population between 1,100,000 and 7461
1,200,000 in the most recent federal decennial census. ~~The~~ 7462
~~Director shall transfer these payments, totaling six million~~ 7463
~~dollars, from the Casino Operator Settlement Fund created in~~ 7464
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 7465
within six months after the first payments made under this 7466
section, the Director of Budget and Management shall pay an 7467
additional one million dollars ~~by June 30, 2013,~~ to each of these 7468
municipal corporations and townships, ~~and shall transfer these~~ 7469
~~payments, totaling six million dollars, from the Casino Operator~~ 7470
~~Settlement Fund. These expenditures are hereby appropriated.~~ Each 7471
municipal corporation or township receiving such a payment shall 7472
use at least fifty per cent of the funds received for 7473
infrastructure or capital improvements. If after either of the 7474
payments referenced in this section, a municipal corporation or 7475
township loses a racetrack as a result of the racetrack permit 7476
holder's decision to relocate to another municipal corporation or 7477
township, the municipal corporation or township losing the 7478
racetrack becomes eligible for a payment from the Racetrack 7479
Facility Community Economic Redevelopment Fund provided for in 7480
Sections 7 and 8 of H.B. 386 of the 129th General Assembly. Such a 7481

municipal corporation or township shall not receive more than the 7482
sum of \$3 million minus any payments made by the Director of 7483
Budget and Management in accordance with this section. The 7484
Director of Budget and Management is also authorized to establish 7485
any necessary appropriation items in the appropriate funds and 7486
agencies in order to make any payments required under this 7487
section. Any funds in such items are hereby appropriated. 7488

Section 601.11. That existing Section 10 of Am. Sub. H.B. 386 7489
of the 129th General Assembly is hereby repealed. 7490

Section 601.20. That Sections 203.80 and 203.83 of Sub. H.B. 7491
482 of the 129th General Assembly be amended to read as follows: 7492

Sec. 203.80. The items set forth in this section are hereby 7493
appropriated out of any moneys in the state treasury to the credit 7494
of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 7495
not otherwise appropriated. 7496

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			7497
C72549	ODNR Facilities Development	\$ 500,000	7498
C725B7	Underground Fuel Storage Tank	\$ 250,000	7499
	Removal/Replacement - Department		
C725E1	NatureWorks Local Park Grants	\$ 4,790,000	7500
C725E5	Project Planning	\$ 400,000	7501
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	7502
		<u>40,000,000</u>	
C725N5	Wastewater/Water Systems Upgrade -	\$ 8,000,000	7503
	Department		
Total Department of Natural Resources		\$ 23,940,000	7504
		<u>53,940,000</u>	
TOTAL Ohio Parks and Natural Resources Fund		\$ 23,940,000	7505

53,940,000

Sec. 203.83. The Ohio Public Facilities Commission is hereby 7507
authorized to issue and sell, in accordance with Section 21 of 7508
Article VIII, Ohio Constitution, and Chapter 151. and particularly 7509
sections 151.01 and 151.05 of the Revised Code, original 7510
obligations in an aggregate principal amount not to exceed 7511
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 7512
obligations heretofore authorized by prior acts of the General 7513
Assembly. These authorized obligations shall be issued, subject to 7514
applicable constitutional and statutory limitations, as needed to 7515
provide sufficient moneys to the credit of the Ohio Parks and 7516
Natural Resources Fund (Fund 7031) to pay costs of capital 7517
facilities as defined in sections 151.01 and 151.05 of the Revised 7518
Code. 7519

Section 601.21. That existing Sections 203.80 and 203.83 of 7520
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 7521

Section 701.10. The Auditor of State shall conduct a 7522
performance audit of the Department of Transportation. The 7523
Department shall cooperate fully with the Auditor of State in the 7524
conduct of the performance audit. 7525

Section 701.20. To the extent permitted by federal law, 7526
federal money received by the state for fiscal stabilization and 7527
recovery purposes shall be used in accordance with the preferences 7528
for products and services made or performed in the United States 7529
and Ohio established in section 125.09 of the Revised Code. 7530

Section 747.10. On the effective date of the amendments made 7531
to section 4765.02 of the Revised Code by this act, the member of 7532
the renamed State Board of Emergency Medical, Fire, and 7533
Transportation Services who is an administrator of an adult or 7534

pediatric trauma center shall cease to be a member of the Board. 7535
On the effective date of the amendments made to section 4765.02 of 7536
the Revised Code by this act, the member of the renamed State 7537
Board of Emergency Medical, Fire, and Transportation Services who 7538
is a member of the Ohio Ambulance Association shall cease to be a 7539
member of the Board. On the effective date of the amendments made 7540
to section 4765.02 of the Revised Code by this act, the member of 7541
the renamed State Board of Emergency Medical, Fire, and 7542
Transportation Services who is a physician certified by the 7543
American board of surgery, American board of osteopathic surgery, 7544
American osteopathic board of emergency medicine, or American 7545
board of emergency medicine, is chief medical officer of an air 7546
medical agency, and is currently active in providing emergency 7547
medical services shall cease to be a member of the Board. On the 7548
effective date of the amendments made to section 4765.02 of the 7549
Revised Code by this act, of the members of the renamed State 7550
Board of Emergency Medical, Fire, and Transportation Services who 7551
were EMTs, AEMTs, or paramedics and were appointed to the Board in 7552
that capacity, only the members who are designated by the Governor 7553
to continue to be members of the Board shall continue to be so; 7554
the other persons shall cease to be members of the Board. On the 7555
effective date of the amendments made to section 4765.02 of the 7556
Revised Code by this act, the member of the renamed State Board of 7557
Emergency Medical, Fire, and Transportation Services who is a 7558
registered nurse and is in the active practice of emergency 7559
nursing shall cease to be a member of the Board. Not later than 7560
sixty days after the effective date of those amendments, the 7561
Governor shall appoint to the renamed State Board of Emergency 7562
Medical, Fire, and Transportation Services a registered nurse with 7563
EMS certification who performs mobile intensive care or air 7564
medical transport. The Governor shall appoint this member from 7565
among three persons nominated by the Ohio Nurses Association, 7566

three persons nominated by the Ohio Association of Critical Care 7567
Transport, and three persons nominated by the Ohio State Council 7568
of the Emergency Nurses Association. 7569

On the effective date of the amendments made to section 7570
4765.02 of the Revised Code by this act, all members of the former 7571
State Board of Emergency Medical Services who do not cease to be 7572
members of the renamed State Board of Emergency Medical, Fire, and 7573
Transportation Services by the terms of this act shall continue to 7574
be members of the renamed State Board of Emergency Medical, Fire, 7575
and Transportation Services, and the dates on which the terms of 7576
the continuing members expire shall be the dates on which their 7577
terms as members of the former State Board of Emergency Medical 7578
Services expired. On the effective date of the amendments made to 7579
section 4765.02 of the Revised Code by this act, the following 7580
members of the former Ohio Medical Transportation Board shall 7581
become members of the State Board of Emergency Medical, Fire, and 7582
Transportation Services, and the dates on which those members' 7583
terms on the State Board of Emergency Medical, Fire, and 7584
Transportation Services expire shall be as follows: 7585

The person who owns or operates a private emergency medical 7586
service organization operating in this state, as designated by the 7587
Governor, term ends November 12, 2014; 7588

The person who owns or operates a nonemergency medical 7589
service organization that provides only ambulette services, term 7590
ends November 12, 2014; 7591

The person who is a member of the Ohio Association of 7592
Critical Care Transport and represents air-based services, term 7593
ends November 12, 2015; 7594

The person who is a member of the Ohio Association of 7595
Critical Care Transport and represents a ground-based mobile 7596
intensive care unit organization, term ends November 12, 2015. 7597

All subsequent terms of office for these four positions on 7598
the State Board of Emergency Medical, Fire, and Transportation 7599
Services shall be for three years as provided in section 4765.02 7600
of the Revised Code. 7601

On July 1, 2013, the Medical Transportation Board and all of 7602
its functions are transferred to the Department of Public Safety. 7603
As of such date, the Medical Transportation Board shall operate 7604
under the Department of Public Safety, which shall assume all of 7605
the Board's functions. All assets, liabilities, any capital 7606
spending authority related thereto, and equipment and records, 7607
regardless of form or medium, related to the Medical 7608
Transportation Board's functions are transferred to the Department 7609
of Public Safety on July 1, 2013. 7610

No validation, cure, right, privilege, remedy, obligation, or 7611
liability is lost or impaired by reason of the transfer. All of 7612
the Medical Transportation Board's rules, orders, and 7613
determinations continue in effect as rules, orders, and 7614
determinations of the Department of Public Safety until modified 7615
or rescinded by the Department of Public Safety. 7616

No action or proceeding pending on July 1, 2013, is affected 7617
by the transfer and any action or proceeding pending on July 1, 7618
2013, shall be prosecuted or defended in the name of the 7619
Department of Public Safety or its director. In all such actions 7620
and proceedings, the Department of Public Safety or its director, 7621
upon application to the court, shall be substituted as a party. 7622

On or after July 1, 2013, notwithstanding any provision of 7623
law to the contrary, the Director of Budget and Management shall 7624
take any action with respect to budget changes made necessary by 7625
the transfer. The Director may transfer cash balances between 7626
funds. The Director may cancel encumbrances in 915604, Operating 7627
Expenses, and reestablish encumbrances or parts of encumbrances in 7628
765624, Operating - EMS, as needed in the fiscal year in the 7629

appropriate fund and appropriation item for the same purpose and 7630
to the same vendor. As determined by the Director, encumbrances 7631
reestablished in the fiscal year in a different fund or 7632
appropriation item used by an agency or between agencies are 7633
appropriated. The Director shall reduce each year's appropriation 7634
balances by the amount of the encumbrance canceled in their 7635
respective funds and appropriation item. Any unencumbered or 7636
unallocated appropriation balances from the previous fiscal year 7637
may be transferred to the appropriate appropriation item to be 7638
used for the same purposes, as determined by the Director. Any 7639
such transfers are hereby appropriated. 7640

This section is exempt from the referendum under Ohio 7641
Constitution, Article II, Section 1d and section 1.471 of the 7642
Revised Code and therefore takes effect immediately when this act 7643
becomes law. 7644

Section 755.10. The Director of Transportation may enter into 7645
agreements as provided in this section with the United States or 7646
any department or agency of the United States, including, but not 7647
limited to, the United States Army Corps of Engineers, the United 7648
States Forest Service, the United States Environmental Protection 7649
Agency, and the United States Fish and Wildlife Service. An 7650
agreement entered into pursuant to this section shall be solely 7651
for the purpose of dedicating staff to the expeditious and timely 7652
review of environmentally related documents submitted by the 7653
Director of Transportation, as necessary for the approval of 7654
federal permits. The agreements may include provisions for advance 7655
payment by the Director of Transportation for labor and all other 7656
identifiable costs of the United States or any department or 7657
agency of the United States providing the services, as may be 7658
estimated by the United States, or the department or agency of the 7659
United States. The Director shall submit a request to the 7660
Controlling Board indicating the amount of the agreement, the 7661

services to be performed by the United States or the department or 7662
agency of the United States, and the circumstances giving rise to 7663
the agreement. 7664

Section 757.10. Notwithstanding Chapter 5735. of the Revised 7666
Code, the following shall apply for the period of July 1, 2013, 7667
through June 30, 2015: 7668

(A) For the discount under section 5735.06 of the Revised 7669
Code, if the monthly report is timely filed and the tax is timely 7670
paid, one per cent of the total number of gallons of motor fuel 7671
received by the motor fuel dealer within the state during the 7672
preceding calendar month, less the total number of gallons 7673
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 7674
the Revised Code, less one-half of one per cent of the total 7675
number of gallons of motor fuel that were sold to a retail dealer 7676
during the preceding calendar month. 7677

(B) For the semiannual periods ending December 31, 2013, June 7678
30, 2014, December 31, 2014, and June 30, 2015, the refund 7679
provided to retail dealers under section 5735.141 of the Revised 7680
Code shall be one-half of one per cent of the Ohio motor fuel 7681
taxes paid on fuel purchased during those semiannual periods. 7682

Section 757.20. (A) The Department of Taxation shall notify 7683
taxpayers of the requirement to separately identify taxable gross 7684
receipts attributable to motor fuel used for propelling vehicles 7685
on public highways as distinguished from other taxable gross 7686
receipts. The Department shall collect data from taxpayers 7687
affected by the amendments to sections 5751.02, 5751.051, and 7688
5751.20 of the Revised Code to determine which of such taxpayers' 7689
receipts received between December 7, 2012, and June 30, 2013, 7690
were attributable to motor fuel used for propelling vehicles on 7691

public highways. 7692

(B)(1) On or before June 30, 2013, the Tax Commissioner shall 7693
certify to the Director of Budget and Management an estimated 7694
amount of commercial activity tax revenue received between 7695
December 7, 2012, and June 30, 2013, derived from taxable gross 7696
receipts attributable to motor fuel used for propelling vehicles 7697
on public highways. The Director shall transfer the amount so 7698
certified from the General Revenue Fund to the Commercial Activity 7699
Tax Motor Fuel Receipts Fund. 7700

(2) Before the Director of Budget and Management completes 7701
the transfer required under division (B)(2) of section 5751.20 of 7702
the Revised Code on or before November 20, 2013, the Commissioner 7703
shall certify a reconciliation of the amount described in division 7704
(B)(1) of this section to the Director based on information the 7705
Commissioner receives from taxpayers affected by the amendment by 7706
this act of sections 5751.02, 5751.051, and 5751.20 of the Revised 7707
Code. The director shall use that certified, reconciled amount to 7708
offset or augment the transfer required to be made by the Director 7709
on or before November 20, 2013. 7710

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 7711
APPROPRIATIONS 7712

Law contained in the main operating appropriations act of the 7713
130th General Assembly that is generally applicable to the 7714
appropriations made in the main operating appropriations act also 7715
is generally applicable to the appropriations made in this act. 7716

Section 801.20. As used in the uncodified law of this act, 7717
"American Recovery and Reinvestment Act of 2009" means the 7718
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 7719
111-5, 123 Stat. 115. 7720

Section 806.10. The items of law contained in this act, and 7721
their applications, are severable. If any item of law contained in 7722
this act, or if any application of any item of law contained in 7723
this act, is held invalid, the invalidity does not affect other 7724
items of law contained in this act and their applications that can 7725
be given effect without the invalid item or application. 7726

Section 812.10. Except as otherwise provided in this act, the 7727
amendment, enactment, or repeal by this act of a section of law is 7728
subject to the referendum under Ohio Constitution, Article II, 7729
Section 1c and therefore takes effect on the ninety-first day 7730
after this act is filed with the Secretary of State or, if a later 7731
effective date is specified below, on that date. 7732

Section 812.20. In this section, an "appropriation" includes 7733
another provision of law in this act that relates to the subject 7734
of the appropriation. 7735

An appropriation of money made in this act is not subject to 7736
the referendum insofar as a contemplated expenditure authorized 7737
thereby is wholly to meet a current expense within the meaning of 7738
Ohio Constitution, Article II, Section 1d and section 1.471 of the 7739
Revised Code. To that extent, the appropriation takes effect 7740
immediately when this act becomes law. Conversely, the 7741
appropriation is subject to the referendum insofar as a 7742
contemplated expenditure authorized thereby is wholly or partly 7743
not to meet a current expense within the meaning of Ohio 7744
Constitution, Article II, Section 1d and section 1.471 of the 7745
Revised Code. To that extent, the appropriation takes effect on 7746
the ninety-first day after this act is filed with the Secretary of 7747
State. 7748

Section 812.30. The amendment by this act of Section 10 of 7749

Am. Sub. H.B. 386 of the 129th General Assembly goes into 7750
immediate effect. 7751

Section 815.10. The General Assembly, applying the principle 7752
stated in division (B) of section 1.52 of the Revised Code that 7753
amendments are to be harmonized if reasonably capable of 7754
simultaneous operation, finds that the following sections, 7755
presented in this act as composites of the sections as amended by 7756
the acts indicated, are the resulting versions of the sections in 7757
effect prior to the effective date of the sections as presented in 7758
this act: 7759

Section 5751.20 of the Revised Code as amended by both Am. 7760
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly. 7761