

**As Passed by the Senate**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. Sub. H. B. No. 51**

**Representatives McGregor, Patmon**

**Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman,**

**Hackett, Huffman, Perales, Sears, Sprague, Stebelton, Terhar**

**Speaker Speaker Batchelder**

**Senators Manning, Balderson, Beagle, Brown, Cafaro, Hite, Hughes, Lehner,**

**Patton, Peterson, Schaffer, Uecker**

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**A B I L L**

To amend sections 9.33, 123.21, 126.06, 126.503, 1  
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 2  
307.055, 505.37, 505.375, 505.44, 505.72, 718.01, 3  
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5751.02, 5751.051, and 5751.20; to enact sections	37
4501.031, 4503.192, 4503.83, 4582.171, 4765.59,	38
5517.021, 5537.18, 5553.051, 5577.044, and	39
5747.053; and to repeal sections 126.60, 126.601,	40
126.602, 126.603, 126.604, 126.605, 3791.11,	41
4766.02, 4766.20, 4981.36, 4981.361, and 5540.151	42
of the Revised Code; to amend Section 10 of Am.	43
Sub. H.B. 386 of the 129th General Assembly; and	44
to amend Sections 203.80 and 203.83 of Sub. H.B.	45
482 of the 129th General Assembly; to amend the	46
versions of sections 4501.01, 4503.04, 4503.22,	47
4507.05, and 4511.01 of the Revised Code that are	48
scheduled to take effect January 1, 2017, to	49
continue the amendments by this act on and after	50
that effective date; to make appropriations for	51
programs related to transportation and public	52

safety for the biennium beginning July 1, 2013, 53  
and ending June 30, 2015, and to provide 54  
authorization and conditions for the operation of 55  
those programs. 56

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

**Section 101.01.** That sections 9.33, 123.21, 126.06, 126.503, 57  
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 58  
505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 2913.51, 59  
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4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 4765.02, 67  
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5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 80  
5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 81  
5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 82

5747.98, 5751.01, 5751.02, 5751.051, and 5751.20 be amended, and 83  
sections 4501.031, 4503.192, 4503.83, 4582.171, 4765.59, 5517.021, 84  
5537.18, 5553.051, 5577.044, and 5747.053 of the Revised Code be 85  
enacted to read as follows: 86

**Sec. 9.33.** As used in sections 9.33 to 9.335 of the Revised 87  
Code: 88

(A) "Construction manager" means a person with substantial 89  
discretion and authority to plan, coordinate, manage, and direct 90  
all phases of a project for the construction, demolition, 91  
alteration, repair, or reconstruction of any public building, 92  
structure, or other improvement, but does not mean the person who 93  
provides the professional design services or who actually performs 94  
the construction, demolition, alteration, repair, or 95  
reconstruction work on the project. 96

(B)(1) "Construction manager at risk" means a person with 97  
substantial discretion and authority to plan, coordinate, manage, 98  
direct, and construct all phases of a project for the 99  
construction, demolition, alteration, repair, or reconstruction of 100  
any public building, structure, or other improvement and who 101  
provides the public authority a guaranteed maximum price as 102  
determined in section 9.334 of the Revised Code. 103

(2) As used in division (B)(1) of this section: 104

(a) "Construct" includes performing, or subcontracting for 105  
performing, construction, demolition, alteration, repair, or 106  
reconstruction. 107

(b) "Manage" includes approving bidders and awarding 108  
subcontracts for furnishing materials regarding, or for 109  
performing, construction, demolition, alteration, repair, or 110  
reconstruction. 111

(C) "Construction management contract" means a contract 112

between a public authority and another person obligating the 113  
person to provide construction management services. 114

(D) "Construction management services" or "management 115  
services" means the range of services that either a construction 116  
manager or a construction manager at risk may provide. 117

(E) "Qualified" means having the following qualifications: 118

(1) Competence to perform the required management services as 119  
indicated by the technical training, education, and experience of 120  
the construction manager's or construction manager at risk's 121  
personnel, especially the technical training, education, and 122  
experience of the construction manager's or construction manager 123  
at risk's employees who would be assigned to perform the services; 124

(2) Ability in terms of workload and the availability of 125  
qualified personnel, equipment, and facilities to perform the 126  
required management services competently and expeditiously; 127

(3) Past performance as reflected by the evaluations of 128  
previous clients with respect to factors such as control of costs, 129  
quality of work, and meeting of deadlines; 130

(4) Financial responsibility as evidenced by the capability 131  
to provide a letter of credit pursuant to Chapter 1305. of the 132  
Revised Code, a surety bond, certified check, or cashier's check 133  
in an amount equal to the value of the construction management 134  
contract, or by other means acceptable to the public authority; 135

(5) Other similar factors. 136

(F)(1) "Public authority" means the state, any state 137  
institution of higher education as defined in section 3345.011 of 138  
the Revised Code, any county, township, municipal corporation, 139  
school district, or other political subdivision, or any public 140  
agency, authority, board, commission, instrumentality, or special 141  
purpose district of the state or of a political subdivision. 142

(2) "Public authority" does not include ~~the Ohio turnpike~~ 143  
~~commission~~ the director of transportation when exercising the 144  
director's authority to prepare plans for, acquire rights-of-way 145  
for, construct, or maintain roads, highways, bridges, or any other 146  
department of transportation facilities. 147

(G) "Open book pricing method" means a method in which a 148  
construction manager at risk provides the public authority, at the 149  
public authority's request, all books, records, documents, and 150  
other data in its possession pertaining to the bidding, pricing, 151  
or performance of a construction management contract awarded to 152  
the construction manager at risk. 153

**Sec. 123.21.** (A) The Ohio facilities construction commission 154  
may perform any act and ensure the performance of any function 155  
necessary or appropriate to carry out the purposes of, and 156  
exercise the powers granted under this chapter or any other 157  
provision of the Revised Code, including any of the following: 158

(1) Prepare, or contract to be prepared, by licensed 159  
engineers or architects, surveys, general and detailed plans, 160  
specifications, bills of materials, and estimates of cost for any 161  
projects, improvements, or public buildings to be constructed by 162  
state agencies that may be authorized by legislative 163  
appropriations or any other funds made available therefor, 164  
provided that the construction of the projects, improvements, or 165  
public buildings is a statutory duty of the commission. This 166  
section does not require the independent employment of an 167  
architect or engineer as provided by section 153.01 of the Revised 168  
Code in the cases to which section 153.01 of the Revised Code 169  
applies. This section does not affect or alter the existing powers 170  
of the director of transportation. 171

(2) Have general supervision over the construction of any 172  
projects, improvements, or public buildings constructed for a 173

state agency and over the inspection of materials prior to their 174  
incorporation into those projects, improvements, or buildings. 175

(3) Make contracts for and supervise the design and 176  
construction of any projects and improvements or the construction 177  
and repair of buildings under the control of a state agency. All 178  
such contracts may be based in whole or in part on the unit price 179  
or maximum estimated cost, with payment computed and made upon 180  
actual quantities or units. 181

(4) Adopt, amend, and rescind rules pertaining to the 182  
administration of the construction of the public works of the 183  
state as required by law, in accordance with Chapter 119. of the 184  
Revised Code. 185

(5) Contract with, retain the services of, or designate, and 186  
fix the compensation of, such agents, accountants, consultants, 187  
advisers, and other independent contractors as may be necessary or 188  
desirable to carry out the programs authorized under this chapter, 189  
or authorize the executive director to perform such powers and 190  
duties. 191

(6) Receive and accept any gifts, grants, donations, and 192  
pledges, and receipts therefrom, to be used for the programs 193  
authorized under this chapter. 194

(7) Make and enter into all contracts, commitments, and 195  
agreements, and execute all instruments, necessary or incidental 196  
to the performance of its duties and the execution of its rights 197  
and powers under this chapter, or authorize the executive director 198  
to perform such powers and duties. 199

(8) Debar a contractor as provided in section 153.02 of the 200  
Revised Code. 201

(B) The commission shall appoint, with the advice and consent 202  
of the senate, and fix the compensation of an executive director 203  
who shall serve at the pleasure of the commission. The executive 204

director shall exercise all powers that the commission possesses, 205  
supervise the operations of the commission, and perform such other 206  
duties as delegated by the commission. The executive director also 207  
shall employ and fix the compensation of such employees as will 208  
facilitate the activities and purposes of the commission, who 209  
shall serve at the pleasure of the executive director. The 210  
employees of the commission are exempt from Chapter 4117. of the 211  
Revised Code and are not considered public employees as defined in 212  
section 4117.01 of the Revised Code. Any agreement entered into 213  
prior to July 1, 2012, between the office of collective bargaining 214  
and the exclusive representative for employees of the commission 215  
is binding and shall continue to have effect. 216

(C) The attorney general shall serve as the legal 217  
representative for the commission and may appoint other counsel as 218  
necessary for that purpose in accordance with section 109.07 of 219  
the Revised Code. 220

**Sec. 126.06.** The total operating fund consists of all funds 221  
in the state treasury except the auto registration distribution 222  
fund, local motor vehicle license tax fund, development bond 223  
retirement fund, facilities establishment fund, gasoline excise 224  
tax fund, higher education improvement fund, highway improvement 225  
bond retirement fund, highway obligations bond retirement fund, 226  
highway capital improvement fund, improvements bond retirement 227  
fund, mental health facilities improvement fund, parks and 228  
recreation improvement fund, public improvements bond retirement 229  
fund, school district income tax fund, state agency facilities 230  
improvement fund, state and local government highway distribution 231  
fund, state highway safety fund, Vietnam conflict compensation 232  
fund, any other fund determined by the director of budget and 233  
management to be a bond fund or bond retirement fund, and such 234  
portion of the highway operating fund as is determined by the 235  
director of budget and management and the director of 236



transportation to be restricted by Section 5a of Article XII, Ohio Constitution. 237  
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When determining the availability of money in the total operating fund to pay claims chargeable to a fund contained within the total operating fund, the director of budget and management shall use the same procedures and criteria the director employs in determining the availability of money in a fund contained within the total operating fund. The director may establish limits on the negative cash balance of the general revenue fund within the total operating fund, but in no case shall the negative cash balance of the general revenue fund exceed ten per cent of the total revenue of the general revenue fund in the preceding fiscal year. 239  
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**Sec. 126.503.** All state agencies shall control ~~nonessential~~ travel expenses by doing all of the following: 249  
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(A) Complying with any travel directives issued by the director of budget and management; 251  
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(B) Using, when possible, the online travel authorization and expense reimbursement process; 253  
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(C) Conducting meetings, whenever possible and in compliance with section 121.22 of the Revised Code, using conference calls, teleconferences, webinars, or other technology tools; 255  
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(D) Using fleet vehicles for official state travel whenever possible; and 258  
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(E) Following restrictions set by the department of administrative services regarding mileage reimbursement pursuant to section 125.832 of the Revised Code. 260  
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In addition to the methods of travel expense control listed above, a state agency may use a state-contracted rental vehicle provider for employee vehicle travel exceeding one hundred miles. 263  
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The director of budget and management shall not reimburse any 266

state agency employee for unauthorized travel expenses. 267

**Sec. 127.14.** The controlling board may, at the request of any 268  
state agency or the director of budget and management, authorize, 269  
with respect to the provisions of any appropriation act: 270  
271

(A) Transfers of all or part of an appropriation within but 272  
not between state agencies, except such transfers as the director 273  
of budget and management is authorized by law to make, provided 274  
that no transfer shall be made by the director for the purpose of 275  
effecting new or changed levels of program service not authorized 276  
by the general assembly; 277

(B) Transfers of all or part of an appropriation from one 278  
fiscal year to another; 279

(C) Transfers of all or part of an appropriation within or 280  
between state agencies made necessary by administrative 281  
reorganization or by the abolition of an agency or part of an 282  
agency; 283

(D) Transfers of all or part of cash balances in excess of 284  
needs from any fund of the state to the general revenue fund or to 285  
such other fund of the state to which the money would have been 286  
credited in the absence of the fund from which the transfers are 287  
authorized to be made, except that the controlling board may not 288  
authorize such transfers from the accrued leave liability fund, 289  
auto registration distribution fund, local motor vehicle license 290  
tax fund, budget stabilization fund, development bond retirement 291  
fund, facilities establishment fund, gasoline excise tax fund, 292  
general revenue fund, higher education improvement fund, highway 293  
improvement bond retirement fund, highway obligations bond 294  
retirement fund, highway capital improvement fund, highway 295  
operating fund, horse racing tax fund, improvements bond 296  
retirement fund, public library fund, liquor control fund, local 297

government fund, local transportation improvement program fund, 298  
mental health facilities improvement fund, Ohio fairs fund, parks 299  
and recreation improvement fund, public improvements bond 300  
retirement fund, school district income tax fund, state agency 301  
facilities improvement fund, state and local government highway 302  
distribution fund, state highway safety fund, state lottery fund, 303  
undivided liquor permit fund, Vietnam conflict compensation bond 304  
retirement fund, volunteer fire fighters' dependents fund, 305  
waterways safety fund, wildlife fund, workers' compensation fund, 306  
or any fund not specified in this division that the director of 307  
budget and management determines to be a bond fund or bond 308  
retirement fund; 309

(E) Transfers of all or part of those appropriations included 310  
in the emergency purposes account of the controlling board; 311

(F) Temporary transfers of all or part of an appropriation or 312  
other moneys into and between existing funds, or new funds, as may 313  
be established by law when needed for capital outlays for which 314  
notes or bonds will be issued; 315

(G) Transfer or release of all or part of an appropriation to 316  
a state agency requiring controlling board approval of such 317  
transfer or release as provided by law; 318

(H) Temporary transfer of funds included in the emergency 319  
purposes appropriation of the controlling board. Such temporary 320  
transfers may be made subject to conditions specified by the 321  
controlling board at the time temporary transfers are authorized. 322  
No transfers shall be made under this division for the purpose of 323  
effecting new or changed levels of program service not authorized 324  
by the general assembly. 325

As used in this section, "request" means an application by a 326  
state agency or the director of budget and management seeking some 327  
action by the controlling board. 328

When authorizing the transfer of all or part of an 329  
appropriation under this section, the controlling board may 330  
authorize the transfer to an existing appropriation item and the 331  
creation of and transfer to a new appropriation item. 332

Whenever there is a transfer of all or part of funds included 333  
in the emergency purposes appropriation by the controlling board, 334  
pursuant to division (E) of this section, the state agency or the 335  
director of budget and management receiving such transfer shall 336  
keep a detailed record of the use of the transferred funds. At the 337  
earliest scheduled meeting of the controlling board following the 338  
accomplishment of the purposes specified in the request originally 339  
seeking the transfer, or following the total expenditure of the 340  
transferred funds for the specified purposes, the state agency or 341  
the director of budget and management shall submit a report on the 342  
expenditure of such funds to the board. The portion of any 343  
appropriation so transferred which is not required to accomplish 344  
the purposes designated in the original request to the controlling 345  
board shall be returned to the proper appropriation of the 346  
controlling board at this time. 347

Notwithstanding any provisions of law providing for the 348  
deposit of revenues received by a state agency to the credit of a 349  
particular fund in the state treasury, whenever there is a 350  
temporary transfer of funds included in the emergency purposes 351  
appropriation of the controlling board pursuant to division (H) of 352  
this section, revenues received by any state agency receiving such 353  
a temporary transfer of funds shall, as directed by the 354  
controlling board, be transferred back to the emergency purposes 355  
appropriation. 356

The board may delegate to the director of budget and 357  
management authority to approve transfers among items of 358  
appropriation under division (A) of this section. 359

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

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

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

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

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

(5) A life-cycle cost analysis;

(6) Further data as may be required by the Ohio facilities construction commission. 391  
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(B)(1) Division (A) of this section shall not be required 393  
with respect to a construction management contract entered into 394  
with a construction manager at risk as described in section 9.334 395  
of the Revised Code or a design-build contract entered into with a 396  
design-build firm as described in section 153.693 of the Revised 397  
Code. 398

(2) Nothing in this chapter shall interfere with the power of 399  
the director of transportation to prepare plans for, acquire 400  
rights-of-way for, construct, or maintain roads, highways, 401  
bridges, or any other department of transportation facilities, or 402  
to let contracts for those purposes. 403

**Sec. 153.65.** As used in sections 153.65 to 153.73 of the 404  
Revised Code: 405

(A)(1) "Public authority" means the state, a state 406  
institution of higher education as defined in section 3345.011 of 407  
the Revised Code, a county, township, municipal corporation, 408  
school district, or other political subdivision, or any public 409  
agency, authority, board, commission, instrumentality, or special 410  
purpose district of the state or of a political subdivision. 411

(2) "Public authority" does not include ~~the Ohio turnpike 412~~  
~~commission~~ the director of transportation when exercising the 413  
director's authority to prepare plans for, acquire rights-of-way 414  
for, construct, or maintain roads, highways, bridges, or any other 415  
department of transportation facilities. 416

(B) "Professional design firm" means any person legally 417  
engaged in rendering professional design services. 418

(C) "Professional design services" means services within the 419  
scope of practice of an architect or landscape architect 420

registered under Chapter 4703. of the Revised Code or a 421  
professional engineer or surveyor registered under Chapter 4733. 422  
of the Revised Code. 423

(D) "Qualifications" means all of the following: 424

(1)(a) For a professional design firm, competence to perform 425  
the required professional design services as indicated by the 426  
technical training, education, and experience of the firm's 427  
personnel, especially the technical training, education, and 428  
experience of the employees within the firm who would be assigned 429  
to perform the services; 430

(b) For a design-build firm, competence to perform the 431  
required design-build services as indicated by the technical 432  
training, education, and experience of the design-build firm's 433  
personnel and key consultants, especially the technical training, 434  
education, and experience of the employees and consultants of the 435  
design-build firm who would be assigned to perform the services, 436  
including the proposed architect or engineer of record. 437

(2) Ability of the firm in terms of its workload and the 438  
availability of qualified personnel, equipment, and facilities to 439  
perform the required professional design services or design-build 440  
services competently and expeditiously; 441

(3) Past performance of the firm as reflected by the 442  
evaluations of previous clients with respect to such factors as 443  
control of costs, quality of work, and meeting of deadlines; 444

(4) Any other relevant factors as determined by the public 445  
authority; 446

(5) With respect to a design-build firm, compliance with 447  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 448  
including the use of a licensed design professional for all design 449  
services. 450

(E) "Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.

(F) "Design-build firm" means a person capable of providing design-build services.

(G) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement.

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

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

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

**Sec. 164.05.** (A) The director of the Ohio public works



commission shall do all of the following: 481

(1) Approve requests for financial assistance from district 482  
public works integrating committees and enter into agreements with 483  
one or more local subdivisions to provide loans, grants, and local 484  
debt support and credit enhancements for a capital improvement 485  
project if the director determines that: 486

(a) The project is an eligible project pursuant to this 487  
chapter; 488

(b) The financial assistance for the project has been 489  
properly approved and requested by the district committee of the 490  
district which includes the recipient of the loan or grant; 491

(c) The amount of the financial assistance, when added to all 492  
other financial assistance provided during the fiscal year for 493  
projects within the district, does not exceed that district's 494  
allocation of money from the state capital improvements fund for 495  
that fiscal year; 496

(d) The district committee has provided such documentation 497  
and other evidence as the director may require that the district 498  
committee has satisfied the requirements of section 164.06 or 499  
164.14 of the Revised Code; 500

(e) The portion of a district's annual allocation which the 501  
director approves in the form of loans and local debt support and 502  
credit enhancements for eligible projects is consistent with 503  
divisions (E) and (F) of this section. 504

(2) Authorize payments to local subdivisions or their 505  
contractors for costs incurred for capital improvement projects 506  
which have been approved pursuant to this chapter. All requests 507  
for payments shall be submitted to the director on forms and in 508  
accordance with procedures specified in rules adopted by the 509  
director pursuant to division (A)(4) of this section. 510

(3) Retain the services of or employ financial consultants, 511  
engineers, accountants, attorneys, and such other employees as the 512  
director determines are necessary to carry out the director's 513  
duties under this chapter and fix the compensation for their 514  
services. From among these employees, the director shall appoint 515  
a deputy with the necessary qualifications to act as the director 516  
when the director is absent or temporarily unable to carry out the 517  
duties of office. 518

(4) Adopt rules establishing the procedures for making 519  
applications, reviewing, approving, and rejecting projects for 520  
which assistance is authorized under this chapter, and any other 521  
rules needed to implement the provisions of this chapter. Such 522  
rules shall be adopted under Chapter 119. of the Revised Code. 523

(5) Provide information and other assistance to local 524  
subdivisions and district public works integrating committees in 525  
developing their requests for financial assistance for capital 526  
improvements under this chapter and encourage cooperation and 527  
coordination of requests and the development of multisubdivision 528  
and multidistrict projects in order to maximize the benefits that 529  
may be derived by districts from each year's allocation; 530

(6) Require local subdivisions, to the extent practicable, to 531  
use Ohio products, materials, services, and labor in connection 532  
with any capital improvement project financed in whole or in part 533  
under this chapter; 534

(7) Notify the director of budget and management of all 535  
approved projects, and supply all information necessary to track 536  
approved projects through the state accounting system; 537

(8) Appoint the administrator of the Ohio small government 538  
capital improvements commission; 539

(9) Do all other acts, enter into contracts, and execute all 540  
instruments necessary or appropriate to carry out this chapter; 541

(10) Develop a standardized methodology for evaluating capital improvement needs which will be used by local subdivisions in preparing the plans required by division (C) of section 164.06 of the Revised Code. The director shall develop this methodology not later than July 1, 1991.

(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.

(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.

(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but

such a renegotiation may occur only one time with respect to any particular loan agreement. 574  
575

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share of the estimated cost of a capital improvement may consist of any of the following: 576  
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(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project; 584  
585  
586  
587

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project; 588  
589  
590

(3) Loans made to the local subdivision under this chapter; 591

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project. 592  
593

A local subdivision share of the cost of a capital improvement shall not include any amounts awarded to it from the local transportation improvement program fund created in section 164.14 of the Revised Code. 594  
595  
596  
597

(E) The following portion of a district public works integrating committee's annual allocation share pursuant to section 164.08 of the Revised Code may be awarded to subdivisions only in the form of interest-free, low-interest, market rate of interest, or blended-rate loans: 598  
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600  
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YEAR IN WHICH PORTION USED FOR 603

MONEYS ARE ALLOCATED	LOANS	604
Year 1	0%	605
Year 2	0%	606
Year 3	10%	607
Year 4	12%	608
Year 5	15%	609
Year 6	20%	610
Year 7, 8, 9, and 10	22%	611

(F) The following portion of a district public works  
integrating committee's annual allocation pursuant to section  
164.08 of the Revised Code shall be awarded to subdivisions in the  
form of local debt supported and credit enhancements:

	PORTIONS USED FOR	616
YEAR IN WHICH	LOCAL DEBT SUPPORT	617
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	618
Year 1	0%	619
Year 2	0%	620
Year 3	3%	621
Year 4	5%	622
Year 5	5%	623
Year 6	7%	624
Year 7	7%	625
Year 8	8%	626
Year 9	8%	627
Year 10	8%	628

(G) For the period commencing on March 29, 1988, and ending  
on June 30, 1993, for the period commencing July 1, 1993, and  
ending June 30, 1999, and for each five-year period thereafter,  
the total amount of financial assistance awarded under sections  
164.01 to 164.08 of the Revised Code for capital improvement  
projects located wholly or partially within a county shall be  
equal to at least thirty per cent of the amount of what the county  
would have been allocated from the obligations authorized to be

sold under this chapter during each period, if such amounts had 637  
been allocable to each county on a per capita basis. 638

(H) The amount of the annual allocations made pursuant to 639  
divisions (B)(1) and (5) of section 164.08 of the Revised Code 640  
which can be used for new or expanded infrastructure is limited as 641  
follows: 642

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION WHICH MAY BE USED FOR NEW OR EXPANSION INFRASTRUCTURE	643 644 645
Year 1	5%	646
Year 2	5%	647
Year 3	10%	648
Year 4	10%	649
Year 5	10%	650
Year 6	15%	651
Year 7	15%	652
Year 8	20%	653
Year 9	20%	654
Year 10 and each year thereafter	20%	655 656

(I) The following portion of a district public works 657  
integrating committee's annual allocation share pursuant to 658  
section 164.08 of the Revised Code shall be awarded to 659  
subdivisions in the form of interest-free, low-interest, market 660  
rate of interest, or blended-rate loans, or local debt support and 661  
credit enhancements: 662

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	663 664 665
Year 11 and each year thereafter	20%	666 667

(J) No project shall be approved under this section unless 668

the project is designed to have a useful life of at least seven 669  
years. In addition, the average useful life of all projects for 670  
which grants or loans are awarded in each district during a 671  
program year shall not be less than twenty years. 672

**Sec. 307.05.** As used in this section, "emergency medical 673  
service organization" has the same meaning as in section 4765.01 674  
of the Revised Code. 675

A board of county commissioners may operate an ambulance 676  
service organization or emergency medical service organization, 677  
or, in counties with a population of forty thousand or less, may 678  
operate a nonemergency patient transport service organization, or 679  
may enter into a contract with one or more counties, townships, 680  
municipal corporations, nonprofit corporations, joint emergency 681  
medical services districts, fire and ambulance districts, or 682  
private ambulance owners, regardless of whether such counties, 683  
townships, municipal corporations, nonprofit corporations, joint 684  
emergency medical services districts, fire and ambulance 685  
districts, or private ambulance owners are located within or 686  
without the state, in order to furnish or obtain the services of 687  
ambulance service organizations, to furnish or obtain additional 688  
services from ambulance service organizations in times of 689  
emergency, to furnish or obtain the services of emergency medical 690  
service organizations, or, in counties with a population of forty 691  
thousand or less, to furnish or obtain services of nonemergency 692  
patient transport service organizations, or may enter into a 693  
contract with any such entity to furnish or obtain the interchange 694  
of services from ambulance or emergency medical service 695  
organizations, or, within counties with a population of forty 696  
thousand or less, to furnish or obtain the interchange of services 697  
from nonemergency patient transport service organizations, within 698  
the territories of the contracting subdivisions. Except in the 699  
case of a contract with a joint emergency medical services 700

district to obtain the services of emergency medical service 701  
organizations, such contracts shall not be entered into with a 702  
public agency or nonprofit corporation that receives more than 703  
half of its operating funds from governmental entities with the 704  
intention of directly competing with the operation of other 705  
ambulance service organizations, nonemergency patient transport 706  
service organizations, or emergency medical service organizations 707  
in the county unless the public agency or nonprofit corporation is 708  
awarded the contract after submitting the lowest and best bid to 709  
the board of county commissioners. Any county wishing to commence 710  
operation of a nonemergency patient transport service organization 711  
or wishing to enter into a contract for the first time to furnish 712  
or obtain services from a nonemergency patient transport service 713  
organization on or after March 1, 1993, including a county in 714  
which a private provider has been providing the service, shall 715  
demonstrate the need for public funding for the service to, and 716  
obtain approval from, the state board of emergency medical, fire, 717  
and transportation services or its immediate successor board prior 718  
to operating or funding the organization. 719

When such an organization is operated by the board, the 720  
organization may be administered by the board, by the county 721  
sheriff, or by another county officer or employee designated by 722  
the board. All rules, including the determining of reasonable 723  
rates, necessary for the establishment, operation, and maintenance 724  
of such an organization shall be adopted by the board. 725

A contract for services of an ambulance service, nonemergency 726  
patient transport service, or emergency medical service 727  
organization shall include the terms, conditions, and stipulations 728  
as agreed to by the parties to the contract. It may provide for a 729  
fixed annual charge to be paid at the times agreed upon and 730  
stipulated in the contract, or for compensation based upon a 731  
stipulated price for each run, call, or emergency or the number of 732



persons or pieces of apparatus employed, or the elapsed time of 733  
service required in such run, call, or emergency, or any 734  
combination thereof. 735

**Sec. 307.051.** As used in this section, "emergency medical 736  
service organization" has the same meaning as in section 4766.01 737  
of the Revised Code. 738

A board of county commissioners, by adoption of an 739  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 740  
emergency medical, fire, and transportation board services license 741  
any emergency medical service organization it operates. If a board 742  
adopts such a resolution, Chapter 4766. of the Revised Code, 743  
except for sections 4766.06 and 4766.99 of the Revised Code, 744  
applies to the county emergency medical service organization. All 745  
rules adopted under the applicable sections of that chapter also 746  
apply to the organization. A board, by adoption of an appropriate 747  
resolution, may remove its emergency medical service organization 748  
from the jurisdiction of the ~~Ohio~~ state board of emergency 749  
medical, fire, and transportation board services. 750

**Sec. 307.055.** (A) Subject to the terms and conditions of the 751  
joint resolution creating it, each joint emergency medical 752  
services district may furnish ambulance services and emergency 753  
medical services by one of the following methods: 754

(1) By operating an emergency medical service organization as 755  
defined in section 4765.01 of the Revised Code; 756

(2) By contracting for the operation of one or more 757  
facilities pursuant to division (C) or (D) of this section; 758

(3) By providing necessary services and equipment to the 759  
district either directly or under a contract entered into pursuant 760  
to division (B) of this section; 761

(4) By providing service through any combination of methods 762

described in divisions (A)(1) to (3) of this section. 763

(B) In order to obtain ambulance service, to obtain 764  
additional ambulance service in times of emergency, or to obtain 765  
emergency medical services, a joint emergency medical services 766  
district may enter into a contract, for a period not to exceed 767  
three years, with one or more counties, townships, municipal 768  
corporations, joint fire districts, other governmental units that 769  
provide ambulance service or emergency medical services, nonprofit 770  
corporations, or private ambulance owners, regardless of whether 771  
the entities contracted with are located within or outside this 772  
state, upon such terms as are agreed to, to furnish or receive 773  
ambulance services or the interchange of ambulance services or 774  
emergency medical services within the several territories of the 775  
contracting subdivisions, if the contract is first authorized by 776  
all boards of trustees and legislative authorities in the 777  
territories to be served. 778

Such a contract may provide for a fixed annual charge to be 779  
paid at the times agreed upon and stipulated in the contract; or 780  
for compensation based on a stipulated price for each run, call, 781  
or emergency or based on the elapsed time of service required for 782  
each run, call, or emergency, or based on any combination of 783  
these. 784

Expenditures of a district for ambulance service or emergency 785  
medical service, whether pursuant to contract or otherwise, are 786  
lawful expenditures, regardless of whether the district or the 787  
party with which it contracts charges an additional fee to users 788  
of the service. 789

(C) The board of trustees may enter into a contract with any 790  
person, municipal corporation, township, or other political 791  
subdivision, and any political subdivision may contract with the 792  
board, for the operation and maintenance of emergency medical 793  
services facilities regardless of whether the facilities used are 794

owned or leased by the district, by another political subdivision, 795  
or by the contractor. 796

(D) The district may purchase, lease, and maintain all 797  
materials, buildings, land, and equipment, including vehicles, the 798  
board considers necessary for the district. 799

When the board finds, by resolution, that the district has 800  
personal property that is not needed for public use, or is 801  
obsolete or unfit for the use for which it was acquired, the board 802  
may dispose of the property in the same manner as provided in 803  
section 307.12 of the Revised Code. 804

(E) Except in the case of a contract with a board of county 805  
commissioners for the provision of services of an emergency 806  
medical service organization, any contract entered into by a joint 807  
emergency medical services district shall conform to the same 808  
bidding requirements that apply to county contracts under sections 809  
307.86 to 307.92 of the Revised Code. 810

(F) A county participating in a joint district may contribute 811  
any of its rights or interests in real or personal property, 812  
including money, and may contribute services to the district. Any 813  
such contributions shall be made by a written agreement between 814  
the contributing county and the district, specifying the 815  
contribution as well as the rights of the participating counties 816  
in the contributed property. Written agreements shall also be 817  
prepared specifying the rights of participating counties in 818  
property acquired by the district other than by contribution of a 819  
participating county. Written agreements required by this division 820  
may be amended only by written agreement of all parties to the 821  
original agreement. 822

(G) A district's board of trustees, by adoption of an 823  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 824  
emergency medical, fire, and transportation ~~board~~ services license 825

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

**Sec. 505.37.** (A) The board of township trustees may establish 835  
all necessary rules to guard against the occurrence of fires and 836  
to protect the property and lives of the citizens against damage 837  
and accidents, and may, with the approval of the specifications by 838  
the prosecuting attorney or, if the township has adopted limited 839  
home rule government under Chapter 504. of the Revised Code, with 840  
the approval of the specifications by the township's law director, 841  
purchase, lease, lease with an option to purchase, or otherwise 842  
provide any fire apparatus, mechanical resuscitators, or other 843  
equipment, appliances, materials, fire hydrants, and water supply 844  
for fire-fighting purposes that seems advisable to the board. The 845  
board shall provide for the care and maintenance of fire 846  
equipment, and, for these purposes, may purchase, lease, lease 847  
with an option to purchase, or construct and maintain necessary 848  
buildings, and it may establish and maintain lines of fire-alarm 849  
communications within the limits of the township. The board may 850  
employ one or more persons to maintain and operate fire-fighting 851  
equipment, or it may enter into an agreement with a volunteer fire 852  
company for the use and operation of fire-fighting equipment. The 853  
board may compensate the members of a volunteer fire company on 854  
any basis and in any amount that it considers equitable. 855

When the estimated cost to purchase fire apparatus, 856  
857

mechanical resuscitators, other equipment, appliances, materials, 858  
fire hydrants, buildings, or fire-alarm communications equipment 859  
or services exceeds fifty thousand dollars, the contract shall be 860  
let by competitive bidding. When competitive bidding is required, 861  
the board shall advertise once a week for not less than two 862  
consecutive weeks in a newspaper of general circulation within the 863  
township. The board may also cause notice to be inserted in trade 864  
papers or other publications designated by it or to be distributed 865  
by electronic means, including posting the notice on the board's 866  
internet web site. If the board posts the notice on its web site, 867  
it may eliminate the second notice otherwise required to be 868  
published in a newspaper of general circulation within the 869  
township, provided that the first notice published in such 870  
newspaper meets all of the following requirements: 871

(1) It is published at least two weeks before the opening of 872  
bids. 873

(2) It includes a statement that the notice is posted on the 874  
board's internet web site. 875

(3) It includes the internet address of the board's internet 876  
web site. 877

(4) It includes instructions describing how the notice may be 878  
accessed on the board's internet web site. 879

The advertisement shall include the time, date, and place 880  
where the clerk of the township, or the clerk's designee, will 881  
read bids publicly. The time, date, and place of bid openings may 882  
be extended to a later date by the board of township trustees, 883  
provided that written or oral notice of the change shall be given 884  
to all persons who have received or requested specifications not 885  
later than ninety-six hours prior to the original time and date 886  
fixed for the opening. The board may reject all the bids or accept 887  
the lowest and best bid, provided that the successful bidder meets 888

the requirements of section 153.54 of the Revised Code when the 889  
contract is for the construction, demolition, alteration, repair, 890  
or reconstruction of an improvement. 891

(B) The boards of township trustees of any two or more 892  
townships, or the legislative authorities of any two or more 893  
political subdivisions, or any combination of these, may, through 894  
joint action, unite in the joint purchase, lease, lease with an 895  
option to purchase, maintenance, use, and operation of 896  
fire-fighting equipment, or for any other purpose designated in 897  
sections 505.37 to 505.42 of the Revised Code, and may prorate the 898  
expense of the joint action on any terms that are mutually agreed 899  
upon. 900

(C) The board of township trustees of any township may, by 901  
resolution, whenever it is expedient and necessary to guard 902  
against the occurrence of fires or to protect the property and 903  
lives of the citizens against damages resulting from their 904  
occurrence, create a fire district of any portions of the township 905  
that it considers necessary. The board may purchase, lease, lease 906  
with an option to purchase, or otherwise provide any fire 907  
apparatus, appliances, materials, fire hydrants, and water supply 908  
for fire-fighting purposes, or may contract for the fire 909  
protection for the fire district as provided in section 9.60 of 910  
the Revised Code. The fire district so created shall be given a 911  
separate name by which it shall be known. 912

Additional unincorporated territory of the township may be 913  
added to a fire district upon the board's adoption of a resolution 914  
authorizing the addition. A municipal corporation that is within 915  
or adjoining the township may be added to a fire district upon the 916  
board's adoption of a resolution authorizing the addition and the 917  
municipal legislative authority's adoption of a resolution or 918  
ordinance requesting the addition of the municipal corporation to 919  
the fire district. 920

If the township fire district imposes a tax, additional 921  
unincorporated territory of the township or a municipal 922  
corporation that is within or adjoining the township shall become 923  
part of the fire district only after all of the following have 924  
occurred: 925

(1) Adoption by the board of township trustees of a 926  
resolution approving the expansion of the territorial limits of 927  
the district and, if the resolution proposes to add a municipal 928  
corporation, adoption by the municipal legislative authority of a 929  
resolution or ordinance requesting the addition of the municipal 930  
corporation to the district; 931

(2) Adoption by the board of township trustees of a 932  
resolution recommending the extension of the tax to the additional 933  
territory; 934

(3) Approval of the tax by the electors of the territory 935  
proposed for addition to the district. 936

Each resolution of the board adopted under division (C)(2) of 937  
this section shall state the name of the fire district, a 938  
description of the territory to be added, and the rate and 939  
termination date of the tax, which shall be the rate and 940  
termination date of the tax currently in effect in the fire 941  
district. 942

The board of trustees shall certify each resolution adopted 943  
under division (C)(2) of this section to the board of elections in 944  
accordance with section 5705.19 of the Revised Code. The election 945  
required under division (C)(3) of this section shall be held, 946  
canvassed, and certified in the manner provided for the submission 947  
of tax levies under section 5705.25 of the Revised Code, except 948  
that the question appearing on the ballot shall read: 949

"Shall the territory within ..... 950  
(description of the proposed territory to be added) be added to 951

..... (name) fire district, and a property tax 952  
at a rate of taxation not exceeding ..... (here insert tax rate) 953  
be in effect for ..... (here insert the number of years the 954  
tax is to be in effect or "a continuing period of time," as 955  
applicable)?" 956

If the question is approved by at least a majority of the 957  
electors voting on it, the joinder shall be effective as of the 958  
first day of July of the year following approval, and on that 959  
date, the township fire district tax shall be extended to the 960  
taxable property within the territory that has been added. If the 961  
territory that has been added is a municipal corporation and if it 962  
had adopted a tax levy for fire purposes, the levy is terminated 963  
on the effective date of the joinder. 964

Any municipal corporation may withdraw from a township fire 965  
district created under division (C) of this section by the 966  
adoption by the municipal legislative authority of a resolution or 967  
ordinance ordering withdrawal. On the first day of July of the 968  
year following the adoption of the resolution or ordinance of 969  
withdrawal, the municipal corporation withdrawing ceases to be a 970  
part of the district, and the power of the fire district to levy a 971  
tax upon taxable property in the withdrawing municipal corporation 972  
terminates, except that the fire district shall continue to levy 973  
and collect taxes for the payment of indebtedness within the 974  
territory of the fire district as it was composed at the time the 975  
indebtedness was incurred. 976

Upon the withdrawal of any municipal corporation from a 977  
township fire district created under division (C) of this section, 978  
the county auditor shall ascertain, apportion, and order a 979  
division of the funds on hand, moneys and taxes in the process of 980  
collection except for taxes levied for the payment of 981  
indebtedness, credits, and real and personal property, either in 982  
money or in kind, on the basis of the valuation of the respective 983



tax duplicates of the withdrawing municipal corporation and the 984  
remaining territory of the fire district. 985

A board of township trustees may remove unincorporated 986  
territory of the township from the fire district upon the adoption 987  
of a resolution authorizing the removal. On the first day of July 988  
of the year following the adoption of the resolution, the 989  
unincorporated township territory described in the resolution 990  
ceases to be a part of the district, and the power of the fire 991  
district to levy a tax upon taxable property in that territory 992  
terminates, except that the fire district shall continue to levy 993  
and collect taxes for the payment of indebtedness within the 994  
territory of the fire district as it was composed at the time the 995  
indebtedness was incurred. 996

(D) The board of township trustees of any township, the board 997  
of fire district trustees of a fire district created under section 998  
505.371 of the Revised Code, or the legislative authority of any 999  
municipal corporation may purchase, lease, or lease with an option 1000  
to purchase the necessary fire-fighting equipment, buildings, and 1001  
sites for the township, fire district, or municipal corporation 1002  
and issue securities for that purpose with maximum maturities as 1003  
provided in section 133.20 of the Revised Code. The board of 1004  
township trustees, board of fire district trustees, or legislative 1005  
authority may also construct any buildings necessary to house 1006  
fire-fighting equipment and issue securities for that purpose with 1007  
maximum maturities as provided in section 133.20 of the Revised 1008  
Code. 1009

The board of township trustees, board of fire district 1010  
trustees, or legislative authority may issue the securities of the 1011  
township, fire district, or municipal corporation, signed by the 1012  
board or designated officer of the municipal corporation and 1013  
attested by the signature of the township fiscal officer, fire 1014  
district clerk, or municipal clerk, covering any deferred payments 1015

and payable at the times provided, which securities shall bear 1016  
interest not to exceed the rate determined as provided in section 1017  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 1018  
of the Revised Code. The legislation authorizing the issuance of 1019  
the securities shall provide for levying and collecting annually 1020  
by taxation, amounts sufficient to pay the interest on and 1021  
principal of the securities. The securities shall be offered for 1022  
sale on the open market or given to the vendor or contractor if no 1023  
sale is made. 1024

Section 505.40 of the Revised Code does not apply to any 1025  
securities issued, or any lease with an option to purchase entered 1026  
into, in accordance with this division. 1027

(E) A board of township trustees of any township or a board 1028  
of fire district trustees of a fire district created under section 1029  
505.371 of the Revised Code may purchase a policy or policies of 1030  
liability insurance for the officers, employees, and appointees of 1031  
the fire department, fire district, or joint fire district 1032  
governed by the board that includes personal injury liability 1033  
coverage as to the civil liability of those officers, employees, 1034  
and appointees for false arrest, detention, or imprisonment, 1035  
malicious prosecution, libel, slander, defamation or other 1036  
violation of the right of privacy, wrongful entry or eviction, or 1037  
other invasion of the right of private occupancy, arising out of 1038  
the performance of their duties. 1039

When a board of township trustees cannot, by deed of gift or 1040  
by purchase and upon terms it considers reasonable, procure land 1041  
for a township fire station that is needed in order to respond in 1042  
reasonable time to a fire or medical emergency, the board may 1043  
appropriate land for that purpose under sections 163.01 to 163.22 1044  
of the Revised Code. If it is necessary to acquire additional 1045  
adjacent land for enlarging or improving the fire station, the 1046  
board may purchase, appropriate, or accept a deed of gift for the 1047

land for these purposes. 1048

(F) As used in this division, "emergency medical service 1049  
organization" has the same meaning as in section 4766.01 of the 1050  
Revised Code. 1051

A board of township trustees, by adoption of an appropriate 1052  
resolution, may choose to have the ~~Ohio~~ state board of emergency 1053  
medical, fire, and transportation board services license any 1054  
emergency medical service organization it operates. If the board 1055  
adopts such a resolution, Chapter 4766. of the Revised Code, 1056  
except for sections 4766.06 and 4766.99 of the Revised Code, 1057  
applies to the organization. All rules adopted under the 1058  
applicable sections of that chapter also apply to the 1059  
organization. A board of township trustees, by adoption of an 1060  
appropriate resolution, may remove its emergency medical service 1061  
organization from the jurisdiction of the ~~Ohio~~ state board of 1062  
emergency medical, fire, and transportation board services. 1063

**Sec. 505.375.** (A)(1)(a) The boards of township trustees of 1064  
one or more townships and the legislative authorities of one or 1065  
more municipal corporations, or the legislative authorities of two 1066  
or more municipal corporations, or the boards of township trustees 1067  
of two or more townships, may negotiate an agreement to form a 1068  
fire and ambulance district for the delivery of both fire and 1069  
ambulance services. The agreement shall be ratified by the 1070  
adoption of a joint resolution by a majority of the members of 1071  
each board of township trustees involved and a majority of the 1072  
members of the legislative authority of each municipal corporation 1073  
involved. The joint resolution shall specify a date on which the 1074  
fire and ambulance district shall come into being. 1075

(b) If a joint fire district created under section 505.371 of 1076  
the Revised Code or a joint ambulance district created under 1077  
section 505.71 of the Revised Code is dissolved to facilitate the 1078

creation of a fire and ambulance district under division (A)(1)(a) 1079  
of this section, the townships and municipal corporations forming 1080  
the fire and ambulance district may transfer to the fire and 1081  
ambulance district any of the funds on hand, moneys and taxes in 1082  
the process of collection, credits, and real and personal property 1083  
apportioned to them under division (D) of section 505.371 of the 1084  
Revised Code or section 505.71 of the Revised Code, as applicable, 1085  
for use by the fire and ambulance district in accordance with this 1086  
section. 1087

(2)(a) The board of trustees of a joint ambulance district 1088  
created under section 505.71 of the Revised Code and the board of 1089  
fire district trustees of a joint fire district created under 1090  
section 505.371 of the Revised Code may negotiate to combine their 1091  
two joint districts into a single fire and ambulance district for 1092  
the delivery of both fire and ambulance services, if the 1093  
geographic area covered by the combining joint districts is 1094  
exactly the same. Both boards shall adopt a joint resolution 1095  
ratifying the agreement and setting a date on which the fire and 1096  
ambulance district shall come into being. 1097

(b) On that date, the joint fire district and the joint 1098  
ambulance district shall cease to exist, and the power of each to 1099  
levy a tax upon taxable property shall terminate, except that any 1100  
levy of a tax for the payment of indebtedness within the territory 1101  
of the joint fire or joint ambulance district as it was composed 1102  
at the time the indebtedness was incurred shall continue to be 1103  
collected by the successor fire and ambulance district if the 1104  
indebtedness remains unpaid. All funds and other property of the 1105  
joint districts shall become the property of the fire and 1106  
ambulance district, unless otherwise provided in the negotiated 1107  
agreement. The agreement shall provide for the settlement of all 1108  
debts and obligations of the joint districts. 1109

(B)(1) The governing body of a fire and ambulance district 1110

created under division (A)(1) or (2) of this section shall be a 1111  
board of trustees of at least three but no more than nine members, 1112  
appointed as provided in the agreement creating the district. 1113  
Members of the board may be compensated at a rate not to exceed 1114  
thirty dollars per meeting for not more than fifteen meetings per 1115  
year, and may be reimbursed for all necessary expenses incurred, 1116  
as provided in the agreement creating the district. 1117

(2) The board shall employ a clerk and other employees as it 1118  
considers best, including a fire chief or fire prevention 1119  
officers, and shall fix their compensation. Neither this section 1120  
nor any other section of the Revised Code requires, or shall be 1121  
construed to require, that the fire chief of a fire and ambulance 1122  
district be a resident of the district. 1123

Before entering upon the duties of office, the clerk shall 1124  
execute a bond, in the amount and with surety to be approved by 1125  
the board, payable to the state, conditioned for the faithful 1126  
performance of all of the clerk's official duties. The clerk shall 1127  
deposit the bond with the presiding officer of the board, who 1128  
shall file a copy of it, certified by the presiding officer, with 1129  
the county auditor of the county containing the most territory in 1130  
the district. 1131

The board also shall provide for the appointment of a fiscal 1132  
officer for the district and may enter into agreements with 1133  
volunteer fire companies for the use and operation of 1134  
fire-fighting equipment. Volunteer firefighters acting under such 1135  
an agreement are subject to the requirements for volunteer 1136  
firefighters set forth in division (A) of section 505.38 of the 1137  
Revised Code. 1138

(3) Employees of the district shall not be removed from 1139  
office except as provided by sections 733.35 to 733.39 of the 1140  
Revised Code, except that, to initiate removal proceedings, the 1141  
board shall designate a private citizen or, if the employee is 1142

employed as a firefighter, the board may designate the fire chief, 1143  
to investigate, conduct the proceedings, and prepare the necessary 1144  
charges in conformity with those sections, and except that the 1145  
board shall perform the functions and duties specified for the 1146  
municipal legislative authority under those sections. The board 1147  
may pay reasonable compensation to any private citizen hired for 1148  
services rendered in the matter. 1149

(4) No person shall be appointed as a permanent full-time 1150  
paid member of the district whose duties include fire fighting, or 1151  
be appointed as a volunteer firefighter, unless that person has 1152  
received a certificate issued under former section 3303.07 or 1153  
section 4765.55 of the Revised Code evidencing satisfactory 1154  
completion of a firefighter training program. The board may send 1155  
its officers and firefighters to schools of instruction designed 1156  
to promote the efficiency of firefighters and, if authorized in 1157  
advance, may pay their necessary expenses from the funds used for 1158  
the maintenance and operation of the district. 1159

The board may choose, by adoption of an appropriate 1160  
resolution, to have the Ohio state board of emergency medical, 1161  
fire, and transportation board services license any emergency 1162  
medical service organization it operates. If the board adopts such 1163  
a resolution, Chapter 4766. of the Revised Code, except for 1164  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 1165  
organization. All rules adopted under the applicable sections of 1166  
that chapter also apply to the organization. The board may remove, 1167  
by resolution, its emergency medical service organization from the 1168  
jurisdiction of the Ohio state board of emergency medical, fire, 1169  
and transportation board services. 1170

(C) The board of trustees of a fire and ambulance district 1171  
created under division (A)(1) or (2) of this section may exercise 1172  
the following powers: 1173

(1) Purchase or otherwise provide any fire apparatus, 1174

mechanical resuscitators, or other fire or ambulance equipment, 1175  
appliances, or materials; fire hydrants; and water supply for 1176  
firefighting purposes that seems advisable to the board; 1177

(2) Provide for the care and maintenance of equipment and, 1178  
for that purpose, purchase, lease, lease with an option to 1179  
purchase, or construct and maintain necessary buildings; 1180

(3) Establish and maintain lines of fire-alarm communications 1181  
within the limits of the district; 1182

(4) Appropriate land for a fire station or medical emergency 1183  
unit needed in order to respond in reasonable time to a fire or 1184  
medical emergency, in accordance with Chapter 163. of the Revised 1185  
Code; 1186

(5) Purchase, appropriate, or accept a deed or gift of land 1187  
to enlarge or improve a fire station or medical emergency unit; 1188

(6) Purchase, lease, lease with an option to purchase, 1189  
maintain, and use all materials, equipment, vehicles, buildings, 1190  
and land necessary to perform its duties; 1191

(7) Contract for a period not to exceed three years with one 1192  
or more townships, municipal corporations, counties, joint fire 1193  
districts, joint ambulance districts, governmental agencies, 1194  
nonprofit corporations, or private ambulance owners located either 1195  
within or outside the state, to furnish or receive ambulance 1196  
services or emergency medical services within the several 1197  
territories of the contracting parties, if the contract is first 1198  
authorized by all boards of trustees and legislative authorities 1199  
concerned; 1200

(8) Establish reasonable charges for the use of ambulance or 1201  
emergency medical services under the same conditions under which a 1202  
board of fire district trustees may establish those charges under 1203  
section 505.371 of the Revised Code; 1204

(9) Establish all necessary rules to guard against the 1205  
occurrence of fires and to protect property and lives against 1206  
damage and accidents; 1207

(10) Adopt a standard code pertaining to fire, fire hazards, 1208  
and fire prevention prepared and promulgated by the state or by a 1209  
public or private organization that publishes a model or standard 1210  
code; 1211

(11) Provide for charges for false alarms at commercial 1212  
establishments in the same manner as joint fire districts are 1213  
authorized to do under section 505.391 of the Revised Code; 1214

(12) Issue bonds and other evidences of indebtedness, subject 1215  
to Chapter 133. of the Revised Code, but only after approval by a 1216  
vote of the electors of the district as provided by section 133.18 1217  
of the Revised Code; 1218

(13) To provide the services and equipment it considers 1219  
necessary, levy a sufficient tax, subject to Chapter 5705. of the 1220  
Revised Code, on all the taxable property in the district. 1221

(D) Any municipal corporation or township may join an 1222  
existing fire and ambulance district, whether created under 1223  
division (A)(1) or (2) of this section, by its legislative 1224  
authority's adoption of a resolution requesting the membership and 1225  
upon approval of the board of trustees of the district. Any 1226  
municipal corporation or township may withdraw from a district, 1227  
whether created under division (A)(1) or (2) of this section, by 1228  
its legislative authority's adoption of a resolution ordering 1229  
withdrawal. Upon its withdrawal, the municipal corporation or 1230  
township ceases to be a part of the district, and the district's 1231  
power to levy a tax on taxable property in the withdrawing 1232  
township or municipal corporation terminates, except that the 1233  
district shall continue to levy and collect taxes for the payment 1234  
of indebtedness within the territory of the district as it was 1235



composed at the time the indebtedness was incurred. 1236

Upon the withdrawal of any township or municipal corporation 1237  
from a district, the county auditor of the county containing the 1238  
most territory in the district shall ascertain, apportion, and 1239  
order a division of the funds on hand, including funds in the 1240  
ambulance and emergency medical services fund, moneys and taxes in 1241  
the process of collection, except for taxes levied for the payment 1242  
of indebtedness, credits, and real and personal property on the 1243  
basis of the valuation of the respective tax duplicates of the 1244  
withdrawing municipal corporation or township and the remaining 1245  
territory of the district. 1246

(E) As used in this section: 1247

(1) "Governmental agency" includes all departments, boards, 1248  
offices, commissions, agencies, colleges, universities, 1249  
institutions, and other instrumentalities of this or another 1250  
state. 1251

(2) "Emergency medical service organization" has the same 1252  
meaning as in section 4766.01 of the Revised Code. 1253

**Sec. 505.44.** As used in this section: 1254

(A) "Emergency medical service organization" has the same 1255  
meaning as in section 4765.01 of the Revised Code. 1256

(B) "State agency" means all departments, boards, offices, 1257  
commissions, agencies, colleges, universities, institutions, and 1258  
other instrumentalities of this or another state. 1259

In order to obtain the services of ambulance service 1260  
organizations, to obtain additional services from ambulance 1261  
service organizations in times of emergency, to obtain the 1262  
services of emergency medical service organizations, or, if the 1263  
township is located in a county with a population of forty 1264  
thousand or less, to obtain the services of nonemergency patient 1265

transport service organizations, a township may enter into a 1266  
contract with one or more state agencies, townships, municipal 1267  
corporations, counties, nonprofit corporations, joint emergency 1268  
medical services districts, fire and ambulance districts, or 1269  
private ambulance owners, regardless of whether such state 1270  
agencies, townships, municipal corporations, counties, nonprofit 1271  
corporations, joint emergency medical services districts, fire and 1272  
ambulance districts, or private ambulance owners are located 1273  
within or outside the state, upon such terms as are agreed to by 1274  
them, to furnish or receive services from ambulance or emergency 1275  
medical service organizations or, if the township is located in a 1276  
county with a population of forty thousand or less, to furnish or 1277  
receive services from nonemergency patient transport service 1278  
organizations, or may enter into a contract for the interchange of 1279  
services from ambulance or emergency medical service organizations 1280  
or, if the township is located in a county with a population of 1281  
forty thousand or less, the interchange of services from 1282  
nonemergency patient transport service organizations, within the 1283  
several territories of the contracting parties, if the contract is 1284  
first authorized by the respective boards of township trustees, 1285  
the other legislative bodies, or the officer or body authorized to 1286  
contract on behalf of the state agency. Such contracts shall not 1287  
be entered into with a state agency or nonprofit corporation that 1288  
receives more than half of its operating funds from governmental 1289  
entities with the intention of directly competing with the 1290  
operation of other ambulance, emergency medical, or nonemergency 1291  
patient transport service organizations in the township unless the 1292  
state agency or nonprofit corporation is awarded the contract 1293  
after submitting the lowest and best bid to the board of township 1294  
trustees. 1295

The contract may provide for compensation upon such terms as 1296  
the parties may agree. 1297

Any township wishing to commence providing or wishing to 1298  
enter into a contract for the first time to furnish or obtain 1299  
services from nonemergency patient transport service organizations 1300  
on or after March 1, 1993, including a township in which a private 1301  
provider has been providing the service, shall demonstrate the 1302  
need for public funding for the service to, and obtain approval 1303  
from, the state board of emergency medical, fire, and 1304  
transportation services or its immediate successor board prior to 1305  
the establishment of a township-operated or township-funded 1306  
service. 1307

**Sec. 505.72.** (A) The board of trustees of a joint ambulance 1308  
district shall provide for the employment of such employees as it 1309  
considers best, and shall fix their compensation. Such employees 1310  
shall continue in office until removed as provided by sections 1311  
733.35 to 733.39 of the Revised Code. To initiate removal 1312  
proceedings, and for such purpose, the board shall designate a 1313  
private citizen to investigate the conduct and prepare the 1314  
necessary charges in conformity with sections 733.35 to 733.39 of 1315  
the Revised Code. The board may pay reasonable compensation to 1316  
such person for the person's services. 1317

In case of the removal of an employee of the district, an 1318  
appeal may be had from the decision of the board to the court of 1319  
common pleas of the county in which such district, or part of it, 1320  
is situated, to determine the sufficiency of the cause of removal. 1321  
Such appeal from the findings of the board shall be taken within 1322  
ten days. 1323

(B) As used in this division, "emergency medical service 1324  
organization" has the same meaning as in section 4765.01 of the 1325  
Revised Code. 1326

(1) In order to obtain the services of ambulance service 1327  
organizations, to obtain additional services from ambulance 1328

service organizations in times of emergency, or to obtain the 1329  
services of emergency medical service organizations, a district 1330  
may enter into a contract, for a period not to exceed three years, 1331  
with one or more townships, municipal corporations, joint fire 1332  
districts, nonprofit corporations, any other governmental unit 1333  
that provides ambulance services or emergency medical services, or 1334  
with private ambulance owners, regardless of whether such 1335  
townships, municipal corporations, joint fire districts, nonprofit 1336  
corporations, governmental unit, or private ambulance owners are 1337  
located within or without this state, upon such terms as are 1338  
agreed to, to furnish or receive services from ambulance or 1339  
emergency medical service organizations or the interchange of 1340  
services from ambulance or emergency medical service organizations 1341  
within the several territories of the contracting subdivisions, if 1342  
such contract is first authorized by all boards of trustees and 1343  
legislative authorities concerned. 1344

The contract may provide for a fixed annual charge to be paid 1345  
at the times agreed upon and stipulated in the contract, or for 1346  
compensation based upon a stipulated price for each run, call, or 1347  
emergency, or the elapsed time of service required in such run, 1348  
call, or emergency, or any combination thereof. 1349

(2) Expenditures of a district for the services of ambulance 1350  
service organizations or emergency medical service organizations, 1351  
whether pursuant to contract or otherwise, are lawful 1352  
expenditures, regardless of whether the district or the party with 1353  
which it contracts charges additional fees to users of the 1354  
services. 1355

(3) A district's board of trustees, by adoption of an 1356  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 1357  
emergency medical, fire, and transportation board services license 1358  
any emergency medical service organization the district operates. 1359  
If a board adopts such a resolution, Chapter 4766. of the Revised 1360

Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1361  
applies to the district emergency medical service organization. 1362  
All rules adopted under the applicable sections of that chapter 1363  
also apply to the organization. A board, by adoption of an 1364  
appropriate resolution, may remove the district emergency medical 1365  
service organization from the jurisdiction of the ~~Ohio~~ state board 1366  
of emergency medical, fire, and transportation board services. 1367

(C) Ambulance services or emergency medical services rendered 1368  
for a joint ambulance district under this section and section 1369  
505.71 of the Revised Code shall be deemed services of the 1370  
district. These sections do not authorize suits against a district 1371  
or any township or municipal corporation providing or receiving, 1372  
or contracting to provide or receive, such services under these 1373  
sections for damages for injury or loss to persons or property or 1374  
for wrongful death caused by persons providing such services. 1375

**Sec. 718.01.** (A) As used in this chapter: 1376

(1) "Adjusted federal taxable income" means a C corporation's 1377  
federal taxable income before net operating losses and special 1378  
deductions as determined under the Internal Revenue Code, adjusted 1379  
as follows: 1380

(a) Deduct intangible income to the extent included in 1381  
federal taxable income. The deduction shall be allowed regardless 1382  
of whether the intangible income relates to assets used in a trade 1383  
or business or assets held for the production of income. 1384

(b) Add an amount equal to five per cent of intangible income 1385  
deducted under division (A)(1)(a) of this section, but excluding 1386  
that portion of intangible income directly related to the sale, 1387  
exchange, or other disposition of property described in section 1388  
1221 of the Internal Revenue Code; 1389

(c) Add any losses allowed as a deduction in the computation 1390

of federal taxable income if the losses directly relate to the 1391  
sale, exchange, or other disposition of an asset described in 1392  
section 1221 or 1231 of the Internal Revenue Code; 1393

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 1394  
section, deduct income and gain included in federal taxable income 1395  
to the extent the income and gain directly relate to the sale, 1396  
exchange, or other disposition of an asset described in section 1397  
1221 or 1231 of the Internal Revenue Code; 1398

(ii) Division (A)(1)(d)(i) of this section does not apply to 1399  
the extent the income or gain is income or gain described in 1400  
section 1245 or 1250 of the Internal Revenue Code. 1401

(e) Add taxes on or measured by net income allowed as a 1402  
deduction in the computation of federal taxable income; 1403

(f) In the case of a real estate investment trust and 1404  
regulated investment company, add all amounts with respect to 1405  
dividends to, distributions to, or amounts set aside for or 1406  
credited to the benefit of investors and allowed as a deduction in 1407  
the computation of federal taxable income; 1408

(g) Deduct, to the extent not otherwise deducted or excluded 1409  
in computing federal taxable income, any income ~~derived from~~ 1410  
~~providing public services under a contract through a project owned~~ 1411  
~~by the state, as described in section 126.604 of the Revised Code~~ 1412  
~~or~~ derived from a transfer agreement or from the enterprise 1413  
transferred under that agreement under section 4313.02 of the 1414  
Revised Code. 1415

If the taxpayer is not a C corporation and is not an 1416  
individual, the taxpayer shall compute adjusted federal taxable 1417  
income as if the taxpayer were a C corporation, except guaranteed 1418  
payments and other similar amounts paid or accrued to a partner, 1419  
former partner, member, or former member shall not be allowed as a 1420  
deductible expense; amounts paid or accrued to a qualified 1421

self-employed retirement plan with respect to an owner or 1422  
owner-employee of the taxpayer, amounts paid or accrued to or for 1423  
health insurance for an owner or owner-employee, and amounts paid 1424  
or accrued to or for life insurance for an owner or owner-employee 1425  
shall not be allowed as a deduction. 1426

Nothing in division (A)(1) of this section shall be construed 1427  
as allowing the taxpayer to add or deduct any amount more than 1428  
once or shall be construed as allowing any taxpayer to deduct any 1429  
amount paid to or accrued for purposes of federal self-employment 1430  
tax. 1431

Nothing in this chapter shall be construed as limiting or 1432  
removing the ability of any municipal corporation to administer, 1433  
audit, and enforce the provisions of its municipal income tax. 1434

(2) "Internal Revenue Code" means the Internal Revenue Code 1435  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 1436

(3) "Schedule C" means internal revenue service schedule C 1437  
filed by a taxpayer pursuant to the Internal Revenue Code. 1438

(4) "Form 2106" means internal revenue service form 2106 1439  
filed by a taxpayer pursuant to the Internal Revenue Code. 1440

(5) "Intangible income" means income of any of the following 1441  
types: income yield, interest, capital gains, dividends, or other 1442  
income arising from the ownership, sale, exchange, or other 1443  
disposition of intangible property including, but not limited to, 1444  
investments, deposits, money, or credits as those terms are 1445  
defined in Chapter 5701. of the Revised Code, and patents, 1446  
copyrights, trademarks, tradenames, investments in real estate 1447  
investment trusts, investments in regulated investment companies, 1448  
and appreciation on deferred compensation. "Intangible income" 1449  
does not include prizes, awards, or other income associated with 1450  
any lottery winnings or other similar games of chance. 1451

(6) "S corporation" means a corporation that has made an 1452

election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit required to be reported on schedule C, schedule E, or schedule F, other than any amount allowed as a deduction under division (E)(2) or (3) of this section or amounts described in division (H) of this section.

(8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (L) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:

(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;

(b) A municipal corporation acting as the agent of another municipal corporation; and

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



in part on a contingency basis. 1484

(11) "Person" includes individuals, firms, companies, 1485  
business trusts, estates, trusts, partnerships, limited liability 1486  
companies, associations, corporations, governmental entities, and 1487  
any other entity. 1488

(12) "Schedule E" means internal revenue service schedule E 1489  
filed by a taxpayer pursuant to the Internal Revenue Code. 1490

(13) "Schedule F" means internal revenue service schedule F 1491  
filed by a taxpayer pursuant to the Internal Revenue Code. 1492

(B) No municipal corporation shall tax income at other than a 1493  
uniform rate. 1494

(C) No municipal corporation shall levy a tax on income at a 1495  
rate in excess of one per cent without having obtained the 1496  
approval of the excess by a majority of the electors of the 1497  
municipality voting on the question at a general, primary, or 1498  
special election. The legislative authority of the municipal 1499  
corporation shall file with the board of elections at least ninety 1500  
days before the day of the election a copy of the ordinance 1501  
together with a resolution specifying the date the election is to 1502  
be held and directing the board of elections to conduct the 1503  
election. The ballot shall be in the following form: "Shall the 1504  
Ordinance providing for a ... per cent levy on income for (Brief 1505  
description of the purpose of the proposed levy) be passed? 1506

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

1507

1508

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In the event of an affirmative vote, the proceeds of the levy 1511  
may be used only for the specified purpose. 1512

(D)(1) Except as otherwise provided in this section, no 1513

municipal corporation shall exempt from a tax on income 1514  
compensation for personal services of individuals over eighteen 1515  
years of age or the net profit from a business or profession. 1516

(2)(a) For taxable years beginning on or after January 1, 1517  
2004, no municipal corporation shall tax the net profit from a 1518  
business or profession using any base other than the taxpayer's 1519  
adjusted federal taxable income. 1520

(b) Division (D)(2)(a) of this section does not apply to any 1521  
taxpayer required to file a return under section 5745.03 of the 1522  
Revised Code or to the net profit from a sole proprietorship. 1523

(E)(1) The legislative authority of a municipal corporation 1524  
may, by ordinance or resolution, exempt from withholding and from 1525  
a tax on income the following: 1526

(a) Compensation arising from the sale, exchange, or other 1527  
disposition of a stock option, the exercise of a stock option, or 1528  
the sale, exchange, or other disposition of stock purchased under 1529  
a stock option; or 1530

(b) Compensation attributable to a nonqualified deferred 1531  
compensation plan or program described in section 3121(v)(2)(C) of 1532  
the Internal Revenue Code. 1533

(2) The legislative authority of a municipal corporation may 1534  
adopt an ordinance or resolution that allows a taxpayer who is an 1535  
individual to deduct, in computing the taxpayer's municipal income 1536  
tax liability, an amount equal to the aggregate amount the 1537  
taxpayer paid in cash during the taxable year to a health savings 1538  
account of the taxpayer, to the extent the taxpayer is entitled to 1539  
deduct that amount on internal revenue service form 1040. 1540

(3) The legislative authority of a municipal corporation may 1541  
adopt an ordinance or resolution that allows a taxpayer who has a 1542  
net profit from a business or profession that is operated as a 1543  
sole proprietorship to deduct from that net profit the amount that 1544

the taxpayer paid during the taxable year for medical care 1545  
insurance premiums for the taxpayer, the taxpayer's spouse, and 1546  
dependents as defined in section 5747.01 of the Revised Code. The 1547  
deduction shall be allowed to the same extent the taxpayer is 1548  
entitled to deduct the premiums on internal revenue service form 1549  
1040. The deduction allowed under this division shall be net of 1550  
any related premium refunds, related premium reimbursements, or 1551  
related insurance premium dividends received by the taxpayer 1552  
during the taxable year. 1553

(F) If an individual's taxable income includes income against 1554  
which the taxpayer has taken a deduction for federal income tax 1555  
purposes as reportable on the taxpayer's form 2106, and against 1556  
which a like deduction has not been allowed by the municipal 1557  
corporation, the municipal corporation shall deduct from the 1558  
taxpayer's taxable income an amount equal to the deduction shown 1559  
on such form allowable against such income, to the extent not 1560  
otherwise so allowed as a deduction by the municipal corporation. 1561

(G)(1) In the case of a taxpayer who has a net profit from a 1562  
business or profession that is operated as a sole proprietorship, 1563  
no municipal corporation may tax or use as the base for 1564  
determining the amount of the net profit that shall be considered 1565  
as having a taxable situs in the municipal corporation, an amount 1566  
other than the net profit required to be reported by the taxpayer 1567  
on schedule C or F from such sole proprietorship for the taxable 1568  
year. 1569

(2) In the case of a taxpayer who has a net profit from 1570  
rental activity required to be reported on schedule E, no 1571  
municipal corporation may tax or use as the base for determining 1572  
the amount of the net profit that shall be considered as having a 1573  
taxable situs in the municipal corporation, an amount other than 1574  
the net profit from rental activities required to be reported by 1575  
the taxpayer on schedule E for the taxable year. 1576

(H) A municipal corporation shall not tax any of the	1577
following:	1578
(1) The military pay or allowances of members of the armed	1579
forces of the United States and of members of their reserve	1580
components, including the Ohio national guard;	1581
(2) The income of religious, fraternal, charitable,	1582
scientific, literary, or educational institutions to the extent	1583
that such income is derived from tax-exempt real estate,	1584
tax-exempt tangible or intangible property, or tax-exempt	1585
activities;	1586
(3) Except as otherwise provided in division (I) of this	1587
section, intangible income;	1588
(4) Compensation paid under section 3501.28 or 3501.36 of the	1589
Revised Code to a person serving as a precinct election official,	1590
to the extent that such compensation does not exceed one thousand	1591
dollars annually. Such compensation in excess of one thousand	1592
dollars may be subjected to taxation by a municipal corporation. A	1593
municipal corporation shall not require the payer of such	1594
compensation to withhold any tax from that compensation.	1595
(5) Compensation paid to an employee of a transit authority,	1596
regional transit authority, or regional transit commission created	1597
under Chapter 306. of the Revised Code for operating a transit bus	1598
or other motor vehicle for the authority or commission in or	1599
through the municipal corporation, unless the bus or vehicle is	1600
operated on a regularly scheduled route, the operator is subject	1601
to such a tax by reason of residence or domicile in the municipal	1602
corporation, or the headquarters of the authority or commission is	1603
located within the municipal corporation;	1604
(6) The income of a public utility, when that public utility	1605
is subject to the tax levied under section 5727.24 or 5727.30 of	1606
the Revised Code, except a municipal corporation may tax the	1607

following, subject to Chapter 5745. of the Revised Code: 1608

(a) Beginning January 1, 2002, the income of an electric 1609  
company or combined company; 1610

(b) Beginning January 1, 2004, the income of a telephone 1611  
company. 1612

As used in division (H)(6) of this section, "combined 1613  
company," "electric company," and "telephone company" have the 1614  
same meanings as in section 5727.01 of the Revised Code. 1615

(7) On and after January 1, 2003, items excluded from federal 1616  
gross income pursuant to section 107 of the Internal Revenue Code; 1617

(8) On and after January 1, 2001, compensation paid to a 1618  
nonresident individual to the extent prohibited under section 1619  
718.011 of the Revised Code; 1620

(9)(a) Except as provided in ~~division~~ divisions (H)(9)(b) and 1621  
(c) of this section, an S corporation shareholder's distributive 1622  
share of net profits of the S corporation, other than any part of 1623  
the distributive share of net profits that represents wages as 1624  
defined in section 3121(a) of the Internal Revenue Code or net 1625  
earnings from self-employment as defined in section 1402(a) of the 1626  
Internal Revenue Code. 1627

(b) If, pursuant to division (H) of former section 718.01 of 1628  
the Revised Code as it existed before March 11, 2004, a majority 1629  
of the electors of a municipal corporation voted in favor of the 1630  
question at an election held on November 4, 2003, the municipal 1631  
corporation may continue after 2002 to tax an S corporation 1632  
shareholder's distributive share of net profits of an S 1633  
corporation. 1634

(c) If, on December 6, 2002, a municipal corporation was 1635  
imposing, assessing, and collecting a tax on an S corporation 1636  
shareholder's distributive share of net profits of the S 1637

corporation to the extent the distributive share would be 1638  
allocated or apportioned to this state under divisions (B)(1) and 1639  
(2) of section 5733.05 of the Revised Code if the S corporation 1640  
were a corporation subject to taxes imposed under Chapter 5733. of 1641  
the Revised Code, the municipal corporation may continue to impose 1642  
the tax on such distributive shares to the extent such shares 1643  
would be so allocated or apportioned to this state only until 1644  
December 31, 2004, unless a majority of the electors of the 1645  
municipal corporation voting on the question of continuing to tax 1646  
such shares after that date vote in favor of that question at an 1647  
election held November 2, 2004. If a majority of those electors 1648  
vote in favor of the question, the municipal corporation may 1649  
continue after December 31, 2004, to impose the tax on such 1650  
distributive shares only to the extent such shares would be so 1651  
allocated or apportioned to this state. 1652

(d) For the purposes of division (D) of section 718.14 of the 1653  
Revised Code, a municipal corporation shall be deemed to have 1654  
elected to tax S corporation shareholders' distributive shares of 1655  
net profits of the S corporation in the hands of the shareholders 1656  
if a majority of the electors of a municipal corporation vote in 1657  
favor of a question at an election held under division (H)(9)(b) 1658  
or (c) of this section. The municipal corporation shall specify by 1659  
ordinance or rule that the tax applies to the distributive share 1660  
of a shareholder of an S corporation in the hands of the 1661  
shareholder of the S corporation. 1662

(10) Employee compensation that is not "qualifying wages" as 1663  
defined in section 718.03 of the Revised Code; 1664

(11) Beginning August 1, 2007, compensation paid to a person 1665  
employed within the boundaries of a United States air force base 1666  
under the jurisdiction of the United States air force that is used 1667  
for the housing of members of the United States air force and is a 1668  
center for air force operations, unless the person is subject to 1669

taxation because of residence or domicile. If the compensation is 1670  
subject to taxation because of residence or domicile, municipal 1671  
income tax shall be payable only to the municipal corporation of 1672  
residence or domicile. 1673

(12) Compensation paid to a person for personal services 1674  
performed for a political subdivision on property owned by the 1675  
political subdivision, regardless of whether the compensation is 1676  
received by an employee of the subdivision or another person 1677  
performing services for the subdivision under a contract with the 1678  
subdivision, if the property on which services are performed is 1679  
annexed to a municipal corporation pursuant to section 709.023 of 1680  
the Revised Code on or after ~~the effective date of the amendment~~ 1681  
~~of this section~~ March 27, 2013, unless the person is subject to 1682  
such taxation because of residence or domicile. If the 1683  
compensation is subject to taxation because of residence or 1684  
domicile, municipal income tax shall be payable only to the 1685  
municipal corporation of residence or domicile. 1686

(I) Any municipal corporation that taxes any type of 1687  
intangible income on March 29, 1988, pursuant to Section 3 of 1688  
Amended Substitute Senate Bill No. 238 of the 116th general 1689  
assembly, may continue to tax that type of income after 1988 if a 1690  
majority of the electors of the municipal corporation voting on 1691  
the question of whether to permit the taxation of that type of 1692  
intangible income after 1988 vote in favor thereof at an election 1693  
held on November 8, 1988. 1694

(J) Nothing in this section or section 718.02 of the Revised 1695  
Code shall authorize the levy of any tax on income that a 1696  
municipal corporation is not authorized to levy under existing 1697  
laws or shall require a municipal corporation to allow a deduction 1698  
from taxable income for losses incurred from a sole proprietorship 1699  
or partnership. 1700

(K)(1) Nothing in this chapter prohibits a municipal 1701

corporation from allowing, by resolution or ordinance, a net 1702  
operating loss carryforward. 1703

(2) Nothing in this chapter requires a municipal corporation 1704  
to allow a net operating loss carryforward. 1705

(L)(1) A single member limited liability company that is a 1706  
disregarded entity for federal tax purposes may elect to be a 1707  
separate taxpayer from its single member in all Ohio municipal 1708  
corporations in which it either filed as a separate taxpayer or 1709  
did not file for its taxable year ending in 2003, if all of the 1710  
following conditions are met: 1711

(a) The limited liability company's single member is also a 1712  
limited liability company; 1713

(b) The limited liability company and its single member were 1714  
formed and doing business in one or more Ohio municipal 1715  
corporations for at least five years before January 1, 2004; 1716

(c) Not later than December 31, 2004, the limited liability 1717  
company and its single member each make an election to be treated 1718  
as a separate taxpayer under division (L) of this section; 1719

(d) The limited liability company was not formed for the 1720  
purpose of evading or reducing Ohio municipal corporation income 1721  
tax liability of the limited liability company or its single 1722  
member; 1723

(e) The Ohio municipal corporation that is the primary place 1724  
of business of the sole member of the limited liability company 1725  
consents to the election. 1726

(2) For purposes of division (L)(1)(e) of this section, a 1727  
municipal corporation is the primary place of business of a 1728  
limited liability company if, for the limited liability company's 1729  
taxable year ending in 2003, its income tax liability is greater 1730  
in that municipal corporation than in any other municipal 1731



corporation in Ohio, and that tax liability to that municipal 1732  
corporation for its taxable year ending in 2003 is at least four 1733  
hundred thousand dollars. 1734

**Sec. 2913.01.** As used in this chapter, unless the context 1735  
requires that a term be given a different meaning: 1736

(A) "Deception" means knowingly deceiving another or causing 1737  
another to be deceived by any false or misleading representation, 1738  
by withholding information, by preventing another from acquiring 1739  
information, or by any other conduct, act, or omission that 1740  
creates, confirms, or perpetuates a false impression in another, 1741  
including a false impression as to law, value, state of mind, or 1742  
other objective or subjective fact. 1743

(B) "Defraud" means to knowingly obtain, by deception, some 1744  
benefit for oneself or another, or to knowingly cause, by 1745  
deception, some detriment to another. 1746

(C) "Deprive" means to do any of the following: 1747

(1) Withhold property of another permanently, or for a period 1748  
that appropriates a substantial portion of its value or use, or 1749  
with purpose to restore it only upon payment of a reward or other 1750  
consideration; 1751

(2) Dispose of property so as to make it unlikely that the 1752  
owner will recover it; 1753

(3) Accept, use, or appropriate money, property, or services, 1754  
with purpose not to give proper consideration in return for the 1755  
money, property, or services, and without reasonable justification 1756  
or excuse for not giving proper consideration. 1757

(D) "Owner" means, unless the context requires a different 1758  
meaning, any person, other than the actor, who is the owner of, 1759  
who has possession or control of, or who has any license or 1760  
interest in property or services, even though the ownership, 1761

possession, control, license, or interest is unlawful. 1762

(E) "Services" include labor, personal services, professional 1763  
services, rental services, public utility services including 1764  
wireless service as defined in division (F)(1) of section 5507.01 1765  
of the Revised Code, common carrier services, and food, drink, 1766  
transportation, entertainment, and cable television services and, 1767  
for purposes of section 2913.04 of the Revised Code, include cable 1768  
services as defined in that section. 1769

(F) "Writing" means any computer software, document, letter, 1770  
memorandum, note, paper, plate, data, film, or other thing having 1771  
in or upon it any written, typewritten, or printed matter, and any 1772  
token, stamp, seal, credit card, badge, trademark, label, or other 1773  
symbol of value, right, privilege, license, or identification. 1774

(G) "Forge" means to fabricate or create, in whole or in part 1775  
and by any means, any spurious writing, or to make, execute, 1776  
alter, complete, reproduce, or otherwise purport to authenticate 1777  
any writing, when the writing in fact is not authenticated by that 1778  
conduct. 1779

(H) "Utter" means to issue, publish, transfer, use, put or 1780  
send into circulation, deliver, or display. 1781

(I) "Coin machine" means any mechanical or electronic device 1782  
designed to do both of the following: 1783

(1) Receive a coin, bill, or token made for that purpose; 1784

(2) In return for the insertion or deposit of a coin, bill, 1785  
or token, automatically dispense property, provide a service, or 1786  
grant a license. 1787

(J) "Slug" means an object that, by virtue of its size, 1788  
shape, composition, or other quality, is capable of being inserted 1789  
or deposited in a coin machine as an improper substitute for a 1790  
genuine coin, bill, or token made for that purpose. 1791

(K) "Theft offense" means any of the following:	1792
(1) A violation of section 2911.01, 2911.02, 2911.11,	1793
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04,	1794
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,	1795
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45,	1796
2913.47, 2913.48, former section 2913.47 or 2913.48, <u>or</u> section	1797
2913.51, 2915.05, or 2921.41, <del>or division (B)(2) of section</del>	1798
<del>4737.04</del> of the Revised Code;	1799
(2) A violation of an existing or former municipal ordinance	1800
or law of this or any other state, or of the United States,	1801
substantially equivalent to any section listed in division (K)(1)	1802
of this section or a violation of section 2913.41, 2913.81, or	1803
2915.06 of the Revised Code as it existed prior to July 1, 1996;	1804
(3) An offense under an existing or former municipal	1805
ordinance or law of this or any other state, or of the United	1806
States, involving robbery, burglary, breaking and entering, theft,	1807
embezzlement, wrongful conversion, forgery, counterfeiting,	1808
deceit, or fraud;	1809
(4) A conspiracy or attempt to commit, or complicity in	1810
committing, any offense under division (K)(1), (2), or (3) of this	1811
section.	1812
(L) "Computer services" includes, but is not limited to, the	1813
use of a computer system, computer network, computer program, data	1814
that is prepared for computer use, or data that is contained	1815
within a computer system or computer network.	1816
(M) "Computer" means an electronic device that performs	1817
logical, arithmetic, and memory functions by the manipulation of	1818
electronic or magnetic impulses. "Computer" includes, but is not	1819
limited to, all input, output, processing, storage, computer	1820
program, or communication facilities that are connected, or	1821
related, in a computer system or network to an electronic device	1822

of that nature. 1823

(N) "Computer system" means a computer and related devices, 1824  
whether connected or unconnected, including, but not limited to, 1825  
data input, output, and storage devices, data communications 1826  
links, and computer programs and data that make the system capable 1827  
of performing specified special purpose data processing tasks. 1828

(O) "Computer network" means a set of related and remotely 1829  
connected computers and communication facilities that includes 1830  
more than one computer system that has the capability to transmit 1831  
among the connected computers and communication facilities through 1832  
the use of computer facilities. 1833

(P) "Computer program" means an ordered set of data 1834  
representing coded instructions or statements that, when executed 1835  
by a computer, cause the computer to process data. 1836

(Q) "Computer software" means computer programs, procedures, 1837  
and other documentation associated with the operation of a 1838  
computer system. 1839

(R) "Data" means a representation of information, knowledge, 1840  
facts, concepts, or instructions that are being or have been 1841  
prepared in a formalized manner and that are intended for use in a 1842  
computer, computer system, or computer network. For purposes of 1843  
section 2913.47 of the Revised Code, "data" has the additional 1844  
meaning set forth in division (A) of that section. 1845

(S) "Cable television service" means any services provided by 1846  
or through the facilities of any cable television system or other 1847  
similar closed circuit coaxial cable communications system, or any 1848  
microwave or similar transmission service used in connection with 1849  
any cable television system or other similar closed circuit 1850  
coaxial cable communications system. 1851

(T) "Gain access" means to approach, instruct, communicate 1852  
with, store data in, retrieve data from, or otherwise make use of 1853

any resources of a computer, computer system, or computer network, 1854  
or any cable service or cable system both as defined in section 1855  
2913.04 of the Revised Code. 1856

(U) "Credit card" includes, but is not limited to, a card, 1857  
code, device, or other means of access to a customer's account for 1858  
the purpose of obtaining money, property, labor, or services on 1859  
credit, or for initiating an electronic fund transfer at a 1860  
point-of-sale terminal, an automated teller machine, or a cash 1861  
dispensing machine. It also includes a county procurement card 1862  
issued under section 301.29 of the Revised Code. 1863

(V) "Electronic fund transfer" has the same meaning as in 92 1864  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1865

(W) "Rented property" means personal property in which the 1866  
right of possession and use of the property is for a short and 1867  
possibly indeterminate term in return for consideration; the 1868  
rentee generally controls the duration of possession of the 1869  
property, within any applicable minimum or maximum term; and the 1870  
amount of consideration generally is determined by the duration of 1871  
possession of the property. 1872

(X) "Telecommunication" means the origination, emission, 1873  
dissemination, transmission, or reception of data, images, 1874  
signals, sounds, or other intelligence or equivalence of 1875  
intelligence of any nature over any communications system by any 1876  
method, including, but not limited to, a fiber optic, electronic, 1877  
magnetic, optical, digital, or analog method. 1878

(Y) "Telecommunications device" means any instrument, 1879  
equipment, machine, or other device that facilitates 1880  
telecommunication, including, but not limited to, a computer, 1881  
computer network, computer chip, computer circuit, scanner, 1882  
telephone, cellular telephone, pager, personal communications 1883  
device, transponder, receiver, radio, modem, or device that 1884

enables the use of a modem. 1885

(Z) "Telecommunications service" means the providing, 1886  
allowing, facilitating, or generating of any form of 1887  
telecommunication through the use of a telecommunications device 1888  
over a telecommunications system. 1889

(AA) "Counterfeit telecommunications device" means a 1890  
telecommunications device that, alone or with another 1891  
telecommunications device, has been altered, constructed, 1892  
manufactured, or programmed to acquire, intercept, receive, or 1893  
otherwise facilitate the use of a telecommunications service or 1894  
information service without the authority or consent of the 1895  
provider of the telecommunications service or information service. 1896  
"Counterfeit telecommunications device" includes, but is not 1897  
limited to, a clone telephone, clone microchip, tumbler telephone, 1898  
or tumbler microchip; a wireless scanning device capable of 1899  
acquiring, intercepting, receiving, or otherwise facilitating the 1900  
use of telecommunications service or information service without 1901  
immediate detection; or a device, equipment, hardware, or software 1902  
designed for, or capable of, altering or changing the electronic 1903  
serial number in a wireless telephone. 1904

(BB)(1) "Information service" means, subject to division 1905  
(BB)(2) of this section, the offering of a capability for 1906  
generating, acquiring, storing, transforming, processing, 1907  
retrieving, utilizing, or making available information via 1908  
telecommunications, including, but not limited to, electronic 1909  
publishing. 1910

(2) "Information service" does not include any use of a 1911  
capability of a type described in division (BB)(1) of this section 1912  
for the management, control, or operation of a telecommunications 1913  
system or the management of a telecommunications service. 1914

(CC) "Elderly person" means a person who is sixty-five years 1915

of age or older. 1916

(DD) "Disabled adult" means a person who is eighteen years of 1917  
age or older and has some impairment of body or mind that makes 1918  
the person unable to work at any substantially remunerative 1919  
employment that the person otherwise would be able to perform and 1920  
that will, with reasonable probability, continue for a period of 1921  
at least twelve months without any present indication of recovery 1922  
from the impairment, or who is eighteen years of age or older and 1923  
has been certified as permanently and totally disabled by an 1924  
agency of this state or the United States that has the function of 1925  
so classifying persons. 1926

(EE) "Firearm" and "dangerous ordnance" have the same 1927  
meanings as in section 2923.11 of the Revised Code. 1928

(FF) "Motor vehicle" has the same meaning as in section 1929  
4501.01 of the Revised Code. 1930

(GG) "Dangerous drug" has the same meaning as in section 1931  
4729.01 of the Revised Code. 1932

(HH) "Drug abuse offense" has the same meaning as in section 1933  
2925.01 of the Revised Code. 1934

(II)(1) "Computer hacking" means any of the following: 1935

(a) Gaining access or attempting to gain access to all or 1936  
part of a computer, computer system, or a computer network without 1937  
express or implied authorization with the intent to defraud or 1938  
with intent to commit a crime; 1939

(b) Misusing computer or network services including, but not 1940  
limited to, mail transfer programs, file transfer programs, proxy 1941  
servers, and web servers by performing functions not authorized by 1942  
the owner of the computer, computer system, or computer network or 1943  
other person authorized to give consent. As used in this division, 1944  
"misuse of computer and network services" includes, but is not 1945

limited to, the unauthorized use of any of the following: 1946

(i) Mail transfer programs to send mail to persons other than 1947  
the authorized users of that computer or computer network; 1948

(ii) File transfer program proxy services or proxy servers to 1949  
access other computers, computer systems, or computer networks; 1950

(iii) Web servers to redirect users to other web pages or web 1951  
servers. 1952

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1953  
using a group of computer programs commonly known as "port 1954  
scanners" or "probes" to intentionally access any computer, 1955  
computer system, or computer network without the permission of the 1956  
owner of the computer, computer system, or computer network or 1957  
other person authorized to give consent. The group of computer 1958  
programs referred to in this division includes, but is not limited 1959  
to, those computer programs that use a computer network to access 1960  
a computer, computer system, or another computer network to 1961  
determine any of the following: the presence or types of computers 1962  
or computer systems on a network; the computer network's 1963  
facilities and capabilities; the availability of computer or 1964  
network services; the presence or versions of computer software 1965  
including, but not limited to, operating systems, computer 1966  
services, or computer contaminants; the presence of a known 1967  
computer software deficiency that can be used to gain unauthorized 1968  
access to a computer, computer system, or computer network; or any 1969  
other information about a computer, computer system, or computer 1970  
network not necessary for the normal and lawful operation of the 1971  
computer initiating the access. 1972

(ii) The group of computer programs referred to in division 1973  
(II)(1)(c)(i) of this section does not include standard computer 1974  
software used for the normal operation, administration, 1975  
management, and test of a computer, computer system, or computer 1976



network including, but not limited to, domain name services, mail 1977  
transfer services, and other operating system services, computer 1978  
programs commonly called "ping," "tcpdump," and "traceroute" and 1979  
other network monitoring and management computer software, and 1980  
computer programs commonly known as "nslookup" and "whois" and 1981  
other systems administration computer software. 1982

(d) The intentional use of a computer, computer system, or a 1983  
computer network in a manner that exceeds any right or permission 1984  
granted by the owner of the computer, computer system, or computer 1985  
network or other person authorized to give consent. 1986

(2) "Computer hacking" does not include the introduction of a 1987  
computer contaminant, as defined in section 2909.01 of the Revised 1988  
Code, into a computer, computer system, computer program, or 1989  
computer network. 1990

(JJ) "Police dog or horse" has the same meaning as in section 1991  
2921.321 of the Revised Code. 1992

(KK) "Anhydrous ammonia" is a compound formed by the 1993  
combination of two gaseous elements, nitrogen and hydrogen, in the 1994  
manner described in this division. Anhydrous ammonia is one part 1995  
nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by 1996  
weight is fourteen parts nitrogen to three parts hydrogen, which 1997  
is approximately eighty-two per cent nitrogen to eighteen per cent 1998  
hydrogen. 1999

(LL) "Assistance dog" has the same meaning as in section 2000  
955.011 of the Revised Code. 2001

(MM) "Federally licensed firearms dealer" has the same 2002  
meaning as in section 5502.63 of the Revised Code. 2003

**Sec. 2913.02.** (A) No person, with purpose to deprive the 2004  
owner of property or services, shall knowingly obtain or exert 2005  
control over either the property or services in any of the 2006

following ways:	2007
(1) Without the consent of the owner or person authorized to give consent;	2008 2009
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	2010 2011
(3) By deception;	2012
(4) By threat;	2013
(5) By intimidation.	2014
(B)(1) Whoever violates this section is guilty of theft.	2015
(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), <del>or (8)</del> , <u>or (9)</u> of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is less than one million five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million five hundred thousand dollars or more, a violation of this section is aggravated theft of one million five hundred thousand dollars or more, a felony of the first degree.	2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037

(3) Except as otherwise provided in division (B)(4), (5), 2038  
(6), (7), ~~or (8)~~, or (9) of this section, if the victim of the 2039  
offense is an elderly person or disabled adult, a violation of 2040  
this section is theft from an elderly person or disabled adult, 2041  
and division (B)(3) of this section applies. Except as otherwise 2042  
provided in this division, theft from an elderly person or 2043  
disabled adult is a felony of the fifth degree. If the value of 2044  
the property or services stolen is one thousand dollars or more 2045  
and is less than seven thousand five hundred dollars, theft from 2046  
an elderly person or disabled adult is a felony of the fourth 2047  
degree. If the value of the property or services stolen is seven 2048  
thousand five hundred dollars or more and is less than 2049  
thirty-seven thousand five hundred dollars, theft from an elderly 2050  
person or disabled adult is a felony of the third degree. If the 2051  
value of the property or services stolen is thirty-seven thousand 2052  
five hundred dollars or more and is less than one hundred fifty 2053  
thousand dollars, theft from an elderly person or disabled adult 2054  
is a felony of the second degree. If the value of the property or 2055  
services stolen is one hundred fifty thousand dollars or more, 2056  
theft from an elderly person or disabled adult is a felony of the 2057  
first degree. 2058

(4) If the property stolen is a firearm or dangerous 2059  
ordnance, a violation of this section is grand theft. Except as 2060  
otherwise provided in this division, grand theft when the property 2061  
stolen is a firearm or dangerous ordnance is a felony of the third 2062  
degree, and there is a presumption in favor of the court imposing 2063  
a prison term for the offense. If the firearm or dangerous 2064  
ordnance was stolen from a federally licensed firearms dealer, 2065  
grand theft when the property stolen is a firearm or dangerous 2066  
ordnance is a felony of the first degree. The offender shall serve 2067  
a prison term imposed for grand theft when the property stolen is 2068  
a firearm or dangerous ordnance consecutively to any other prison 2069  
term or mandatory prison term previously or subsequently imposed 2070

upon the offender. 2071

(5) If the property stolen is a motor vehicle, a violation of 2072  
this section is grand theft of a motor vehicle, a felony of the 2073  
fourth degree. 2074

(6) If the property stolen is any dangerous drug, a violation 2075  
of this section is theft of drugs, a felony of the fourth degree, 2076  
or, if the offender previously has been convicted of a felony drug 2077  
abuse offense, a felony of the third degree. 2078

(7) If the property stolen is a police dog or horse or an 2079  
assistance dog and the offender knows or should know that the 2080  
property stolen is a police dog or horse or an assistance dog, a 2081  
violation of this section is theft of a police dog or horse or an 2082  
assistance dog, a felony of the third degree. 2083

(8) If the property stolen is anhydrous ammonia, a violation 2084  
of this section is theft of anhydrous ammonia, a felony of the 2085  
third degree. 2086

(9) Except as provided in division (B)(2) of this section 2087  
with respect to property with a value of seven thousand five 2088  
hundred dollars or more and division (B)(3) of this section with 2089  
respect to property with a value of one thousand dollars or more, 2090  
if the property stolen is a special purpose article as defined in 2091  
section 4737.04 of the Revised Code or is a bulk merchandise 2092  
container as defined in section 4737.012 of the Revised Code, a 2093  
violation of this section is theft of a special purpose article or 2094  
articles or theft of a bulk merchandise container or containers, a 2095  
felony of the fifth degree. 2096

(10) In addition to the penalties described in division 2097  
(B)(2) of this section, if the offender committed the violation by 2098  
causing a motor vehicle to leave the premises of an establishment 2099  
at which gasoline is offered for retail sale without the offender 2100  
making full payment for gasoline that was dispensed into the fuel 2101

tank of the motor vehicle or into another container, the court may 2102  
do one of the following: 2103

(a) Unless division (B)~~(9)~~(10)(b) of this section applies, 2104  
suspend for not more than six months the offender's driver's 2105  
license, probationary driver's license, commercial driver's 2106  
license, temporary instruction permit, or nonresident operating 2107  
privilege; 2108

(b) If the offender's driver's license, probationary driver's 2109  
license, commercial driver's license, temporary instruction 2110  
permit, or nonresident operating privilege has previously been 2111  
suspended pursuant to division (B)~~(9)~~(10)(a) of this section, 2112  
impose a class seven suspension of the offender's license, permit, 2113  
or privilege from the range specified in division (A)(7) of 2114  
section 4510.02 of the Revised Code, provided that the suspension 2115  
shall be for at least six months. 2116

(c) The court, in lieu of suspending the offender's driver's 2117  
or commercial driver's license, probationary driver's license, 2118  
temporary instruction permit, or nonresident operating privilege 2119  
pursuant to division (B)~~(9)~~(10)(a) or (b) of this section, instead 2120  
may require the offender to perform community service for a number 2121  
of hours determined by the court. 2122

~~(10)~~(11) In addition to the penalties described in division 2123  
(B)(2) of this section, if the offender committed the violation by 2124  
stealing rented property or rental services, the court may order 2125  
that the offender make restitution pursuant to section 2929.18 or 2126  
2929.28 of the Revised Code. Restitution may include, but is not 2127  
limited to, the cost of repairing or replacing the stolen 2128  
property, or the cost of repairing the stolen property and any 2129  
loss of revenue resulting from deprivation of the property due to 2130  
theft of rental services that is less than or equal to the actual 2131  
value of the property at the time it was rented. Evidence of 2132  
intent to commit theft of rented property or rental services shall 2133

be determined pursuant to the provisions of section 2913.72 of the Revised Code.

(C) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (B)~~(9)~~(10) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Chapter 4510. of the Revised Code.

**Sec. 2913.51.** (A) No person shall receive, retain, or dispose of property of another knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(B) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(C) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division or division (D) of this section, receiving stolen property is a misdemeanor of the first degree. If the value of the property involved is one thousand dollars or more and is less than seven thousand five hundred dollars, if the property involved is any of the property listed in section 2913.71 of the Revised Code, receiving stolen property is a felony of the fifth degree. If the property involved is a motor vehicle, as defined in section 4501.01 of the Revised Code, if the property involved is a dangerous drug, as defined in section 4729.01 of the Revised Code, if the value of the property involved is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, or if the property involved is a firearm or

dangerous ordnance, as defined in section 2923.11 of the Revised Code, receiving stolen property is a felony of the fourth degree. If the value of the property involved is one hundred fifty thousand dollars or more, receiving stolen property is a felony of the third degree.

(D) Except as provided in division (C) of this section with respect to property involved in a violation of this section with a value of seven thousand five hundred dollars or more, if the property involved in violation of this section is a special purchase article as defined in section 4737.04 of the Revised Code or a bulk merchandise container as defined in section 4737.012 of the Revised Code, a violation of this section is receiving a stolen special purchase article or articles or receiving a stolen bulk merchandise container or containers, a felony of the fifth degree.

**Sec. 2937.221.** (A) A person arrested without warrant for any violation listed in division (B) of this section, and having a current valid Ohio driver's or commercial driver's license, if the person has been notified of the possible consequences of the person's actions as required by division (C) of this section, may post bond by depositing the license with the arresting officer if the officer and person so choose, or with the local court having jurisdiction if the court and person so choose. The license may be used as bond only during the period for which it is valid.

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

When a local court accepts the license as bond or continues 2196  
the case to another date and time, it shall provide the person 2197  
with a card in a form approved by the registrar of motor vehicles 2198  
setting forth the license number, name, address, the date and time 2199  
of the court appearance, and a statement that the license is being 2200  
held as bond. The card shall serve as a valid license until the 2201  
date and time contained in the card. 2202

The court may accept other bond at any time and return the 2203  
license to the person. The court shall return the license to the 2204  
person when judgment is satisfied, including, but not limited to, 2205  
compliance with any court orders, unless a suspension or 2206  
cancellation is part of the penalty imposed. 2207

Neither "the violator's notice to appear" nor a court- 2208  
granted card shall continue driving privileges beyond the 2209  
expiration date of the license. 2210

If the person arrested fails to appear in court at the date 2211  
and time set by the court or fails to satisfy the judgment of the 2212  
court, including, but not limited to, compliance with all court 2213  
orders within the time allowed by the court, the court may declare 2214  
the forfeiture of the person's license. Thirty days after the 2215  
declaration of the forfeiture, the court shall forward the 2216  
person's license to the registrar. The court also shall enter 2217  
information relative to the forfeiture on a form approved and 2218  
furnished by the registrar and send the form to the registrar. The 2219  
registrar shall suspend the person's license and send written 2220  
notification of the suspension to the person at the person's last 2221  
known address. No valid driver's or commercial driver's license 2222  
shall be granted to the person until the court having jurisdiction 2223  
orders that the forfeiture be terminated. The court shall inform 2224  
the registrar of the termination of the forfeiture by entering 2225  
information relative to the termination on a form approved and 2226  
furnished by the registrar and sending the form to the registrar. 2227



Upon the termination, the person shall pay to the bureau of motor vehicles a reinstatement fee of fifteen dollars to cover the costs of the bureau in administering this section. The registrar shall deposit the fees so paid into the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

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

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

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

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

(3) Any bylaw, rule, or regulation of the Ohio turnpike and infrastructure commission substantially similar to a section

included in division (B)(1) of this section. 2259

Division (A) of this section does not apply to those persons 2260  
issued a citation for the commission of a minor misdemeanor under 2261  
section 2935.26 of the Revised Code. 2262

(C) No license shall be accepted as bond by an arresting 2263  
officer or by a court under this section until the officer or 2264  
court has notified the person that, if the person deposits the 2265  
license with the officer or court and either does not appear on 2266  
the date and at the time set by the officer or the court, if the 2267  
court sets a time, or does not satisfy any judgment rendered, 2268  
including, but not limited to, compliance with all court orders, 2269  
the license will be suspended, and the person will not be eligible 2270  
for reissuance of the license or issuance of a new license, or the 2271  
issuance of a certificate of registration for a motor vehicle 2272  
owned or leased by the person until the person appears and 2273  
complies with any order issued by the court. The person also is 2274  
subject to any criminal penalties that may apply to the person. 2275

(D) The registrar shall not restore the person's driving or 2276  
vehicle registration privileges until the person pays the 2277  
reinstatement fee as provided in this section. 2278

**Sec. 3354.13.** The ownership of a community college created 2279  
and established pursuant to provisions of sections 3354.02 and 2280  
3354.04 of the Revised Code, including all right, title, and 2281  
interest in and to all property, both real and personal, 2282  
pertaining thereto, shall be vested in the board of trustees of 2283  
the community college district in which such college is situated, 2284  
except as may be provided in a contract entered into under the 2285  
authority of division (A) of section 3354.09 of the Revised Code. 2286  
The board may acquire by appropriation any land, rights, rights of 2287  
way, franchises, easements, or other property necessary or proper 2288  
for the construction or the efficient operation of any facility of 2289

the community college district, pursuant to the procedure provided 2290  
in section 5537.06 of the Revised Code, with respect to the Ohio 2291  
turnpike and infrastructure commission, and insofar as such 2292  
procedure is applicable. 2293

Any instrument by which real property is acquired pursuant to 2294  
this section shall identify the agency of the state that has the 2295  
use and benefit of the real property as specified in section 2296  
5301.012 of the Revised Code. 2297

**Sec. 3355.10.** The ownership of the university branch campus, 2298  
created and established pursuant to sections 3355.01 to 3355.14 of 2299  
the Revised Code, including all right, title, and interest in and 2300  
to all property, both real and personal, pertaining thereto, shall 2301  
be vested in the managing authority of the university branch 2302  
district. The board may acquire by appropriation any land, rights, 2303  
rights of way, franchises, easements, or other property necessary 2304  
or proper for the construction or the efficient operation of any 2305  
facility of the university branch district, pursuant to section 2306  
5537.06 of the Revised Code, with respect to the Ohio turnpike and 2307  
infrastructure commission, and insofar as such procedure is 2308  
applicable. 2309

University branch district bonds, issued pursuant to section 2310  
3355.08 of the Revised Code, are lawful investments of banks, 2311  
savings banks, trust companies, trustees, boards of trustees of 2312  
sinking funds of municipal corporations, school districts, 2313  
counties, the administrator of workers' compensation, the state 2314  
teachers retirement system, the public employees retirement 2315  
system, and the school employees retirement system, and also are 2316  
acceptable as security for the deposit of public moneys. 2317

Any instrument by which real property is acquired pursuant to 2318  
this section shall identify the agency of the state that has the 2319  
use and benefit of the real property as specified in section 2320

5301.012 of the Revised Code. 2321

**Sec. 3357.12.** The ownership of a technical college, created 2322  
and established pursuant to section 3357.07 of the Revised Code, 2323  
including all right, title, and interest in and to all property, 2324  
both real and personal, pertaining thereto, shall be vested in the 2325  
board of trustees of the technical college district in which such 2326  
college is situated. The board may acquire by appropriation any 2327  
land, rights, rights-of-way, franchises, easements, or other 2328  
property necessary or proper for the construction or the efficient 2329  
operation of any facility of the technical college district, 2330  
pursuant to the procedure provided in section 5537.06 of the 2331  
Revised Code, with respect to the Ohio turnpike and infrastructure 2332  
commission, and insofar as such procedure is applicable. 2333

Any instrument by which real property is acquired pursuant to 2334  
this section shall identify the agency of the state that has the 2335  
use and benefit of the real property as specified in section 2336  
5301.012 of the Revised Code. 2337

**Sec. 3705.242.** (A)(1) The director of health, a person 2338  
authorized by the director, a local commissioner of health, or a 2339  
local registrar of vital statistics shall charge and collect a fee 2340  
of one dollar and fifty cents for each certified copy of a birth 2341  
record, each certification of birth, and each copy of a death 2342  
record. The fee is in addition to the fee imposed by section 2343  
3705.24 or any other section of the Revised Code. A local 2344  
commissioner of health or local registrar of vital statistics may 2345  
retain an amount of each additional fee collected, not to exceed 2346  
three per cent of the amount of the additional fee, to be used for 2347  
costs directly related to the collection of the fee and the 2348  
forwarding of the fee to the department of health. 2349

The additional fees collected by the director of health or a 2350

person authorized by the director and the additional fees 2351  
collected but not retained by a local commissioner of health or a 2352  
local registrar of vital statistics shall be forwarded to the 2353  
department of health not later than thirty days following the end 2354  
of each quarter. Not later than two days after the fees are 2355  
forwarded to the department each quarter, the department shall pay 2356  
the collected fees to the treasurer of state in accordance with 2357  
rules adopted by the treasurer of state under section 113.08 of 2358  
the Revised Code. 2359

(2) On the filing of a divorce decree under section 3105.10 2360  
or a decree of dissolution under section 3105.65 of the Revised 2361  
Code, a court of common pleas shall charge and collect a fee of 2362  
five dollars and fifty cents. The fee is in addition to any other 2363  
court costs or fees. The county clerk of courts may retain an 2364  
amount of each additional fee collected, not to exceed three per 2365  
cent of the amount of the additional fee, to be used for costs 2366  
directly related to the collection of the fee and the forwarding 2367  
of the fee to the treasurer of state. The additional fees 2368  
collected, but not retained, under division (A)(2) of this section 2369  
shall be forwarded to the treasurer of state not later than twenty 2370  
days following the end of each month. 2371

(B) The treasurer of state shall deposit the fees paid or 2372  
forwarded under this section in the state treasury to the credit 2373  
of the family violence prevention fund, which is hereby created. A 2374  
person or government entity that fails to pay or forward the fees 2375  
in a timely the manner, as determined by the treasurer of state 2376  
described in this section, shall send to the ~~treasurer of state,~~ 2377  
~~in addition to the fees,~~ department of public safety a penalty 2378  
equal to ten per cent of the fees. The department of public safety 2379  
shall forward all collected late fees to the treasurer of state 2380  
for deposit into the family violence prevention fund in accordance 2381  
with rules adopted by the treasurer of state under section 113.08 2382

of the Revised Code. 2383

The treasurer of state shall invest the moneys in the fund. 2384  
All earnings resulting from investment of the fund shall be 2385  
credited to the fund, except that actual administration costs 2386  
incurred by the treasurer of state in administering the fund may 2387  
be deducted from the earnings resulting from investments. The 2388  
amount that may be deducted shall not exceed three per cent of the 2389  
total amount of fees credited to the fund in each fiscal year. The 2390  
balance of the investment earnings shall be credited to the fund. 2391

(C) The director of public safety shall use money credited to 2392  
the fund to provide grants to family violence shelters in Ohio and 2393  
to operate the division of criminal justice services. 2394

**Sec. 3791.12.** (A) As used in this section and section 3791.13 2395  
of the Revised Code: 2396

(1) "Service station" means any facility designed and 2397  
constructed primarily for use in the retail sale of gasoline, 2398  
other petroleum products, and related accessories; except that 2399  
"service station" does not include any such facility that has been 2400  
converted for use for another bona fide business purpose, on and 2401  
after the date of commencement of such other use. 2402

(2) "Abandoned service station" means any service station 2403  
that has not been used for the retail sale of gasoline, other 2404  
petroleum products, and related accessories for a continuous 2405  
period of six months, whenever failure to reasonably secure 2406  
station buildings from ready access by unauthorized persons and to 2407  
reasonably maintain the station's premises has resulted in 2408  
conditions that endanger the public health, welfare, safety, or 2409  
morals; provided, that such conditions include, but are not 2410  
limited to, the presence of defective or deteriorated electrical 2411  
wiring, heating apparatus, and gas connections, or of unprotected 2412  
gasoline storage tanks, piping, and valves, or any combination of 2413

the foregoing; and provided further that the casual and 2414  
intermittent use of a service station for the retail sale of any 2415  
item described in division (A)(1) of this section during such 2416  
six-month period shall not be held to prevent the station from 2417  
being determined an abandoned service station if it meets the 2418  
other qualifications of this division. 2419

(B) The executive authority of each municipal corporation and 2420  
the board of county commissioners of each county shall designate a 2421  
suitable person to make inspections, within their respective 2422  
territorial jurisdictions, of any service stations that are, or 2423  
appear to be, no longer in use for the purposes described in 2424  
division (A)(1) of this section ~~3791.11 of the Revised Code~~, or 2425  
for any other bona fide business purpose. Inspections of service 2426  
stations under this section shall be made at the order of the 2427  
executive authority or board, or upon the complaint of any person 2428  
claiming to be adversely affected by the condition of a service 2429  
station. Any inspector designated under this section shall have 2430  
the right to enter upon and inspect any service station that is, 2431  
or appears to be, no longer in use as described in this section. 2432  
No inspector, while in the lawful pursuit of official duties for 2433  
such purpose, shall be subject to arrest for trespass while so 2434  
engaged or for such cause thereafter. 2435

~~(B)~~(C) Whenever an inspector, upon inspecting a service 2436  
station as provided in this section, has reasonable cause to 2437  
believe that it qualifies as an abandoned service station, the 2438  
inspector shall prepare a written report of the condition of the 2439  
station's buildings and premises. The report shall be filed 2440  
immediately with the executive authority or board. Upon receipt of 2441  
the report, the executive authority or board shall fix a place and 2442  
time, not less than thirty days nor more than sixty days after 2443  
receipt of the report, for a hearing to determine whether the 2444  
service station is an abandoned service station. The executive 2445

authority or board shall send written notice of the place and date 2446  
of the hearing, together with a copy of the inspector's report and 2447  
information that the service station may be ordered repaired or 2448  
removed if determined to be abandoned, to all persons listed in 2449  
the ~~bond filed under division (C) of section 3791.11 of the~~ 2450  
~~Revised Code~~ records of the county recorder as an owner of the 2451  
affected property, and to all persons listed in the records of the 2452  
county recorder or county clerk of courts as holding a lien on the 2453  
affected property. Such notice shall be sent by certified mail to 2454  
the address shown on such records. 2455

~~(C)~~(D) In hearing the matter and deciding the issue, the 2456  
executive authority or board shall consider the testimony of any 2457  
persons appearing pursuant to the notice or their authorized 2458  
representatives, the testimony of any witnesses appearing on 2459  
behalf of such persons, the inspector's report or testimony, or 2460  
both, and any other evidence pertinent to the matter. If the 2461  
executive authority or board thereupon determines that the service 2462  
station is an abandoned service station in such condition as to 2463  
constitute a danger to the public health, welfare, safety, or 2464  
morals, it shall order the satisfactory repair, or removal, of the 2465  
service station and its appurtenances, and restoration of the 2466  
property, within such period of time, not less than thirty days, 2467  
as the executive authority or board thereupon determines 2468  
reasonable. Notice of the findings and order shall be sent to all 2469  
persons required to be notified by division ~~(B)~~(C) of this section 2470  
in the same manner as provided in that division. 2471

~~(D)~~(E) If an abandoned service station is not satisfactorily 2472  
repaired or removed within the period of time provided in an order 2473  
made under division ~~(C)~~(D) of this section, the municipal 2474  
corporation or county may enter the land and complete the repair, 2475  
if repair was ordered, or remove the service station and its 2476  
appurtenances, if removal was ordered, and restore the property. 2477



~~(E)~~(F) Any person aggrieved by an order of an executive 2478  
authority or board made under division ~~(C)~~(D) of this section, may 2479  
appeal as provided in Chapter 2506. of the Revised Code within 2480  
thirty days of the mailing of notice of the order. 2481

~~(F)~~(G) In the event that no persons notified as provided in 2482  
division ~~(B)~~(C) of this section, or their authorized 2483  
representatives, appear at the hearing, respond to an order of the 2484  
executive authority or board, or appeal within thirty days of the 2485  
mailing of notice of the order as provided in division ~~(E)~~(F) of 2486  
this section, the municipal corporation or county may proceed as 2487  
provided in division ~~(D)~~(E) of this section. 2488

**Sec. 3791.13.** (A) When a municipal corporation or county 2489  
enters and repairs or removes an abandoned service station and its 2490  
appurtenances and restores the property as provided in division 2491  
~~(D)~~(E) or ~~(F)~~(G) of section 3791.12 of the Revised Code, it may 2492  
bring an action ~~on the bond filed pursuant to division (C) of~~ 2493  
~~section 3791.11 of the Revised Code~~ to recover the costs of repair 2494  
or removal and restoration, plus the costs of the suit. ~~If the~~ 2495  
~~costs of repair or removal and restoration exceed the amount~~ 2496  
~~collected on the bond, the~~ The owner of the property and any 2497  
lessee, other than a person leasing and operating the service 2498  
station pursuant to a contract with a supplier of gasoline and 2499  
other petroleum products, shall be jointly and severally liable 2500  
for the ~~deficiency~~ costs. 2501

(B) Sections ~~3791.11,~~ 3791.12, 3791.13 and 3791.99 of the 2502  
Revised Code shall be an alternative remedy for the removal of 2503  
abandoned service stations and shall not invalidate municipal 2504  
ordinances regulating the use, requiring maintenance or repair, or 2505  
providing for the removal of service stations. 2506

**Sec. 3791.99.** (A) Whoever violates ~~division (B) of section~~ 2507

~~3791.11~~ or division (D) of section 3791.21 of the Revised Code is 2508  
guilty of a minor misdemeanor, and each day the violation 2509  
continues constitutes a separate offense. 2510

(B) Whoever violates this chapter or any rule adopted or 2511  
order issued pursuant to it that relates to the construction, 2512  
alteration, or repair of any building, and the violation is not 2513  
detrimental to the health, safety, or welfare of any person, shall 2514  
be fined not more than one hundred dollars. 2515

(C) Whoever violates this chapter or any rule adopted or 2516  
order issued pursuant to it that relates to the construction, 2517  
alteration, or repair of any building, and the violation is 2518  
detrimental to the health, safety, or welfare of any person, is 2519  
guilty of a minor misdemeanor. 2520

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 2521  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 2522  
Revised Code, and in the penal laws, except as otherwise provided: 2523

(A) "Vehicles" means everything on wheels or runners, 2524  
including motorized bicycles, but does not mean electric personal 2525  
assistive mobility devices, vehicles that are operated exclusively 2526  
on rails or tracks or from overhead electric trolley wires, and 2527  
vehicles that belong to any police department, municipal fire 2528  
department, or volunteer fire department, or that are used by such 2529  
a department in the discharge of its functions. 2530

(B) "Motor vehicle" means any vehicle, including mobile homes 2531  
and recreational vehicles, that is propelled or drawn by power 2532  
other than muscular power or power collected from overhead 2533  
electric trolley wires. "Motor vehicle" does not include utility 2534  
vehicles as defined in division (VV) of this section, motorized 2535  
bicycles, road rollers, traction engines, power shovels, power 2536  
cranes, and other equipment used in construction work and not 2537  
designed for or employed in general highway transportation, 2538

well-drilling machinery, ditch-digging machinery, farm machinery, 2539  
and trailers that are designed and used exclusively to transport a 2540  
boat between a place of storage and a marina, or in and around a 2541  
marina, when drawn or towed on a public road or highway for a 2542  
distance of no more than ten miles and at a speed of twenty-five 2543  
miles per hour or less. 2544

(C) "Agricultural tractor" and "traction engine" mean any 2545  
self-propelling vehicle that is designed or used for drawing other 2546  
vehicles or wheeled machinery, but has no provisions for carrying 2547  
loads independently of such other vehicles, and that is used 2548  
principally for agricultural purposes. 2549

(D) "Commercial tractor," except as defined in division (C) 2550  
of this section, means any motor vehicle that has motive power and 2551  
either is designed or used for drawing other motor vehicles, or is 2552  
designed or used for drawing another motor vehicle while carrying 2553  
a portion of the other motor vehicle or its load, or both. 2554

(E) "Passenger car" means any motor vehicle that is designed 2555  
and used for carrying not more than nine persons and includes any 2556  
motor vehicle that is designed and used for carrying not more than 2557  
fifteen persons in a ridesharing arrangement. 2558

(F) "Collector's vehicle" means any motor vehicle or 2559  
agricultural tractor or traction engine that is of special 2560  
interest, that has a fair market value of one hundred dollars or 2561  
more, whether operable or not, and that is owned, operated, 2562  
collected, preserved, restored, maintained, or used essentially as 2563  
a collector's item, leisure pursuit, or investment, but not as the 2564  
owner's principal means of transportation. "Licensed collector's 2565  
vehicle" means a collector's vehicle, other than an agricultural 2566  
tractor or traction engine, that displays current, valid license 2567  
tags issued under section 4503.45 of the Revised Code, or a 2568  
similar type of motor vehicle that displays current, valid license 2569  
tags issued under substantially equivalent provisions in the laws 2570

of other states. 2571

(G) "Historical motor vehicle" means any motor vehicle that 2572  
is over twenty-five years old and is owned solely as a collector's 2573  
item and for participation in club activities, exhibitions, tours, 2574  
parades, and similar uses, but that in no event is used for 2575  
general transportation. 2576

(H) "Noncommercial motor vehicle" means any motor vehicle, 2577  
including a farm truck as defined in section 4503.04 of the 2578  
Revised Code, that is designed by the manufacturer to carry a load 2579  
of no more than one ton and is used exclusively for purposes other 2580  
than engaging in business for profit. 2581

(I) "Bus" means any motor vehicle that has motor power and is 2582  
designed and used for carrying more than nine passengers, except 2583  
any motor vehicle that is designed and used for carrying not more 2584  
than fifteen passengers in a ridesharing arrangement. 2585

(J) "Commercial car" or "truck" means any motor vehicle that 2586  
has motor power and is designed and used for carrying merchandise 2587  
or freight, or that is used as a commercial tractor. 2588

(K) "Bicycle" means every device, other than a ~~tricycle~~ 2589  
device that is designed solely for use as a play vehicle by a 2590  
child, that is propelled solely by human power upon which ~~any a~~ 2591  
person may ride, and that has two ~~tandem~~ or more wheels, ~~or one~~ 2592  
~~wheel in front and two wheels in the rear, or two wheels in the~~ 2593  
~~front and one wheel in the rear,~~ any of which is more than 2594  
fourteen inches in diameter. 2595

(L) "Motorized bicycle" means any vehicle that either has two 2596  
tandem wheels or one wheel in the front and two wheels in the 2597  
rear, that is capable of being pedaled, and that is equipped with 2598  
a helper motor of not more than fifty cubic centimeters piston 2599  
displacement that produces no more than one brake horsepower and 2600  
is capable of propelling the vehicle at a speed of no greater than 2601

twenty miles per hour on a level surface. 2602

(M) "Trailer" means any vehicle without motive power that is 2603  
designed or used for carrying property or persons wholly on its 2604  
own structure and for being drawn by a motor vehicle, and includes 2605  
any such vehicle that is formed by or operated as a combination of 2606  
a semitrailer and a vehicle of the dolly type such as that 2607  
commonly known as a trailer dolly, a vehicle used to transport 2608  
agricultural produce or agricultural production materials between 2609  
a local place of storage or supply and the farm when drawn or 2610  
towed on a public road or highway at a speed greater than 2611  
twenty-five miles per hour, and a vehicle that is designed and 2612  
used exclusively to transport a boat between a place of storage 2613  
and a marina, or in and around a marina, when drawn or towed on a 2614  
public road or highway for a distance of more than ten miles or at 2615  
a speed of more than twenty-five miles per hour. "Trailer" does 2616  
not include a manufactured home or travel trailer. 2617

(N) "Noncommercial trailer" means any trailer, except a 2618  
travel trailer or trailer that is used to transport a boat as 2619  
described in division (B) of this section, but, where applicable, 2620  
includes a vehicle that is used to transport a boat as described 2621  
in division (M) of this section, that has a gross weight of no 2622  
more than ten thousand pounds, and that is used exclusively for 2623  
purposes other than engaging in business for a profit, such as the 2624  
transportation of personal items for personal or recreational 2625  
purposes. 2626

(O) "Mobile home" means a building unit or assembly of closed 2627  
construction that is fabricated in an off-site facility, is more 2628  
than thirty-five body feet in length or, when erected on site, is 2629  
three hundred twenty or more square feet, is built on a permanent 2630  
chassis, is transportable in one or more sections, and does not 2631  
qualify as a manufactured home as defined in division (C)(4) of 2632  
section 3781.06 of the Revised Code or as an industrialized unit 2633

as defined in division (C)(3) of section 3781.06 of the Revised Code. 2634  
2635

(P) "Semitrailer" means any vehicle of the trailer type that 2636  
does not have motive power and is so designed or used with another 2637  
and separate motor vehicle that in operation a part of its own 2638  
weight or that of its load, or both, rests upon and is carried by 2639  
the other vehicle furnishing the motive power for propelling 2640  
itself and the vehicle referred to in this division, and includes, 2641  
for the purpose only of registration and taxation under those 2642  
chapters, any vehicle of the dolly type, such as a trailer dolly, 2643  
that is designed or used for the conversion of a semitrailer into 2644  
a trailer. 2645

(Q) "Recreational vehicle" means a vehicular portable 2646  
structure that meets all of the following conditions: 2647

(1) It is designed for the sole purpose of recreational 2648  
travel. 2649

(2) It is not used for the purpose of engaging in business 2650  
for profit. 2651

(3) It is not used for the purpose of engaging in intrastate 2652  
commerce. 2653

(4) It is not used for the purpose of commerce as defined in 2654  
49 C.F.R. 383.5, as amended. 2655

(5) It is not regulated by the public utilities commission 2656  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 2657

(6) It is classed as one of the following: 2658

(a) "Travel trailer" means a nonself-propelled recreational 2659  
vehicle that does not exceed an overall length of thirty-five 2660  
feet, exclusive of bumper and tongue or coupling, and contains 2661  
less than three hundred twenty square feet of space when erected 2662  
on site. "Travel trailer" includes a tent-type fold-out camping 2663

trailer as defined in section 4517.01 of the Revised Code. 2664

(b) "Motor home" means a self-propelled recreational vehicle 2665  
that has no fifth wheel and is constructed with permanently 2666  
installed facilities for cold storage, cooking and consuming of 2667  
food, and for sleeping. 2668

(c) "Truck camper" means a nonself-propelled recreational 2669  
vehicle that does not have wheels for road use and is designed to 2670  
be placed upon and attached to a motor vehicle. "Truck camper" 2671  
does not include truck covers that consist of walls and a roof, 2672  
but do not have floors and facilities enabling them to be used as 2673  
a dwelling. 2674

(d) "Fifth wheel trailer" means a vehicle that is of such 2675  
size and weight as to be movable without a special highway permit, 2676  
that has a gross trailer area of four hundred square feet or less, 2677  
that is constructed with a raised forward section that allows a 2678  
bi-level floor plan, and that is designed to be towed by a vehicle 2679  
equipped with a fifth-wheel hitch ordinarily installed in the bed 2680  
of a truck. 2681

(e) "Park trailer" means a vehicle that is commonly known as 2682  
a park model recreational vehicle, meets the American national 2683  
standard institute standard A119.5 (1988) for park trailers, is 2684  
built on a single chassis, has a gross trailer area of four 2685  
hundred square feet or less when set up, is designed for seasonal 2686  
or temporary living quarters, and may be connected to utilities 2687  
necessary for the operation of installed features and appliances. 2688

(R) "Pneumatic tires" means tires of rubber and fabric or 2689  
tires of similar material, that are inflated with air. 2690

(S) "Solid tires" means tires of rubber or similar elastic 2691  
material that are not dependent upon confined air for support of 2692  
the load. 2693

(T) "Solid tire vehicle" means any vehicle that is equipped 2694

with two or more solid tires. 2695

(U) "Farm machinery" means all machines and tools that are 2696  
used in the production, harvesting, and care of farm products, and 2697  
includes trailers that are used to transport agricultural produce 2698  
or agricultural production materials between a local place of 2699  
storage or supply and the farm, agricultural tractors, threshing 2700  
machinery, hay-baling machinery, corn shellers, hammermills, and 2701  
machinery used in the production of horticultural, agricultural, 2702  
and vegetable products. 2703

(V) "Owner" includes any person or firm, other than a 2704  
manufacturer or dealer, that has title to a motor vehicle, except 2705  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 2706  
includes in addition manufacturers and dealers. 2707

(W) "Manufacturer" and "dealer" include all persons and firms 2708  
that are regularly engaged in the business of manufacturing, 2709  
selling, displaying, offering for sale, or dealing in motor 2710  
vehicles, at an established place of business that is used 2711  
exclusively for the purpose of manufacturing, selling, displaying, 2712  
offering for sale, or dealing in motor vehicles. A place of 2713  
business that is used for manufacturing, selling, displaying, 2714  
offering for sale, or dealing in motor vehicles shall be deemed to 2715  
be used exclusively for those purposes even though snowmobiles or 2716  
all-purpose vehicles are sold or displayed for sale thereat, even 2717  
though farm machinery is sold or displayed for sale thereat, or 2718  
even though repair, accessory, gasoline and oil, storage, parts, 2719  
service, or paint departments are maintained thereat, or, in any 2720  
county having a population of less than seventy-five thousand at 2721  
the last federal census, even though a department in a place of 2722  
business is used to dismantle, salvage, or rebuild motor vehicles 2723  
by means of used parts, if such departments are operated for the 2724  
purpose of furthering and assisting in the business of 2725  
manufacturing, selling, displaying, offering for sale, or dealing 2726



in motor vehicles. Places of business or departments in a place of 2727  
business used to dismantle, salvage, or rebuild motor vehicles by 2728  
means of using used parts are not considered as being maintained 2729  
for the purpose of assisting or furthering the manufacturing, 2730  
selling, displaying, and offering for sale or dealing in motor 2731  
vehicles. 2732

(X) "Operator" includes any person who drives or operates a 2733  
motor vehicle upon the public highways. 2734

(Y) "Chauffeur" means any operator who operates a motor 2735  
vehicle, other than a taxicab, as an employee for hire; or any 2736  
operator whether or not the owner of a motor vehicle, other than a 2737  
taxicab, who operates such vehicle for transporting, for gain, 2738  
compensation, or profit, either persons or property owned by 2739  
another. Any operator of a motor vehicle who is voluntarily 2740  
involved in a ridesharing arrangement is not considered an 2741  
employee for hire or operating such vehicle for gain, 2742  
compensation, or profit. 2743

(Z) "State" includes the territories and federal districts of 2744  
the United States, and the provinces of Canada. 2745

(AA) "Public roads and highways" for vehicles includes all 2746  
public thoroughfares, bridges, and culverts. 2747

(BB) "Manufacturer's number" means the manufacturer's 2748  
original serial number that is affixed to or imprinted upon the 2749  
chassis or other part of the motor vehicle. 2750

(CC) "Motor number" means the manufacturer's original number 2751  
that is affixed to or imprinted upon the engine or motor of the 2752  
vehicle. 2753

(DD) "Distributor" means any person who is authorized by a 2754  
motor vehicle manufacturer to distribute new motor vehicles to 2755  
licensed motor vehicle dealers at an established place of business 2756  
that is used exclusively for the purpose of distributing new motor 2757

vehicles to licensed motor vehicle dealers, except when the 2758  
distributor also is a new motor vehicle dealer, in which case the 2759  
distributor may distribute at the location of the distributor's 2760  
licensed dealership. 2761

(EE) "Ridesharing arrangement" means the transportation of 2762  
persons in a motor vehicle where the transportation is incidental 2763  
to another purpose of a volunteer driver and includes ridesharing 2764  
arrangements known as carpools, vanpools, and buspools. 2765

(FF) "Apportionable vehicle" means any vehicle that is used 2766  
or intended for use in two or more international registration plan 2767  
member jurisdictions that allocate or proportionally register 2768  
vehicles, that is used for the transportation of persons for hire 2769  
or designed, used, or maintained primarily for the transportation 2770  
of property, and that meets any of the following qualifications: 2771

(1) Is a power unit having a gross vehicle weight in excess 2772  
of twenty-six thousand pounds; 2773

(2) Is a power unit having three or more axles, regardless of 2774  
the gross vehicle weight; 2775

(3) Is a combination vehicle with a gross vehicle weight in 2776  
excess of twenty-six thousand pounds. 2777

"Apportionable vehicle" does not include recreational 2778  
vehicles, vehicles displaying restricted plates, city pick-up and 2779  
delivery vehicles, buses used for the transportation of chartered 2780  
parties, or vehicles owned and operated by the United States, this 2781  
state, or any political subdivisions thereof. 2782

(GG) "Chartered party" means a group of persons who contract 2783  
as a group to acquire the exclusive use of a passenger-carrying 2784  
motor vehicle at a fixed charge for the vehicle in accordance with 2785  
the carrier's tariff, lawfully on file with the United States 2786  
department of transportation, for the purpose of group travel to a 2787  
specified destination or for a particular itinerary, either agreed 2788

upon in advance or modified by the chartered group after having 2789  
left the place of origin. 2790

(HH) "International registration plan" means a reciprocal 2791  
agreement of member jurisdictions that is endorsed by the American 2792  
association of motor vehicle administrators, and that promotes and 2793  
encourages the fullest possible use of the highway system by 2794  
authorizing apportioned registration of fleets of vehicles and 2795  
recognizing registration of vehicles apportioned in member 2796  
jurisdictions. 2797

(II) "Restricted plate" means a license plate that has a 2798  
restriction of time, geographic area, mileage, or commodity, and 2799  
includes license plates issued to farm trucks under division (J) 2800  
of section 4503.04 of the Revised Code. 2801

(JJ) "Gross vehicle weight," with regard to any commercial 2802  
car, trailer, semitrailer, or bus that is taxed at the rates 2803  
established under section 4503.042 or 4503.65 of the Revised Code, 2804  
means the unladen weight of the vehicle fully equipped plus the 2805  
maximum weight of the load to be carried on the vehicle. 2806

(KK) "Combined gross vehicle weight" with regard to any 2807  
combination of a commercial car, trailer, and semitrailer, that is 2808  
taxed at the rates established under section 4503.042 or 4503.65 2809  
of the Revised Code, means the total unladen weight of the 2810  
combination of vehicles fully equipped plus the maximum weight of 2811  
the load to be carried on that combination of vehicles. 2812

(LL) "Chauffeured limousine" means a motor vehicle that is 2813  
designed to carry nine or fewer passengers and is operated for 2814  
hire on an hourly basis pursuant to a prearranged contract for the 2815  
transportation of passengers on public roads and highways along a 2816  
route under the control of the person hiring the vehicle and not 2817  
over a defined and regular route. "Prearranged contract" means an 2818  
agreement, made in advance of boarding, to provide transportation 2819

from a specific location in a chauffeured limousine at a fixed 2820  
rate per hour or trip. "Chauffeured limousine" does not include 2821  
any vehicle that is used exclusively in the business of funeral 2822  
directing. 2823

(MM) "Manufactured home" has the same meaning as in division 2824  
(C)(4) of section 3781.06 of the Revised Code. 2825

(NN) "Acquired situs," with respect to a manufactured home or 2826  
a mobile home, means to become located in this state by the 2827  
placement of the home on real property, but does not include the 2828  
placement of a manufactured home or a mobile home in the inventory 2829  
of a new motor vehicle dealer or the inventory of a manufacturer, 2830  
remanufacturer, or distributor of manufactured or mobile homes. 2831

(OO) "Electronic" includes electrical, digital, magnetic, 2832  
optical, electromagnetic, or any other form of technology that 2833  
entails capabilities similar to these technologies. 2834

(PP) "Electronic record" means a record generated, 2835  
communicated, received, or stored by electronic means for use in 2836  
an information system or for transmission from one information 2837  
system to another. 2838

(QQ) "Electronic signature" means a signature in electronic 2839  
form attached to or logically associated with an electronic 2840  
record. 2841

(RR) "Financial transaction device" has the same meaning as 2842  
in division (A) of section 113.40 of the Revised Code. 2843

(SS) "Electronic motor vehicle dealer" means a motor vehicle 2844  
dealer licensed under Chapter 4517. of the Revised Code whom the 2845  
registrar of motor vehicles determines meets the criteria 2846  
designated in section 4503.035 of the Revised Code for electronic 2847  
motor vehicle dealers and designates as an electronic motor 2848  
vehicle dealer under that section. 2849

(TT) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour.

(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. "Utility vehicle" includes a vehicle with a maximum attainable speed of twenty miles per hour or less that is used exclusively within the boundaries of state parks by state park employees or volunteers for the operation or maintenance of state park facilities.

**Sec. 4501.03.** The registrar of motor vehicles shall open an account with each county and district of registration in the state, and may assign each county and district of registration in the state a unique code for identification purposes. Except as provided in section 4501.044 or division (A)(1) of section 4501.045 of the Revised Code, the registrar shall pay all moneys the registrar receives under sections 4503.02, and 4503.12, ~~and 4504.09~~ of the Revised Code into the state treasury to the credit of the auto registration distribution fund, which is hereby created, for distribution in the manner provided for in this section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~

4501.043 of the Revised Code. All other moneys received by the registrar shall be deposited in the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code for the purposes enumerated in that section, unless otherwise provided by law.

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

The treasurer of state may invest any portion of the moneys credited to the auto registration distribution fund, in the same manner and subject to all the laws with respect to the investment of state funds by the treasurer of state, and all investment earnings of the fund shall be credited to the fund.

Once each month the registrar shall prepare vouchers in favor

of the county auditor of each county for the amount of the tax 2913  
collection pursuant to sections 4503.02 and 4503.12 of the Revised 2914  
Code apportioned to the county and to the districts of 2915  
registration located wholly or in part in the county auditor's 2916  
county. The county auditor shall distribute the proceeds of the 2917  
tax collections due the county and the districts of registration 2918  
in the manner provided in section 4501.04 of the Revised Code. 2919

~~Once each month the registrar also shall prepare vouchers in 2920  
favor of the county auditor of each county levying a county motor 2921  
vehicle license tax pursuant to section 4504.02, 4504.15, or 2922  
4504.16 of the Revised Code and of each county in which is located 2923  
one or more townships levying a township motor vehicle license tax 2924  
pursuant to section 4504.18 of the Revised Code for the amount of 2925  
the tax due the county or townships in the county. 2926~~

All moneys received by the registrar under sections 4503.02, 2927  
~~and 4503.12, and 4504.09~~ of the Revised Code shall be distributed 2928  
to counties, townships, and municipal corporations within thirty 2929  
days of the expiration of the registration year, except that a sum 2930  
equal to five per cent of the total amount received under sections 2931  
4503.02 and 4503.12 of the Revised Code may be reserved to make 2932  
final adjustments in accordance with the formula for distribution 2933  
set forth in section 4501.04 of the Revised Code. If amounts set 2934  
aside to make the adjustments are inadequate, necessary 2935  
adjustments shall be made immediately out of funds available for 2936  
distribution for the following two registration years. 2937

Sec. 4501.031. All moneys received under section 4504.09 of 2938  
the Revised Code shall be paid into the state treasury to the 2939  
credit of the local motor vehicle license tax fund, which is 2940  
hereby created, for distribution in the manner provided for in 2941  
this chapter. The treasurer of state may invest any portion of the 2942  
moneys credited to the fund in the same manner and subject to all 2943

the laws governing the investment of state funds by the treasurer 2944  
of state. All investment earnings of the fund shall be credited to 2945  
the fund. 2946

The registrar of motor vehicles shall open an account with 2947  
each county and district of registration in the state, and may 2948  
assign each county and district a code for identification 2949  
purposes. The code for a county or district may be the same as the 2950  
code assigned to the county or district by the registrar under 2951  
section 4501.03 of the Revised Code. 2952

Once each month the registrar shall prepare vouchers in favor 2953  
of the county auditor of each county levying a county motor 2954  
vehicle license tax pursuant to section 4504.02, 4504.15, or 2955  
4504.16 of the Revised Code and of each county in which is located 2956  
one or more townships levying a township motor vehicle license tax 2957  
pursuant to section 4504.18 of the Revised Code for the amount of 2958  
the tax due the county or townships in the county. 2959

All moneys received by the registrar under section 4504.09 of 2960  
the Revised Code shall be distributed to counties, townships, and 2961  
municipal corporations within thirty days of the expiration of the 2962  
registration year. Necessary adjustments shall be made immediately 2963  
out of funds available for distribution for the following two 2964  
registration years. 2965

**Sec. 4501.04.** All moneys paid into the auto registration 2966  
distribution fund under section 4501.03 of the Revised Code, 2967  
except ~~moneys received under section 4504.09 of the Revised Code~~ 2968  
~~and~~ moneys received under section 4503.02 of the Revised Code in 2969  
accordance with section 4501.13 of the Revised Code, and except 2970  
moneys paid for costs of audits under section 4501.03 of the 2971  
Revised Code, after receipt by the treasurer of state of 2972  
certifications from the commissioners of the sinking fund 2973



certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be distributed as follows:

(A) Thirty-four per cent of all such moneys are for the use of the municipal corporation or county which constitutes the district of registration. The portion of such money due to the municipal corporation shall be paid into its treasury forthwith upon receipt by the county auditor, and shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for such purposes.

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

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

(C) Forty-seven per cent of all such moneys shall be for the use of the county in which the owner resides or in which the place is located at which the established business or branch business in connection with which the motor vehicle registered is used, for the planning, construction, reconstruction, improvement, maintenance, and repair of roads and highways; maintaining and repairing bridges and viaducts; and the payment of principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under such chapter.

(D) Nine per cent of all such moneys shall be for the use of 3038  
the several counties for the purposes specified in division (C) of 3039  
this section and shall be distributed to the several counties in 3040  
the ratio which the total number of miles of county roads under 3041  
the jurisdiction of each board of county commissioners in each 3042  
county bears to the total number of miles of county roads in the 3043  
state, as determined by the director of transportation. Before 3044  
such distribution is made each board of county commissioners shall 3045  
certify in writing to the director the actual number of miles 3046  
under its statutory jurisdiction which are used by and maintained 3047  
for the public. 3048

(E) Five per cent of all such moneys shall be for the use of 3049  
the several townships and shall be distributed to the several 3050  
townships in the ratio which the total number of miles of township 3051  
roads under the jurisdiction of each board of township trustees in 3052  
each township bears to the total number of miles of township roads 3053  
in the state, as determined by the director of transportation. 3054  
Before such distribution is made each board of township trustees 3055  
shall certify in writing to the director the actual number of 3056  
miles under its statutory jurisdiction which are used by and 3057  
maintained for the public. 3058

**Sec. 4501.041.** Except as provided in section 4501.042 of the 3059  
Revised Code, all moneys received under section 4504.09 of the 3060  
Revised Code with respect to counties levying county motor vehicle 3061  
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 3062  
the Revised Code and paid into the state treasury under section 3063  
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 3064  
respective counties levying such taxes for allocation and 3065  
distribution as provided in section 4504.05 of the Revised Code. 3066

**Sec. 4501.042.** All moneys received under section 4504.09 of 3067  
the Revised Code from municipal motor vehicle license taxes levied 3068

pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the Revised Code, and any part of the moneys received from county motor vehicle license taxes levied pursuant to section 4504.15 of the Revised Code which is to be distributed to municipal corporations, shall be paid ~~directly~~ into the state treasury to the credit of the local motor vehicle license tax fund created under section 4501.031 of the Revised Code and shall be distributed to the treasuries of the municipal corporations levying or entitled to such tax moneys.

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

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or referred to in division (O) of section 4503.04, division (E) of section 4503.042, division (B) of section 4503.07, division (C)(1) of section 4503.10, division (D) of section 4503.182, division (A) of section 4503.19, division (D)(2) of section 4507.24, division (A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 of the Revised Code, and the taxes charged in section 4503.65 that are distributed in accordance with division (A)(2) of section 4501.044 of the Revised Code unless otherwise designated by law, shall be deposited in the state treasury to the credit of the state highway safety fund, which is hereby created, ~~and~~ Money credited to the fund shall, after receipt of certifications from the commissioners of the sinking fund certifying that there are sufficient moneys to the credit of the highway obligations bond

retirement fund created by section 5528.32 of the Revised Code to 3100  
meet in full all payments of interest, principal, and charges for 3101  
the retirement of highway obligations issued pursuant to Section 3102  
2i of Article VIII, Ohio Constitution, and sections 5528.30 and 3103  
5528.31 of the Revised Code due and payable during the current 3104  
calendar year, be used for the purpose of enforcing and paying the 3105  
expenses of administering the law relative to the registration and 3106  
operation of motor vehicles on the public roads or highways. 3107  
Amounts credited to the fund may also be used to pay the expenses 3108  
of administering and enforcing the laws under which such fees were 3109  
collected. All investment earnings of the state highway safety 3110  
fund shall be credited to the fund. 3111

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 3112  
designate the county auditor in each county a deputy registrar. If 3113  
the population of a county is forty thousand or less according to 3114  
the last federal census and if the county auditor is designated by 3115  
the registrar as a deputy registrar, no other person need be 3116  
designated in the county to act as a deputy registrar. 3117

(b) The registrar may designate a clerk of a court of common 3118  
pleas as a deputy registrar if the population of the county is 3119  
forty thousand or less according to the last federal census. In a 3120  
county with a population greater than forty thousand but not more 3121  
than fifty thousand according to the last federal census, the 3122  
clerk of a court of common pleas is eligible to act as a deputy 3123  
registrar and may participate in the competitive selection process 3124  
for the award of a deputy registrar contract by applying in the 3125  
same manner as any other person. All fees collected and retained 3126  
by a clerk for conducting deputy registrar services shall be paid 3127  
into the county treasury to the credit of the certificate of title 3128  
administration fund created under section 325.33 of the Revised 3129  
Code. 3130

(c) In all other instances, the registrar shall contract with one or more other persons in each county to act as deputy registrars. Notwithstanding the county population restrictions in division (A)(1)(b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.

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

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

(B) The registrar shall not contract with any person to act as a deputy registrar if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (B)(4) of section 3517.01 of the Revised Code or "political action committee" as defined in division (B)(8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated

with contributions to that political party. 3163

The contribution limitations contained in this division do 3164  
not apply to any county auditor or clerk of a court of common 3165  
pleas. A county auditor or clerk of a court of common pleas is not 3166  
required to file the disclosure statement or pay the filing fee 3167  
required under section 4503.033 of the Revised Code. The 3168  
limitations of this division also do not apply to a deputy 3169  
registrar who, subsequent to being awarded a deputy registrar 3170  
contract, is elected to an office of a political subdivision. 3171

The registrar shall not contract with either of the following 3172  
to act as a deputy registrar: 3173

(1) Any elected public official other than a county auditor 3174  
or, as authorized by division (A)(1)(b) of this section, a clerk 3175  
of a court of common pleas, acting in an official capacity, except 3176  
that, the registrar shall continue and may renew a contract with 3177  
any deputy registrar who, subsequent to being awarded a deputy 3178  
registrar contract, is elected to an office of a political 3179  
subdivision; 3180

(2) Any person holding a current, valid contract to conduct 3181  
motor vehicle inspections under section 3704.14 of the Revised 3182  
Code. 3183

As used in division (B) of this section, "political 3184  
subdivision" has the same meaning as in section 3501.01 of the 3185  
Revised Code. 3186

(C)(1) Except as provided in division (C)(2) of this section, 3187  
deputy registrars are independent contractors and neither they nor 3188  
their employees are employees of this state, except that nothing 3189  
in this section shall affect the status of county auditors or 3190  
clerks of courts of common pleas as public officials, nor the 3191  
status of their employees as employees of any of the counties of 3192  
this state, which are political subdivisions of this state. Each 3193

deputy registrar shall be responsible for the payment of all 3194  
unemployment compensation premiums, all workers' compensation 3195  
premiums, social security contributions, and any and all taxes for 3196  
which the deputy registrar is legally responsible. Each deputy 3197  
registrar shall comply with all applicable federal, state, and 3198  
local laws requiring the withholding of income taxes or other 3199  
taxes from the compensation of the deputy registrar's employees. 3200  
Each deputy registrar shall maintain during the entire term of the 3201  
deputy registrar's contract a policy of business liability 3202  
insurance satisfactory to the registrar and shall hold the 3203  
department of public safety, the director of public safety, the 3204  
bureau of motor vehicles, and the registrar harmless upon any and 3205  
all claims for damages arising out of the operation of the deputy 3206  
registrar agency. 3207

(2) For purposes of Chapter 4141. of the Revised Code, 3208  
determinations concerning the employment of deputy registrars and 3209  
their employees shall be made under Chapter 4141. of the Revised 3210  
Code. 3211

(D)(1) With the approval of the director, the registrar shall 3212  
adopt rules governing the terms of the contract between the 3213  
registrar and each deputy registrar and specifications for the 3214  
services to be performed. The rules shall include specifications 3215  
relating to the amount of bond to be given as provided in this 3216  
section; the size and location of the deputy's office; and the 3217  
leasing of equipment necessary to conduct the vision screenings 3218  
required under section 4507.12 of the Revised Code and training in 3219  
the use of the equipment. The specifications shall permit and 3220  
encourage every deputy registrar to inform the public of the 3221  
location of the deputy registrar's office and hours of operation 3222  
by means of public service announcements and allow any deputy 3223  
registrar to advertise in regard to the operation of the deputy 3224  
registrar's office. The rules also shall include specifications 3225



for the hours the deputy's office is to be open to the public and 3226  
shall require as a minimum that one deputy's office in each county 3227  
be open to the public for at least four hours each weekend, 3228  
provided that if only one deputy's office is located within the 3229  
boundary of the county seat, that office is the office that shall 3230  
be open for the four-hour period each weekend, ~~and that every~~ 3231  
~~deputy's office in each county shall be open to the public until~~ 3232  
~~six thirty p.m. on at least one weeknight each week.~~ The rules 3233  
also shall include specifications providing that every deputy in 3234  
each county, upon request, provide any person with information 3235  
about the location and office hours of all deputy registrars in 3236  
the county and that every deputy prominently display within the 3237  
deputy's office, the toll-free telephone number of the bureau. The 3238  
rules shall not prohibit the award of a deputy registrar contract 3239  
to a nonprofit corporation formed under the laws of this state. 3240  
The rules shall prohibit any deputy registrar from operating more 3241  
than one such office at any time, except that the rules may permit 3242  
a nonprofit corporation formed for the purposes of providing 3243  
automobile-related services to its members or the public and that 3244  
provides such services from more than one location in this state 3245  
to operate a deputy registrar office at any such location, 3246  
provided that the nonprofit corporation operates no more than one 3247  
deputy registrar office in any one county. The rules may include 3248  
such other specifications as the registrar and director consider 3249  
necessary to provide a high level of service. 3250

The rules shall establish procedures for a deputy registrar 3251  
who requests such authority to collect reinstatement fees under 3252  
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 3253  
4510.72, and 4511.191 of the Revised Code and to transmit the 3254  
reinstatement fees and two dollars of the service fee collected 3255  
under those sections. The registrar shall ensure that, not later 3256  
than January 1, 2012, at least one deputy registrar in each county 3257  
has the necessary equipment and is able to accept reinstatement 3258

fees. The registrar shall deposit the service fees received from a 3259  
deputy registrar under those sections into the state bureau of 3260  
motor vehicles fund created in section 4501.25 of the Revised Code 3261  
and shall use the money for deputy registrar equipment necessary 3262  
in connection with accepting reinstatement fees. 3263

(2) As a daily adjustment, the bureau of motor vehicles shall 3264  
credit to a deputy registrar three dollars and fifty cents for 3265  
each damaged license plate or validation sticker the deputy 3266  
registrar replaces as a service to a member of the public. 3267

(3)(a) With the prior approval of the registrar, each deputy 3268  
registrar may conduct at the location of the deputy registrar's 3269  
office any business that is consistent with the functions of a 3270  
deputy registrar and that is not specifically mandated or 3271  
authorized by this or another chapter of the Revised Code or by 3272  
implementing rules of the registrar. 3273

(b) In accordance with guidelines the director of public 3274  
safety shall establish, a deputy registrar may operate or contract 3275  
for the operation of a vending machine at a deputy registrar 3276  
location if products of the vending machine are consistent with 3277  
the functions of a deputy registrar. 3278

(c) A deputy registrar may enter into an agreement with the 3279  
Ohio turnpike and infrastructure commission pursuant to division 3280  
(A)(11) of section 5537.04 of the Revised Code for the purpose of 3281  
allowing the general public to acquire from the deputy registrar 3282  
the electronic toll collection devices that are used under the 3283  
multi-jurisdiction electronic toll collection agreement between 3284  
the Ohio turnpike and infrastructure commission and any other 3285  
entities or agencies that participate in such an agreement. The 3286  
approval of the registrar is not necessary if a deputy registrar 3287  
engages in this activity. 3288

(4) As used in this section and in section 4507.01 of the 3289

Revised Code, "nonprofit corporation" has the same meaning as in 3290  
section 1702.01 of the Revised Code. 3291

(E) Unless otherwise terminated and except for interim 3292  
contracts of less than one year, contracts with deputy registrars 3293  
shall be for a term of at least two years, but no more than three 3294  
years, and all contracts effective on or after July 1, 1996, shall 3295  
be for a term of more than two years, but not more than three 3296  
years. All contracts with deputy registrars shall expire on the 3297  
last Saturday of June in the year of their expiration. The auditor 3298  
of state may examine the accounts, reports, systems, and other 3299  
data of each deputy registrar at least every two years. The 3300  
registrar, with the approval of the director, shall immediately 3301  
remove a deputy who violates any provision of the Revised Code 3302  
related to the duties as a deputy, any rule adopted by the 3303  
registrar, or a term of the deputy's contract with the registrar. 3304  
The registrar also may remove a deputy who, in the opinion of the 3305  
registrar, has engaged in any conduct that is either unbecoming to 3306  
one representing this state or is inconsistent with the efficient 3307  
operation of the deputy's office. 3308

If the registrar, with the approval of the director, 3309  
determines that there is good cause to believe that a deputy 3310  
registrar or a person proposing for a deputy registrar contract 3311  
has engaged in any conduct that would require the denial or 3312  
termination of the deputy registrar contract, the registrar may 3313  
require the production of books, records, and papers as the 3314  
registrar determines are necessary, and may take the depositions 3315  
of witnesses residing within or outside the state in the same 3316  
manner as is prescribed by law for the taking of depositions in 3317  
civil actions in the court of common pleas, and for that purpose 3318  
the registrar may issue a subpoena for any witness or a subpoena 3319  
duces tecum to compel the production of any books, records, or 3320  
papers, directed to the sheriff of the county where the witness 3321

resides or is found. Such a subpoena shall be served and returned 3322  
in the same manner as a subpoena in a criminal case is served and 3323  
returned. The fees of the sheriff shall be the same as that 3324  
allowed in the court of common pleas in criminal cases. Witnesses 3325  
shall be paid the fees and mileage provided for under section 3326  
119.094 of the Revised Code. The fees and mileage shall be paid 3327  
from the fund in the state treasury for the use of the agency in 3328  
the same manner as other expenses of the agency are paid. 3329

In any case of disobedience or neglect of any subpoena served 3330  
on any person or the refusal of any witness to testify to any 3331  
matter regarding which the witness lawfully may be interrogated, 3332  
the court of common pleas of any county where the disobedience, 3333  
neglect, or refusal occurs or any judge of that court, on 3334  
application by the registrar, shall compel obedience by attachment 3335  
proceedings for contempt, as in the case of disobedience of the 3336  
requirements of a subpoena issued from that court, or a refusal to 3337  
testify in that court. 3338

Nothing in this division shall be construed to require a 3339  
hearing of any nature prior to the termination of any deputy 3340  
registrar contract by the registrar, with the approval of the 3341  
director, for cause. 3342

(F) Except as provided in section 2743.03 of the Revised 3343  
Code, no court, other than the court of common pleas of Franklin 3344  
county, has jurisdiction of any action against the department of 3345  
public safety, the director, the bureau, or the registrar to 3346  
restrain the exercise of any power or authority, or to entertain 3347  
any action for declaratory judgment, in the selection and 3348  
appointment of, or contracting with, deputy registrars. Neither 3349  
the department, the director, the bureau, nor the registrar is 3350  
liable in any action at law for damages sustained by any person 3351  
because of any acts of the department, the director, the bureau, 3352  
or the registrar, or of any employee of the department or bureau, 3353

in the performance of official duties in the selection and 3354  
appointment of, and contracting with, deputy registrars. 3355

(G) The registrar shall assign to each deputy registrar a 3356  
series of numbers sufficient to supply the demand at all times in 3357  
the area the deputy registrar serves, and the registrar shall keep 3358  
a record in the registrar's office of the numbers within the 3359  
series assigned. Each deputy shall be required to give bond in the 3360  
amount of at least twenty-five thousand dollars, or in such higher 3361  
amount as the registrar determines necessary, based on a uniform 3362  
schedule of bond amounts established by the registrar and 3363  
determined by the volume of registrations handled by the deputy. 3364  
The form of the bond shall be prescribed by the registrar. The 3365  
bonds required of deputy registrars, in the discretion of the 3366  
registrar, may be individual or schedule bonds or may be included 3367  
in any blanket bond coverage carried by the department. 3368

(H) Each deputy registrar shall keep a file of each 3369  
application received by the deputy and shall register that motor 3370  
vehicle with the name and address of its owner. 3371

(I) Upon request, a deputy registrar shall make the physical 3372  
inspection of a motor vehicle and issue the physical inspection 3373  
certificate required in section 4505.061 of the Revised Code. 3374

(J) Each deputy registrar shall file a report ~~semi-annually~~ 3375  
semiannually with the registrar of motor vehicles listing the 3376  
number of applicants for licenses the deputy has served, the 3377  
number of voter registration applications the deputy has completed 3378  
and transmitted to the board of elections, and the number of voter 3379  
registration applications declined. 3380

**Sec. 4503.04.** Except as provided in sections 4503.042 and 3381  
4503.65 of the Revised Code for the registration of commercial 3382  
cars, trailers, semitrailers, and certain buses, the rates of the 3383  
taxes imposed by section 4503.02 of the Revised Code shall be as 3384

follows:	3385
(A) For motor vehicles having three wheels or less, the license tax is:	3386
(1) For each motorized bicycle, ten dollars;	3387
(2) For each motorcycle, fourteen dollars.	3388
(B) For each passenger car, twenty dollars;	3389
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	3390
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	3391
(E) For each noncommercial trailer, the license tax is:	3392
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	3393
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	3394
(F) Notwithstanding its weight, twelve dollars for any:	3395
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	3396
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	3397
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(3) Bus used principally for the transportation of 3414  
handicapped persons or persons sixty-five years of age or older. 3415

(G) Notwithstanding its weight, twenty dollars for any bus 3416  
used principally for the transportation of persons in a 3417  
ridesharing arrangement. 3418

(H) For each transit bus having motor power the license tax 3419  
is twelve dollars. 3420

"Transit bus" means either a motor vehicle having a seating 3421  
capacity of more than seven persons which is operated and used by 3422  
any person in the rendition of a public mass transportation 3423  
service primarily in a municipal corporation or municipal 3424  
corporations and provided at least seventy-five per cent of the 3425  
annual mileage of such service and use is within such municipal 3426  
corporation or municipal corporations or a motor vehicle having a 3427  
seating capacity of more than seven persons which is operated 3428  
solely for the transportation of persons associated with a 3429  
charitable or nonprofit corporation, but does not mean any motor 3430  
vehicle having a seating capacity of more than seven persons when 3431  
such vehicle is used in a ridesharing capacity or any bus 3432  
described by division (F)(3) of this section. 3433

The application for registration of such transit bus shall be 3434  
accompanied by an affidavit prescribed by the registrar of motor 3435  
vehicles and signed by the person or an agent of the firm or 3436  
corporation operating such bus stating that the bus has a seating 3437  
capacity of more than seven persons, and that it is either to be 3438  
operated and used in the rendition of a public mass transportation 3439  
service and that at least seventy-five per cent of the annual 3440  
mileage of such operation and use shall be within one or more 3441  
municipal corporations or that it is to be operated solely for the 3442  
transportation of persons associated with a charitable or 3443  
nonprofit corporation. 3444

The form of the license plate, and the manner of its attachment to the vehicle, shall be prescribed by the registrar of motor vehicles.

(I) The minimum tax for any vehicle having motor power other than a farm truck, a motorized bicycle, or motorcycle is ten dollars and eighty cents, and for each noncommercial trailer, five dollars.

(J)(1) Except as otherwise provided in division (J) of this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the operation of which a farm truck is used, the license tax is five dollars plus:

(a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds;

(b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds;

(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;

(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;

(f) The minimum license tax for any farm truck shall be



twelve dollars. 3475

(2) The owner of a farm truck may register the truck for a 3476  
period of one-half year by paying one-half the registration tax 3477  
imposed on the truck under this chapter and one-half the amount of 3478  
any tax imposed on the truck under Chapter 4504. of the Revised 3479  
Code. 3480

(3) A farm bus may be registered for a period of ~~ninety two~~ 3481  
hundred ten days from the date of issue of the license plates for 3482  
the bus, for a fee of ten dollars, provided such license plates 3483  
shall not be issued for more than ~~any two ninety day periods~~ one 3484  
such period in any calendar year. Such use does not include the 3485  
operation of trucks by commercial processors of agricultural 3486  
products. 3487

(4) License plates for farm trucks and for farm buses shall 3488  
have some distinguishing marks, letters, colors, or other 3489  
characteristics to be determined by the director of public safety. 3490

(5) Every person registering a farm truck or bus under this 3491  
section shall furnish an affidavit certifying that the truck or 3492  
bus licensed to that person is to be so used as to meet the 3493  
requirements necessary for the farm truck or farm bus 3494  
classification. 3495

Any farmer may use a truck owned by the farmer for commercial 3496  
purposes by paying the difference between the commercial truck 3497  
registration fee and the farm truck registration fee for the 3498  
remaining part of the registration period for which the truck is 3499  
registered. Such remainder shall be calculated from the beginning 3500  
of the semiannual period in which application for such commercial 3501  
license is made. 3502

Taxes at the rates provided in this section are in lieu of 3503  
all taxes on or with respect to the ownership of such motor 3504  
vehicles, except as provided in section 4503.042 and section 3505

4503.06 of the Revised Code. 3506

(K) Other than trucks registered under the international 3507  
registration plan in another jurisdiction and for which this state 3508  
has received an apportioned registration fee, the license tax for 3509  
each truck which is owned, controlled, or operated by a 3510  
nonresident, and licensed in another state, and which is used 3511  
exclusively for the transportation of nonprocessed agricultural 3512  
products intrastate, from the place of production to the place of 3513  
processing, is twenty-four dollars. 3514

"Truck," as used in this division, means any pickup truck, 3515  
straight truck, semitrailer, or trailer other than a travel 3516  
trailer. Nonprocessed agricultural products, as used in this 3517  
division, does not include livestock or grain. 3518

A license issued under this division shall be issued for a 3519  
period of one hundred thirty days in the same manner in which all 3520  
other licenses are issued under this section, provided that no 3521  
truck shall be so licensed for more than one 3522  
one-hundred-thirty-day period during any calendar year. 3523

The license issued pursuant to this division shall consist of 3524  
a windshield decal to be designed by the director of public 3525  
safety. 3526

Every person registering a truck under this division shall 3527  
furnish an affidavit certifying that the truck licensed to the 3528  
person is to be used exclusively for the purposes specified in 3529  
this division. 3530

(L) Every person registering a motor vehicle as a 3531  
noncommercial motor vehicle as defined in section 4501.01 of the 3532  
Revised Code, or registering a trailer as a noncommercial trailer 3533  
as defined in that section, shall furnish an affidavit certifying 3534  
that the motor vehicle or trailer so licensed to the person is to 3535  
be so used as to meet the requirements necessary for the 3536

noncommercial vehicle classification. 3537

(M) Every person registering a van or bus as provided in 3538  
divisions (F)(2) and (3) of this section shall furnish a notarized 3539  
statement certifying that the van or bus licensed to the person is 3540  
to be used for the purposes specified in those divisions. The form 3541  
of the license plate issued for such motor vehicles shall be 3542  
prescribed by the registrar. 3543

(N) Every person registering as a passenger car a motor 3544  
vehicle designed and used for carrying more than nine but not more 3545  
than fifteen passengers, and every person registering a bus as 3546  
provided in division (G) of this section, shall furnish an 3547  
affidavit certifying that the vehicle so licensed to the person is 3548  
to be used in a ridesharing arrangement and that the person will 3549  
have in effect whenever the vehicle is used in a ridesharing 3550  
arrangement a policy of liability insurance with respect to the 3551  
motor vehicle in amounts and coverages no less than those required 3552  
by section 4509.79 of the Revised Code. The form of the license 3553  
plate issued for such a motor vehicle shall be prescribed by the 3554  
registrar. 3555

(O)(1) Commencing on October 1, 2009, if an application for 3556  
registration renewal is not applied for prior to the expiration 3557  
date of the registration or within ~~seven~~ thirty days after that 3558  
date, the registrar or deputy registrar shall collect a fee of 3559  
~~twenty~~ ten dollars for the issuance of the vehicle registration. 3560  
For any motor vehicle that is used on a seasonal basis, whether 3561  
used for general transportation or not, and that has not been used 3562  
on the public roads or highways since the expiration of the 3563  
registration, the registrar or deputy registrar shall waive the 3564  
fee established under this division if the application is 3565  
accompanied by supporting evidence of seasonal use as the 3566  
registrar may require. The registrar or deputy registrar may waive 3567  
the fee for other good cause shown if the application is 3568

accompanied by supporting evidence as the registrar may require. 3569  
The fee shall be in addition to all other fees established by this 3570  
section. A deputy registrar shall retain fifty cents of the fee 3571  
and shall transmit the remaining amount to the registrar at the 3572  
time and in the manner provided by section 4503.10 of the Revised 3573  
Code. The registrar shall deposit all moneys received under this 3574  
division into the state highway safety fund established in section 3575  
4501.06 of the Revised Code. 3576

(2) Division (O)(1) of this section does not apply to a farm 3577  
truck or farm bus registered under division (J) of this section. 3578

(P) As used in this section: 3579

(1) "Van" means any motor vehicle having a single rear axle 3580  
and an enclosed body without a second seat. 3581

(2) "Handicapped person" means any person who has lost the 3582  
use of one or both legs, or one or both arms, or is blind, deaf, 3583  
or so severely disabled as to be unable to move about without the 3584  
aid of crutches or a wheelchair. 3585

(3) "Farm truck" means a truck used in the transportation 3586  
from the farm of products of the farm, including livestock and its 3587  
products, poultry and its products, floricultural and 3588  
horticultural products, and in the transportation to the farm of 3589  
supplies for the farm, including tile, fence, and every other 3590  
thing or commodity used in agricultural, floricultural, 3591  
horticultural, livestock, and poultry production and livestock, 3592  
poultry, and other animals and things used for breeding, feeding, 3593  
or other purposes connected with the operation of the farm. 3594

(4) "Farm bus" means a bus used only for the transportation 3595  
of agricultural employees and used only in the transportation of 3596  
such employees as are necessary in the operation of the farm. 3597

(5) "Farm supplies" includes fuel used exclusively in the 3598  
operation of a farm, including one or more homes located on and 3599

used in the operation of one or more farms, and furniture and 3600  
other things used in and around such homes. 3601

**Sec. 4503.042.** The registrar of motor vehicles shall adopt 3602  
rules establishing the date, subsequent to this state's entry into 3603  
membership in the international registration plan, when the rates 3604  
established by this section become operative. 3605

(A) The rates of the taxes imposed by section 4503.02 of the 3606  
Revised Code are as follows for commercial cars having a gross 3607  
vehicle weight or combined gross vehicle weight of: 3608

(1) Not more than two thousand pounds, forty-five dollars; 3609

(2) More than two thousand but not more than six thousand 3610  
pounds, seventy dollars; 3611

(3) More than six thousand but not more than ten thousand 3612  
pounds, eighty-five dollars; 3613

(4) More than ten thousand but not more than fourteen 3614  
thousand pounds, one hundred five dollars; 3615

(5) More than fourteen thousand but not more than eighteen 3616  
thousand pounds, one hundred twenty-five dollars; 3617

(6) More than eighteen thousand but not more than twenty-two 3618  
thousand pounds, one hundred fifty dollars; 3619

(7) More than twenty-two thousand but not more than 3620  
twenty-six thousand pounds, one hundred seventy-five dollars; 3621

(8) More than twenty-six thousand but not more than thirty 3622  
thousand pounds, three hundred fifty-five dollars; 3623

(9) More than thirty thousand but not more than thirty-four 3624  
thousand pounds, four hundred twenty dollars; 3625

(10) More than thirty-four thousand but not more than 3626  
thirty-eight thousand pounds, four hundred eighty dollars; 3627

(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	3628 3629
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	3630 3631
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	3632 3633
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	3634 3635
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	3636 3637
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	3638 3639
(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	3640 3641
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	3642 3643
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	3644 3645
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	3646 3647
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	3648 3649
(B) The rates of the taxes imposed by section 4503.02 of the Revised Code are as follows for buses having a gross vehicle weight or combined gross vehicle weight of:	3650 3651 3652
(1) Not more than two thousand pounds, ten dollars;	3653
(2) More than two thousand but not more than six thousand pounds, forty dollars;	3654 3655
(3) More than six thousand but not more than ten thousand	3656

pounds, one hundred dollars;	3657
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	3658 3659
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	3660 3661
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	3662 3663
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	3664 3665
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	3666 3667
(9) More than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	3668 3669
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars;	3670 3671
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars;	3672 3673
(12) More than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars;	3674 3675
(13) More than forty-six thousand but not more than fifty thousand pounds, nine hundred forty dollars;	3676 3677
(14) More than fifty thousand but not more than fifty-four thousand pounds, one thousand dollars;	3678 3679
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, one thousand ninety dollars;	3680 3681
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, one thousand one hundred eighty dollars;	3682 3683 3684
(17) More than sixty-two thousand but not more than sixty-six	3685

thousand pounds, one thousand two hundred seventy dollars; 3686

(18) More than sixty-six thousand but not more than seventy 3687  
thousand pounds, one thousand three hundred sixty dollars; 3688

(19) More than seventy thousand but not more than 3689  
seventy-four thousand pounds, one thousand four hundred fifty 3690  
dollars; 3691

(20) More than seventy-four thousand but not more than 3692  
seventy-eight thousand pounds, one thousand five hundred forty 3693  
dollars; 3694

(21) More than seventy-eight thousand pounds, one thousand 3695  
six hundred thirty dollars. 3696

(C) In addition to the license taxes imposed at the rates 3697  
specified in divisions (A) and (B) of this section, an 3698  
administrative fee of three dollars and fifty cents, plus an 3699  
appropriate amount to cover the cost of postage, shall be 3700  
collected by the registrar for each international registration 3701  
plan license processed by the registrar. 3702

(D) The rate of the tax for each trailer and semitrailer is 3703  
twenty-five dollars. 3704

(E) Commencing on October 1, 2009, if an application for 3705  
registration renewal is not applied for prior to the expiration 3706  
date of the registration or within ~~seven~~ thirty days after that 3707  
date, the registrar or deputy registrar shall collect a fee of 3708  
~~twenty~~ ten dollars for the issuance of the vehicle registration, 3709  
but may waive the fee for good cause shown if the application is 3710  
accompanied by supporting evidence as the registrar may require. 3711  
The fee shall be in addition to all other fees established by this 3712  
section. A deputy registrar shall retain fifty cents of the fee 3713  
and shall transmit the remaining amount to the registrar at the 3714  
time and in the manner provided by section 4503.10 of the Revised 3715  
Code. The registrar shall deposit all moneys received under this 3716



division into the state highway safety fund established in section 3717  
4501.06 of the Revised Code. 3718

(F) The rates established by this section shall not apply to 3719  
any of the following: 3720

(1) Vehicles equipped, owned, and used by a charitable or 3721  
nonprofit corporation exclusively for the purpose of administering 3722  
chest x-rays or receiving blood donations; 3723

(2) Vans used principally for the transportation of 3724  
handicapped persons that have been modified by being equipped with 3725  
adaptive equipment to facilitate the movement of such persons into 3726  
and out of the vans; 3727

(3) Buses used principally for the transportation of 3728  
handicapped persons or persons sixty-five years of age or older; 3729

(4) Buses used principally for the transportation of persons 3730  
in a ridesharing arrangement; 3731

(5) Transit buses having motor power; 3732

(6) Noncommercial trailers, mobile homes, or manufactured 3733  
homes. 3734

**Sec. 4503.07.** (A) In lieu of the schedule of rates for 3735  
commercial cars fixed in section 4503.04 of the Revised Code, the 3736  
fee shall be ten dollars for each church bus used exclusively to 3737  
transport members of a church congregation to and from church 3738  
services or church functions or to transport children and their 3739  
authorized supervisors to and from any camping function sponsored 3740  
by a nonprofit, tax-exempt, charitable or philanthropic 3741  
organization. A church within the meaning of this section is an 3742  
organized religious group, duly constituted with officers and a 3743  
board of trustees, regularly holding religious services, and 3744  
presided over or administered to by a properly accredited 3745  
ecclesiastical officer, whose name and standing is published in 3746

the official publication of the officer's religious group. 3747

(B) Commencing on October 1, 2009, if an application for 3748  
registration renewal is not applied for prior to the expiration 3749  
date of the registration or within ~~seven~~ thirty days after that 3750  
date, the registrar or deputy registrar shall collect a fee of 3751  
~~twenty ten~~ ten dollars for the issuance of the vehicle registration, 3752  
but may waive the fee for good cause shown if the application is 3753  
accompanied by supporting evidence as the registrar may require. 3754  
The fee shall be in addition to all other fees established by this 3755  
section. A deputy registrar shall retain fifty cents of the fee 3756  
and shall transmit the remaining amount to the registrar at the 3757  
time and in the manner provided by section 4503.10 of the Revised 3758  
Code. The registrar shall deposit all moneys received under this 3759  
division into the state highway safety fund established in section 3760  
4501.06 of the Revised Code. 3761

(C) The application for registration of such bus shall be 3762  
accompanied by the following, as applicable: 3763

(1) An affidavit, prescribed by the registrar of motor 3764  
vehicles and signed by either the senior pastor, minister, priest, 3765  
or rabbi of the church making application or by the head of the 3766  
governing body of the church making application, stating that the 3767  
bus is to be used exclusively to transport members of a church 3768  
congregation to and from church services or church functions or to 3769  
transport children and their authorized supervisors to and from 3770  
any camping function sponsored by a nonprofit, tax-exempt, 3771  
charitable, or philanthropic organization; 3772

(2) A certificate from the state highway patrol stating that 3773  
the bus involved is safe for operation in accordance with such 3774  
standards as are prescribed by the state highway patrol if the bus 3775  
meets either of the following: 3776

(a) It originally was designed by the manufacturer to 3777

transport sixteen or more passengers, including the driver; 3778

(b) It has a gross vehicle weight rating of ten thousand one 3779  
pounds or more. 3780

(D) The form of the license plate and the manner of its 3781  
attachment to the vehicle shall be prescribed by the registrar. 3782

**Sec. 4503.103.** (A)(1)(a)(i) The registrar of motor vehicles 3783  
may adopt rules to permit any person or lessee, other than a 3784  
person receiving an apportioned license plate under the 3785  
international registration plan, who owns or leases one or more 3786  
motor vehicles to file a written application for registration for 3787  
no more than five succeeding registration years. The rules adopted 3788  
by the registrar may designate the classes of motor vehicles that 3789  
are eligible for such registration. At the time of application, 3790  
all annual taxes and fees shall be paid for each year for which 3791  
the person is registering. 3792

~~(ii)(2)(a)~~ Not later than ~~October 1, 2009~~ December 31, 2013, 3793  
the registrar shall adopt rules to permit any person or lessee who 3794  
owns or leases a trailer or semitrailer that is subject to the tax 3795  
rates prescribed in section 4503.042 of the Revised Code for such 3796  
trailers or semitrailers to file a written application for 3797  
registration for ~~not more than five~~ any number of succeeding 3798  
registration years, including a permanent registration. At the 3799  
time of application, all annual taxes and fees shall be paid for 3800  
each year for which the person is registering, provided that the 3801  
annual taxes due, regardless of the number of years for which the 3802  
person is registering, shall not exceed two hundred dollars. A 3803  
person who registers a vehicle under division (A)(1)(a)(~~ii~~)(2) of 3804  
this section shall pay for each year of registration the 3805  
additional fee established under division (C)(1) of section 3806  
4503.10 of the Revised Code, provided that the additional fee due, 3807  
regardless of the number of years for which the person is 3808

registering, shall not exceed eighty-eight dollars. The person 3809  
also shall pay one single deputy registrar service fee in the 3810  
amount specified in division (D) of section 4503.10 of the Revised 3811  
Code or one single bureau of motor vehicles service fee in the 3812  
amount specified in division (G) of that section, as applicable, 3813  
regardless of the number of years for which the person is 3814  
registering. 3815

(b) In addition, each person registering a trailer or 3816  
semitrailer under division (A)(2)(a) of this section shall pay any 3817  
applicable local motor vehicle license tax levied under Chapter 3818  
4504. of Revised Code for each year for which the person is 3819  
registering, provided that not more than eight times any such 3820  
annual local taxes shall be due upon registration. 3821

(c) The period of registration for a trailer or semitrailer 3822  
registered under division (A)(2)(a) of this section is exclusive 3823  
to the trailer or semitrailer for which that certificate of 3824  
registration is issued and is not transferable to any other 3825  
trailer or semitrailer. 3826

~~(b)(i)(3)~~ Except as provided in division (A)~~(1)(b)(ii)(4)~~ of 3827  
this section, the registrar shall adopt rules to permit any person 3828  
who owns a motor vehicle to file an application for registration 3829  
for ~~the next two~~ not more than five succeeding registration years. 3830  
At the time of application, the person shall pay the annual taxes 3831  
and fees for each registration year, calculated in accordance with 3832  
division (C) of section 4503.11 of the Revised Code. A person who 3833  
is registering a vehicle under division (A)~~(1)(b)(3)~~ of this 3834  
section shall pay for each year of registration the additional fee 3835  
established under division (C)(1) of section 4503.10 of the 3836  
Revised Code. The person shall also pay ~~one and one half times the~~ 3837  
~~amount of~~ the deputy registrar service fee ~~specified in division~~ 3838  
~~(D) of section 4503.10 of the Revised Code~~ or the bureau of motor 3839  
vehicles service fee ~~specified in division (G) of that section,~~ as 3840

applicable follows: 3841

(a) For a two-year registration, the service fee is five dollars and twenty-five cents. 3842  
3843

(b) For a three-year registration, the service fee is eight dollars. 3844  
3845

(c) For a four- or five-year registration, the service fee is ten dollars. 3846  
3847

~~(ii)~~(4) Division (A)~~(1)~~~~(b)~~~~(i)~~(3) of this section does not 3848  
apply to a person receiving an apportioned license plate under the 3849  
international registration plan, or the owner of a commercial car 3850  
used solely in intrastate commerce, or the owner of a bus as 3851  
defined in section 4513.50 of the Revised Code. 3852

~~(2)~~(B) No person applying for a multi-year registration under 3853  
division (A)~~(1)~~ of this section is entitled to a refund of any 3854  
taxes or fees paid. 3855

~~(3)~~(C) The registrar shall not issue to any applicant who has 3856  
been issued a final, nonappealable order under division ~~(B)~~(D) of 3857  
this section a multi-year registration or renewal thereof under 3858  
this division or rules adopted under it for any motor vehicle that 3859  
is required to be inspected under section 3704.14 of the Revised 3860  
Code the district of registration of which, as determined under 3861  
section 4503.10 of the Revised Code, is or is located in the 3862  
county named in the order. 3863

~~(B)~~(D) Upon receipt from the director of environmental 3864  
protection of a notice issued under rules adopted under section 3865  
3704.14 of the Revised Code indicating that an owner of a motor 3866  
vehicle that is required to be inspected under that section who 3867  
obtained a multi-year registration for the vehicle under division 3868  
(A) of this section or rules adopted under that division has not 3869  
obtained a required inspection certificate for the vehicle, the 3870  
registrar in accordance with Chapter 119. of the Revised Code 3871

shall issue an order to the owner impounding the certificate of 3872  
registration and identification license plates for the vehicle. 3873  
The order also shall prohibit the owner from obtaining or renewing 3874  
a multi-year registration for any vehicle that is required to be 3875  
inspected under that section, the district of registration of 3876  
which is or is located in the same county as the county named in 3877  
the order during the number of years after expiration of the 3878  
current multi-year registration that equals the number of years 3879  
for which the current multi-year registration was issued. 3880

An order issued under this division shall require the owner 3881  
to surrender to the registrar the certificate of registration and 3882  
license plates for the vehicle named in the order within five days 3883  
after its issuance. If the owner fails to do so within that time, 3884  
the registrar shall certify that fact to the county sheriff or 3885  
local police officials who shall recover the certificate of 3886  
registration and license plates for the vehicle. 3887

~~(C)~~(E) Upon the occurrence of either of the following 3888  
circumstances, the registrar in accordance with Chapter 119. of 3889  
the Revised Code shall issue to the owner a modified order 3890  
rescinding the provisions of the order issued under division 3891  
~~(B)~~(D) of this section impounding the certificate of registration 3892  
and license plates for the vehicle named in that original order: 3893

(1) Receipt from the director of environmental protection of 3894  
a subsequent notice under rules adopted under section 3704.14 of 3895  
the Revised Code that the owner has obtained the inspection 3896  
certificate for the vehicle as required under those rules; 3897

(2) Presentation to the registrar by the owner of the 3898  
required inspection certificate for the vehicle. 3899

~~(D)~~(F) The owner of a motor vehicle for which the certificate 3900  
of registration and license plates have been impounded pursuant to 3901  
an order issued under division ~~(B)~~(D) of this section, upon 3902

issuance of a modified order under division ~~(C)~~(E) of this 3903  
section, may apply to the registrar for their return. A fee of two 3904  
dollars and fifty cents shall be charged for the return of the 3905  
certificate of registration and license plates for each vehicle 3906  
named in the application. 3907

**Sec. 4503.11.** (A) Except as provided by sections 4503.103, 3908  
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3909  
person who is the owner or chauffeur of a motor vehicle operated 3910  
or driven upon the public roads or highways shall fail to file 3911  
annually the application for registration or to pay the tax 3912  
therefor. 3913

(B) Except as provided by sections 4503.12 and 4503.16 of the 3914  
Revised Code, the taxes payable on all applications made under 3915  
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 3916  
of the tax due under division (B)(1)(a) or (b) of this section 3917  
plus the tax due under division (B)(2)(a) or (b) of this section: 3918

(1)(a) If the application is made before the second month of 3919  
the current registration period to which the motor vehicle is 3920  
assigned as provided in section 4503.101 of the Revised Code, the 3921  
tax due is the full amount of the tax provided in section 4503.04 3922  
of the Revised Code; 3923

(b) If the application is made during or after the second 3924  
month of the current registration period to which the motor 3925  
vehicle is assigned as provided in section 4503.101 of the Revised 3926  
Code, and prior to the beginning of the next such registration 3927  
period, the amount of the tax provided in section 4503.04 of the 3928  
Revised Code shall be reduced by one-twelfth of the amount of such 3929  
tax, rounded upward to the nearest cent, multiplied by the number 3930  
of full months that have elapsed in the current registration 3931  
period. The resulting amount shall be rounded upward to the next 3932  
highest dollar and shall be the amount of tax due. 3933

(2)(a) If the application is made before the sixth month of 3934  
the current registration period to which the motor vehicle is 3935  
assigned as provided in section 4503.101 of the Revised Code, the 3936  
amount of tax due is the full amount of local motor vehicle 3937  
license taxes levied under Chapter 4504. of the Revised Code; 3938

(b) If the application is made during or after the sixth 3939  
month of the current registration period to which the motor 3940  
vehicle is assigned as provided in section 4503.101 of the Revised 3941  
Code and prior to the beginning of the next such registration 3942  
period, the amount of tax due is one-half of the amount of local 3943  
motor vehicle license taxes levied under Chapter 4504. of the 3944  
Revised Code. 3945

(C) The taxes payable on all applications made under division 3946  
(A)~~(1)~~~~(b)~~(3) of section 4503.103 of the Revised Code shall be the 3947  
sum of the tax due under division (B)(1)(a) or (b) of this section 3948  
plus the tax due under division (B)(2)(a) or (b) of this section 3949  
for the first year plus the full amount of the tax provided in 3950  
section 4503.04 of the Revised Code and the full amount of local 3951  
motor vehicle license taxes levied under Chapter 4504. of the 3952  
Revised Code for ~~the second~~ each succeeding year. 3953

(D) Whoever violates this section is guilty of a misdemeanor 3954  
of the fourth degree. 3955

**Sec. 4503.19.** (A) Upon the filing of an application for 3956  
registration and the payment of the tax for registration, the 3957  
registrar of motor vehicles or a deputy registrar shall determine 3958  
whether the owner previously has been issued license plates for 3959  
the motor vehicle described in the application. If no license 3960  
plates previously have been issued to the owner for that motor 3961  
vehicle, the registrar or deputy registrar shall assign to the 3962  
motor vehicle a distinctive number and issue and deliver to the 3963  
owner in the manner that the registrar may select a certificate of 3964



registration, in the form that the registrar shall prescribe, and, 3965  
except as otherwise provided in this section, two license plates, 3966  
duplicates of each other, and a validation sticker, or a 3967  
validation sticker alone, to be attached to the number plates as 3968  
provided in section 4503.191 of the Revised Code. The registrar or 3969  
deputy registrar also shall charge the owner any fees required 3970  
under division (C) of section 4503.10 of the Revised Code. 3971  
Trailers, manufactured homes, mobile homes, semitrailers, the 3972  
manufacturer thereof, the dealer, or in transit companies therein, 3973  
shall be issued one license plate only and one validation sticker, 3974  
or a validation sticker alone, and the license plate and 3975  
validation sticker shall be displayed only on the rear of such 3976  
vehicles. A commercial tractor that does not receive an 3977  
apportioned license plate under the international registration 3978  
plan shall be issued two license plates and one validation 3979  
sticker, and the validation sticker shall be displayed on the 3980  
front of the commercial tractor. An apportioned vehicle receiving 3981  
an apportioned license plate under the international registration 3982  
plan shall be issued one license plate only and one validation 3983  
sticker, or a validation sticker alone; the license plate shall be 3984  
displayed only on the front of a semitractor and on the rear of 3985  
all other vehicles. School buses shall not be issued license 3986  
plates but shall bear identifying numbers in the manner prescribed 3987  
by section 4511.764 of the Revised Code. The certificate of 3988  
registration and license plates and validation stickers, or 3989  
validation stickers alone, shall be issued and delivered to the 3990  
owner in person or by mail. Chauffeured limousines shall be issued 3991  
license plates, a validation sticker, and a livery sticker as 3992  
provided in section 4503.24 of the Revised Code. In the event of 3993  
the loss, mutilation, or destruction of any certificate of 3994  
registration, or of any license plates or validation stickers, or 3995  
if the owner chooses to replace license plates previously issued 3996

for a motor vehicle, or if the registration certificate and 3997  
license plates have been impounded as provided by division (B)(1) 3998  
of section 4507.02 and section 4507.16 of the Revised Code, the 3999  
owner of a motor vehicle, or manufacturer or dealer, may obtain 4000  
from the registrar, or from a deputy registrar if authorized by 4001  
the registrar, a duplicate thereof or new license plates bearing a 4002  
different number, if the registrar considers it advisable, upon 4003  
filing an application prescribed by the registrar, and upon paying 4004  
a fee of one dollar for such certificate of registration, which 4005  
one dollar fee shall be deposited into the state treasury to the 4006  
credit of the state bureau of motor vehicles fund created in 4007  
section 4501.25 of the Revised Code. Commencing with each request 4008  
made on or after October 1, 2009, or in conjunction with 4009  
replacement license plates issued for renewal registrations 4010  
expiring on or after October 1, 2009, a fee of seven dollars and 4011  
fifty cents for each set of two license plates or six dollars and 4012  
fifty cents for each single license plate or validation sticker 4013  
shall be charged and collected, of which the registrar shall 4014  
deposit five dollars and fifty cents of each seven dollar and 4015  
fifty cent fee or each six dollar and fifty cent fee into the 4016  
state treasury to the credit of the state highway safety fund 4017  
created in section 4501.06 of the Revised Code and the remaining 4018  
portion of each such fee into the state treasury to the credit of 4019  
the state bureau of motor vehicles fund created in section 4501.25 4020  
of the Revised Code. In addition, each applicant for a replacement 4021  
certificate of registration, license plate, or validation sticker 4022  
shall pay the fees provided in divisions (C) and (D) of section 4023  
4503.10 of the Revised Code and any applicable fee under section 4024  
4503.192 of the Revised Code. 4025

Additionally, the registrar and each deputy registrar who 4026  
either issues license plates and a validation sticker for use on 4027  
any vehicle other than a commercial tractor, semitrailer, or 4028

apportioned vehicle, or who issues a validation sticker alone for 4029  
use on such a vehicle and the owner has changed the owner's county 4030  
of residence since the owner last was issued county identification 4031  
stickers, also shall issue and deliver to the owner either one or 4032  
two county identification stickers, as appropriate, which shall be 4033  
attached to the license plates in a manner prescribed by the 4034  
director of public safety. The county identification stickers 4035  
shall identify prominently by name or number the county in which 4036  
the owner of the vehicle resides at the time of registration. 4037

(B) A certificate of registration issued under this section 4038  
shall have a portion that contains all the information contained 4039  
in the main portion of the certificate except for the address of 4040  
the person to whom the certificate is issued. Except as provided 4041  
in this division, whenever a reference is made in the Revised Code 4042  
to a motor vehicle certificate of registration that is issued 4043  
under this section, the reference shall be deemed to refer to 4044  
either the main portion of the certificate or the portion 4045  
containing all information in the main portion except the address 4046  
of the person to whom the certificate is issued. If a reference is 4047  
made in the Revised Code to the seizure or surrender of a motor 4048  
vehicle certificate of registration that is issued under this 4049  
section, the reference shall be deemed to refer to both the main 4050  
portion of the certificate and the portion containing all 4051  
information in the main portion except the address of the person 4052  
to whom the certificate is issued. 4053

(C) Whoever violates this section is guilty of a minor 4054  
misdemeanor. 4055

**Sec. 4503.191.** (A)(1) The identification license plate shall 4056  
be issued for a multi-year period as determined by the director of 4057  
public safety, and shall be accompanied by a validation sticker, 4058  
to be attached to the license plate. Except as provided in 4059

division (A)(2) of this section, the validation sticker shall 4060  
indicate the expiration of the registration period to which the 4061  
motor vehicle for which the license plate is issued is assigned, 4062  
in accordance with rules adopted by the registrar of motor 4063  
vehicles. During each succeeding year of the multi-year period 4064  
following the issuance of the plate and validation sticker, upon 4065  
the filing of an application for registration and the payment of 4066  
the tax therefor, a validation sticker alone shall be issued. The 4067  
validation stickers required under this section shall be of 4068  
different colors or shades each year, the new colors or shades to 4069  
be selected by the director. 4070

(2)(a) Not later than October 1, 2009, the director shall 4071  
develop a universal validation sticker that may be issued to any 4072  
owner of two hundred fifty or more passenger vehicles, so that a 4073  
sticker issued to the owner may be placed on any passenger vehicle 4074  
in that owner's fleet. The director may establish and charge an 4075  
additional fee of not more than one dollar per registration to 4076  
compensate for necessary costs of the universal validation sticker 4077  
program. The additional fee shall be credited to the state bureau 4078  
of motor vehicles fund created in section 4501.25 of the Revised 4079  
Code. 4080

(b) A validation sticker issued for an all-purpose vehicle 4081  
that is registered under Chapter 4519. of the Revised Code or for 4082  
a trailer or semitrailer that is permanently registered under 4083  
division (A)~~(1)(a)(ii)~~(2) of section 4503.103 of the Revised Code 4084  
or is registered for a ~~period of not more than five~~ any number of 4085  
succeeding registration years may indicate the expiration of the 4086  
registration period, if any, by any manner determined by the 4087  
registrar by rule. 4088

(B) Identification license plates shall be produced by Ohio 4089  
penal industries. Validation stickers and county identification 4090  
stickers shall be produced by Ohio penal industries unless the 4091

registrar adopts rules that permit the registrar or deputy 4092  
registrars to print or otherwise produce them in house. 4093

Sec. 4503.192. (A)(1) Except as provided in division (B) of 4094  
this section, any person who is replacing vehicle license plates, 4095  
upon request and payment of a fee of ten dollars, may retain the 4096  
distinctive combination of letters and numerals on license plates 4097  
previously issued to that person. 4098

A person who is replacing license plates specifically created 4099  
by law for which the registrar collects a contribution or 4100  
additional fee, may retain the distinctive combination of letters 4101  
and numerals on license plates previously issued to that person 4102  
upon request and payment of a fee of ten dollars, but the person 4103  
also shall be required to pay the contribution or additional fee 4104  
required under the Revised Code section authorizing issuance of 4105  
the license plate. 4106

(2) The registrar of motor vehicles shall charge and collect 4107  
the ten-dollar fee under this section only when a new set of 4108  
license plates are issued. The fee is in addition to the license 4109  
tax established by this chapter and, where applicable, Chapter 4110  
4504. of the Revised Code. A deputy registrar who receives an 4111  
application under this section shall retain one dollar of the 4112  
ten-dollar fee and shall transmit the remaining nine dollars to 4113  
the registrar in a manner determined by the registrar. The 4114  
registrar shall deposit the fees received under this section into 4115  
the state treasury to the credit of the state bureau of motor 4116  
vehicles fund created under section 4501.25 of the Revised Code 4117  
and shall be used by the bureau of motor vehicles to pay the 4118  
expenses of producing license plates and validation stickers, 4119  
including the cost of materials, manufacturing, and administrative 4120  
costs for required replacement of license plates. 4121

(B) This section does not apply to either of the following: 4122

(1) A person who is replacing license plates originally 4123  
obtained under section 4503.40 or 4503.42 of the Revised Code. 4124  
Such a person shall pay the additional fee required under the 4125  
applicable section to retain the distinctive license plates 4126  
previously issued. 4127

(2) A person who is replacing a single, duplicate license 4128  
plate due to the loss, mutilation, or destruction of a license 4129  
plate. 4130

**Sec. 4503.22.** The identification license plate shall consist 4131  
of a placard upon the face of which shall appear the distinctive 4132  
number assigned to the motor vehicle as provided in section 4133  
4503.19 of the Revised Code, in Arabic numerals or letters, or 4134  
both. The dimensions of the numerals or letters and of each stroke 4135  
shall be determined by the director of public safety. The license 4136  
placard also shall contain the name of this state and the slogan 4137  
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 4138  
aluminum, plastic, or any other suitable material, and the 4139  
background shall be treated with a reflective material that shall 4140  
provide effective and dependable reflective brightness during the 4141  
service period required of the placard. Specifications for the 4142  
reflective and other materials and the design of the placard, the 4143  
county identification stickers as provided by section 4503.19 of 4144  
the Revised Code, and validation stickers as provided by section 4145  
4503.191 of the Revised Code, shall be adopted by the director as 4146  
rules under sections 119.01 to 119.13 of the Revised Code. The 4147  
identification license plate of motorized bicycles and of motor 4148  
vehicles of the type commonly called "motorcycles" shall consist 4149  
of a single placard, the size of which shall be prescribed by the 4150  
director. The identification plate of a vehicle registered in 4151  
accordance with the international registration plan shall contain 4152  
the word "apportioned." The director may prescribe the type of 4153  
placard, or means of fastening the placard, or both; the placard 4154

or means of fastening may be so designed and constructed as to 4155  
render difficult the removal of the placard after it has been 4156  
fastened to a motor vehicle. 4157

**Sec. 4503.42.** For each registration renewal with an 4158  
expiration date before October 1, 2009, and for each initial 4159  
application for registration received before that date the 4160  
registrar of motor vehicles shall be allowed a fee not to exceed 4161  
thirty-five dollars, and for each registration renewal with an 4162  
expiration date on or after October 1, 2009, and for each initial 4163  
application for registration received on or after that date the 4164  
registrar shall be allowed a fee of fifty dollars, which shall be 4165  
in addition to the regular license fee for tags as prescribed 4166  
under section 4503.04 of the Revised Code and any tax levied under 4167  
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 4168  
each application received by the registrar for special reserved 4169  
license plate numbers containing more than three letters or 4170  
numerals, and the issuing of such licenses and validation stickers 4171  
in the several series as the registrar may designate. Five dollars 4172  
of the fee shall be for the purpose of compensating the bureau of 4173  
motor vehicles for additional services required in the issuing of 4174  
such licenses and validation stickers, and the remaining portion 4175  
of the fee shall be deposited by the registrar into the state 4176  
treasury to the credit of the state highway safety fund created by 4177  
section 4501.06 of the Revised Code. 4178

This section does not apply to the issuance of reserved 4179  
license plates as authorized by sections 4503.14, 4503.15, and 4180  
4503.40 of the Revised Code. The types of motor vehicles for which 4181  
license plate numbers containing more than three letters or 4182  
numerals may be issued in accordance with this section shall 4183  
include at least buses, passenger cars, and noncommercial motor 4184  
vehicles. 4185

**Sec. 4503.45.** An owner of a collector's vehicle, upon 4186  
complying with the motor vehicle laws relating to registration and 4187  
licensing of motor vehicles, and upon payment of the regular 4188  
license fee as prescribed under section 4503.04 of the Revised 4189  
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 4190  
4504. of the Revised Code, and the payment of an additional fee of 4191  
five dollars, which shall be for the purpose of compensating the 4192  
bureau of motor vehicles for additional services required in the 4193  
issuing of such licenses, shall be issued validation stickers and 4194  
license plates, or validation stickers alone when required by 4195  
section 4503.191 of the Revised Code, upon which, in addition to 4196  
the letters and numbers ordinarily inscribed thereon, shall be 4197  
inscribed the words "collector's vehicle." 4198

**Sec. 4503.49.** (A) As used in this section, "ambulance," 4199  
"ambulette," "emergency medical service organization," 4200  
"nonemergency medical service organization," and "nontransport 4201  
vehicle" have the same meanings as in section 4766.01 of the 4202  
Revised Code. 4203

(B) Each private emergency medical service organization and 4204  
each private nonemergency medical service organization shall apply 4205  
to the registrar of motor vehicles for the registration of any 4206  
ambulance, ambulette, or nontransport vehicle it owns or leases. 4207  
The application shall be accompanied by a copy of the certificate 4208  
of licensure issued to the organization by the ~~Ohio~~ state board of 4209  
emergency medical, fire, and transportation board services and the 4210  
following fees: 4211

(1) The regular license tax as prescribed under section 4212  
4503.04 of the Revised Code; 4213

(2) Any local license tax levied under Chapter 4504. of the 4214  
Revised Code; 4215



(3) An additional fee of seven dollars and fifty cents. The 4216  
additional fee shall be for the purpose of compensating the bureau 4217  
of motor vehicles for additional services required to be performed 4218  
under this section and shall be transmitted by the registrar to 4219  
the treasurer of state for deposit in the state bureau of motor 4220  
vehicles fund created by section 4501.25 of the Revised Code. 4221

(C) On receipt of a complete application, the registrar shall 4222  
issue to the applicant the appropriate certificate of registration 4223  
for the vehicle and do one of the following: 4224

(1) Issue a set of license plates with a validation sticker 4225  
and a set of stickers to be attached to the plates as an 4226  
identification of the vehicle's classification as an ambulance, 4227  
ambulette, or nontransport vehicle; 4228

(2) Issue a validation sticker alone when so required by 4229  
section 4503.191 of the Revised Code. 4230

**Sec. 4503.83.** (A) Commencing January 1, 2014, the owner or 4231  
lessee of a fleet of apportioned vehicles may apply to the 4232  
registrar of motor vehicles for the registration of any 4233  
apportioned vehicle, commercial trailer, or other vehicle of a 4234  
class approved by the registrar and issuance of company logo 4235  
license plates. The initial application shall be for not less than 4236  
fifty eligible vehicles. The applicant shall provide the registrar 4237  
the artwork for the company logo plate in a format designated by 4238  
the registrar. The registrar shall approve the artwork or return 4239  
the artwork for modification in accordance with any design 4240  
requirements reasonably imposed by the registrar. 4241

Upon approval of the artwork and receipt of the completed 4242  
application and compliance with divisions (B) and (C) of this 4243  
section, the registrar shall issue to the applicant the 4244  
appropriate vehicle registration and the appropriate number of 4245  
company logo license plates with a validation sticker or a 4246

validation sticker alone when required by section 4503.191 of the 4247  
Revised Code, except that no validation sticker shall be issued 4248  
under this section for a motor vehicle for which the registration 4249  
tax is specified in section 4503.042 of the Revised Code. 4250

In addition to the letters and numbers ordinarily inscribed 4251  
on license plates, company logo license plates shall be inscribed 4252  
with words and markings requested by the applicant and approved by 4253  
the registrar. 4254

(B) A company logo license plate and a validation sticker or, 4255  
when applicable, a validation sticker alone shall be issued upon 4256  
payment of the regular license tax prescribed in section 4503.042 4257  
of the Revised Code, any applicable fees prescribed in section 4258  
4503.10 of the Revised Code, any applicable motor vehicle tax 4259  
levied under Chapter 4504. of the Revised Code, a bureau of motor 4260  
vehicles fee of six dollars when a company logo license plate 4261  
actually is issued, and compliance with all other applicable laws 4262  
relating to the registration of motor vehicles. If a company logo 4263  
plate is issued to replace an existing license plate for the same 4264  
vehicle, the replacement license plate fees prescribed in division 4265  
(A) of section 4503.19 of the Revised Code shall not apply. 4266

(C) The registrar shall deposit the bureau of motor vehicles 4267  
fee specified in division (B) of this section, the purpose of 4268  
which is to compensate the bureau for the additional services 4269  
required in issuing company logo license plates, in the state 4270  
bureau of motor vehicles fund created in section 4501.25 of the 4271  
Revised Code. 4272

**Sec. 4504.19.** Upon receipt by ~~him~~ the county auditor of 4273  
moneys pursuant to section 4501.043 of the Revised Code, the 4274  
county auditor shall pay into the treasury of each township in the 4275  
county levying a township motor vehicle license tax the portion of 4276  
such money due the township as shown by the certificate of the 4277

registrar of motor vehicles prepared pursuant to section ~~4501.03~~ 4278  
4501.031 of the Revised Code. The money shall be used by the 4279  
township only for the purposes described in section 4504.18 of the 4280  
Revised Code. 4281

**Sec. 4504.21.** (A) For the purpose of paying the costs and 4282  
expenses of enforcing and administering the tax provided for in 4283  
this section; for planning, constructing, reconstructing, 4284  
improving, maintaining, and repairing roads, bridges, and 4285  
culverts; for purchasing, erecting, and maintaining traffic signs, 4286  
markers, lights, and signals; for paying debt service charges on 4287  
obligations issued for those purposes; and to supplement revenue 4288  
already available for those purposes, a transportation improvement 4289  
district created in accordance with section 5540.02 of the Revised 4290  
Code may levy an annual license tax upon the operation of motor 4291  
vehicles on the public roads and highways in the territory of the 4292  
district. The tax shall be levied in increments of five dollars 4293  
and shall not exceed twenty dollars per motor vehicle on all motor 4294  
vehicles the owners of which reside in the district and shall be 4295  
in addition to all other taxes levied under this chapter, subject 4296  
to reduction in the manner provided in division (B)(2) of section 4297  
4503.11 of the Revised Code. The tax may be levied in all or part 4298  
of the territory of the district. 4299

(B) The board of trustees of a transportation improvement 4300  
district proposing to levy a motor vehicle license tax under this 4301  
section shall put the question of the tax to the electors of the 4302  
district or of that part of the district in which the tax would be 4303  
levied. The election shall be held on the date of a primary or 4304  
general election held not less than ninety days after the board of 4305  
trustees certifies to the county board of elections its resolution 4306  
proposing the tax. The resolution shall specify the rate of the 4307  
tax. The board of elections shall submit the question of the tax 4308  
to the electors at the primary or general election. The secretary 4309

of state shall prescribe the form of the ballot for the election. 4310  
If approved by a majority of the electors voting on the question 4311  
of the tax, the board of trustees shall levy the tax as provided 4312  
in the resolution. 4313

(C) A transportation improvement district license tax levied 4314  
under this section shall continue in effect until repealed, or 4315  
until the dissolution of the transportation improvement district 4316  
that levied it. 4317

(D) Money received by the registrar of motor vehicles 4318  
pursuant to ~~sections 4501.03 and~~ section 4504.09 of the Revised 4319  
Code that consists of the taxes levied under this section shall be 4320  
deposited in the ~~auto registration distribution~~ local motor 4321  
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 4322  
the Revised Code and distributed to the transportation improvement 4323  
district levying such tax. The registrar may assign to the 4324  
transportation improvement district a unique code to facilitate 4325  
the distribution of such money, which may be the same unique code 4326  
assigned to a county under section 4501.03 of the Revised Code. 4327

**Sec. 4505.11.** This section shall also apply to all-purpose 4328  
vehicles and off-highway motorcycles as defined in section 4519.01 4329  
of the Revised Code. 4330

(A) Each owner of a motor vehicle and each person mentioned 4331  
as owner in the last certificate of title, when the motor vehicle 4332  
is dismantled, destroyed, or changed in such manner that it loses 4333  
its character as a motor vehicle, or changed in such manner that 4334  
it is not the motor vehicle described in the certificate of title, 4335  
shall surrender the certificate of title to that motor vehicle to 4336  
a clerk of a court of common pleas, and the clerk, with the 4337  
consent of any holders of any liens noted on the certificate of 4338  
title, then shall enter a cancellation upon the clerk's records 4339  
and shall notify the registrar of motor vehicles of the 4340

cancellation. 4341

Upon the cancellation of a certificate of title in the manner 4342  
prescribed by this section, any clerk and the registrar of motor 4343  
vehicles may cancel and destroy all certificates and all 4344  
memorandum certificates in that chain of title. 4345

(B)(1) If an Ohio certificate of title or salvage certificate 4346  
of title to a motor vehicle is assigned to a salvage dealer, the 4347  
dealer is not required to obtain an Ohio certificate of title or a 4348  
salvage certificate of title to the motor vehicle in the dealer's 4349  
own name if the dealer dismantles or destroys the motor vehicle, 4350  
indicates the number of the dealer's motor vehicle salvage 4351  
dealer's license on it, marks "FOR DESTRUCTION" across the face of 4352  
the certificate of title or salvage certificate of title, and 4353  
surrenders the certificate of title or salvage certificate of 4354  
title to a clerk of a court of common pleas as provided in 4355  
division (A) of this section. If the salvage dealer retains the 4356  
motor vehicle for resale, the dealer shall make application for a 4357  
salvage certificate of title to the motor vehicle in the dealer's 4358  
own name as provided in division (C)(1) of this section. 4359

(2) At the time any salvage motor vehicle is sold at auction 4360  
or through a pool, the salvage motor vehicle auction or salvage 4361  
motor vehicle pool shall give a copy of the salvage certificate of 4362  
title or a copy of the certificate of title marked "FOR 4363  
DESTRUCTION" to the purchaser. 4364

(C)(1) When an insurance company declares it economically 4365  
impractical to repair such a motor vehicle and has paid an agreed 4366  
price for the purchase of the motor vehicle to any insured or 4367  
claimant owner, the insurance company shall proceed as follows: 4368

(a) If an insurance company receives the certificate of title 4369  
and the motor vehicle, within thirty business days, the insurance 4370  
company shall deliver the certificate of title to a clerk of a 4371

court of common pleas and shall make application for a salvage certificate of title. 4372  
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(b) If an insurance company obtains possession of the motor vehicle but is unable to obtain the properly endorsed certificate of title for the motor vehicle, within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title on the insurance company's letterhead, and the original certified mail, return receipt notice, addressed to the last known owner of the vehicle and any known lienholder, to obtain the certificate of title. 4374  
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(c) Upon receipt of a properly completed application for a salvage certificate of title as described in division (C)(1)(a) or (b) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the original certificate of title. Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferrable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title. 4388  
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(2) If an insurance company requests that a salvage motor 4403

vehicle auction take possession of a motor vehicle that is the 4404  
subject of an insurance claim, and subsequently the insurance 4405  
company denies coverage with respect to the motor vehicle or does 4406  
not otherwise take ownership of the motor vehicle, the salvage 4407  
motor vehicle auction may proceed as follows. After the salvage 4408  
motor vehicle auction has possession of the motor vehicle for 4409  
forty-five days, it may apply to the clerk of a court of common 4410  
pleas for a salvage certificate of title without delivering the 4411  
certificate of title for the motor vehicle. The application shall 4412  
be accompanied by a copy of the written request that the vehicle 4413  
be removed from the facility on the salvage motor vehicle 4414  
auction's letterhead, and the original certified mail, return 4415  
receipt notice, addressed to the last known owner of the vehicle 4416  
and any known lienholder, requesting that the vehicle be removed 4417  
from the facility of the salvage motor vehicle auction. Upon 4418  
receipt of a properly completed application, the clerk shall 4419  
follow the process as described in division (C)(1)(c) of this 4420  
section. The salvage certificate of title so issued shall be free 4421  
and clear of all liens. 4422

(3) If an insurance company considers a motor vehicle as 4423  
described in division (C)(1)(a) or (b) of this section to be 4424  
impossible to restore for highway operation, the insurance company 4425  
may assign the certificate of title to the motor vehicle to a 4426  
salvage dealer or scrap metal processing facility and send the 4427  
assigned certificate of title to the clerk of the court of common 4428  
pleas of any county. The insurance company shall mark the face of 4429  
the certificate of title "FOR DESTRUCTION" and shall deliver a 4430  
photocopy of the certificate of title to the salvage dealer or 4431  
scrap metal processing facility for its records. 4432

(4) If an insurance company declares it economically 4433  
impractical to repair a motor vehicle, agrees to pay to the 4434  
insured or claimant owner an amount in settlement of a claim 4435

against a policy of motor vehicle insurance covering the motor 4436  
vehicle, and agrees to permit the insured or claimant owner to 4437  
retain possession of the motor vehicle, the insurance company 4438  
shall not pay the insured or claimant owner any amount in 4439  
settlement of the insurance claim until the owner obtains a 4440  
salvage certificate of title to the vehicle and furnishes a copy 4441  
of the salvage certificate of title to the insurance company. 4442

(D) When a self-insured organization, rental or leasing 4443  
company, or secured creditor becomes the owner of a motor vehicle 4444  
that is burned, damaged, or dismantled and is determined to be 4445  
economically impractical to repair, the self-insured organization, 4446  
rental or leasing company, or secured creditor shall do one of the 4447  
following: 4448

(1) Mark the face of the certificate of title to the motor 4449  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 4450  
to a clerk of a court of common pleas for cancellation as 4451  
described in division (A) of this section. The self-insured 4452  
organization, rental or leasing company, or secured creditor then 4453  
shall deliver the motor vehicle, together with a photocopy of the 4454  
certificate of title, to a salvage dealer or scrap metal 4455  
processing facility and shall cause the motor vehicle to be 4456  
dismantled, flattened, crushed, or destroyed. 4457

(2) Obtain a salvage certificate of title to the motor 4458  
vehicle in the name of the self-insured organization, rental or 4459  
leasing company, or secured creditor, as provided in division 4460  
(C)(1) of this section, and then sell or otherwise dispose of the 4461  
motor vehicle. If the motor vehicle is sold, the self-insured 4462  
organization, rental or leasing company, or secured creditor shall 4463  
obtain a salvage certificate of title to the motor vehicle in the 4464  
name of the purchaser from a clerk of a court of common pleas. 4465

(E) If a motor vehicle titled with a salvage certificate of 4466  
title is restored for operation upon the highways, application 4467



shall be made to a clerk of a court of common pleas for a 4468  
certificate of title. Upon inspection by the state highway patrol, 4469  
which shall include establishing proof of ownership and an 4470  
inspection of the motor number and vehicle identification number 4471  
of the motor vehicle and of documentation or receipts for the 4472  
materials used in restoration by the owner of the motor vehicle 4473  
being inspected, which documentation or receipts shall be 4474  
presented at the time of inspection, the clerk, upon surrender of 4475  
the salvage certificate of title, shall issue a certificate of 4476  
title for a fee prescribed by the registrar. The certificate of 4477  
title shall be in the same form as the original certificate of 4478  
title and shall bear the words "REBUILT SALVAGE" in black boldface 4479  
letters on its face. Every subsequent certificate of title, 4480  
memorandum certificate of title, or duplicate certificate of title 4481  
issued for the motor vehicle also shall bear the words "REBUILT 4482  
SALVAGE" in black boldface letters on its face. The exact location 4483  
on the face of the certificate of title of the words "REBUILT 4484  
SALVAGE" shall be determined by the registrar, who shall develop 4485  
an automated procedure within the automated title processing 4486  
system to comply with this division. The clerk shall use 4487  
reasonable care in performing the duties imposed on the clerk by 4488  
this division in issuing a certificate of title pursuant to this 4489  
division, but the clerk is not liable for any of the clerk's 4490  
errors or omissions or those of the clerk's deputies, or the 4491  
automated title processing system in the performance of those 4492  
duties. A fee of fifty dollars shall be assessed by the state 4493  
highway patrol for each inspection made pursuant to this division 4494  
and shall be deposited into the state highway safety fund 4495  
established by section 4501.06 of the Revised Code. 4496

(F) No person shall operate upon the highways in this state a 4497  
motor vehicle, title to which is evidenced by a salvage 4498  
certificate of title, except to deliver the motor vehicle pursuant 4499  
to an appointment for an inspection under this section. 4500

(G) No motor vehicle the certificate of title to which has  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a  
court of common pleas shall be used for anything except parts and  
scrap metal.

(H)(1) Except as otherwise provided in this division, an  
owner of a manufactured or mobile home that will be taxed as real  
property pursuant to division (B) of section 4503.06 of the  
Revised Code shall surrender the certificate of title to the  
auditor of the county containing the taxing district in which the  
home is located. An owner whose home qualifies for real property  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of  
the Revised Code shall surrender the certificate within fifteen  
days after the home meets the conditions specified in those  
divisions. The auditor shall deliver the certificate of title to  
the clerk of the court of common pleas who issued it.

(2) If the certificate of title for a manufactured or mobile  
home that is to be taxed as real property is held by a lienholder,  
the lienholder shall surrender the certificate of title to the  
auditor of the county containing the taxing district in which the  
home is located, and the auditor shall deliver the certificate of  
title to the clerk of the court of common pleas who issued it. The  
lienholder shall surrender the certificate within thirty days  
after both of the following have occurred:

(a) The homeowner has provided written notice to the  
lienholder requesting that the certificate of title be surrendered  
to the auditor of the county containing the taxing district in  
which the home is located.

(b) The homeowner has either paid the lienholder the  
remaining balance owed to the lienholder, or, with the  
lienholder's consent, executed and delivered to the lienholder a  
mortgage on the home and land on which the home is sited in the  
amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title processing system for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

**Sec. 4506.08.** (A)(1) Each application for a commercial

driver's license temporary instruction permit shall be accompanied 4563  
by a fee of ten dollars. Each application for a commercial 4564  
driver's license, restricted commercial driver's license, renewal 4565  
of such a license, or waiver for farm-related service industries 4566  
shall be accompanied by a fee of twenty-five dollars, except that 4567  
an application for a commercial driver's license or restricted 4568  
commercial driver's license received pursuant to division (A)(3) 4569  
of section 4506.14 of the Revised Code shall be accompanied by a 4570  
fee of eighteen dollars and seventy-five cents if the license will 4571  
expire on the licensee's birthday three years after the date of 4572  
issuance, a fee of twelve dollars and fifty cents if the license 4573  
will expire on the licensee's birthday two years after the date of 4574  
issuance, and a fee of six dollars and twenty-five cents if the 4575  
license will expire on the licensee's birthday one year after the 4576  
date of issuance. Each application for a duplicate commercial 4577  
driver's license shall be accompanied by a fee of ten dollars. 4578

(2) In addition, the registrar of motor vehicles or deputy 4579  
registrar may collect and retain an additional fee of no more than 4580  
three dollars and fifty cents for each application for a 4581  
commercial driver's license temporary instruction permit, 4582  
commercial driver's license, renewal of a commercial driver's 4583  
license, or duplicate commercial driver's license received by the 4584  
registrar or deputy. 4585

(B) In addition to the fees imposed under division (A) of 4586  
this section, the registrar of motor vehicles or deputy registrar 4587  
shall collect a fee of twelve dollars for each application for a 4588  
commercial driver's license temporary instruction permit, 4589  
commercial driver's license, or duplicate commercial driver's 4590  
license and for each application for renewal of a commercial 4591  
driver's license. The additional fee is for the purpose of 4592  
defraying the department of public safety's costs associated with 4593  
the administration and enforcement of the motor vehicle and 4594

traffic laws of Ohio. 4595

(C) Each deputy registrar shall transmit the fees collected 4596  
under divisions (A)(1) and (B) of this section in the time and 4597  
manner prescribed by the registrar. The registrar shall deposit 4598  
all moneys ~~received~~ collected under division ~~(C)(A)(1)~~ of this 4599  
section into the state ~~highway safety bureau of motor vehicles~~ 4600  
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 4601  
The registrar shall deposit all moneys collected under division 4602  
(B) of this section into the state highway safety fund established 4603  
in section 4501.06 of the Revised Code. 4604

(D) Information regarding the driving record of any person 4605  
holding a commercial driver's license issued by this state shall 4606  
be furnished by the registrar, upon request and payment of a fee 4607  
of five dollars, to the employer or prospective employer of such a 4608  
person and to any insurer. 4609

Of each five-dollar fee the registrar collects under this 4610  
division, the registrar shall pay two dollars into the state 4611  
treasury to the credit of the state bureau of motor vehicles fund 4612  
established in section 4501.25 of the Revised Code, sixty cents 4613  
into the state treasury to the credit of the trauma and emergency 4614  
medical services fund established in section 4513.263 of the 4615  
Revised Code, sixty cents into the state treasury to the credit of 4616  
the homeland security fund established in section 5502.03 of the 4617  
Revised Code, thirty cents into the state treasury to the credit 4618  
of the investigations fund established in section 5502.131 of the 4619  
Revised Code, one dollar and twenty-five cents into the state 4620  
treasury to the credit of the emergency management agency service 4621  
and reimbursement fund established in section 5502.39 of the 4622  
Revised Code, and twenty-five cents into the state treasury to the 4623  
credit of the justice program services fund established in section 4624  
5502.67 of the Revised Code. 4625

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4626  
approval by the director of public safety, shall adopt rules 4627  
conforming with applicable standards adopted by the federal motor 4628  
carrier safety administration as regulations under Pub. L. No. 4629  
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4630  
31317. The rules shall establish requirements for the 4631  
qualification and testing of persons applying for a commercial 4632  
driver's license, which shall be in addition to other requirements 4633  
established by this chapter. Except as provided in division (B) of 4634  
this section, the highway patrol or any other employee of the 4635  
department of public safety the registrar authorizes shall 4636  
supervise and conduct the testing of persons applying for a 4637  
commercial driver's license. 4638

(B) The director may adopt rules, in accordance with Chapter 4639  
119. of the Revised Code and applicable requirements of the 4640  
federal motor carrier safety administration, authorizing the 4641  
skills test specified in this section to be administered by any 4642  
person, by an agency of this or another state, or by an agency, 4643  
department, or instrumentality of local government. Each party 4644  
authorized under this division to administer the skills test may 4645  
charge a maximum divisible fee of eighty-five dollars for each 4646  
skills test given as part of a commercial driver's license 4647  
examination. The fee shall consist of not more than twenty dollars 4648  
for the pre-trip inspection portion of the test, not more than 4649  
twenty dollars for the off-road maneuvering portion of the test, 4650  
and not more than forty-five dollars for the on-road portion of 4651  
the test. Each such party may require an appointment fee in the 4652  
same manner provided in division (F)(2) of this section, except 4653  
that the maximum amount such a party may require as an appointment 4654  
fee is eighty-five dollars. The skills test administered by 4655  
another party under this division shall be the same as otherwise 4656  
would be administered by this state. The other party shall enter 4657

into an agreement with the director that, without limitation, does 4658  
all of the following: 4659

(1) Allows the director or the director's representative and 4660  
the federal motor carrier safety administration or its 4661  
representative to conduct random examinations, inspections, and 4662  
audits of the other party without prior notice; 4663

(2) Requires the director or the director's representative to 4664  
conduct on-site inspections of the other party at least annually; 4665

(3) Requires that all examiners of the other party meet the 4666  
same qualification and training standards as examiners of the 4667  
department of public safety, to the extent necessary to conduct 4668  
skills tests in the manner required by 49 C.F.R. 383.110 through 4669  
383.135; 4670

(4) Requires either that state employees take, at least 4671  
annually and as though the employees were test applicants, the 4672  
tests actually administered by the other party, that the director 4673  
test a sample of drivers who were examined by the other party to 4674  
compare the test results, or that state employees accompany a test 4675  
applicant during an actual test; 4676

(5) Reserves to this state the right to take prompt and 4677  
appropriate remedial action against testers of the other party if 4678  
the other party fails to comply with standards of this state or 4679  
federal standards for the testing program or with any other terms 4680  
of the contract. 4681

(C) The director shall enter into an agreement with the 4682  
department of education authorizing the skills test specified in 4683  
this section to be administered by the department at any location 4684  
operated by the department for purposes of training and testing 4685  
school bus drivers, provided that the agreement between the 4686  
director and the department complies with the requirements of 4687  
division (B) of this section. Skills tests administered by the 4688

department shall be limited to persons applying for a commercial 4689  
driver's license with a school bus endorsement. 4690

(D) The director shall adopt rules, in accordance with 4691  
Chapter 119. of the Revised Code, authorizing waiver of the skills 4692  
test specified in this section for any applicant for a commercial 4693  
driver's license who meets all of the following requirements: 4694

(1) Certifies that, during the two-year period immediately 4695  
preceding application for a commercial driver's license, all of 4696  
the following apply: 4697

(a) The applicant has not had more than one license. 4698

(b) The applicant has not had any license suspended, revoked, 4699  
or canceled. 4700

(c) The applicant has not had any convictions for any type of 4701  
motor vehicle for the offenses for which disqualification is 4702  
prescribed in section 4506.16 of the Revised Code. 4703

(d) The applicant has not had any violation of a state or 4704  
local law relating to motor vehicle traffic control other than a 4705  
parking violation arising in connection with any traffic accident 4706  
and has no record of an accident in which the applicant was at 4707  
fault. 4708

(e) The applicant has previously taken and passed a skills 4709  
test given by a state with a classified licensing and testing 4710  
system in which the test was behind-the-wheel in a representative 4711  
vehicle for the applicant's commercial driver's license 4712  
classification. 4713

(2) Certifies and also provides evidence that the applicant 4714  
is regularly employed in a job requiring operation of a commercial 4715  
motor vehicle and that one of the following applies: 4716

(a) The applicant has previously taken and passed a skills 4717  
test given by a state with a classified licensing and testing 4718



system in which the test was behind-the-wheel in a representative 4719  
vehicle for the applicant's commercial driver's license 4720  
classification. 4721

(b) The applicant has regularly operated, for at least two 4722  
years immediately preceding application for a commercial driver's 4723  
license, a vehicle representative of the commercial motor vehicle 4724  
the applicant operates or expects to operate. 4725

(E) The director shall adopt rules, in accordance with 4726  
Chapter 119. of the Revised Code, authorizing waiver of the skills 4727  
test specified in this section for any applicant for a commercial 4728  
driver's license who meets all of the following requirements: 4729

(1) At the time of applying, is a member or uniformed 4730  
employee of the armed forces of the United States or their reserve 4731  
components, including the Ohio national guard, or separated from 4732  
such service or employment within the preceding ninety days; 4733

(2) Certifies that, during the two-year period immediately 4734  
preceding application for a commercial driver's license, all of 4735  
the following apply: 4736

(a) The applicant has not had more than one license, 4737  
excluding any military license. 4738

(b) The applicant has not had any license suspended, revoked, 4739  
or canceled. 4740

(c) The applicant has not had any convictions for any type of 4741  
motor vehicle for the offenses for which disqualification is 4742  
prescribed in section 4506.16 of the Revised Code. 4743

(d) The applicant has not had more than one conviction for 4744  
any type of motor vehicle for a serious traffic violation. 4745

(e) The applicant has not had any violation of a state or 4746  
local law relating to motor vehicle traffic control other than a 4747  
parking violation arising in connection with any traffic accident 4748

and has no record of an accident in which the applicant was at 4749  
fault. 4750

(3) In accordance with rules adopted by the director, 4751  
certifies and also provides evidence of all of the following: 4752

(a) That the applicant is regularly employed or was regularly 4753  
employed within the preceding ninety days in a military position 4754  
requiring operation of a commercial motor vehicle; 4755

(b) That the applicant was exempt from the requirements of 4756  
this chapter under division (B)(6) of section 4506.03 of the 4757  
Revised Code; 4758

(c) That, for at least two years immediately preceding the 4759  
date of application or at least two years immediately preceding 4760  
the date the applicant separated from military service or 4761  
employment, the applicant regularly operated a vehicle 4762  
representative of the commercial motor vehicle type that the 4763  
applicant operates or expects to operate. 4764

(F)(1) The department of public safety may charge and collect 4765  
a divisible fee of fifty dollars for each skills test given as 4766  
part of a commercial driver's license examination. The fee shall 4767  
consist of ten dollars for the pre-trip inspection portion of the 4768  
test, ten dollars for the off-road maneuvering portion of the 4769  
test, and thirty dollars for the on-road portion of the test. 4770

(2) The director may require an applicant for a commercial 4771  
driver's license who schedules an appointment with the highway 4772  
patrol or other authorized employee of the department of public 4773  
safety to take all portions of the skills test, to pay an 4774  
appointment fee of fifty dollars at the time of scheduling the 4775  
appointment. If the applicant appears at the time and location 4776  
specified for the appointment and takes all portions of the skills 4777  
test during that appointment, the appointment fee shall serve as 4778  
the skills test fee. If the applicant schedules an appointment to 4779

take all portions of the skills test and fails to appear at the 4780  
time and location specified for the appointment, no portion of the 4781  
appointment fee shall be refunded. If the applicant schedules an 4782  
appointment to take all portions of the skills test and appears at 4783  
the time and location specified for the appointment, but declines 4784  
or is unable to take all portions of the skills test, no portion 4785  
of the appointment fee shall be refunded. If the applicant cancels 4786  
a scheduled appointment forty-eight hours or more prior to the 4787  
time of the appointment time, the applicant shall not forfeit the 4788  
appointment fee. 4789

An applicant for a commercial driver's license who schedules 4790  
an appointment to take one or more, but not all, portions of the 4791  
skills test shall be required to pay an appointment fee equal to 4792  
the costs of each test scheduled, as prescribed in division (F)(1) 4793  
of this section, when scheduling such an appointment. If the 4794  
applicant appears at the time and location specified for the 4795  
appointment and takes all the portions of the skills test during 4796  
that appointment that the applicant was scheduled to take, the 4797  
appointment fee shall serve as the skills test fee. If the 4798  
applicant schedules an appointment to take one or more, but not 4799  
all, portions of the skills test and fails to appear at the time 4800  
and location specified for the appointment, no portion of the 4801  
appointment fee shall be refunded. If the applicant schedules an 4802  
appointment to take one or more, but not all, portions of the 4803  
skills test and appears at the time and location specified for the 4804  
appointment, but declines or is unable to take all portions of the 4805  
skills test that the applicant was scheduled to take, no portion 4806  
of the appointment fee shall be refunded. If the applicant cancels 4807  
a scheduled appointment forty-eight hours or more prior to the 4808  
time of the appointment time, the applicant shall not forfeit the 4809  
appointment fee. 4810

(3) The department of public safety shall deposit all fees it 4811

collects under division (F) of this section in the state ~~highway~~ 4812  
~~safety bureau of motor vehicles fund established in section~~ 4813  
4501.25 of the Revised Code. 4814

(G) As used in this section, "skills test" means a test of an 4815  
applicant's ability to drive the type of commercial motor vehicle 4816  
for which the applicant seeks a commercial driver's license by 4817  
having the applicant drive such a motor vehicle while under the 4818  
supervision of an authorized state driver's license examiner or 4819  
tester. 4820

**Sec. 4507.011.** (A) Each deputy registrar assigned to a 4821  
driver's license examining station by the registrar of motor 4822  
vehicles as provided in section 4507.01 of the Revised Code shall 4823  
remit to the director of public safety a rental fee equal to the 4824  
percentage of space occupied by the deputy registrar in the 4825  
driver's license examining station multiplied by the rental fee 4826  
paid for the entire driver's license examining station plus a pro 4827  
rata share of all utility costs. All such moneys received by the 4828  
director shall be deposited in the state treasury to the credit of 4829  
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 4830  
~~hereby created in section 4501.25 of the Revised Code. The moneys~~ 4831  
~~in the fund shall be used by the department of public safety only~~ 4832  
~~to pay the rent and expenses of the driver's license examining~~ 4833  
~~stations. All investment earnings of the fund shall be credited to~~ 4834  
~~the fund.~~ 4835

(B) Each deputy registrar assigned to a bureau of motor 4836  
vehicles' location shall reimburse the registrar a monthly 4837  
building rental fee, including applicable utility charges. All 4838  
such moneys received by the registrar shall be deposited into the 4839  
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 4840  
~~the Revised Code.~~ 4841

Sec. 4507.05. (A) The registrar of motor vehicles, or a 4842  
deputy registrar, upon receiving an application for a temporary 4843  
instruction permit and a temporary instruction permit 4844  
identification card for a driver's license from any person who is 4845  
at least fifteen years six months of age, may issue such a permit 4846  
and identification card entitling the applicant to drive a motor 4847  
vehicle, other than a commercial motor vehicle, upon the highways 4848  
under the following conditions: 4849

(1) If the permit is issued to a person who is at least 4850  
fifteen years six months of age, but less than sixteen years of 4851  
age: 4852

(a) The permit and identification card are in the holder's 4853  
immediate possession; 4854

(b) The holder is accompanied by an eligible adult who 4855  
actually occupies the seat beside the permit holder and does not 4856  
have a prohibited concentration of alcohol in the whole blood, 4857  
blood serum or plasma, breath, or urine as provided in division 4858  
(A) of section 4511.19 of the Revised Code; 4859

(c) The total number of occupants of the vehicle does not 4860  
exceed the total number of occupant restraining devices originally 4861  
installed in the motor vehicle by its manufacturer, and each 4862  
occupant of the vehicle is wearing all of the available elements 4863  
of a properly adjusted occupant restraining device. 4864

(2) If the permit is issued to a person who is at least 4865  
sixteen years of age: 4866

(a) The permit and identification card are in the holder's 4867  
immediate possession; 4868

(b) The holder is accompanied by a licensed operator who is 4869  
at least twenty-one years of age, is actually occupying a seat 4870  
beside the driver, and does not have a prohibited concentration of 4871

alcohol in the whole blood, blood serum or plasma, breath, or 4872  
urine as provided in division (A) of section 4511.19 of the 4873  
Revised Code; 4874

(c) The total number of occupants of the vehicle does not 4875  
exceed the total number of occupant restraining devices originally 4876  
installed in the motor vehicle by its manufacturer, and each 4877  
occupant of the vehicle is wearing all of the available elements 4878  
of a properly adjusted occupant restraining device. 4879

(B) The registrar or a deputy registrar, upon receiving from 4880  
any person an application for a temporary instruction permit and 4881  
temporary instruction permit identification card to operate a 4882  
motorcycle or motorized bicycle, may issue such a permit and 4883  
identification card entitling the applicant, while having the 4884  
permit and identification card in the applicant's immediate 4885  
possession, to drive a motorcycle under the restrictions 4886  
prescribed in section 4511.53 of the Revised Code, or to drive a 4887  
motorized bicycle under restrictions determined by the registrar. 4888  
A temporary instruction permit and temporary instruction permit 4889  
identification card to operate a motorized bicycle may be issued 4890  
to a person fourteen or fifteen years old. 4891

(C) Any permit and identification card issued under this 4892  
section shall be issued in the same manner as a driver's license, 4893  
upon a form to be furnished by the registrar. A temporary 4894  
instruction permit to drive a motor vehicle other than a 4895  
commercial motor vehicle shall be valid for a period of one year. 4896

(D) Any person having in the person's possession a valid and 4897  
current driver's license or motorcycle operator's license or 4898  
endorsement issued to the person by another jurisdiction 4899  
recognized by this state is exempt from obtaining a temporary 4900  
instruction permit for a driver's license, ~~but shall submit and~~ 4901  
from submitting to the examination for a temporary instruction 4902  
permit and the regular examination ~~in~~ for obtaining a driver's 4903

license or motorcycle operator's endorsement in this state if the 4904  
person does all of the following: 4905

(1) Submits to and passes vision screening as provided in 4906  
section 4507.12 of the Revised Code; 4907

(2) Surrenders to the registrar or deputy registrar the 4908  
person's driver's license issued by the other jurisdiction; and 4909

(3) Complies with all other applicable requirements for 4910  
issuance by this state of a driver's license, driver's license 4911  
with a motorcycle operator's endorsement, or restricted license to 4912  
operate a motorcycle. 4913

If the person does not comply with all the requirements of 4914  
this division, the person shall submit to the regular examination 4915  
for obtaining a driver's license or motorcycle operator's 4916  
endorsement in this state in order to obtain such a license or 4917  
endorsement. 4918

(E) The registrar may adopt rules governing the use of 4919  
temporary instruction permits and temporary instruction permit 4920  
identification cards. 4921

(F)(1) No holder of a permit issued under division (A) of 4922  
this section shall operate a motor vehicle upon a highway or any 4923  
public or private property used by the public for purposes of 4924  
vehicular travel or parking in violation of the conditions 4925  
established under division (A) of this section. 4926

(2) Except as provided in division (F)(2) of this section, no 4927  
holder of a permit that is issued under division (A) of this 4928  
section and that is issued on or after July 1, 1998, and who has 4929  
not attained the age of eighteen years, shall operate a motor 4930  
vehicle upon a highway or any public or private property used by 4931  
the public for purposes of vehicular travel or parking between the 4932  
hours of midnight and six a.m. 4933

The holder of a permit issued under division (A) of this section on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in division (A) of section 4511.19 of the Revised Code.

(G)(1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (A) of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that division has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(2) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (F)(2) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.



(H) As used in this section:	4966
(1) "Eligible adult" means any of the following:	4967
(a) An instructor of a driver training course approved by the department of public safety;	4968 4969
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	4970 4971
(i) A parent, guardian, or custodian of the permit holder;	4972
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	4973 4974
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	4975 4976
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	4977 4978
<b>Sec. 4507.23.</b> (A) Except as provided in division (I) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.	4979 4980 4981
(B) Except as provided in division (I) of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.	4982 4983 4984 4985 4986 4987 4988
(C)(1) Except as provided in divisions (E) and (I) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.	4989 4990 4991 4992
(2) Except as provided in division (I) of this section, each application for a duplicate driver's license shall be accompanied	4993 4994

by a fee of seven dollars and fifty cents. The duplicate driver's 4995  
licenses issued under this section shall be distributed by the 4996  
deputy registrar in accordance with rules adopted by the registrar 4997  
of motor vehicles. 4998

(D) Except as provided in division (I) of this section, each 4999  
application for a motorized bicycle license or duplicate thereof 5000  
shall be accompanied by a fee of two dollars and fifty cents. 5001

(E) Except as provided in division (I) of this section, each 5002  
application for a driver's license or renewal of a driver's 5003  
license that will be issued to a person who is less than 5004  
twenty-one years of age shall be accompanied by whichever of the 5005  
following fees is applicable: 5006

(1) If the person is sixteen years of age or older, but less 5007  
than seventeen years of age, a fee of seven dollars and 5008  
twenty-five cents; 5009

(2) If the person is seventeen years of age or older, but 5010  
less than eighteen years of age, a fee of six dollars; 5011

(3) If the person is eighteen years of age or older, but less 5012  
than nineteen years of age, a fee of four dollars and seventy-five 5013  
cents; 5014

(4) If the person is nineteen years of age or older, but less 5015  
than twenty years of age, a fee of three dollars and fifty cents; 5016

(5) If the person is twenty years of age or older, but less 5017  
than twenty-one years of age, a fee of two dollars and twenty-five 5018  
cents. 5019

(F) Neither the registrar nor any deputy registrar shall 5020  
charge a fee in excess of one dollar and fifty cents for 5021  
laminating a driver's license, motorized bicycle license, or 5022  
temporary instruction permit identification cards as required by 5023  
sections 4507.13 and 4511.521 of the Revised Code. A deputy 5024

registrar laminating a driver's license, motorized bicycle 5025  
license, or temporary instruction permit identification cards 5026  
shall retain the entire amount of the fee charged for lamination, 5027  
less the actual cost to the registrar of the laminating materials 5028  
used for that lamination, as specified in the contract executed by 5029  
the bureau for the laminating materials and laminating equipment. 5030  
The deputy registrar shall forward the amount of the cost of the 5031  
laminating materials to the registrar for deposit as provided in 5032  
this section. 5033

(G) Except as provided in division (I) of this section, each 5034  
transaction described in divisions (A), (B), (C), (D), and (E) of 5035  
this section shall be accompanied by an additional fee of twelve 5036  
dollars. The additional fee is for the purpose of defraying the 5037  
department of public safety's costs associated with the 5038  
administration and enforcement of the motor vehicle and traffic 5039  
laws of Ohio. 5040

(H) At the time and in the manner provided by section 4503.10 5041  
of the Revised Code, the deputy registrar shall transmit the fees 5042  
collected under divisions (A), (B), (C), (D), and (E), those 5043  
portions of the fees specified in and collected under division 5044  
(F), and the additional fee under division (G) of this section to 5045  
the registrar. The registrar shall pay two dollars and fifty cents 5046  
of each fee collected under divisions (A), (B), (C)(1) and (2), 5047  
(D), and (E)(1) to (4) of this section, and the entire fee 5048  
collected under division (E)(5) of this section, into the state 5049  
~~highway safety~~ bureau of motor vehicles fund established in 5050  
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 5051  
be used for the sole purpose of supporting driver licensing 5052  
activities. The registrar also shall pay five dollars of each fee 5053  
collected under division (C)(2) of this section and the entire fee 5054  
collected under division (G) of this section into the state 5055  
highway safety fund created in section 4501.06 of the Revised 5056

Code. The remaining fees collected by the registrar under this 5057  
section shall be paid into the state bureau of motor vehicles fund 5058  
established in section 4501.25 of the Revised Code. 5059

(I) A disabled veteran who has a service-connected disability 5060  
rated at one hundred per cent by the veterans' administration may 5061  
apply to the registrar or a deputy registrar for the issuance to 5062  
that veteran, without the payment of any fee prescribed in this 5063  
section, of any of the following items: 5064

(1) A temporary instruction permit and examination; 5065

(2) A new, renewal, or duplicate driver's or commercial 5066  
driver's license; 5067

(3) A motorcycle operator's endorsement; 5068

(4) A motorized bicycle license or duplicate thereof; 5069

(5) Lamination of a driver's license, motorized bicycle 5070  
license, or temporary instruction permit identification card as 5071  
provided in division (F) of this section. 5072

An application made under division (I) of this section shall 5073  
be accompanied by such documentary evidence of disability as the 5074  
registrar may require by rule. 5075

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 5076  
the Revised Code: 5077

(A) "Vehicle" means every device, including a motorized 5078  
bicycle, in, upon, or by which any person or property may be 5079  
transported or drawn upon a highway, except that "vehicle" does 5080  
not include any motorized wheelchair, any electric personal 5081  
assistive mobility device, any device that is moved by power 5082  
collected from overhead electric trolley wires or that is used 5083  
exclusively upon stationary rails or tracks, or any device, other 5084  
than a bicycle, that is moved by human power. 5085

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by 5117  
the director of public safety, when used in response to fire 5118  
emergency calls or to provide emergency medical service to ill or 5119  
injured persons, and when operated by a duly qualified person who 5120  
is a member of a volunteer rescue service or a volunteer fire 5121  
department, and who is on duty pursuant to the rules or directives 5122  
of that service. The state fire marshal shall be designated by the 5123  
director of public safety as the certifying agency for all public 5124  
safety vehicles described in division (E)(3) of this section. 5125

(4) Vehicles used by fire departments, including motor 5126  
vehicles when used by volunteer fire fighters responding to 5127  
emergency calls in the fire department service when identified as 5128  
required by the director of public safety. 5129

Any vehicle used to transport or provide emergency medical 5130  
service to an ill or injured person, when certified as a public 5131  
safety vehicle, shall be considered a public safety vehicle when 5132  
transporting an ill or injured person to a hospital regardless of 5133  
whether such vehicle has already passed a hospital. 5134

(5) Vehicles used by the motor carrier enforcement unit for 5135  
the enforcement of orders and rules of the public utilities 5136  
commission as specified in section 5503.34 of the Revised Code. 5137

(F) "School bus" means every bus designed for carrying more 5138  
than nine passengers that is owned by a public, private, or 5139  
governmental agency or institution of learning and operated for 5140  
the transportation of children to or from a school session or a 5141  
school function, or owned by a private person and operated for 5142  
compensation for the transportation of children to or from a 5143  
school session or a school function, provided "school bus" does 5144  
not include a bus operated by a municipally owned transportation 5145  
system, a mass transit company operating exclusively within the 5146  
territorial limits of a municipal corporation, or within such 5147  
limits and the territorial limits of municipal corporations 5148

immediately contiguous to such municipal corporation, nor a common 5149  
passenger carrier certified by the public utilities commission 5150  
unless such bus is devoted exclusively to the transportation of 5151  
children to and from a school session or a school function, and 5152  
"school bus" does not include a van or bus used by a licensed 5153  
child day-care center or type A family day-care home to transport 5154  
children from the child day-care center or type A family day-care 5155  
home to a school if the van or bus does not have more than fifteen 5156  
children in the van or bus at any time. 5157

(G) "Bicycle" means every device, other than a ~~tricycle~~ 5158  
device that is designed solely for use as a play vehicle by a 5159  
child, that is propelled solely by human power upon which ~~any a~~ 5160  
person may ride having, and that has two ~~tandem or more~~ wheels, ~~or~~ 5161  
~~one wheel in the front and two wheels in the rear, or two wheels~~ 5162  
~~in the front and one wheel in the rear,~~ any of which is more than 5163  
fourteen inches in diameter. 5164

(H) "Motorized bicycle" means any vehicle having either two 5165  
tandem wheels or one wheel in the front and two wheels in the 5166  
rear, that is capable of being pedaled and is equipped with a 5167  
helper motor of not more than fifty cubic centimeters piston 5168  
displacement that produces no more than one brake horsepower and 5169  
is capable of propelling the vehicle at a speed of no greater than 5170  
twenty miles per hour on a level surface. 5171

(I) "Commercial tractor" means every motor vehicle having 5172  
motive power designed or used for drawing other vehicles and not 5173  
so constructed as to carry any load thereon, or designed or used 5174  
for drawing other vehicles while carrying a portion of such other 5175  
vehicles, or load thereon, or both. 5176

(J) "Agricultural tractor" means every self-propelling 5177  
vehicle designed or used for drawing other vehicles or wheeled 5178  
machinery but having no provision for carrying loads independently 5179  
of such other vehicles, and used principally for agricultural 5180

purposes. 5181

(K) "Truck" means every motor vehicle, except trailers and 5182  
semitrailers, designed and used to carry property. 5183

(L) "Bus" means every motor vehicle designed for carrying 5184  
more than nine passengers and used for the transportation of 5185  
persons other than in a ridesharing arrangement, and every motor 5186  
vehicle, automobile for hire, or funeral car, other than a taxicab 5187  
or motor vehicle used in a ridesharing arrangement, designed and 5188  
used for the transportation of persons for compensation. 5189

(M) "Trailer" means every vehicle designed or used for 5190  
carrying persons or property wholly on its own structure and for 5191  
being drawn by a motor vehicle, including any such vehicle when 5192  
formed by or operated as a combination of a "semitrailer" and a 5193  
vehicle of the dolly type, such as that commonly known as a 5194  
"trailer dolly," a vehicle used to transport agricultural produce 5195  
or agricultural production materials between a local place of 5196  
storage or supply and the farm when drawn or towed on a street or 5197  
highway at a speed greater than twenty-five miles per hour, and a 5198  
vehicle designed and used exclusively to transport a boat between 5199  
a place of storage and a marina, or in and around a marina, when 5200  
drawn or towed on a street or highway for a distance of more than 5201  
ten miles or at a speed of more than twenty-five miles per hour. 5202

(N) "Semitrailer" means every vehicle designed or used for 5203  
carrying persons or property with another and separate motor 5204  
vehicle so that in operation a part of its own weight or that of 5205  
its load, or both, rests upon and is carried by another vehicle. 5206

(O) "Pole trailer" means every trailer or semitrailer 5207  
attached to the towing vehicle by means of a reach, pole, or by 5208  
being boomed or otherwise secured to the towing vehicle, and 5209  
ordinarily used for transporting long or irregular shaped loads 5210  
such as poles, pipes, or structural members capable, generally, of 5211



sustaining themselves as beams between the supporting connections. 5212

(P) "Railroad" means a carrier of persons or property 5213  
operating upon rails placed principally on a private right-of-way. 5214

(Q) "Railroad train" means a steam engine or an electric or 5215  
other motor, with or without cars coupled thereto, operated by a 5216  
railroad. 5217

(R) "Streetcar" means a car, other than a railroad train, for 5218  
transporting persons or property, operated upon rails principally 5219  
within a street or highway. 5220

(S) "Trackless trolley" means every car that collects its 5221  
power from overhead electric trolley wires and that is not 5222  
operated upon rails or tracks. 5223

(T) "Explosives" means any chemical compound or mechanical 5224  
mixture that is intended for the purpose of producing an explosion 5225  
that contains any oxidizing and combustible units or other 5226  
ingredients in such proportions, quantities, or packing that an 5227  
ignition by fire, by friction, by concussion, by percussion, or by 5228  
a detonator of any part of the compound or mixture may cause such 5229  
a sudden generation of highly heated gases that the resultant 5230  
gaseous pressures are capable of producing destructive effects on 5231  
contiguous objects, or of destroying life or limb. Manufactured 5232  
articles shall not be held to be explosives when the individual 5233  
units contain explosives in such limited quantities, of such 5234  
nature, or in such packing, that it is impossible to procure a 5235  
simultaneous or a destructive explosion of such units, to the 5236  
injury of life, limb, or property by fire, by friction, by 5237  
concussion, by percussion, or by a detonator, such as fixed 5238  
ammunition for small arms, firecrackers, or safety fuse matches. 5239

(U) "Flammable liquid" means any liquid that has a flash 5240  
point of seventy degrees fahrenheit, or less, as determined by a 5241  
tagliabue or equivalent closed cup test device. 5242

(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	5243 5244
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	5245 5246
(X) "Pedestrian" means any natural person afoot.	5247
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	5248 5249 5250
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	5251 5252 5253
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	5254 5255 5256
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	5257 5258 5259
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	5260 5261 5262 5263 5264 5265
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	5266 5267 5268 5269
(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways	5270 5271 5272

the term "roadway" means any such roadway separately but not all such roadways collectively.

(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

(JJ) "State route" means every highway that is designated with an official state route number and so marked.

(KK) "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways that are thirty feet

or more apart, then every crossing of each roadway of such divided 5303  
highway by an intersecting highway constitutes a separate 5304  
intersection. If both intersecting highways include two roadways 5305  
thirty feet or more apart, then every crossing of any two roadways 5306  
of such highways constitutes a separate intersection. 5307

(3) At a location controlled by a traffic control signal, 5308  
regardless of the distance between the separate intersections as 5309  
described in division (KK)(2) of this section: 5310

(a) If a stop line, yield line, or crosswalk has not been 5311  
designated on the roadway within the median between the separate 5312  
intersections, the two intersections and the roadway and median 5313  
constitute one intersection. 5314

(b) Where a stop line, yield line, or crosswalk line is 5315  
designated on the roadway on the intersection approach, the area 5316  
within the crosswalk and any area beyond the designated stop line 5317  
or yield line constitute part of the intersection. 5318

(c) Where a crosswalk is designated on a roadway on the 5319  
departure from the intersection, the intersection includes the 5320  
area that extends to the far side of the crosswalk. 5321

(LL) "Crosswalk" means: 5322

(1) That part of a roadway at intersections ordinarily 5323  
included within the real or projected prolongation of property 5324  
lines and curb lines or, in the absence of curbs, the edges of the 5325  
traversable roadway; 5326

(2) Any portion of a roadway at an intersection or elsewhere, 5327  
distinctly indicated for pedestrian crossing by lines or other 5328  
markings on the surface; 5329

(3) Notwithstanding divisions (LL)(1) and (2) of this 5330  
section, there shall not be a crosswalk where local authorities 5331  
have placed signs indicating no crossing. 5332

(MM) "Safety zone" means the area or space officially set 5333  
apart within a roadway for the exclusive use of pedestrians and 5334  
protected or marked or indicated by adequate signs as to be 5335  
plainly visible at all times. 5336

(NN) "Business district" means the territory fronting upon a 5337  
street or highway, including the street or highway, between 5338  
successive intersections within municipal corporations where fifty 5339  
per cent or more of the frontage between such successive 5340  
intersections is occupied by buildings in use for business, or 5341  
within or outside municipal corporations where fifty per cent or 5342  
more of the frontage for a distance of three hundred feet or more 5343  
is occupied by buildings in use for business, and the character of 5344  
such territory is indicated by official traffic control devices. 5345

(OO) "Residence district" means the territory, not comprising 5346  
a business district, fronting on a street or highway, including 5347  
the street or highway, where, for a distance of three hundred feet 5348  
or more, the frontage is improved with residences or residences 5349  
and buildings in use for business. 5350

(PP) "Urban district" means the territory contiguous to and 5351  
including any street or highway which is built up with structures 5352  
devoted to business, industry, or dwelling houses situated at 5353  
intervals of less than one hundred feet for a distance of a 5354  
quarter of a mile or more, and the character of such territory is 5355  
indicated by official traffic control devices. 5356

(QQ) "Traffic control device" means a flagger, sign, signal, 5357  
marking, or other device used to regulate, warn, or guide traffic, 5358  
placed on, over, or adjacent to a street, highway, private road 5359  
open to public travel, pedestrian facility, or shared-use path by 5360  
authority of a public agency or official having jurisdiction, or, 5361  
in the case of a private road open to public travel, by authority 5362  
of the private owner or private official having jurisdiction. 5363

(RR) "Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.

(FFF) "Child day-care center" and "type A family day-care

home" have the same meanings as in section 5104.01 of the Revised Code. 5424  
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(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes. 5426  
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(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley. 5432  
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(III) "Predicate motor vehicle or traffic offense" means any of the following: 5434  
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(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 5436  
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(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code; 5447  
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(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated; 5450  
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(4) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or 5453  
5454



described in division (III)(1), (2), or (3) of this section. 5455

(JJJ) "Road service vehicle" means wreckers, utility repair 5456  
vehicles, and state, county, and municipal service vehicles 5457  
equipped with visual signals by means of flashing, rotating, or 5458  
oscillating lights. 5459

(KKK) "Beacon" means a highway traffic signal with one or 5460  
more signal sections that operate in a flashing mode. 5461

(LLL) "Hybrid beacon" means a type of beacon that is 5462  
intentionally placed in a dark mode between periods of operation 5463  
where no indications are displayed and, when in operation, 5464  
displays both steady and flashing traffic control signal 5465  
indications. 5466

(MMM) "Highway traffic signal" means a power-operated traffic 5467  
control device by which traffic is warned or directed to take some 5468  
specific action. "Highway traffic signal" does not include a 5469  
power-operated sign, steadily illuminated pavement marker, warning 5470  
light, or steady burning electric lamp. 5471

(NNN) "Median" means the area between two roadways of a 5472  
divided highway, measured from edge of traveled way to edge of 5473  
traveled way, but excluding turn lanes. The width of a median may 5474  
be different between intersections, between interchanges, and at 5475  
opposite approaches of the same intersection. 5476

(OOO) "Private road open to public travel" means a private 5477  
toll road or road, including any adjacent sidewalks that generally 5478  
run parallel to the road, within a shopping center, airport, 5479  
sports arena, or other similar business or recreation facility 5480  
that is privately owned but where the public is allowed to travel 5481  
without access restrictions. "Private road open to public travel" 5482  
includes a gated toll road but does not include a road within a 5483  
private gated property where access is restricted at all times, a 5484  
parking area, a driving aisle within a parking area, or a private 5485

grade crossing. 5486

(PPP) "Shared-use path" means a bikeway outside the traveled 5487  
way and physically separated from motorized vehicular traffic by 5488  
an open space or barrier and either within the highway 5489  
right-of-way or within an independent alignment. A shared-use path 5490  
also may be used by pedestrians, including skaters, joggers, users 5491  
of manual and motorized wheelchairs, and other authorized 5492  
motorized and non-motorized users. 5493

**Sec. 4511.13.** Highway traffic signal indications for vehicles 5494  
and pedestrians shall have the following meanings: 5495

(A) Steady green signal indication: 5496

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5497  
facing a circular green signal indication are permitted to proceed 5498  
straight through or turn right or left or make a u-turn movement 5499  
except as such movement is modified by a lane-use sign, turn 5500  
prohibition sign, lane marking, roadway design, separate turn 5501  
signal indication, or other traffic control device. Such vehicular 5502  
traffic, including vehicles turning right or left or making a 5503  
u-turn movement, shall yield the right-of-way to both of the 5504  
following: 5505

(i) Pedestrians lawfully within an associated crosswalk; 5506

(ii) Other vehicles lawfully within the intersection. 5507

(b) In addition, vehicular traffic turning left or making a 5508  
u-turn movement to the left shall yield the right-of-way to other 5509  
vehicles approaching from the opposite direction so closely as to 5510  
constitute an immediate hazard during the time when such turning 5511  
vehicle is moving across or within the intersection. 5512

(2) Vehicular traffic, streetcars, and trackless trolleys 5513  
facing a green arrow signal indication, displayed alone or in 5514  
combination with another signal indication, are permitted to 5515

cautiously enter the intersection only to make the movement 5516  
indicated by such arrow, or such other movement as is permitted by 5517  
other indications displayed at the same time. Such vehicular 5518  
traffic, streetcars, and trackless trolleys, including vehicles 5519  
turning right or left or making a u-turn movement, shall yield the 5520  
right-of-way to both of the following: 5521

(a) Pedestrians lawfully within an associated crosswalk; 5522

(b) Other traffic lawfully using the intersection. 5523

(3)(a) Unless otherwise directed by a pedestrian signal 5524  
indication, as provided in section 4511.14 of the Revised Code, 5525  
pedestrians facing a circular green signal indication are 5526  
permitted to proceed across the roadway within any marked or 5527  
unmarked associated crosswalk. The pedestrian shall yield the 5528  
right-of-way to vehicles lawfully within the intersection or so 5529  
close as to create an immediate hazard at the time that the green 5530  
signal indication is first displayed. 5531

(b) Pedestrians facing a green arrow signal indication, 5532  
unless otherwise directed by a pedestrian signal indication or 5533  
other traffic control device, shall not cross the roadway. 5534

(B) Steady yellow signal indication: 5535

(1) Vehicular traffic, streetcars, and trackless trolleys 5536  
facing a steady circular yellow signal indication are thereby 5537  
warned that the related green movement or the related flashing 5538  
arrow movement is being terminated or that a steady red signal 5539  
indication will be exhibited immediately thereafter when vehicular 5540  
traffic, streetcars, and trackless trolleys shall not enter the 5541  
intersection. The provisions governing vehicular operation under 5542  
the movement being terminated shall continue to apply while the 5543  
steady circular yellow signal indication is displayed. 5544

(2) Vehicular traffic facing a steady yellow arrow signal 5545  
indication is thereby warned that the related green arrow movement 5546

or the related flashing arrow movement is being terminated. The 5547  
provisions governing vehicular operation under the movement being 5548  
terminated shall continue to apply while the steady yellow arrow 5549  
signal indication is displayed. 5550

(3) Pedestrians facing a steady circular yellow or yellow 5551  
arrow signal indication, unless otherwise directed by a pedestrian 5552  
signal indication as provided in section 4511.14 of the Revised 5553  
Code or other traffic control device, shall not start to cross the 5554  
roadway. 5555

(C) Steady red signal indication: 5556

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5557  
facing a steady circular red signal indication, unless entering 5558  
the intersection to make another movement permitted by another 5559  
signal indication, shall stop at a clearly marked stop line; but 5560  
if there is no stop line, traffic shall stop before entering the 5561  
crosswalk on the near side of the intersection; or if there is no 5562  
crosswalk, then before entering the intersection; and shall remain 5563  
stopped until a signal indication to proceed is displayed except 5564  
as provided in divisions (C)(1), (2), and (3) of this section. 5565

(b) Except when a traffic control device is in place 5566  
prohibiting a turn on red or a steady red arrow signal indication 5567  
is displayed, vehicular traffic facing a steady circular red 5568  
signal indication is permitted, after stopping, to enter the 5569  
intersection to turn right, or to turn left from a one-way street, 5570  
~~after stopping into a one-way street~~. The right to proceed with 5571  
the turn shall be subject to the provisions that are applicable 5572  
after making a stop at a stop sign. 5573

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 5574  
facing a steady red arrow signal indication shall not enter the 5575  
intersection to make the movement indicated by the arrow and, 5576  
unless entering the intersection to make another movement 5577

permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

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

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

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

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

(E) Flashing yellow signal indication:

(1)(a) Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted

to cautiously enter the intersection to proceed straight through 5609  
or turn right or left or make a u-turn movement except as such 5610  
movement is modified by lane-use signs, turn prohibition signs, 5611  
lane markings, roadway design, separate turn signal indications, 5612  
or other traffic control devices. Such vehicular traffic, 5613  
including vehicles turning right or left or making a u-turn 5614  
movement, shall yield the right-of-way to both of the following: 5615

(i) Pedestrians lawfully within an associated crosswalk; 5616

(ii) Other vehicles lawfully within the intersection. 5617

(b) In addition, vehicular traffic turning left or making a 5618  
u-turn to the left shall yield the right-of-way to other vehicles 5619  
approaching from the opposite direction so closely as to 5620  
constitute an immediate hazard during the time when such turning 5621  
vehicle is moving across or within the intersection. 5622

(2)(a) Vehicular traffic, on an approach to an intersection, 5623  
facing a flashing yellow arrow signal indication, displayed alone 5624  
or in combination with another signal indication, is permitted to 5625  
cautiously enter the intersection only to make the movement 5626  
indicated by such arrow, or other such movement as is permitted by 5627  
other signal indications displayed at the same time. Such 5628  
vehicular traffic, including vehicles turning right or left or 5629  
making a u-turn, shall yield the right-of-way to both of the 5630  
following: 5631

(i) Pedestrians lawfully within an associated crosswalk; 5632

(ii) Other vehicles lawfully within the intersection. 5633

(b) In addition, vehicular traffic turning left or making a 5634  
u-turn to the left shall yield the right-of-way to other vehicles 5635  
approaching from the opposite direction so closely as to 5636  
constitute an immediate hazard during the time when such turning 5637  
vehicle is moving across or within the intersection. 5638

(3) Pedestrians facing any flashing yellow signal indication 5639  
at an intersection, unless otherwise directed by a pedestrian 5640  
signal indication or other traffic control device, are permitted 5641  
to proceed across the roadway within any marked or unmarked 5642  
associated crosswalk. Pedestrians shall yield the right-of-way to 5643  
vehicles lawfully within the intersection at the time that the 5644  
flashing yellow signal indication is first displayed. 5645

(4) When a flashing circular yellow signal indication is 5646  
displayed as a beacon to supplement another traffic control 5647  
device, road users are notified that there is a need to pay 5648  
additional attention to the message contained thereon or that the 5649  
regulatory or warning requirements of the other traffic control 5650  
device, which might not be applicable at all times, are currently 5651  
applicable. 5652

(F) Flashing red signal indication: 5653

(1) Vehicular traffic, on an approach to an intersection, 5654  
facing a flashing circular red signal indication, shall stop at a 5655  
clearly marked stop line; but if there is no stop line, before 5656  
entering the crosswalk on the near side of the intersection; or if 5657  
there is no crosswalk, at the point nearest the intersecting 5658  
roadway where the driver has a view of approaching traffic on the 5659  
intersecting roadway before entering the intersection. The right 5660  
to proceed shall be subject to the provisions that are applicable 5661  
after making a stop at a stop sign. 5662

(2) Pedestrians facing any flashing red signal indication at 5663  
an intersection, unless otherwise directed by a pedestrian signal 5664  
indication or other traffic control device, are permitted to 5665  
proceed across the roadway within any marked or unmarked 5666  
associated crosswalk. Pedestrians shall yield the right-of-way to 5667  
vehicles lawfully within the intersection at the time that the 5668  
flashing red signal indication is first displayed. 5669

(3) When a flashing circular red signal indication is 5670  
displayed as a beacon to supplement another traffic control 5671  
device, road users are notified that there is a need to pay 5672  
additional attention to the message contained thereon or that the 5673  
regulatory requirements of the other traffic control device, which 5674  
might not be applicable at all times, are currently applicable. 5675  
Use of this signal indication shall be limited to supplementing 5676  
stop, do not enter, or wrong way signs, and to applications where 5677  
compliance with the supplemented traffic control device requires a 5678  
stop at a designated point. 5679

(G) In the event an official traffic-control signal is 5680  
erected and maintained at a place other than an intersection, the 5681  
provisions of this section shall be applicable except as to those 5682  
provisions which by their nature can have no application. Any stop 5683  
required shall be made at a sign or marking on the pavement 5684  
indicating where the stop shall be made, but in the absence of any 5685  
such sign or marking the stop shall be made at the signal. 5686

(H) This section does not apply at railroad grade crossings. 5687  
Conduct of drivers of vehicles, trackless trolleys, and streetcars 5688  
approaching railroad grade crossings shall be governed by sections 5689  
4511.61 and 4511.62 of the Revised Code. 5690

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 5691  
trackless trolley, or streetcar at a speed greater or less than is 5692  
reasonable or proper, having due regard to the traffic, surface, 5693  
and width of the street or highway and any other conditions, and 5694  
no person shall drive any motor vehicle, trackless trolley, or 5695  
streetcar in and upon any street or highway at a greater speed 5696  
than will permit the person to bring it to a stop within the 5697  
assured clear distance ahead. 5698

(B) It is prima-facie lawful, in the absence of a lower limit 5699  
declared or established pursuant to this section by the director 5700



of transportation or local authorities, for the operator of a 5701  
motor vehicle, trackless trolley, or streetcar to operate the same 5702  
at a speed not exceeding the following: 5703

(1)(a) Twenty miles per hour in school zones during school 5704  
recess and while children are going to or leaving school during 5705  
the opening or closing hours, and when twenty miles per hour 5706  
school speed limit signs are erected; except that, on 5707  
controlled-access highways and expressways, if the right-of-way 5708  
line fence has been erected without pedestrian opening, the speed 5709  
shall be governed by division (B)(4) of this section and on 5710  
freeways, if the right-of-way line fence has been erected without 5711  
pedestrian opening, the speed shall be governed by divisions 5712  
(B)(9) and (10) of this section. The end of every school zone may 5713  
be marked by a sign indicating the end of the zone. Nothing in 5714  
this section or in the manual and specifications for a uniform 5715  
system of traffic control devices shall be construed to require 5716  
school zones to be indicated by signs equipped with flashing or 5717  
other lights, or giving other special notice of the hours in which 5718  
the school zone speed limit is in effect. 5719

(b) As used in this section and in section 4511.212 of the 5720  
Revised Code, "school" means any school chartered under section 5721  
3301.16 of the Revised Code and any nonchartered school that 5722  
during the preceding year filed with the department of education 5723  
in compliance with rule 3301-35-08 of the Ohio Administrative 5724  
Code, a copy of the school's report for the parents of the 5725  
school's pupils certifying that the school meets Ohio minimum 5726  
standards for nonchartered, nontax-supported schools and presents 5727  
evidence of this filing to the jurisdiction from which it is 5728  
requesting the establishment of a school zone. "School" also 5729  
includes a special elementary school that in writing requests the 5730  
county engineer of the county in which the special elementary 5731  
school is located to create a school zone at the location of that 5732

school. Upon receipt of such a written request, the county 5733  
engineer shall create a school zone at that location by erecting 5734  
the appropriate signs. 5735

(c) As used in this section, "school zone" means that portion 5736  
of a street or highway passing a school fronting upon the street 5737  
or highway that is encompassed by projecting the school property 5738  
lines to the fronting street or highway, and also includes that 5739  
portion of a state highway. Upon request from local authorities 5740  
for streets and highways under their jurisdiction and that portion 5741  
of a state highway under the jurisdiction of the director of 5742  
transportation or a request from a county engineer in the case of 5743  
a school zone for a special elementary school, the director may 5744  
extend the traditional school zone boundaries. The distances in 5745  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5746  
exceed three hundred feet per approach per direction and are 5747  
bounded by whichever of the following distances or combinations 5748  
thereof the director approves as most appropriate: 5749

(i) The distance encompassed by projecting the school 5750  
building lines normal to the fronting highway and extending a 5751  
distance of three hundred feet on each approach direction; 5752

(ii) The distance encompassed by projecting the school 5753  
property lines intersecting the fronting highway and extending a 5754  
distance of three hundred feet on each approach direction; 5755

(iii) The distance encompassed by the special marking of the 5756  
pavement for a principal school pupil crosswalk plus a distance of 5757  
three hundred feet on each approach direction of the highway. 5758

Nothing in this section shall be construed to invalidate the 5759  
director's initial action on August 9, 1976, establishing all 5760  
school zones at the traditional school zone boundaries defined by 5761  
projecting school property lines, except when those boundaries are 5762  
extended as provided in divisions (B)(1)(a) and (c) of this 5763

section. 5764

(d) As used in this division, "crosswalk" has the meaning 5765  
given that term in division (LL)(2) of section 4511.01 of the 5766  
Revised Code. 5767

The director may, upon request by resolution of the 5768  
legislative authority of a municipal corporation, the board of 5769  
trustees of a township, or a county board of developmental 5770  
disabilities created pursuant to Chapter 5126. of the Revised 5771  
Code, and upon submission by the municipal corporation, township, 5772  
or county board of such engineering, traffic, and other 5773  
information as the director considers necessary, designate a 5774  
school zone on any portion of a state route lying within the 5775  
municipal corporation, lying within the unincorporated territory 5776  
of the township, or lying adjacent to the property of a school 5777  
that is operated by such county board, that includes a crosswalk 5778  
customarily used by children going to or leaving a school during 5779  
recess and opening and closing hours, whenever the distance, as 5780  
measured in a straight line, from the school property line nearest 5781  
the crosswalk to the nearest point of the crosswalk is no more 5782  
than one thousand three hundred twenty feet. Such a school zone 5783  
shall include the distance encompassed by the crosswalk and 5784  
extending three hundred feet on each approach direction of the 5785  
state route. 5786

(e) As used in this section, "special elementary school" 5787  
means a school that meets all of the following criteria: 5788

(i) It is not chartered and does not receive tax revenue from 5789  
any source. 5790

(ii) It does not educate children beyond the eighth grade. 5791

(iii) It is located outside the limits of a municipal 5792  
corporation. 5793

(iv) A majority of the total number of students enrolled at 5794

the school are not related by blood. 5795

(v) The principal or other person in charge of the special 5796  
elementary school annually sends a report to the superintendent of 5797  
the school district in which the special elementary school is 5798  
located indicating the total number of students enrolled at the 5799  
school, but otherwise the principal or other person in charge does 5800  
not report any other information or data to the superintendent. 5801

(2) Twenty-five miles per hour in all other portions of a 5802  
municipal corporation, except on state routes outside business 5803  
districts, through highways outside business districts, and 5804  
alleys; 5805

(3) Thirty-five miles per hour on all state routes or through 5806  
highways within municipal corporations outside business districts, 5807  
except as provided in divisions (B)(4) and (6) of this section; 5808

(4) Fifty miles per hour on controlled-access highways and 5809  
expressways within municipal corporations; 5810

(5) Fifty-five miles per hour on highways outside municipal 5811  
corporations, other than highways within island jurisdictions as 5812  
provided in division (B)(8) of this section, highways as provided 5813  
in division (B)(9) of this section, and freeways as provided in 5814  
divisions (B)(13) ~~and (14),~~ (16), and (17) of this section; 5815

(6) Fifty miles per hour on state routes within municipal 5816  
corporations outside urban districts unless a lower prima-facie 5817  
speed is established as further provided in this section; 5818

(7) Fifteen miles per hour on all alleys within the municipal 5819  
corporation; 5820

(8) Thirty-five miles per hour on highways outside municipal 5821  
corporations that are within an island jurisdiction; 5822

(9) Sixty miles per hour on two-lane state routes outside 5823  
municipal corporations. 5824

(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) ~~and (14)~~, (16), and (17) of this section;

~~(10)~~(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(13) ~~and (14)~~, (16), and (17) of this section;

~~(11)~~(12) Fifty-five miles per hour at all times ~~on all portions of freeways that are part of the interstate system and on~~ all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus, ~~except as provided in division (B)(14) of this section;~~

~~(12)~~(13) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that ~~are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that~~ are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section;

~~(13)~~(14) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:

(a) ~~Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways~~ that are not part of the interstate system, but are built

to the standards and specifications that are applicable to 5856  
freeways that are part of the interstate system and that had such 5857  
a speed limit established prior to October 1, 1995; 5858

(b) ~~Freeways that are part of the interstate system and~~ 5859  
~~freeways~~ that are not part of the interstate system but are built 5860  
to the standards and specifications that are applicable to 5861  
freeways that are part of the interstate system, and that had such 5862  
a speed limit established under division (L) of this section; 5863

(c) Rural, divided, multi-lane highways that are designated 5864  
as part of the national highway system under the "National Highway 5865  
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 5866  
and that had such a speed limit established under division (M) of 5867  
this section. 5868

~~(14) Sixty-five~~ (15) Fifty-five miles per hour for operators 5869  
of any motor vehicle at all times on all portions of freeways in 5870  
congested areas as determined by the director and that are part of 5871  
the interstate system and are located within a municipal 5872  
corporation or within an interstate freeway outerbelt; 5873

(16) Sixty-five miles per hour for operators of any motor 5874  
vehicle at all times on all portions of freeways in urban areas as 5875  
determined by the director and that are part of the interstate 5876  
system and are part of an interstate freeway outerbelt; 5877

(17) Seventy miles per hour at all times on all portions of 5878  
freeways that are part of the interstate system and ~~that had such~~ 5879  
~~a speed limit on the effective date of this amendment~~ are outside 5880  
urbanized areas, as designated in accordance with 23 U.S.C. 101, 5881  
for operators of any all motor ~~vehicle weighing in excess of eight~~ 5882  
~~thousand pounds empty weight and any noncommercial bus~~ vehicles. 5883

(C) It is prima-facie unlawful for any person to exceed any 5884  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5885  
(6), (7), and (8) of this section, or any declared or established 5886

pursuant to this section by the director or local authorities and 5887  
it is unlawful for any person to exceed any of the speed 5888  
limitations in division (D) of this section. No person shall be 5889  
convicted of more than one violation of this section for the same 5890  
conduct, although violations of more than one provision of this 5891  
section may be charged in the alternative in a single affidavit. 5892

(D) No person shall operate a motor vehicle, trackless 5893  
trolley, or streetcar upon a street or highway as follows: 5894

(1) At a speed exceeding fifty-five miles per hour, except 5895  
upon a two-lane state route as provided in division (B)(9) of this 5896  
section and upon a freeway as provided in divisions (B)(13) and 5897  
(14), (16), and (17) of this section; 5898

(2) At a speed exceeding sixty miles per hour upon a two-lane 5899  
state route as provided in division (B)(9) of this section. 5900

(3) At a speed exceeding sixty-five miles per hour upon a 5901  
freeway as provided in division (B)(16) of this section, except 5902  
upon a freeway as provided in division (B)(17) of this section; 5903

(4) At a speed exceeding ~~sixty-five~~ seventy miles per hour 5904  
upon a freeway as provided in ~~divisions~~ division (B)(13) and 5905  
(14)(17) of this section; 5906

~~(3)~~(5) If a motor vehicle weighing in excess of eight 5907  
thousand pounds empty weight or a noncommercial bus as prescribed 5908  
in division (B)(11) of this section, at a speed exceeding 5909  
fifty-five miles per hour, except upon a freeway as provided in 5910  
~~that division~~ divisions (B)(16) and (17) of this section; 5911

~~(4)~~(6) At a speed exceeding the posted speed limit upon a 5912  
freeway for which the director has determined and declared a speed 5913  
limit of not more than sixty-five miles per hour pursuant to 5914  
division (L)(2) or (M) of this section; 5915

~~(5)~~(7) At a speed exceeding sixty-five miles per hour upon a 5916

freeway for which such a speed limit has been established through 5917  
the operation of division (L)(3) of this section; 5918

~~(6)~~(8) At a speed exceeding the posted speed limit upon a 5919  
freeway for which the director has determined and declared a speed 5920  
limit pursuant to division (I)(2) of this section. 5921

(E) In every charge of violation of this section the 5922  
affidavit and warrant shall specify the time, place, and speed at 5923  
which the defendant is alleged to have driven, and in charges made 5924  
in reliance upon division (C) of this section also the speed which 5925  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 5926  
declared or established pursuant to, this section declares is 5927  
prima-facie lawful at the time and place of such alleged 5928  
violation, except that in affidavits where a person is alleged to 5929  
have driven at a greater speed than will permit the person to 5930  
bring the vehicle to a stop within the assured clear distance 5931  
ahead the affidavit and warrant need not specify the speed at 5932  
which the defendant is alleged to have driven. 5933

(F) When a speed in excess of both a prima-facie limitation 5934  
and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 5935  
this section is alleged, the defendant shall be charged in a 5936  
single affidavit, alleging a single act, with a violation 5937  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 5938  
(8) of this section, or of a limit declared or established 5939  
pursuant to this section by the director or local authorities, and 5940  
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 5941  
of this section. If the court finds a violation of division 5942  
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 5943  
or established pursuant to, this section has occurred, it shall 5944  
enter a judgment of conviction under such division and dismiss the 5945  
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 5946  
section. If it finds no violation of division (B)(1)(a), (2), (3), 5947  
(4), (6), (7), or (8) of, or a limit declared or established 5948



pursuant to, this section, it shall then consider whether the 5949  
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 5950  
~~(4), (5), or (6)~~ of this section. 5951

(G) Points shall be assessed for violation of a limitation 5952  
under division (D) of this section in accordance with section 5953  
4510.036 of the Revised Code. 5954

(H) Whenever the director determines upon the basis of a 5955  
geometric and traffic characteristic study that any speed limit 5956  
set forth in divisions (B)(1)(a) to (D) of this section is greater 5957  
or less than is reasonable or safe under the conditions found to 5958  
exist at any portion of a street or highway under the jurisdiction 5959  
of the director, the director shall determine and declare a 5960  
reasonable and safe prima-facie speed limit, which shall be 5961  
effective when appropriate signs giving notice of it are erected 5962  
at the location. 5963

(I)(1) Except as provided in divisions (I)(2) and (K) of this 5964  
section, whenever local authorities determine upon the basis of an 5965  
engineering and traffic investigation that the speed permitted by 5966  
divisions (B)(1)(a) to (D) of this section, on any part of a 5967  
highway under their jurisdiction, is greater than is reasonable 5968  
and safe under the conditions found to exist at such location, the 5969  
local authorities may by resolution request the director to 5970  
determine and declare a reasonable and safe prima-facie speed 5971  
limit. Upon receipt of such request the director may determine and 5972  
declare a reasonable and safe prima-facie speed limit at such 5973  
location, and if the director does so, then such declared speed 5974  
limit shall become effective only when appropriate signs giving 5975  
notice thereof are erected at such location by the local 5976  
authorities. The director may withdraw the declaration of a 5977  
prima-facie speed limit whenever in the director's opinion the 5978  
altered prima-facie speed becomes unreasonable. Upon such 5979  
withdrawal, the declared prima-facie speed shall become 5980

ineffective and the signs relating thereto shall be immediately 5981  
removed by the local authorities. 5982

(2) A local authority may determine on the basis of a 5983  
geometric and traffic characteristic study that the speed limit of 5984  
sixty-five miles per hour on a portion of a freeway under its 5985  
jurisdiction that was established through the operation of 5986  
division (L)(3) of this section is greater than is reasonable or 5987  
safe under the conditions found to exist at that portion of the 5988  
freeway. If the local authority makes such a determination, the 5989  
local authority by resolution may request the director to 5990  
determine and declare a reasonable and safe speed limit of not 5991  
less than fifty-five miles per hour for that portion of the 5992  
freeway. If the director takes such action, the declared speed 5993  
limit becomes effective only when appropriate signs giving notice 5994  
of it are erected at such location by the local authority. 5995

(J) Local authorities in their respective jurisdictions may 5996  
authorize by ordinance higher prima-facie speeds than those stated 5997  
in this section upon through highways, or upon highways or 5998  
portions thereof where there are no intersections, or between 5999  
widely spaced intersections, provided signs are erected giving 6000  
notice of the authorized speed, but local authorities shall not 6001  
modify or alter the basic rule set forth in division (A) of this 6002  
section or in any event authorize by ordinance a speed in excess 6003  
of fifty miles per hour. 6004

Alteration of prima-facie limits on state routes by local 6005  
authorities shall not be effective until the alteration has been 6006  
approved by the director. The director may withdraw approval of 6007  
any altered prima-facie speed limits whenever in the director's 6008  
opinion any altered prima-facie speed becomes unreasonable, and 6009  
upon such withdrawal, the altered prima-facie speed shall become 6010  
ineffective and the signs relating thereto shall be immediately 6011  
removed by the local authorities. 6012

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth;

(c) Gravel.

(2) Except as otherwise provided in divisions (K)(4) and (5) of this section, whenever a board of township trustees determines upon the basis of an engineering and traffic investigation that the speed permitted by division (B)(5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty days after adoption of the resolution.

(3)(a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by

resolution, withdraw the altered prima-facie speed limit as soon 6044  
as the highway ceases to be unimproved. Upon the adoption of such 6045  
a resolution, the altered prima-facie speed limit becomes 6046  
ineffective and the traffic control devices relating thereto shall 6047  
be immediately removed. 6048

(4)(a) If the boundary of two townships rests on the 6049  
centerline of an unimproved highway in unincorporated territory 6050  
and both townships have jurisdiction over the highway, neither of 6051  
the boards of township trustees of such townships may declare an 6052  
altered prima-facie speed limit pursuant to division (K)(2) of 6053  
this section on the part of the highway under their joint 6054  
jurisdiction unless the boards of township trustees of both of the 6055  
townships determine, upon the basis of an engineering and traffic 6056  
investigation, that the speed permitted by division (B)(5) of this 6057  
section is greater than is reasonable or safe under the conditions 6058  
found to exist at the location and both boards agree upon a 6059  
reasonable and safe prima-facie speed limit of less than 6060  
fifty-five but not less than twenty-five miles per hour for that 6061  
location. If both boards so agree, each shall follow the procedure 6062  
specified in division (K)(2) of this section for altering the 6063  
prima-facie speed limit on the highway. Except as otherwise 6064  
provided in division (K)(4)(b) of this section, no speed limit 6065  
altered pursuant to division (K)(4)(a) of this section may be 6066  
withdrawn unless the boards of township trustees of both townships 6067  
determine that the altered prima-facie speed limit previously 6068  
adopted becomes unreasonable and each board adopts a resolution 6069  
withdrawing the altered prima-facie speed limit pursuant to the 6070  
procedure specified in division (K)(3)(a) of this section. 6071

(b) Whenever a highway described in division (K)(4)(a) of 6072  
this section ceases to be an unimproved highway and two boards of 6073  
township trustees have adopted an altered prima-facie speed limit 6074  
pursuant to division (K)(4)(a) of this section, both boards shall, 6075

by resolution, withdraw the altered prima-facie speed limit as 6076  
soon as the highway ceases to be unimproved. Upon the adoption of 6077  
the resolution, the altered prima-facie speed limit becomes 6078  
ineffective and the traffic control devices relating thereto shall 6079  
be immediately removed. 6080

(5) As used in division (K)(5) of this section: 6081

(a) "Commercial subdivision" means any platted territory 6082  
outside the limits of a municipal corporation and fronting a 6083  
highway where, for a distance of three hundred feet or more, the 6084  
frontage is improved with buildings in use for commercial 6085  
purposes, or where the entire length of the highway is less than 6086  
three hundred feet long and the frontage is improved with 6087  
buildings in use for commercial purposes. 6088

(b) "Residential subdivision" means any platted territory 6089  
outside the limits of a municipal corporation and fronting a 6090  
highway, where, for a distance of three hundred feet or more, the 6091  
frontage is improved with residences or residences and buildings 6092  
in use for business, or where the entire length of the highway is 6093  
less than three hundred feet long and the frontage is improved 6094  
with residences or residences and buildings in use for business. 6095

Whenever a board of township trustees finds upon the basis of 6096  
an engineering and traffic investigation that the prima-facie 6097  
speed permitted by division (B)(5) of this section on any part of 6098  
a highway under its jurisdiction that is located in a commercial 6099  
or residential subdivision, except on highways or portions thereof 6100  
at the entrances to which vehicular traffic from the majority of 6101  
intersecting highways is required to yield the right-of-way to 6102  
vehicles on such highways in obedience to stop or yield signs or 6103  
traffic control signals, is greater than is reasonable and safe 6104  
under the conditions found to exist at the location, the board may 6105  
by resolution declare a reasonable and safe prima-facie speed 6106  
limit of less than fifty-five but not less than twenty-five miles 6107

per hour at the location. An altered speed limit adopted by a 6108  
board of township trustees under this division shall become 6109  
effective when appropriate signs giving notice thereof are erected 6110  
at the location by the township. Whenever, in the opinion of a 6111  
board of township trustees, any altered prima-facie speed limit 6112  
established by it under this division becomes unreasonable, it may 6113  
adopt a resolution withdrawing the altered prima-facie speed, and 6114  
upon such withdrawal, the altered prima-facie speed shall become 6115  
ineffective, and the signs relating thereto shall be immediately 6116  
removed by the township. 6117

(L)(1) Within one hundred twenty days of February 29, 1996, 6118  
the director of transportation, based upon a geometric and traffic 6119  
characteristic study of a freeway that is part of the interstate 6120  
system or that is not part of the interstate system, but is built 6121  
to the standards and specifications that are applicable to 6122  
freeways that are part of the interstate system, in consultation 6123  
with the director of public safety and, if applicable, the local 6124  
authority having jurisdiction over a portion of such freeway, may 6125  
determine and declare that the speed limit of less than sixty-five 6126  
miles per hour established on such freeway or portion of freeway 6127  
either is reasonable and safe or is less than that which is 6128  
reasonable and safe. 6129

(2) If the established speed limit for such a freeway or 6130  
portion of freeway is determined to be less than that which is 6131  
reasonable and safe, the director of transportation, in 6132  
consultation with the director of public safety and, if 6133  
applicable, the local authority having jurisdiction over the 6134  
portion of freeway, shall determine and declare a reasonable and 6135  
safe speed limit of not more than sixty-five miles per hour for 6136  
that freeway or portion of freeway. 6137

The director of transportation or local authority having 6138  
jurisdiction over the freeway or portion of freeway shall erect 6139

appropriate signs giving notice of the speed limit at such 6140  
location within one hundred fifty days of February 29, 1996. Such 6141  
speed limit becomes effective only when such signs are erected at 6142  
the location. 6143

(3) If, within one hundred twenty days of February 29, 1996, 6144  
the director of transportation does not make a determination and 6145  
declaration of a reasonable and safe speed limit for a freeway or 6146  
portion of freeway that is part of the interstate system or that 6147  
is not part of the interstate system, but is built to the 6148  
standards and specifications that are applicable to freeways that 6149  
are part of the interstate system and that has a speed limit of 6150  
less than sixty-five miles per hour, the speed limit on that 6151  
freeway or portion of a freeway shall be sixty-five miles per 6152  
hour. The director of transportation or local authority having 6153  
jurisdiction over the freeway or portion of the freeway shall 6154  
erect appropriate signs giving notice of the speed limit of 6155  
sixty-five miles per hour at such location within one hundred 6156  
fifty days of February 29, 1996. Such speed limit becomes 6157  
effective only when such signs are erected at the location. A 6158  
speed limit established through the operation of division (L)(3) 6159  
of this section is subject to reduction under division (I)(2) of 6160  
this section. 6161

(M) Within three hundred sixty days after February 29, 1996, 6162  
the director of transportation, based upon a geometric and traffic 6163  
characteristic study of a rural, divided, multi-lane highway that 6164  
has been designated as part of the national highway system under 6165  
the "National Highway System Designation Act of 1995," 109 Stat. 6166  
568, 23 U.S.C.A. 103, in consultation with the director of public 6167  
safety and, if applicable, the local authority having jurisdiction 6168  
over a portion of the highway, may determine and declare that the 6169  
speed limit of less than sixty-five miles per hour established on 6170  
the highway or portion of highway either is reasonable and safe or 6171

is less than that which is reasonable and safe. 6172

If the established speed limit for the highway or portion of 6173  
highway is determined to be less than that which is reasonable and 6174  
safe, the director of transportation, in consultation with the 6175  
director of public safety and, if applicable, the local authority 6176  
having jurisdiction over the portion of highway, shall determine 6177  
and declare a reasonable and safe speed limit of not more than 6178  
sixty-five miles per hour for that highway or portion of highway. 6179  
The director of transportation or local authority having 6180  
jurisdiction over the highway or portion of highway shall erect 6181  
appropriate signs giving notice of the speed limit at such 6182  
location within three hundred ninety days after February 29, 1996. 6183  
The speed limit becomes effective only when such signs are erected 6184  
at the location. 6185

(N)(1)(a) If the boundary of two local authorities rests on 6186  
the centerline of a highway and both authorities have jurisdiction 6187  
over the highway, the speed limit for the part of the highway 6188  
within their joint jurisdiction shall be either one of the 6189  
following as agreed to by both authorities: 6190

(i) Either prima-facie speed limit permitted by division (B) 6191  
of this section; 6192

(ii) An altered speed limit determined and posted in 6193  
accordance with this section. 6194

(b) If the local authorities are unable to reach an 6195  
agreement, the speed limit shall remain as established and posted 6196  
under this section. 6197

(2) Neither local authority may declare an altered 6198  
prima-facie speed limit pursuant to this section on the part of 6199  
the highway under their joint jurisdiction unless both of the 6200  
local authorities determine, upon the basis of an engineering and 6201  
traffic investigation, that the speed permitted by this section is 6202



greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(0) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

(P)(1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P)(1)(b), (1)(c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender 6234  
previously has been convicted of or pleaded guilty to two 6235  
violations of any provision of this section or of any provision of 6236  
a municipal ordinance that is substantially similar to any 6237  
provision of this section, a misdemeanor of the fourth degree; 6238

(c) If, within one year of the offense, the offender 6239  
previously has been convicted of or pleaded guilty to three or 6240  
more violations of any provision of this section or of any 6241  
provision of a municipal ordinance that is substantially similar 6242  
to any provision of this section, a misdemeanor of the third 6243  
degree. 6244

(2) If the offender has not previously been convicted of or 6245  
pleaded guilty to a violation of any provision of this section or 6246  
of any provision of a municipal ordinance that is substantially 6247  
similar to this section and operated a motor vehicle faster than 6248  
thirty-five miles an hour in a business district of a municipal 6249  
corporation, faster than fifty miles an hour in other portions of 6250  
a municipal corporation, or faster than thirty-five miles an hour 6251  
in a school zone during recess or while children are going to or 6252  
leaving school during the school's opening or closing hours, a 6253  
misdemeanor of the fourth degree. 6254

(3) Notwithstanding division (P)(1) of this section, if the 6255  
offender operated a motor vehicle in a construction zone where a 6256  
sign was then posted in accordance with section 4511.98 of the 6257  
Revised Code, the court, in addition to all other penalties 6258  
provided by law, shall impose upon the offender a fine of two 6259  
times the usual amount imposed for the violation. No court shall 6260  
impose a fine of two times the usual amount imposed for the 6261  
violation upon an offender if the offender alleges, in an 6262  
affidavit filed with the court prior to the offender's sentencing, 6263  
that the offender is indigent and is unable to pay the fine 6264  
imposed pursuant to this division and if the court determines that 6265

the offender is an indigent person and unable to pay the fine. 6266

Sec. 4511.61. (A) As used in this section, "active grade crossing warning device" has the same meaning as in section 5733.43 of the Revised Code. 6267  
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(B) The department of transportation and local authorities in their respective jurisdictions, with the approval of the department, may designate dangerous highway crossings over railroad tracks whether on state, county, or township highways or on streets or ways within municipal corporations, and erect stop signs thereat. ~~When such~~ 6270  
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(C) The department and local authorities shall erect stop signs at a railroad highway grade crossing if railroad crossbucks or other warning devices that are not active grade crossing warning devices are the only warning devices at the grade crossing. 6276  
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(D) When stop signs are erected pursuant to division (B) or (C) of this section, the operator of any vehicle, streetcar, or trackless trolley shall stop within fifty, but not less than fifteen, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing. 6281  
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~~(B)~~(E) Except as otherwise provided in this division, whoever violates division (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. 6287  
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Sec. 4513.263. (A) As used in this section and in section 6297  
4513.99 of the Revised Code: 6298

(1) "Automobile" means any commercial tractor, passenger car, 6299  
commercial car, or truck that is required to be factory-equipped 6300  
with an occupant restraining device for the operator or any 6301  
passenger by regulations adopted by the United States secretary of 6302  
transportation pursuant to the "National Traffic and Motor Vehicle 6303  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 6304

(2) "Occupant restraining device" means a seat safety belt, 6305  
shoulder belt, harness, or other safety device for restraining a 6306  
person who is an operator of or passenger in an automobile and 6307  
that satisfies the minimum federal vehicle safety standards 6308  
established by the United States department of transportation. 6309

(3) "Passenger" means any person in an automobile, other than 6310  
its operator, who is occupying a seating position for which an 6311  
occupant restraining device is provided. 6312

(4) "Commercial tractor," "passenger car," and "commercial 6313  
car" have the same meanings as in section 4501.01 of the Revised 6314  
Code. 6315

(5) "Vehicle" and "motor vehicle," as used in the definitions 6316  
of the terms set forth in division (A)(4) of this section, have 6317  
the same meanings as in section 4511.01 of the Revised Code. 6318

(6) "Tort action" means a civil action for damages for 6319  
injury, death, or loss to person or property. "Tort action" 6320  
includes a product liability claim, as defined in section 2307.71 6321  
of the Revised Code, and an asbestos claim, as defined in section 6322  
2307.91 of the Revised Code, but does not include a civil action 6323  
for damages for breach of contract or another agreement between 6324  
persons. 6325

(B) No person shall do any of the following: 6326

(1) Operate an automobile on any street or highway unless 6327  
that person is wearing all of the available elements of a properly 6328  
adjusted occupant restraining device, or operate a school bus that 6329  
has an occupant restraining device installed for use in its 6330  
operator's seat unless that person is wearing all of the available 6331  
elements of the device, as properly adjusted; 6332

(2) Operate an automobile on any street or highway unless 6333  
each passenger in the automobile who is subject to the requirement 6334  
set forth in division (B)(3) of this section is wearing all of the 6335  
available elements of a properly adjusted occupant restraining 6336  
device; 6337

(3) Occupy, as a passenger, a seating position on the front 6338  
seat of an automobile being operated on any street or highway 6339  
unless that person is wearing all of the available elements of a 6340  
properly adjusted occupant restraining device; 6341

(4) Operate a taxicab on any street or highway unless all 6342  
factory-equipped occupant restraining devices in the taxicab are 6343  
maintained in usable form. 6344

(C) Division (B)(3) of this section does not apply to a 6345  
person who is required by section 4511.81 of the Revised Code to 6346  
be secured in a child restraint device or booster seat. Division 6347  
(B)(1) of this section does not apply to a person who is an 6348  
employee of the United States postal service or of a newspaper 6349  
home delivery service, during any period in which the person is 6350  
engaged in the operation of an automobile to deliver mail or 6351  
newspapers to addressees. Divisions (B)(1) and (3) of this section 6352  
do not apply to a person who has an affidavit signed by a 6353  
physician licensed to practice in this state under Chapter 4731. 6354  
of the Revised Code or a chiropractor licensed to practice in this 6355  
state under Chapter 4734. of the Revised Code that states that the 6356  
person has a physical impairment that makes use of an occupant 6357  
restraining device impossible or impractical. 6358

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

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

transportation services, and by the state board of emergency 6392  
medical, fire, and transportation services to make grants, in 6393  
accordance with section 4765.07 of the Revised Code and rules the 6394  
board adopts under section 4765.11 of the Revised Code. The 6395  
director of budget and management may transfer excess money from 6396  
the trauma and emergency medical services fund to the state 6397  
highway safety fund if the director of public safety determines 6398  
that the amount of money in the trauma and emergency medical 6399  
services fund exceeds the amount required to cover such costs 6400  
incurred by the emergency medical services agency and the grants 6401  
made by the state board of emergency medical, fire, and 6402  
transportation services and requests the director of budget and 6403  
management to make the transfer. 6404

(F)(1) Subject to division (F)(2) of this section, the 6405  
failure of a person to wear all of the available elements of a 6406  
properly adjusted occupant restraining device in violation of 6407  
division (B)(1) or (3) of this section or the failure of a person 6408  
to ensure that each minor who is a passenger of an automobile 6409  
being operated by that person is wearing all of the available 6410  
elements of a properly adjusted occupant restraining device in 6411  
violation of division (B)(2) of this section shall not be 6412  
considered or used by the trier of fact in a tort action as 6413  
evidence of negligence or contributory negligence. But, the trier 6414  
of fact may determine based on evidence admitted consistent with 6415  
the Ohio Rules of Evidence that the failure contributed to the 6416  
harm alleged in the tort action and may diminish a recovery of 6417  
compensatory damages that represents noneconomic loss, as defined 6418  
in section 2307.011 of the Revised Code, in a tort action that 6419  
could have been recovered but for the plaintiff's failure to wear 6420  
all of the available elements of a properly adjusted occupant 6421  
restraining device. Evidence of that failure shall not be used as 6422  
a basis for a criminal prosecution of the person other than a 6423  
prosecution for a violation of this section; and shall not be 6424

admissible as evidence in a criminal action involving the person 6425  
other than a prosecution for a violation of this section. 6426

(2) If, at the time of an accident involving a passenger car 6427  
equipped with occupant restraining devices, any occupant of the 6428  
passenger car who sustained injury or death was not wearing an 6429  
available occupant restraining device, was not wearing all of the 6430  
available elements of such a device, or was not wearing such a 6431  
device as properly adjusted, then, consistent with the Rules of 6432  
Evidence, the fact that the occupant was not wearing the available 6433  
occupant restraining device, was not wearing all of the available 6434  
elements of such a device, or was not wearing such a device as 6435  
properly adjusted is admissible in evidence in relation to any 6436  
claim for relief in a tort action to the extent that the claim for 6437  
relief satisfies all of the following: 6438

(a) It seeks to recover damages for injury or death to the 6439  
occupant. 6440

(b) The defendant in question is the manufacturer, designer, 6441  
distributor, or seller of the passenger car. 6442

(c) The claim for relief against the defendant in question is 6443  
that the injury or death sustained by the occupant was enhanced or 6444  
aggravated by some design defect in the passenger car or that the 6445  
passenger car was not crashworthy. 6446

(G)(1) Whoever violates division (B)(1) of this section shall 6447  
be fined thirty dollars. 6448

(2) Whoever violates division (B)(3) of this section shall be 6449  
fined twenty dollars. 6450

(3) Except as otherwise provided in this division, whoever 6451  
violates division (B)(4) of this section is guilty of a minor 6452  
misdemeanor. If the offender previously has been convicted of or 6453  
pleaded guilty to a violation of division (B)(4) of this section, 6454  
whoever violates division (B)(4) of this section is guilty of a 6455



misdemeanor of the third degree. 6456

**Sec. 4513.34.** (A)(1) The director of transportation with 6457  
respect to all highways that are a part of the state highway 6458  
system and local authorities with respect to highways under their 6459  
jurisdiction, upon application in writing and for good cause 6460  
shown, may issue a special permit in writing authorizing the 6461  
applicant to operate or move a vehicle or combination of vehicles 6462  
of a size or weight of vehicle or load exceeding the maximum 6463  
specified in sections 5577.01 to 5577.09 of the Revised Code, or 6464  
otherwise not in conformity with sections 4513.01 to 4513.37 of 6465  
the Revised Code, upon any highway under the jurisdiction of the 6466  
authority granting the permit. 6467

(2) For purposes of this section, the director may designate 6468  
certain state highways or portions of state highways as special 6469  
economic development highways. If an application submitted to the 6470  
director under this section involves travel of a nonconforming 6471  
vehicle or combination of vehicles upon a special economic 6472  
development highway, the director, in determining whether good 6473  
cause has been shown that issuance of a permit is justified, shall 6474  
consider the effect the travel of the vehicle or combination of 6475  
vehicles will have on the economic development in the area in 6476  
which the designated highway or portion of highway is located. 6477

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 6478  
Code, the holder of a ~~special~~ permit issued by the director under 6479  
this section may move the vehicle or combination of vehicles 6480  
described in the ~~special~~ permit on any highway that is a part of 6481  
the state highway system when the movement is partly within and 6482  
partly without the corporate limits of a municipal corporation. No 6483  
local authority shall require any other permit or license or 6484  
charge any license fee or other charge against the holder of a 6485  
permit for the movement of a vehicle or combination of vehicles on 6486

any highway that is a part of the state highway system. The 6487  
director shall not require the holder of a permit issued by a 6488  
local authority to obtain a special permit for the movement of 6489  
vehicles or combination of vehicles on highways within the 6490  
jurisdiction of the local authority. Permits may be issued for any 6491  
period of time not to exceed one year, as the director in the 6492  
director's discretion or a local authority in its discretion 6493  
determines advisable, or for the duration of any public 6494  
construction project. 6495

(C)(1) The application for a permit issued under this section 6496  
shall be in the form that the director or local authority 6497  
prescribes. The director or local authority may prescribe a permit 6498  
fee to be imposed and collected when any permit described in this 6499  
section is issued. The permit fee may be in an amount sufficient 6500  
to reimburse the director or local authority for the 6501  
administrative costs incurred in issuing the permit, and also to 6502  
cover the cost of the normal and expected damage caused to the 6503  
roadway or a street or highway structure as the result of the 6504  
operation of the nonconforming vehicle or combination of vehicles. 6505  
The director, in accordance with Chapter 119. of the Revised Code, 6506  
shall establish a schedule of fees for permits issued by the 6507  
director under this section. 6508

(2) For the purposes of this section and of rules adopted by 6509  
the director under this section, milk transported in bulk by 6510  
vehicle is deemed a nondivisible load. 6511

(3)(a) Subject to division (C)(3)(b) of this section, a 6512  
person who otherwise would be required to receive a permit under 6513  
this section may move or operate a vehicle or combination of 6514  
vehicles without that permit for a distance of two miles or less 6515  
from the Ohio turnpike, provided the vehicle or combination of 6516  
vehicles was operated without a special permit on the Ohio 6517  
turnpike in accordance with rules adopted under section 5537.16 of 6518

the Revised Code. 6519

(b) The director or a local authority may prohibit the 6520  
operation of a vehicle or combination of vehicles on any highway 6521  
within two miles or less of the Ohio turnpike if the highway 6522  
condition is insufficient to bear the weight of the vehicle or 6523  
combination of vehicles. 6524

(c) As used in this division, "Ohio turnpike" has the same 6525  
meaning as in section 5537.26 of the Revised Code. 6526

(D) The director or local authority may issue or withhold a 6527  
permit. If a permit is to be issued, the director or local 6528  
authority may limit or prescribe conditions of operation for the 6529  
vehicle and may require the posting of a bond or other security 6530  
conditioned upon the sufficiency of the permit fee to compensate 6531  
for damage caused to the roadway or a street or highway structure. 6532  
In addition, a local authority, as a condition of issuance of an 6533  
overweight permit, may require the applicant to develop and enter 6534  
into a mutual agreement with the local authority to compensate for 6535  
or to repair excess damage caused to the roadway by travel under 6536  
the permit. 6537

For a permit that will allow travel of a nonconforming 6538  
vehicle or combination of vehicles on a special economic 6539  
development highway, the director, as a condition of issuance, may 6540  
require the applicant to agree to make periodic payments to the 6541  
department to compensate for damage caused to the roadway by 6542  
travel under the permit. 6543

(E) Every permit issued under this section shall be carried 6544  
in the vehicle or combination of vehicles to which it refers and 6545  
shall be open to inspection by any police officer or authorized 6546  
agent of any authority granting the permit. No person shall 6547  
violate any of the terms of a permit. 6548

(F) The director may debar an applicant from applying for a 6549

~~special~~ permit under this section upon a finding based on a 6550  
reasonable belief that the applicant has done any of the 6551  
following: 6552

(1) Abused the process by repeatedly submitting false 6553  
information or false travel plans or by using another company or 6554  
individual's name, insurance, or escrow account without proper 6555  
authorization; 6556

(2) Failed to comply with or substantially perform under a 6557  
previously issued ~~special~~ permit according to its terms, 6558  
conditions, and specifications within specified time limits; 6559

(3) Failed to cooperate in the application process for the 6560  
~~special~~ permit or in any other procedures that are related to the 6561  
issuance of the ~~special~~ permit by refusing to provide information 6562  
or documents required in a permit or by failing to respond to and 6563  
correct matters related to the ~~special~~ permit; 6564

(4) Accumulated repeated justified complaints regarding 6565  
performance under a ~~special~~ permit that was previously issued to 6566  
the applicant or previously failed to obtain a ~~special~~ permit when 6567  
such a permit was required; 6568

(5) Attempted to influence a public employee to breach 6569  
ethical conduct standards; 6570

(6) Been convicted of a criminal offense related to the 6571  
application for, or performance under, a ~~special~~ permit, 6572  
including, but not limited to, bribery, falsification, fraud or 6573  
destruction of records, receiving stolen property, and any other 6574  
offense that directly reflects on the applicant's integrity or 6575  
commercial driver's license; 6576

(7) Accumulated repeated convictions under a state or federal 6577  
safety law governing commercial motor vehicles or a rule or 6578  
regulation adopted under such a law; 6579

(8) Accumulated repeated convictions under a law, rule, or 6580  
regulation governing the movement of traffic over the public 6581  
streets and highways; 6582

(9) Failed to pay any fees associated with any permitted 6583  
operation or move; 6584

(10) Deliberately or willfully submitted false or misleading 6585  
information in connection with the application for, or performance 6586  
under, a ~~special~~ permit issued under this section. 6587

If the applicant is a partnership, association, or 6588  
corporation, the director also may debar from consideration for 6589  
~~special~~ permits any partner of the partnership, or the officers, 6590  
directors, or employees of the association or corporation being 6591  
debarred. 6592

The director may adopt rules in accordance with Chapter 119. 6593  
of the Revised Code governing the debarment of an applicant. 6594

(G) When the director reasonably believes that grounds for 6595  
debarment exist, the director shall send the person that is 6596  
subject to debarment a notice of the proposed debarment. A notice 6597  
of proposed debarment shall indicate the grounds for the debarment 6598  
of the person and the procedure for requesting a hearing. The 6599  
notice and hearing shall be in accordance with Chapter 119. of the 6600  
Revised Code. If the person does not respond with a request for a 6601  
hearing in the manner specified in that chapter, the director 6602  
shall issue the debarment decision without a hearing and shall 6603  
notify the person of the decision by certified mail, return 6604  
receipt requested. The debarment period may be of any length 6605  
determined by the director, and the director may modify or rescind 6606  
the debarment at any time. During the period of debarment, the 6607  
director shall not issue, or consider issuing, a ~~special~~ permit 6608  
under this section to any partnership, association, or corporation 6609  
that is affiliated with a debarred person. After the debarment 6610

period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a ~~special~~ permit. 6611  
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6613

(H) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code. 6614  
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(I) A permit issued under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the terms of the permit notwithstanding any other violation of the motor vehicle and traffic laws of this state by the operator of the vehicle or combination of vehicles. 6616  
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**Sec. 4513.53.** (A) The superintendent of the state highway patrol, with approval of the director of public safety, may appoint and maintain necessary staff to carry out the inspection of buses. 6622  
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(B) The superintendent of the state highway patrol shall adopt a distinctive annual safety inspection decal bearing the date of inspection. The state highway patrol may remove any decal from a bus that fails any inspection. 6626  
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(C) ~~Fees~~ Bus inspection fees collected by the state highway patrol under section 4513.52 of the Revised Code shall be paid into the state treasury to the credit of the ~~general revenue fund~~. ~~Annually by the first day of June, the director of public safety shall determine the amount of fees collected under section 4513.52 of the Revised Code and shall certify the amount to the director of budget and management for reimbursement. The director of budget and management then may transfer cash up to the amount certified from the general revenue fund to the state highway safety fund created in section 4501.06 of the Revised Code.~~ 6630  
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**Sec. 4513.66.** (A) If a motor vehicle accident occurs on any 6640

highway, public street, or other property open to the public for 6641  
purposes of vehicular travel and if any motor vehicle, cargo, or 6642  
personal property that has been damaged or spilled as a result of 6643  
the motor vehicle accident is blocking the highway, street, or 6644  
other property or is otherwise endangering public safety, the 6645  
sheriff of the county, or the chief of police of the municipal 6646  
corporation, township, or township or joint police district, in 6647  
which the accident occurred, a state highway patrol trooper, ~~or~~ 6648  
the chief of the fire department having jurisdiction where the 6649  
accident occurred ~~may~~, or a duly authorized subordinate acting on 6650  
behalf of an official specified above, without consent of the 6651  
owner but with the approval of the law enforcement agency 6652  
conducting any investigation of the accident, may remove the motor 6653  
vehicle if the motor vehicle is unoccupied, cargo, or personal 6654  
property from the portion of the highway, public street, or 6655  
property ordinarily used for vehicular travel on the highway, 6656  
public street, or other property open to the public for purposes 6657  
of vehicular travel. 6658

(B)(1) Except as provided in division (B)(2) or (3) of this 6659  
section, no employee of the department of transportation, sheriff, 6660  
deputy sheriff, chief of police or police officer of a municipal 6661  
corporation, township, or township or joint police district, state 6662  
highway patrol trooper, chief of a fire department, ~~or~~ fire 6663  
fighter, or a duly authorized subordinate acting on behalf of such 6664  
an official who authorizes or participates in the removal of any 6665  
unoccupied motor vehicle, cargo, or personal property as 6666  
authorized by division (A) of this section is liable in civil 6667  
damages for any injury, death, or loss to person or property that 6668  
results from the removal of that unoccupied motor vehicle, cargo, 6669  
or personal property. Except as provided in division (B)(2) or (3) 6670  
of this section, if the department of transportation or a sheriff, 6671  
chief of police of a municipal corporation, township, or township 6672

or joint police district, head of the state highway patrol, ~~or~~ 6673  
chief of a fire department, or a duly authorized subordinate 6674  
acting on behalf of such an official authorizes, employs, or 6675  
arranges to have a private tow truck operator or towing company 6676  
remove any unoccupied motor vehicle, cargo, or personal property 6677  
as authorized by division (A) of this section, that private tow 6678  
truck operator or towing company is not liable in civil damages 6679  
for any injury, death, or loss to person or property that results 6680  
from the removal of that unoccupied motor vehicle, cargo, or 6681  
personal property, ~~and. Further,~~ the department of transportation, 6682  
sheriff, chief of police, head of the state highway patrol, ~~or~~ 6683  
fire department chief, or a duly authorized subordinate acting on 6684  
behalf of such an official is not liable in civil damages for any 6685  
injury, death, or loss to person or property that results from the 6686  
private tow truck operator or towing company's removal of that 6687  
unoccupied motor vehicle, cargo, or personal property. 6688

(2) Division (B)(1) of this section does not apply to any 6689  
person or entity involved in the removal of an unoccupied motor 6690  
vehicle, cargo, or personal property pursuant to division (A) of 6691  
this section if that removal causes or contributes to the release 6692  
of a hazardous material or to structural damage to the roadway. 6693

(3) Division (B)(1) of this section does not apply to a 6694  
private tow truck operator or towing company that was not 6695  
authorized, employed, or arranged by the department of 6696  
transportation, a sheriff, a chief of police of a municipal 6697  
corporation, township, or township or joint police district, the 6698  
head of the state highway patrol, ~~or~~ a chief of a fire department, 6699  
or a duly authorized subordinate acting on behalf of such an 6700  
official or to a private tow truck operator or towing company that 6701  
was authorized, employed, or arranged by the department of 6702  
transportation, a sheriff, a chief of police of a municipal 6703  
corporation, township, or township or joint police district, the 6704



head of the state highway patrol, or a chief of a fire department,  
or a duly authorized subordinate acting on behalf of such an  
official to perform the removal of the unoccupied motor vehicle,  
cargo, or personal property and the private tow truck operator or  
towing company performed the removal in a reckless or willful  
manner.

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

**Sec. 4517.021.** (A) Sections 4517.01, 4517.02, and 4517.03 to  
4517.45 of the Revised Code do not apply to a person auctioning  
classic motor vehicles, provided all of the following apply:

(1) The person is responsible for not more than ~~two~~ four  
auctions of classic motor vehicles per year, with no auction  
lasting more than two days;

(2) The person requests and receives permission for the  
auction from the registrar of motor vehicles by filing an  
application for each proposed auction of classic motor vehicles,  
at least thirty days before the auction, in a form prescribed by  
the registrar, signed and sworn to by the person, that contains  
all of the following:

(a) The person's name and business address;

(b) The location of the auction;

(c) Evidence, sufficient to satisfy the registrar, that the  
person does not exclusively sell motor vehicles;

(d) Any necessary, reasonable, and relevant information that  
the registrar may require to verify compliance with this section.

(3) The person will be auctioning the classic motor vehicle  
to the general public for the legal owner of the vehicle, which  
ownership must be evidenced at the time of the auction by a valid  
certificate of title issued pursuant to Chapter 4505. of the

Revised Code;	6735
(4) The person keeps a record of the following information for each classic motor vehicle offered for sale at auction, in a manner prescribed by the registrar:	6736 6737 6738
(a) The certificate of title number, county, and state of registration;	6739 6740
(b) The year, make, model, and vehicle identification number;	6741
(c) The name and address of the person offering the vehicle for sale;	6742 6743
(d) The name and address of any vehicle purchaser;	6744
(e) The date the vehicle is offered for sale;	6745
(f) Any purchase price;	6746
(g) The odometer reading at the time of the auction and an odometer statement from the person offering the vehicle for sale at auction that complies with 49 U.S.C. 32705.	6747 6748 6749
(5) The person allows reasonable inspection by the registrar of the person's records relating to each classic motor vehicle auction.	6750 6751 6752
(B) Any person that auctions classic motor vehicles under this section shall use the auction services of an auction firm to conduct the auction.	6753 6754 6755
(C) The registrar may refuse permission to hold an auction if the registrar finds that the person has not complied with division (A) of this section or has made a false statement of a material fact in the application filed under division (A)(2) of this section.	6756 6757 6758 6759 6760
(D) The registrar shall not authorize a person licensed under section 4707.072 of the Revised Code to offer auction services or act as an auctioneer in regard to an auction of classic motor	6761 6762 6763

vehicles pursuant to this section. 6764

(E) As used in this section: 6765

(1) "Auction firm" and "auction services" have the same 6766  
meanings as in section 4707.01 of the Revised Code. 6767

(2) "Classic motor vehicle" means a motor vehicle that is 6768  
over twenty-six years old. 6769

**Sec. 4561.01.** As used in sections 4561.01 to ~~4561.151~~ 4561.25 6770  
of the Revised Code: 6771

(A) "Aviation" means transportation by aircraft; operation of 6772  
aircraft; the establishment, operation, maintenance, repair, and 6773  
improvement of airports, landing fields, and other air navigation 6774  
facilities; and all other activities connected therewith or 6775  
incidental thereto. 6776

(B) "Aircraft" means any contrivance used or designed for 6777  
navigation or flight in the air, excepting a parachute or other 6778  
contrivance for such navigation used primarily as safety 6779  
equipment. 6780

(C) "Airport" means any location either on land or water 6781  
which is used for the landing and taking off of aircraft. 6782

(D) "Landing field" means any location either on land or 6783  
water of such size and nature as to permit the landing or taking 6784  
off of aircraft with safety, and used for that purpose but not 6785  
equipped to provide for the shelter, supply, or care of aircraft. 6786

(E) "Air navigation facility" means any facility used, 6787  
available for use, or designed for use in aid of navigation of 6788  
aircraft, including airports, landing fields, facilities for the 6789  
servicing of aircraft or for the comfort and accommodation of air 6790  
travelers, and any structures, mechanisms, lights, beacons, marks, 6791  
communicating systems, or other instrumentalities or devices used 6792  
or useful as an aid to the safe taking off, navigation, and 6793

landing of aircraft, or to the safe and efficient operation or 6794  
maintenance of an airport or landing field, and any combination of 6795  
such facilities. 6796

(F) "Air navigation hazard" means any structure, object of 6797  
natural growth, or use of land, that obstructs the air space 6798  
required for the flight of aircraft in landing or taking off at 6799  
any airport or landing field, or that otherwise is hazardous to 6800  
such landing or taking off. 6801

(G) "Air navigation," "navigation of aircraft," or "navigate 6802  
aircraft" means the operation of aircraft in the air space over 6803  
this state. 6804

(H) "~~Airman~~ Airperson" means any individual who, as the 6805  
person in command, or as pilot, mechanic, or member of the crew, 6806  
engages in the navigation of aircraft. 6807

(I) "Airway" means a route in the air space over and above 6808  
the lands or waters of this state, designated by the Ohio aviation 6809  
board as a route suitable for the navigation of aircraft. 6810

(J) "Person" means any individual, firm, partnership, 6811  
corporation, company, association, joint stock association, or 6812  
body politic, and includes any trustee, receiver, assignee, or 6813  
other similar representative thereof. 6814

(K) "Government agency" means a state agency, state 6815  
institution of higher education, regional port authority, or any 6816  
other political subdivision of the state, or the federal 6817  
government or other states. 6818

**Sec. 4561.06.** The department of transportation shall 6819  
encourage the development of aviation and the promotion of 6820  
aviation education and research within this state as, in its 6821  
judgment, may best serve the public interest. 6822

The department may furnish engineering or other technical 6823

counsel and services, with or without charge therefor, to any 6824  
appropriate government agency ~~of any county or municipal~~ 6825  
~~corporation of the state~~ desiring such counsel or services in 6826  
connection with any question or problem concerning the need for, 6827  
or the location, construction, maintenance, or operation of 6828  
airports, landing fields, or other air navigation facilities ~~in~~ 6829  
~~the county or municipal corporation.~~ 6830

The department shall be the official representative of this 6831  
state in all civil actions, matters, or proceedings pertaining to 6832  
aviation in which this state is a party or has an interest. 6833

The department may investigate, and may cooperate with any 6834  
other appropriate ~~governmental~~ government agency in the 6835  
investigation of, any accident occurring in this state in 6836  
connection with aviation. It may issue an order to preserve, 6837  
protect, or prevent the removal of any aircraft or air navigation 6838  
facility involved in an accident being so investigated until the 6839  
investigation is completed. The chief executive officer or any law 6840  
enforcement officer of this state or any political subdivision in 6841  
which an accident occurred shall assist the department in 6842  
enforcing such an order when called upon to do so. 6843

The department, in connection with any investigation it is 6844  
authorized to conduct, or in connection with any matter it is 6845  
required to consider and determine, may conduct hearings thereon. 6846  
All such hearings shall be open to the public. The administrator 6847  
of the office of aviation or those employees of that office or its 6848  
agents who are designated to conduct such hearings may administer 6849  
oaths and affirmations and issue subpoenas for and compel the 6850  
attendance and testimony of witnesses and the production of 6851  
papers, books, and documents at the hearings. In case of failure 6852  
to comply with such a subpoena or refusal to testify, the 6853  
administrator or the employees of the office of aviation or its 6854  
agents who are designated to conduct the hearings may invoke the 6855

aid of the court of common pleas of the county in which the 6856  
hearing is being conducted, and the court may order the witness to 6857  
comply with the requirements of the subpoena or to give testimony 6858  
concerning the matter in question. Failure to obey any order of 6859  
the court may be punished as a contempt of the court. 6860

Reports of any investigations or hearings, or parts thereof, 6861  
conducted by the department shall not be admitted in evidence or 6862  
used for any purpose in any action or proceeding arising out of 6863  
any matter referred to in the investigation, hearings, or report 6864  
thereof, except in actions or proceedings instituted by the state 6865  
or by the department on behalf of the state, nor shall any member 6866  
of the department or any of its employees be required to testify 6867  
to any facts ascertained in, or information obtained by reason of, 6868  
the member's or employee's official capacity, or to testify as an 6869  
expert witness in any action or proceeding involving or pertaining 6870  
to aviation to which the state is not a party. Subject to this 6871  
section, the department may make available to appropriate agencies 6872  
of government any information and material developed in the course 6873  
of its investigations and hearings. 6874

The department shall report to the appropriate agency of the 6875  
United States all cases that come to its attention of persons 6876  
navigating aircraft without a valid aviator's certificate, or in 6877  
which an aircraft is navigated without a valid air-worthiness 6878  
certificate in probable violation of the laws of the United States 6879  
requiring such certificates, and it also shall report to the 6880  
proper governmental agency any probable infringement or violation 6881  
of laws, rules, and regulations pertaining to aviation that come 6882  
to its attention. 6883

The department may prepare, adopt, and subsequently revise a 6884  
plan showing the locations and types of airports, landing fields, 6885  
and other air navigation facilities within this state; it also may 6886  
prepare another plan of a system of airways within this state, the 6887

establishment, maintenance, and use of which will, in its 6888  
judgment, serve the development of transportation by aircraft 6889  
within this state in the best interests of the public. It may 6890  
publish plans and pertinent information as the public interest 6891  
requires. 6892

The department periodically may prepare, publish, and 6893  
distribute such maps, charts, or other information as the public 6894  
interest requires, showing the location of and containing a 6895  
description of all airports, landing fields, and other air 6896  
navigation facilities then in operation in this state, together 6897  
with information concerning the manner in which, and the terms 6898  
upon which, those facilities may be used, and showing all airways 6899  
then in use, or recommended for use, within this state, together 6900  
with information concerning the manner in which the facilities 6901  
should be used. 6902

**Sec. 4561.07.** The department of transportation may cooperate 6903  
with ~~and assist the federal~~ any government, ~~regional airport~~ 6904  
~~authorities, the political subdivisions of this state,~~ agency and 6905  
~~others, including private persons,~~ engaged in aviation, aviation 6906  
education or research, or the promotion of aviation, and shall 6907  
seek to promote the aeronautic activities of these bodies. 6908

The department may confer with or hold joint meetings and 6909  
hearings with any ~~federal aeronautical agency, any regional~~ 6910  
~~airport authority, or any~~ government agency ~~of a political~~ 6911  
~~subdivision of this state,~~ in connection with any matter arising 6912  
under ~~sections 4561.01 to 4561.151 of the Revised Code~~ this 6913  
chapter, or relating to the sound development of aviation, and the 6914  
department may avail itself of the cooperation, services, records, 6915  
and facilities of any ~~such regional airport authority or~~ 6916  
government agency, as fully as is practicable, in the 6917  
administration and enforcement of such sections. It shall 6918

reciprocate by furnishing to any such regional airport authority 6919  
or agency its cooperation, services, records, and facilities, as 6920  
fully as is practicable and in the best interests of the public. 6921

If the federal government, any agency of the federal 6922  
government, ~~or~~ any regional airport authority or political 6923  
subdivision of this state, or any government agency, requires a 6924  
state agency to receive and disburse any airport assistance or 6925  
development and maintenance funds, the department may act as that 6926  
state agency in all such matters pertaining to aviation. 6927

**Sec. 4561.08.** The department of transportation may cooperate 6928  
with ~~the United States, and~~ any government agency ~~thereof~~, in the 6929  
acquisition, establishment, construction, enlargement, 6930  
improvement, equipment, or operation of airports, landing fields, 6931  
and other air navigation facilities in this state, and may comply 6932  
with the laws of the United States and any regulations made 6933  
thereunder with respect to the expenditure of federal funds for or 6934  
in connection with such airports, landing fields, and other air 6935  
navigation facilities. 6936

The department may accept, receive, and receipt for federal 6937  
funds, upon such terms as are prescribed by the laws of the United 6938  
States and any regulations made thereunder, on behalf of the 6939  
state, and may treat similarly, for the state or as agent for any 6940  
regional airport authority, county, or municipal corporation 6941  
thereof, other funds, public or private, for the acquisition, 6942  
establishment, construction, enlargement, improvement, equipment, 6943  
or operation of airports, landing fields, and other air navigation 6944  
facilities, whether such work is to be done severally by the state 6945  
or by a political subdivision thereof or by a regional airport 6946  
authority, or by the state and a regional airport authority or one 6947  
or more such political subdivisions jointly, or by any two or more 6948  
such political subdivisions jointly, or by a regional airport 6949



authority and any one or more such political subdivisions jointly. 6950  
The department may also act as agent of any regional airport 6951  
authority, county, or municipal corporation of the state in any 6952  
other matter connected with the acquisition, establishment, 6953  
construction, enlargement, improvement, equipment, or operation of 6954  
airports, landing fields, and other air navigation facilities. In 6955  
the discharge of its duties as such agent, the department may use 6956  
all its powers in the same manner as when acting for and in behalf 6957  
of the state. 6958

The department may approve or disapprove all contracts and 6959  
agreements for the acquisition, establishment, construction, 6960  
enlargement, improvement, equipment, or operation of airports, 6961  
landing fields, and other air navigation facilities insofar as its 6962  
rules require. 6963

The department may advise and cooperate with any regional 6964  
airport authority or political subdivision of this state or of any 6965  
other state, when it is acting jointly with a regional airport 6966  
authority or subdivision of this state, in all matters pertaining 6967  
to the location, acquisition, establishment, construction, 6968  
enlargement, improvement, equipment, or operation of airports, 6969  
landing fields, and other air navigation facilities. 6970

All money accepted by the department pursuant to sections 6971  
4561.01 to 4561.151 of the Revised Code shall be deposited in the 6972  
state treasury to the credit of the highway operating fund. All 6973  
such moneys shall be expended in accordance with the terms imposed 6974  
by the United States in making the grants thereof. 6975

**Sec. 4561.09.** Each regional airport authority, county, ~~and~~ 6976  
municipal corporation, and agency of this state may accept, 6977  
receive, and give receipt for federal funds upon such terms as are 6978  
prescribed by the laws of the United States and any rules and 6979  
regulations made thereunder, and may treat similarly other funds, 6980

public or private, for the acquisition, establishment, 6981  
construction, enlargement, improvement, equipment, or operation of 6982  
airports, landing fields, and other air navigation facilities. 6983

The board of trustees of a regional airport authority and the 6984  
legislative body of each county or municipal corporation may 6985  
designate the department of transportation as the agent of such 6986  
regional airport authority, county, or municipal corporation to 6987  
accept, receive, and receipt for federal funds upon such terms as 6988  
are prescribed by the laws of the United States and any rules or 6989  
regulations made thereunder, and to treat similarly other funds, 6990  
public or private, for the acquisition, establishment, 6991  
construction, enlargement, improvement, equipment, or operation of 6992  
airports, landing fields, and other air navigation facilities, 6993  
whether such work is to be done by the regional airport authority, 6994  
county, or municipal corporation alone, or jointly with the state, 6995  
or jointly with the state and other counties or municipal 6996  
corporations. Such board of trustees or legislative body may 6997  
designate the department as its agent in any other matter 6998  
connected with the acquisition, establishment, construction, 6999  
enlargement, improvement, equipment, or operation of airports, 7000  
landing fields, and other air navigation facilities, and may enter 7001  
into, or authorize the executive department of such political 7002  
subdivision to enter into, an agreement with the department 7003  
prescribing the terms of such agency, in accordance with the laws 7004  
of the United States and any rules or regulations made thereunder. 7005

All contracts for the acquisition, establishment, 7006  
construction, enlargement, improvement, equipment, or operation of 7007  
airports, landing fields, or other air navigation facilities made 7008  
by a regional airport authority, county, ~~or~~ municipal corporation, 7009  
or agency of this state shall be made pursuant to the laws of this 7010  
state governing the making of such contracts; provided that when 7011  
the acquisition, establishment, construction, enlargement, 7012

improvement, equipment, or operation of airports, landing fields, 7013  
or other air navigation facilities is financed wholly or partly 7014  
with federal funds, the regional airport authority, county, ~~or~~ 7015  
municipal corporation, or agency of this state may let contracts 7016  
in the manner prescribed by the federal authorities acting under 7017  
the laws of the United States and any rules or regulations made 7018  
thereunder. 7019

**Sec. 4561.12.** (A) ~~No~~ Unless operated by the department of 7020  
transportation or its agents, no aircraft shall be operated or 7021  
maintained on any public land or water owned or controlled by this 7022  
state, or by any political subdivision of this state, except at 7023  
such places and under such rules and regulations governing and 7024  
controlling the operation and maintenance of aircraft as are 7025  
adopted and promulgated by the department ~~of transportation~~ in 7026  
accordance with sections 119.01 to 119.13 of the Revised Code. 7027

Such action and approval by the department shall not become 7028  
effective until it has been approved by the adoption and 7029  
promulgation of appropriate rules ~~and regulations~~ governing, 7030  
controlling, and approving said places and the method of operation 7031  
and maintenance of aircraft, by the department, division, 7032  
political subdivision, agent, or agency of this state having 7033  
ownership or control of the places on said public land or water 7034  
which are affected by such operation or maintenance of aircraft 7035  
thereon. 7036

(B) Whoever violates this section shall be fined not more 7037  
than five hundred dollars, imprisoned not more than ninety days, 7038  
or both. 7039

**Sec. 4561.21.** (A) The director of transportation shall 7040  
deposit all aircraft transfer fees in the state treasury to the 7041  
credit of the general fund. 7042

(B) The director shall deposit all aircraft license taxes and fines in the state treasury to the credit of the airport assistance fund, which is hereby created. Money in the fund shall be used for maintenance and capital improvements to publicly owned airports, and the operating costs associated with the office of aviation. For maintenance and capital improvements to publicly owned airports, the director shall distribute the money to eligible recipients in accordance with such procedures, guidelines, and criteria as the director shall establish. No more than ten per cent of all funds deposited annually into the fund shall be spent annually to pay operating costs associated with the office of aviation.

**Sec. 4582.06.** (A) A port authority created in accordance with section 4582.02 of the Revised Code may:

(1) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, lease with an option to purchase, convey other interests in, or operate real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose, and make charges for the use of any port authority facility, which shall be not less than the charges established for the same services furnished by a public utility or common carrier in the jurisdiction of the particular port authority;

(2) Straighten, deepen, and improve any canal, channel, river, stream, or other water course or way that may be necessary or proper in the development of the facilities of the port authority;

(3) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose, in compliance with Chapter 133. of the

Revised Code, except that the bonds or notes only may be issued 7074  
pursuant to a vote of the electors residing within the territory 7075  
of the port authority. The net indebtedness incurred by a port 7076  
authority shall never exceed two per cent of the total value of 7077  
all property within the territory comprising the authority as 7078  
listed and assessed for taxation. 7079

(4) By resolution of its board of directors, issue revenue 7080  
bonds beyond the limit of bonded indebtedness provided by law, for 7081  
the acquisition, construction, furnishing, or equipping of any 7082  
real or personal property, or any combination thereof, related to, 7083  
useful for, or in furtherance of any authorized purpose, including 7084  
all costs in connection with or incidental thereto. 7085

The revenue bonds of the port authority shall be secured only 7086  
by a pledge of and a lien on the revenues of the port authority 7087  
derived from those loan payments, rentals, fees, charges, or other 7088  
revenues that are designated in the resolution, including, but not 7089  
limited to, any property to be acquired, constructed, furnished, 7090  
or equipped with the proceeds of the bond issue, after provision 7091  
only for the reasonable cost of operating, maintaining, and 7092  
repairing the property of the port authority so designated. The 7093  
bonds may further be secured by the covenant of the port authority 7094  
to maintain rates or charges that will produce revenues sufficient 7095  
to meet the costs of operating, maintaining, and repairing such 7096  
property and to meet the interest and principal requirements of 7097  
the bonds and to establish and maintain reserves for the foregoing 7098  
purposes. The board of directors, by resolution, may provide for 7099  
the issuance of additional revenue bonds from time to time, to be 7100  
secured equally and ratably, without preference, priority, or 7101  
distinction, with outstanding revenue bonds, but subject to the 7102  
terms and limitations of any trust agreement described in this 7103  
section, and of any resolution authorizing bonds then outstanding. 7104  
The board of directors, by resolution, may designate additional 7105

property of the port authority, the revenues of which shall be 7106  
pledged and be subject to a lien for the payment of the debt 7107  
charges on revenue bonds theretofore authorized by resolution of 7108  
the board of directors, to the same extent as the revenues above 7109  
described. 7110

In the discretion of the board of directors, the revenue 7111  
bonds of the port authority may be secured by a trust agreement 7112  
between the board of directors on behalf of the port authority and 7113  
a corporate trustee, that may be any trust company or bank having 7114  
powers of a trust company, within or without the state. 7115

The trust agreement may provide for the pledge or assignment 7116  
of the revenues to be received, but shall not pledge the general 7117  
credit and taxing power of the port authority. A trust agreement 7118  
securing revenue bonds issued to acquire, construct, furnish, or 7119  
equip real property, plants, factories, offices, and other 7120  
structures and facilities for authorized purposes consistent with 7121  
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 7122  
the real or personal property, or a combination thereof, to be 7123  
acquired, constructed, furnished, or equipped from the proceeds of 7124  
such revenue bonds, as further security for the bonds. The trust 7125  
agreement or the resolution providing for the issuance of revenue 7126  
bonds may set forth the rights and remedies of the bondholders and 7127  
trustee, and may contain other provisions for protecting and 7128  
enforcing their rights and remedies that are determined in the 7129  
discretion of the board of directors to be reasonable and proper. 7130  
The agreement or resolution may provide for the custody, 7131  
investment, and disbursement of all moneys derived from the sale 7132  
of such bonds, or from the revenues of the port authority, other 7133  
than those moneys received from taxes levied pursuant to section 7134  
4582.14 of the Revised Code, and may provide for the deposit of 7135  
such funds without regard to section 4582.15 of the Revised Code. 7136

All bonds issued under authority of this chapter, regardless 7137

of form or terms and regardless of any other law to the contrary, 7138  
shall have all qualities and incidents of negotiable instruments, 7139  
subject to provisions for registration, and may be issued in 7140  
coupon, fully registered, or other form, or any combination 7141  
thereof, as the board of directors determines. Provision may be 7142  
made for the registration of any coupon bonds as to principal 7143  
alone or as to both principal and interest, and for the conversion 7144  
into coupon bonds of any fully registered bonds or bonds 7145  
registered as to both principal and interest. 7146

The revenue bonds shall bear interest at such rate or rates, 7147  
shall bear such date or dates, and shall mature within forty-five 7148  
years following the date of issuance and in such amount, at such 7149  
time or times, and in such number of installments, as may be 7150  
provided in or pursuant to the resolution authorizing their 7151  
issuance. The final maturity of any original issue of revenue 7152  
bonds shall not be later than forty-five years from their date of 7153  
issue. Such resolution also shall provide for the execution of the 7154  
bonds, which may be by facsimile signatures unless prohibited by 7155  
the resolution, and the manner of sale of the bonds. The 7156  
resolution shall provide for, or provide for the determination of, 7157  
any other terms and conditions relative to the issuance, sale, and 7158  
retirement of the bonds that the board of directors in its 7159  
discretion determines to be reasonable and proper. 7160

Whenever a port authority considers it expedient, it may 7161  
issue renewal notes and refund any bonds, whether the bonds to be 7162  
refunded have or have not matured. The final maturity of any 7163  
notes, including any renewal notes, shall not be later than five 7164  
years from the date of issue of the original issue of notes. The 7165  
final maturity of any refunding bonds shall not be later than the 7166  
later of forty-five years from the date of issue of the original 7167  
issue of bonds. The refunding bonds shall be sold and the proceeds 7168  
applied to the purchase, redemption, or payment of the bonds to be 7169

refunded and the costs of issuance of the refunding bonds. The 7170  
bonds and notes issued under this chapter, their transfer, and the 7171  
income therefrom, shall at all times be free from taxation within 7172  
the state. 7173

(5) Do any of the following, in regard to any interests in 7174  
any real or personal property, or any combination thereof, 7175  
including, without limitation, machinery, equipment, plants, 7176  
factories, offices, and other structures and facilities related 7177  
to, useful for, or in furtherance of any authorized purpose, for 7178  
such consideration and in such manner, consistent with Article 7179  
VIII, Ohio Constitution, as the board in its sole discretion may 7180  
determine: 7181

(a) Loan moneys to any person or governmental entity for the 7182  
acquisition, construction, furnishing, and equipping of the 7183  
property; 7184

(b) Acquire, construct, maintain, repair, furnish, and equip 7185  
the property; 7186

(c) Sell to, exchange with, lease, convey other interests in, 7187  
or lease with an option to purchase the same or any lesser 7188  
interest in the property to the same or any other person or 7189  
governmental entity; 7190

(d) Guarantee the obligations of any person or governmental 7191  
entity. 7192

A port authority may accept and hold as consideration for the 7193  
conveyance of property or any interest therein such property or 7194  
interests therein as the board in its discretion may determine, 7195  
notwithstanding any restrictions that apply to the investment of 7196  
funds by a port authority. 7197

(6) Construct, maintain, repair, furnish, equip, sell, 7198  
exchange, lease, or lease with an option to purchase, any property 7199  
that it is authorized to acquire. A port authority that is subject 7200



to this section also may operate any property in connection with 7201  
transportation, recreational, governmental operations, or cultural 7202  
activities. 7203

(a) Any purchase, exchange, sale, lease, lease with an option 7204  
to purchase, conveyance of other interests in, or other contract 7205  
with a person or governmental entity that pertains to the 7206  
acquisition, construction, maintenance, repair, furnishing, 7207  
equipping, or operation of any real or personal property, or any 7208  
combination thereof, related to, useful for, or in furtherance of 7209  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 7210  
Constitution, shall be made in such manner and subject to such 7211  
terms and conditions as may be determined by the board of 7212  
directors in its discretion. 7213

(b) Division (A)(6)(a) of this section applies to all 7214  
contracts that are subject to the division, notwithstanding any 7215  
other provision of law that might otherwise apply, including, 7216  
without limitation, any requirement of notice, any requirement of 7217  
competitive bidding or selection, or any requirement for the 7218  
provision of security. 7219

(c) Divisions (A)(6)(a) and (b) of this section do not apply 7220  
to either of the following: 7221

(i) Any contract secured by or to be paid from moneys raised 7222  
by taxation or the proceeds of obligations secured by a pledge of 7223  
moneys raised by taxation; 7224

(ii) Any contract secured exclusively by or to be paid 7225  
exclusively from the general revenues of the port authority. For 7226  
the purposes of this section, any revenues derived by the port 7227  
authority under a lease or other agreement that, by its terms, 7228  
contemplates the use of amounts payable under the agreement either 7229  
to pay the costs of the improvement that is the subject of the 7230  
contract or to secure obligations of the port authority issued to 7231

finance costs of such improvement, are excluded from general 7232  
revenues. 7233

(7) Apply to the proper authorities of the United States 7234  
pursuant to appropriate law for the right to establish, operate, 7235  
and maintain foreign trade zones and to establish, operate, and 7236  
maintain foreign trade zones; and to acquire land or property 7237  
therefor, in a manner consistent with section 4582.17 of the 7238  
Revised Code; 7239

(8) Exercise the right of eminent domain to appropriate any 7240  
land, rights, rights-of-way, franchises, easements, or other 7241  
property, necessary or proper for any authorized purpose, pursuant 7242  
to the procedure provided in sections 163.01 to 163.22 of the 7243  
Revised Code, if funds equal to the appraised value of the 7244  
property to be acquired as a result of such proceedings are 7245  
available for that purpose, except that nothing contained in 7246  
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 7247  
port authority to take or disturb property or facilities belonging 7248  
to any agency or political subdivision of this state, public 7249  
utility, or common carrier, which property or facilities are 7250  
necessary and convenient in the operation of the agency or 7251  
political subdivision, public utility, or common carrier, unless 7252  
provision is made for the restoration, relocation, or duplication 7253  
of the property or facilities, or upon the election of the agency 7254  
or political subdivision, public utility, or common carrier, for 7255  
the payment of compensation, if any, at the sole cost of the port 7256  
authority, provided that: 7257

(a) If any restoration or duplication proposed to be made 7258  
pursuant to this section involves a relocation of such property or 7259  
facilities, the new facilities and location shall be of at least 7260  
comparable utilitarian value and effectiveness, and the relocation 7261  
shall not impair the ability of the public utility or common 7262  
carrier to compete in its original area of operation. 7263

(b) If any restoration or duplication made pursuant to this section involves a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A)(11) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier.

(c) Provisions for restoration or duplication shall be described in detail in the resolution for appropriation passed by the port authority.

(9) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code;

(10) Maintain such funds as it considers necessary;

(11) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port authority, without liability of the port authority or its agents or employees except for actual damage done;

(12) Sell, lease, or convey other interests in real and personal property and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms thereof for the sale, lease, or conveyance of other interests in real and personal property. Any determinations made by the board of directors under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

(13) Promote, advertise, and publicize the port authority

facilities and its authorized purposes, provide information to 7295  
persons with an interest in transportation and other port 7296  
authority activities, and appear before rate-making authorities to 7297  
represent and promote the interests of the port authority and its 7298  
authorized purposes; 7299

(14) Adopt rules, not in conflict with general law, governing 7300  
the use of and the safeguarding of its property, grounds, 7301  
buildings, equipment, and facilities, safeguarding persons and 7302  
their property located on or in port authority property, and 7303  
governing the conduct of its employees and the public, in order to 7304  
promote the public safety and convenience in and about its 7305  
terminals and grounds, and to maintain order. Any such regulation 7306  
shall be posted at no less than five public places in the port 7307  
authority, as determined by the board of directors, for a period 7308  
of not fewer than fifteen days, and shall be available for public 7309  
inspection at the principal office of the port authority during 7310  
regular business hours. No person shall violate any lawful 7311  
regulation adopted and posted as provided in this division. 7312

(15) Do all acts necessary or appropriate to carry out its 7313  
authorized purposes. The port authority shall have the powers and 7314  
rights granted to other subdivisions under section 9.20 of the 7315  
Revised Code. 7316

(B) Any instrument by which real property is acquired 7317  
pursuant to this section shall identify the agency of the state 7318  
that has the use and benefit of the real property as specified in 7319  
section 5301.012 of the Revised Code. 7320

(C) Whoever violates division (A)(14) of this section is 7321  
guilty of a minor misdemeanor. 7322

Sec. 4582.171. A port authority may charge, alter, and 7323  
collect rentals or other charges for the use or services of any 7324  
port authority facility and contract in the manner provided by 7325

this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of the facility, and fix the terms, conditions, rentals, or other charges for the use or services. If the services are furnished in the jurisdiction of the port authority by a public utility or a common carrier, charges by the port authority for the services shall not be less than the charges established for the same services furnished by a public utility or common carrier in the port authority jurisdiction. The rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and the contract may provide for acquisition by the person or governmental agency of all or any part of the port authority facility for such consideration payable over the period of the contract or otherwise as the port authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of port authority revenue bonds or any trust agreement securing the bonds. Any governmental agency that has power to construct, operate, and maintain port authority facilities may enter into a contract or lease with a port authority whereby the use or services of any port authority facility will be made available to the governmental agency, and may pay for the use or services rentals or other charges as may be agreed to by the port authority and the governmental agency.

Any governmental agency or combination of governmental agencies may cooperate with the port authority in the acquisition or construction of port authority facilities and shall enter into such agreements with the port authority as may be appropriate, with a view to effective cooperative action and safeguarding of the respective interests of the parties thereto, which agreements shall provide for contributions by the parties thereto in a proportion as may be agreed upon and other terms as may be mutually satisfactory to the parties including, without

limitation, the authorization of the construction of the facility 7359  
by one of the parties acting as agent for all of the parties and 7360  
the ownership and control of the facility by the port authority to 7361  
the extent necessary or appropriate. Any governmental agency may 7362  
provide the funds for the payment of any contribution required 7363  
under such agreements by the levy of taxes or assessments if 7364  
otherwise authorized by the laws governing the governmental agency 7365  
in the construction of the type of port authority facility 7366  
provided for in the agreements, and may pay the proceeds from the 7367  
collection of the taxes or assessments; or the governmental agency 7368  
may issue bonds or notes, if authorized by those laws, in 7369  
anticipation of the collection of the taxes or assessments, and 7370  
may pay the proceeds of the bonds or notes to the port authority 7371  
pursuant to such agreements. In addition, any governmental agency 7372  
may provide the funds for the payment of a contribution by the 7373  
appropriation of money or, if otherwise authorized by law, by the 7374  
issuance of bonds or notes and may pay the appropriated money or 7375  
the proceeds of the bonds or notes to the port authority pursuant 7376  
to such agreements. The agreement by the governmental agency to 7377  
provide a contribution, whether from appropriated money or from 7378  
the proceeds of taxes or assessments, or bonds or notes, or any 7379  
combination thereof, shall not be subject to Chapter 133. of the 7380  
Revised Code or any rules or limitations contained therein. The 7381  
proceeds from the collection of taxes or assessments, and any 7382  
interest earned thereon, shall be paid into a special fund 7383  
immediately upon the collection thereof by the governmental agency 7384  
for the purpose of providing the contribution at the times 7385  
required under such agreements. 7386

When the contribution of any governmental agency is to be 7387  
made over a period of time from the proceeds of the collection of 7388  
special assessments, the interest accrued and to accrue before the 7389  
first installment of the assessments is collected, which is 7390  
payable by the governmental agency on the contribution under the 7391

terms and provisions of the agreements, shall be treated as part 7392  
of the cost of the improvement for which the assessments are 7393  
levied, and that portion of the assessments that is collected in 7394  
installments shall bear interest at the same rate as the 7395  
governmental agency is obligated to pay on the contribution under 7396  
the terms and provisions of the agreements and for the same period 7397  
of time as the contribution is to be made under the agreements. If 7398  
the assessment or any installment thereof is not paid when due, it 7399  
shall bear interest until the payment thereof at the same rate as 7400  
the contribution and the county auditor shall annually place on 7401  
the tax list and duplicate the interest applicable to the 7402  
assessment and the penalty thereon as otherwise authorized by law. 7403

As used in this section, the term "governmental agency" has 7404  
the meaning defined in section 4582.21 of the Revised Code. 7405

**Sec. 4737.04.** (A) As used in this section and sections 7406  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of 7407  
the Revised Code: 7408

(1) "Scrap metal dealer" means the owner or operator of a 7409  
business that purchases or receives scrap metal for the purpose of 7410  
sorting, grading, and shipping metals to third parties for direct 7411  
or indirect melting into new products. 7412

(2) "Special purchase article" means all of the following: 7413

(a) Beer kegs; 7414

(b) Cable, wire, electrical components, and other equipment 7415  
used in providing cable service or any utility service, including, 7416  
but not limited to, copper or aluminum coverings, housings, or 7417  
enclosures related thereto; 7418

(c) Grave markers, sculptures, plaques, and vases made out of 7419  
metal, the appearance of which suggests that the articles have 7420  
been obtained from a cemetery; 7421

(d) Guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; worker access hole covers, water meter covers, and other similar types of utility access covers; traffic directional and control signs and light signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state;

(e) Historical, commemorative, and memorial markers and plaques made out of metal;

(f) Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping;

(g) Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays;

(h) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire;

(i) Metal trays, merchandise containers, or similar transport containers used by a product producer, distributor, retailer, or an agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products;

(j) "Burnt wire," which is any coated metal wire that has been smelted, burned, or melted thereby removing the manufacturer's or owner's identifying marks.

(3) "Bulk merchandise container" has the same meaning as in section 4737.012 of the Revised Code.

(4) "Bulk merchandise container dealer" means a dealer who is



subject to section 4737.012 of the Revised Code. 7452

(5) "Common recycled matter" means bottles and other 7453  
containers made out of steel, tin, or aluminum and other consumer 7454  
goods that are metal that are recycled by individual consumers and 7455  
not in the bulk or quantity that could be supplied or recycled by 7456  
large business establishments. "Common recycled matter" does not 7457  
include a metal tray used by a product producer, distributor, 7458  
retailer, or agent of a product producer, distributor, or retailer 7459  
as a means for the bulk transportation, storage, or carrying of 7460  
retail containers of milk, baked goods, eggs, or bottled beverage 7461  
products. 7462

(6) "Consumer goods" has the same meaning as in section 7463  
1309.102 of the Revised Code. 7464

(7) "Recyclable materials" means the metal materials 7465  
described in division (C)(5) of this section, on the condition 7466  
that those metal materials are not special purchase articles. 7467

(8) "Motor vehicle" has the same meaning as in section 7468  
4501.01 of the Revised Code. 7469

(B)(1) No person shall engage in the business of scrap metal 7470  
dealing or act as a bulk merchandise container dealer without 7471  
first registering with the director of public safety in accordance 7472  
with section 4737.045 of the Revised Code. 7473

~~(2) Notwithstanding section 2913.02 of the Revised Code, no 7474  
person, with purpose to deprive the owner of a special purchase 7475  
article or bulk merchandise container, shall knowingly obtain or 7476  
exert control over the special purchase article or bulk 7477  
merchandise container in any of the following ways: 7478~~

~~(a) Without the consent of the owner or person authorized to 7479  
give consent; 7480~~

~~(b) Beyond the scope of the express or implied consent of the 7481~~

~~owner or person authorized to give consent;~~ 7482

~~(c) By deception;~~ 7483

~~(d) By threat;~~ 7484

~~(e) By intimidation.~~ 7485

~~(3)~~ No person shall receive, purchase, or sell a special 7486  
purchase article or a bulk merchandise container except as in 7487  
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 7488  
Revised Code. 7489

(C) Every scrap metal dealer shall maintain a record book or 7490  
electronic file, in which the dealer shall keep an accurate and 7491  
complete record of all articles purchased or received by the 7492  
dealer in the course of the dealer's daily business. On and after 7493  
September 11, 2008, every entry in the record book or electronic 7494  
file shall be numbered consecutively and, on or after ~~the~~ 7495  
~~effective date of this amendment~~ September 28, 2012, shall be 7496  
maintained for inspection in numerical order. Until the registry 7497  
developed by the director pursuant to section 4737.045 of the 7498  
Revised Code is operational, a dealer shall maintain the record 7499  
for each article purchased or received for a minimum period of one 7500  
year after the date the dealer purchased or received the article, 7501  
except that the dealer shall maintain the photograph required 7502  
under division (I) of this section only for a period of sixty days 7503  
after the dealer purchased or received the article. Beginning on 7504  
the date the registry is operational, a dealer shall maintain the 7505  
record for each article purchased or received only for a period of 7506  
sixty days after the date the dealer purchased or received the 7507  
article. The director shall adopt rules for the format and 7508  
maintenance of the records required under this division. 7509

The records shall contain all of the following: 7510

(1) The name and residence of the person from whom the 7511  
articles were purchased or received, a copy of that person's 7512

personal identification card, and a photograph of the person taken 7513  
pursuant to division (I) of this section; 7514

(2) The date and time the scrap metal dealer purchased or 7515  
received the articles and the weight of the articles as determined 7516  
by a licensed commercial scale; 7517

(3) If the seller or provider of the articles arrives at the 7518  
dealer's place of business in a motor vehicle, the license plate 7519  
number of that motor vehicle along with the state that issued the 7520  
license plate; 7521

(4) For metal articles that are not recyclable materials, a 7522  
full and accurate description of each article purchased or 7523  
received by the dealer that includes identifying letters or marks 7524  
written, inscribed, or otherwise included on the article and the 7525  
name and maker of the article if known; 7526

(5) For recyclable materials that are not special purchase 7527  
articles, the following category codes to identify the recyclable 7528  
materials that the dealer receives: 7529

(a) "Number one copper," which includes clean copper pipe, 7530  
clean copper wire, or other number one copper that does not have 7531  
solder, paint, or coating; 7532

(b) "Number two copper," which includes unclean copper pipe, 7533  
unclean copper wire, or other number two copper; 7534

(c) "Sheet copper," which includes copper roofing, copper 7535  
gutters, copper downspouts, and other sheet copper; 7536

(d) "Insulated copper wire"; 7537

(e) "Aluminum or copper radiators," which includes aluminum 7538  
radiators, aluminum copper radiators, and copper radiators; 7539

(f) "Red brass," which includes red brass valves and other 7540  
red brass; 7541

(g) "Yellow brass," which includes yellow brass fixtures, 7542

yellow brass valve and fitting, ornamental brass, and other yellow brass;	7543 7544
(h) "Aluminum sheet";	7545
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	7546 7547 7548
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	7549 7550 7551
(k) "Clean aluminum wire";	7552
(l) "Unclean aluminum wire";	7553
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	7554 7555 7556
(n) "Contaminated aluminum";	7557
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	7558 7559 7560
(p) "Large appliances," which includes consumer and other appliances;	7561 7562
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	7563 7564 7565
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	7566 7567 7568
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	7569 7570
(t) "Motor vehicle nonbody parts," which includes motor	7571

vehicle batteries, radiators, and other nonbody motor vehicle	7572
parts;	7573
(u) "Catalytic converters";	7574
(v) "Lead";	7575
(w) "Electric motors-";	7576
<u>(x) "Electronic scrap," which includes any consumer or</u>	7577
<u>commercial electronic equipment such as computers, servers,</u>	7578
<u>routers, video displays, and similar products.</u>	7579
(6) For recyclable materials that are special purchase	7580
articles, the relevant category provided in division (A)(2) of	7581
this section.	7582
(D) Railroad material, including journal brasses, rail	7583
spikes, rails, tie plates, frogs, and communication wire, other	7584
than purchases and sales under sections 4973.13 to 4973.16 of the	7585
Revised Code, shall be held by a scrap metal dealer for a period	7586
of thirty days after being purchased or acquired.	7587
(E)(1) The records required under division (C) of this	7588
section or under section 4737.012 of the Revised Code shall be	7589
open for inspection by the representative of any law enforcement	7590
agency, railroad police officers, and the director of public	7591
safety or the director's designated representative during all	7592
business hours. A scrap metal dealer or bulk merchandise container	7593
dealer shall do both of the following:	7594
(a) Provide a copy of those records to any law enforcement	7595
agency or railroad police officer that requests the records or to	7596
the director or director's representative, upon request;	7597
(b) Prepare a daily electronic report, the content and format	7598
of which shall be established in rules adopted by the director,	7599
listing all retail transactions that occurred during the preceding	7600
day and containing the information described in division (C) of	7601

this section or division (A) of section 4737.012 of the Revised Code, as applicable. The dealer shall electronically transfer, by twelve noon eastern standard time, the report for inclusion in the registry created pursuant to division (E) of section 4737.045 of the Revised Code.

(2) A law enforcement agency may inspect any photographic records collected and maintained by a scrap metal dealer of either yard operations or individual transactions. Records submitted to any law enforcement agency pursuant to this section are not public records for purposes of section 149.43 of the Revised Code.

~~(2)(3) Records submitted to any law enforcement agency, railroad police officer, or the director or the director's designated representative as required by section 4737.012 of the Revised Code and sections 4737.04 to 4737.045 of the Revised Code shall not be public records for the purposes of section 149.43 of the Revised Code.~~

(4) Notwithstanding division (E)(3) of this section, the names and addresses of scrap metal dealers and bulk merchandise container dealers shall be made available to the public by the director upon request.

(5) A person who claims to own a stolen article that may be identified in those records, or an agent of that person, who provides proof of having filed a stolen property report with the appropriate law enforcement agency, may request those records. The law enforcement agency shall provide those records upon a request made by such a person or that person's agent, but the law enforcement agency shall redact information that reveals the name of the seller of any article and the price the dealer paid for any article the dealer purchased or the estimated value of any article the dealer received. The law enforcement agency shall determine which records to provide, based upon the time period that the alleged theft is reported to have taken place. A law enforcement

agency may charge or collect a fee for providing records as 7634  
required by this section. 7635

(F)(1) No scrap metal dealer shall purchase or receive any 7636  
metal articles, and no bulk merchandise container dealer shall 7637  
purchase or receive any bulk merchandise containers, from a person 7638  
who refuses to show the dealer the person's personal 7639  
identification card, or who refuses to allow the dealer to take a 7640  
photograph of the person as required under division (I) of this 7641  
section or of the person or container as required under division 7642  
(B) of section 4737.012 of the Revised Code. 7643

(2) The law enforcement agency that serves the jurisdiction 7644  
in which a scrap metal dealer or a bulk merchandise container 7645  
dealer is located shall provide to the scrap metal dealer or bulk 7646  
merchandise container dealer a searchable, electronic list 7647  
prepared in accordance with rules adopted by the director, as that 7648  
agency determines appropriate, of the names and descriptions of 7649  
persons known to be thieves or receivers of stolen property. The 7650  
law enforcement agency may request the appropriate clerk of courts 7651  
to provide the list. No scrap metal dealer or bulk merchandise 7652  
container dealer shall purchase or receive articles from any 7653  
person who is either identified on the list the dealer receives 7654  
from the law enforcement agency, or who appears on the lists made 7655  
available by the director pursuant to division (E) of section 7656  
4737.045 of the Revised Code. The law enforcement agency also 7657  
shall provide the list to the department of public safety, in an 7658  
electronic format in accordance with rules adopted by the 7659  
director, for inclusion in the registry created in section 7660  
4737.045 of the Revised Code. 7661

(3) No scrap metal dealer or bulk merchandise container 7662  
dealer shall purchase or receive any special purchase articles or 7663  
bulk merchandise containers from any person who is under eighteen 7664  
years of age. 7665

(4) No scrap metal dealer shall purchase or receive any special purchase article without complying with division (C) ~~or~~ and (I) of this section and division (B), (C), or (D) of section 4737.041 of the Revised Code.

(5) No scrap metal dealer shall purchase or receive more than one catalytic converter per day from the same person except from a motor vehicle dealer as defined in section 4517.01 of the Revised Code.

(6) No scrap metal dealer shall purchase or receive a beer keg that is marked with a company name or logo except from a manufacturer of beer as described in section 4303.02 of the Revised Code or an agent authorized by the manufacturer to dispose of damaged kegs.

(7) No scrap metal dealer shall treat a transaction as exempt from section 4737.04 or 4737.041 of the Revised Code unless the seller provides evidence of satisfying division (D)(3) of section 4737.043 of the Revised Code.

(G) Every scrap metal dealer and bulk merchandise container dealer shall post a notice in a conspicuous place on the dealer's premises notifying persons who may wish to transact business with the dealer of the penalties applicable to any person who does any of the following:

(1) Provides a false personal identification card to the dealer;

(2) With purpose to defraud, provides any other false information to the dealer in connection with the dealer's duty to maintain the records required under division (C) of this section or under section 4737.012 of the Revised Code;

(3) Violates section 2913.02 of the Revised Code ~~or division (B)(2) of this section.~~



(H)(1) Except as otherwise provided in division (F)(2) of 7696  
this section, a clerk of courts or an employee of a clerk of 7697  
courts; a chief of police, marshal, or other chief law enforcement 7698  
officer; a sheriff, constable, or chief of police of a township 7699  
police department or police district police force; a deputy, 7700  
officer, or employee of the law enforcement agency served by the 7701  
marshal or the municipal or township chief, the office of the 7702  
sheriff, or the constable; and an employee of the department of 7703  
public safety is immune from liability in a civil action, 7704  
including an action for defamation, libel, or slander, to recover 7705  
damages for injury, death, or loss to persons or property or 7706  
reputation allegedly caused by an act or omission in connection 7707  
with compiling and providing the list required by division (F)(2) 7708  
of this section. 7709

(2) The immunity described in division (H)(1) of this section 7710  
does not apply to a person described in that division if, in 7711  
relation to the act or omission in question, any of the following 7712  
applies: 7713

(a) The act or omission was manifestly outside the scope of 7714  
the person's employment or official responsibilities. 7715

(b) The act or omission was with malicious purpose, in bad 7716  
faith, or in a wanton or reckless manner. 7717

(c) Liability for the act or omission is expressly imposed by 7718  
a section of the Revised Code. 7719

(I) Every scrap metal dealer shall take a photograph, in 7720  
accordance with rules adopted by the director, of each person who 7721  
sells or otherwise gives the dealer an article for which the 7722  
dealer must make record under division (C) of this section. 7723

The dealer shall take the required photograph at the time the 7724  
dealer purchases or receives the article and shall keep the 7725  
photograph as part of the record in accordance with division (C) 7726

of this section. 7727

(J)(1) An individual listed as a known thief or receiver of 7728  
stolen property on a list prepared pursuant to division (F)(2) of 7729  
this section may request that the individual's name be removed 7730  
from the list by filing an application with the law enforcement 7731  
agency responsible for preparing the list. 7732

(2) A law enforcement agency receiving an application in 7733  
accordance with division (J)(1) of this section shall remove the 7734  
applicant's name from the list of known thieves and receivers of 7735  
stolen property if the individual has not been convicted of or 7736  
pleaded guilty to either a misdemeanor that is a theft offense, as 7737  
defined in section 2913.01 of the Revised Code, within three years 7738  
immediately prior to the date of the application or a felony that 7739  
is a theft offense within six years immediately prior to the date 7740  
of the application. 7741

**Sec. 4737.99.** (A) Except as specified in divisions (B), (C), 7742  
(D), (E), and (F) of this section, whoever violates sections 7743  
4737.01 to 4737.11 of the Revised Code, shall be fined not less 7744  
than twenty-five nor more than one thousand dollars and the costs 7745  
of prosecution. 7746

(B) Whoever violates division (F)(2) of section 4737.10 of 7747  
the Revised Code is guilty of a misdemeanor of the fourth degree. 7748

(C) Whoever fails to comply with or violates section 4737.01, 7749  
4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of 7750  
section 4737.04, or division (D) of section 4737.045 of the 7751  
Revised Code is guilty of a misdemeanor of the first degree. If 7752  
the offender one time previously has violated or failed to comply 7753  
with section 4737.01, 4737.012, or 4737.041, division (C), (D), 7754  
(E), (F), (G), or (I) of section 4737.04, or division (D) of 7755  
section 4737.045 of the Revised Code, the violation or failure is 7756  
a felony of the fifth degree. If the offender two or more times 7757

previously has violated or failed to comply with section 4737.01, 7758  
4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of 7759  
section 4737.04, or division (D) of section 4737.045 of the 7760  
Revised Code, the violation or failure is a felony of the fourth 7761  
degree. For any second or subsequent violation of or failure to 7762  
comply with section 4737.01, 4737.012, or 4737.041, or division 7763  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 7764  
(D) of section 4737.045 of the Revised Code, a court may suspend 7765  
the registration issued to the scrap metal dealer or bulk 7766  
merchandise container dealer under section 4737.045 of the Revised 7767  
Code for a period of ninety days, during which time period the 7768  
person shall not engage in the business of a scrap metal dealer or 7769  
a bulk merchandise container dealer, as applicable. 7770

(D) Whoever violates division (B)(1) of section 4737.04 of 7771  
the Revised Code is guilty of a felony of the fifth degree. The 7772  
court also shall enjoin the person from engaging in the business 7773  
of a scrap metal dealer or a bulk merchandise dealer. 7774

(E) ~~Notwithstanding section 2913.02 of the Revised Code,~~ 7775  
~~whoever~~ Whoever violates division (B)(2) ~~or (3)~~ of section 4737.04 7776  
of the Revised Code is guilty of a felony of the fifth degree for 7777  
the first offense and a felony of the third degree for any 7778  
subsequent offense. 7779

(F) Any motor vehicle used in the theft or illegal 7780  
transportation of metal shall be impounded for at least thirty 7781  
days and not more than sixty days. If the same motor vehicle is 7782  
used in connection with a second or subsequent theft or illegal 7783  
transportation of metal, the motor vehicle shall be impounded for 7784  
at least sixty days and not more than one hundred eighty days. Any 7785  
motor vehicle used in the theft or illegal transportation of a 7786  
special purchase article or bulk merchandise container shall be 7787  
impounded for at least ninety days and not more than three hundred 7788  
sixty days. A motor vehicle impounded pursuant to this division 7789

shall be stored at a municipal corporation impound lot, if 7790  
available, or at a lot owned by a private entity or another 7791  
governmental unit that the municipal corporation utilizes for the 7792  
purpose of impounding a motor vehicle. An impounded motor vehicle 7793  
may be recovered from the impound lot at the end of the impound 7794  
term upon payment of fees, ~~fifty per cent of which shall be~~ 7795  
~~remitted to the department of public safety to offset the costs of~~ 7796  
~~operating the registry established pursuant to section 4737.045 of~~ 7797  
~~the Revised Code.~~ 7798

**Sec. 4743.05.** Except as otherwise provided in sections 7799  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 7800  
Revised Code, all money collected under Chapters 3773., 4701., 7801  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 7802  
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 7803  
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 7804  
shall be paid into the state treasury to the credit of the 7805  
occupational licensing and regulatory fund, which is hereby 7806  
created for use in administering such chapters. 7807

At the end of each quarter, the director of budget and 7808  
management shall transfer from the occupational licensing and 7809  
regulatory fund to the nurse education assistance fund created in 7810  
section 3333.28 of the Revised Code the amount certified to the 7811  
director under division (B) of section 4723.08 of the Revised 7812  
Code. 7813

At the end of each quarter, the director shall transfer from 7814  
the occupational licensing and regulatory fund to the certified 7815  
public accountant education assistance fund created in section 7816  
4701.26 of the Revised Code the amount certified to the director 7817  
under division (H)(2) of section 4701.10 of the Revised Code. 7818

**Sec. 4765.02.** (A)(1) There is hereby created the state board 7819

of emergency medical, fire, and transportation services within the 7820  
division of emergency medical services of the department of public 7821  
safety. The board shall consist of the members specified in this 7822  
section who are residents of this state. The governor, with the 7823  
advice and consent of the senate, shall appoint all members of the 7824  
board, except the employee of the department of public safety 7825  
designated by the director of public safety under this section to 7826  
be a member of the board. In making the appointments, the governor 7827  
shall appoint only members with background or experience in 7828  
emergency medical services or trauma care and shall attempt to 7829  
include members representing urban and rural areas, various 7830  
geographical regions of the state, and various schools of 7831  
training. 7832

(2) One member of the board shall be a physician certified by 7833  
the American board of emergency medicine or the American 7834  
osteopathic board of emergency medicine who is active in the 7835  
practice of emergency medicine and is actively involved with an 7836  
emergency medical service organization. The governor shall appoint 7837  
this member from among three persons nominated by the Ohio chapter 7838  
of the American college of emergency physicians and three persons 7839  
nominated by the Ohio osteopathic association. One member shall be 7840  
a physician certified by the American board of surgery or the 7841  
American osteopathic board of surgery who is active in the 7842  
practice of trauma surgery and is actively involved with emergency 7843  
medical services. The governor shall appoint this member from 7844  
among three persons nominated by the Ohio chapter of the American 7845  
college of surgeons and three persons nominated by the Ohio 7846  
osteopathic association. One member shall be a physician certified 7847  
by the American academy of pediatrics or American osteopathic 7848  
board of pediatrics who is active in the practice of pediatric 7849  
emergency medicine and actively involved with an emergency medical 7850  
service organization. The governor shall appoint this member from 7851  
among three persons nominated by the Ohio chapter of the American 7852

academy of pediatrics and three persons nominated by the Ohio 7853  
osteopathic association. ~~One member shall be the administrator of~~ 7854  
~~an adult or pediatric trauma center. The governor shall appoint~~ 7855  
~~this member from among three persons nominated by the OHA: the~~ 7856  
~~association for hospitals and health systems, three persons~~ 7857  
~~nominated by the Ohio osteopathic association, three persons~~ 7858  
~~nominated by the association of Ohio children's hospitals, and~~ 7859  
~~three persons nominated by the health forum of Ohio. One member~~ 7860  
~~shall be the administrator of a hospital that is not a trauma~~ 7861  
~~center located in this state.~~ The governor shall appoint this 7862  
member from among three persons nominated by OHA: the association 7863  
for hospitals and health systems, three persons nominated by the 7864  
Ohio osteopathic association, and three persons nominated by the 7865  
association of Ohio children's hospitals, ~~and three persons~~ 7866  
~~nominated by the health forum of Ohio.~~ One member shall be a 7867  
~~registered nurse~~ an adult or pediatric trauma program manager or 7868  
trauma program director who is involved in the ~~active practice of~~ 7869  
~~emergency nursing~~ daily management of a verified trauma center. 7870  
The governor shall appoint this member from among three persons 7871  
nominated by the Ohio nurses association, three persons nominated 7872  
by the Ohio society of trauma nurse leaders, and three persons 7873  
nominated by the Ohio state council of the emergency nurses 7874  
association. One member shall be the chief of a fire department 7875  
that is also an emergency medical service organization in which 7876  
more than fifty per cent of the persons who provide emergency 7877  
medical services are full-time paid employees. The governor shall 7878  
appoint this member from among three persons nominated by the Ohio 7879  
fire chiefs' association. One member shall be the chief of a fire 7880  
department that is also an emergency medical service organization 7881  
in which more than fifty per cent of the persons who provide 7882  
emergency medical services are volunteers. The governor shall 7883  
appoint this member from among three persons nominated by the Ohio 7884  
fire chiefs' association. One member shall be a person who is 7885

certified to teach under section 4765.23 of the Revised Code ~~or,~~ 7886  
~~if the board has not yet certified persons to teach under that~~ 7887  
~~section, a person who is qualified to be certified to teach under~~ 7888  
~~that section~~ and holds a valid certificate to practice as an EMT, 7889  
AEMT, or paramedic. The governor shall appoint this member from 7890  
among three persons nominated by the Ohio emergency medical 7891  
technician instructors association and the Ohio 7892  
instructor/coordinators' society. One member shall be an 7893  
~~EMT basic, one shall be an EMT I, and one~~ EMT, AEMT, or paramedic, 7894  
and one member shall be a paramedic. The governor shall appoint 7895  
these members from among three ~~EMTs basic, three EMTs I,~~ EMTs or 7896  
AEMTs and three paramedics nominated by the Ohio association of 7897  
professional fire fighters and three ~~EMTs basic~~ EMTs, three ~~EMTs I~~ 7898  
AEMTs, and three paramedics nominated by the northern Ohio fire 7899  
fighters. One member shall be an ~~EMT basic, one shall be an EMT I,~~ 7900  
~~and one~~ EMT, AEMT, or paramedic, and one member shall be a 7901  
paramedic ~~whom the~~. The governor shall appoint these members from 7902  
among three ~~EMTs basic, three EMTs I,~~ EMTs or AEMTs and three 7903  
paramedics nominated by the Ohio state firefighter's association. 7904  
One member shall be a person whom the governor shall appoint from 7905  
among an ~~EMT basic, an EMT I, and~~ EMT, AEMT, or a paramedic 7906  
nominated by the Ohio association of emergency medical services or 7907  
the Ohio ambulance and medical transportation association. One 7908  
member shall be an EMT, AEMT, or a paramedic, whom the governor 7909  
shall appoint from among three persons nominated by the Ohio 7910  
ambulance and medical transportation association. One member shall 7911  
be a paramedic, whom the governor shall appoint from among three 7912  
persons nominated by the Ohio ambulance and medical transportation 7913  
association. The governor shall appoint one member who is an 7914  
~~EMT basic, EMT I, or paramedic affiliated with an emergency~~ 7915  
~~medical services organization. One member shall be a member of the~~ 7916  
~~Ohio ambulance association whom the governor shall appoint from~~ 7917  
~~among three persons nominated by the Ohio ambulance association.~~ 7918

~~One member shall be a physician certified by the American board of surgery, American board of osteopathic surgery, American osteopathic board of emergency medicine, or American board of emergency medicine who is the chief medical officer of an air medical agency and is currently active in providing emergency medical services. The governor shall appoint this member from among three persons nominated by the Ohio association of air medical services. One member shall be the owner or operator of a private emergency medical service organization whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a provider of mobile intensive care unit transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be a provider of air-medical transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be the owner or operator of a nonemergency medical service organization in this state that provides ambulance services whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association.~~

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

The director of public safety shall designate an employee of



the department of public safety to serve as a member of the board 7951  
at the director's pleasure. This member shall serve as a liaison 7952  
between the department and the division of emergency medical 7953  
services in cooperation with the executive director of the board. 7954

~~Initial appointments to the board by the governor and the 7955  
director of public safety shall be made within ninety days after 7956  
November 12, 1992. Of the initial appointments by the governor, 7957  
five shall be for terms ending one year after November 12, 1992, 7958  
six shall be for terms ending two years after November 12, 1992, 7959  
and six shall be for terms ending three years after November 12, 7960  
1992. Within ninety days after the effective date of this 7961  
amendment, the governor shall appoint the member of the board who 7962  
is the chief medical officer of an air medical agency for an 7963  
initial term ending November 12, 2000. Thereafter, terms 7964~~

(B) Terms of office of all members appointed by the governor 7965  
shall be for three years, each term ending on the same day of the 7966  
same month as did the term it succeeds. Each member shall hold 7967  
office from the date of appointment until the end of the term for 7968  
which the member was appointed. A member shall continue in office 7969  
subsequent to the expiration date of the member's term until the 7970  
member's successor takes office, or until a period of sixty days 7971  
has elapsed, whichever occurs first. 7972

Each vacancy shall be filled in the same manner as the 7973  
original appointment. A member appointed to fill a vacancy 7974  
occurring prior to the expiration of the term for which the 7975  
member's predecessor was appointed shall hold office for the 7976  
remainder of the unexpired term. 7977

The term of a member shall expire if the member ceases to 7978  
meet any of the requirements to be appointed as that member. The 7979  
governor may remove any member from office for neglect of duty, 7980  
malfeasance, misfeasance, or nonfeasance, after an adjudication 7981  
hearing held in accordance with Chapter 119. of the Revised Code. 7982

(C) The members of the board shall serve without compensation 7983  
but shall be reimbursed for their actual and necessary expenses 7984  
incurred in carrying out their duties as board members. 7985

(D) The board shall organize by annually selecting a chair 7986  
and vice-chair from among its members. The board may adopt bylaws 7987  
to regulate its affairs. A majority of all members of the board 7988  
shall constitute a quorum. No action shall be taken without the 7989  
concurrence of a majority of all members of the board. The board 7990  
shall meet at least four times annually and at the call of the 7991  
chair. The chair shall call a meeting on the request of the 7992  
executive director or the medical director of the board or on the 7993  
written request of five members. The board shall maintain written 7994  
or electronic records of its meetings. 7995

(E) Upon twenty-four hours' notice from a member of the 7996  
board, the member's employer shall release the member from the 7997  
member's employment duties to attend meetings of the full board. 7998  
Nothing in this ~~paragraph~~ division requires the employer of a 7999  
member of the board to compensate the member for time the member 8000  
is released from employment duties under this paragraph, but any 8001  
civil immunity, workers' compensation, disability, or similar 8002  
coverage that applies to a member of the board as a result of the 8003  
member's employment shall continue to apply while the member is 8004  
released from employment duties under this paragraph. 8005

**Sec. 4765.03.** (A) The director of public safety shall appoint 8006  
a full-time executive director for the state board of emergency 8007  
medical, fire, and transportation services. The executive director 8008  
shall be knowledgeable in emergency medical services and trauma 8009  
care and shall serve at the pleasure of the director of public 8010  
safety. The director of public safety shall appoint the executive 8011  
director from among three persons nominated by the board. The 8012  
director of public safety may refuse, for cause, to appoint any of 8013

the board's nominees. If the director fails to appoint any of the 8014  
board's nominees, the board shall continue to nominate groups of 8015  
three persons until the director does appoint one of the board's 8016  
nominees. The executive director shall serve as the chief 8017  
executive officer of the board and as the executive director of 8018  
the division of emergency medical services. The executive director 8019  
shall attend each meeting of the board, except the board may 8020  
exclude the executive director from discussions concerning the 8021  
employment or performance of the executive director or medical 8022  
director of the board. The executive director shall give a surety 8023  
bond to the state in such sum as the board determines, conditioned 8024  
on the faithful performance of the duties of the executive 8025  
director's office. The executive director shall receive a salary 8026  
from the board and shall be reimbursed for actual and necessary 8027  
expenses incurred in carrying out duties as executive director. 8028

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The executive director shall submit a report to the director 8030  
of public safety at least every three months regarding the status 8031  
of emergency medical services in this state. The executive 8032  
director shall meet with the director of public safety at the 8033  
director's request. 8034

(B) The board shall appoint a medical director, who shall 8035  
serve at the pleasure of the board. The medical director shall be 8036  
a physician certified by the American board of emergency medicine 8037  
or the American osteopathic board of emergency medicine who is 8038  
active in the practice of emergency medicine and has been actively 8039  
involved with an emergency medical service organization for at 8040  
least five years prior to being appointed. The board shall 8041  
consider any recommendations for this appointment from the Ohio 8042  
chapter of the American college of emergency physicians, the Ohio 8043  
chapter of the American college of surgeons, the Ohio chapter of 8044  
the American academy of pediatrics, the Ohio osteopathic 8045

association, and the Ohio state medical association. 8046

The medical director shall direct the executive director and 8047  
advise the board with regard to adult and pediatric trauma and 8048  
emergency medical services issues. The medical director shall 8049  
attend each meeting of the board, except the board may exclude the 8050  
medical director from discussions concerning the appointment or 8051  
performance of the medical director or executive director of the 8052  
board. The medical director shall be employed and paid by the 8053  
board and shall be reimbursed for actual and necessary expenses 8054  
incurred in carrying out duties as medical director. 8055

(C) The board may appoint employees as it determines 8056  
necessary. The board shall prescribe the duties and titles of its 8057  
employees. 8058

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 8059  
training committee of the state board of emergency medical, fire, 8060  
and transportation services is hereby created and shall consist of 8061  
the members of the board who are chiefs of fire departments, and 8062  
the members of the board who are emergency medical 8063  
technicians-basic, emergency medical technicians-intermediate, and 8064  
emergency medical technicians-paramedic appointed from among 8065  
persons nominated by the Ohio association of professional fire 8066  
fighters or the northern Ohio fire fighters and from among persons 8067  
nominated by the Ohio state firefighter's association. Each member 8068  
of the committee, except the chairperson, may designate a person 8069  
with fire experience to serve in that member's place. The members 8070  
of the committee or their designees shall select a chairperson 8071  
from among the members or their designees. 8072

The committee may conduct investigations in the course of 8073  
discharging its duties under this chapter. In the course of an 8074  
investigation, the committee may issue subpoenas. If a person 8075  
subpoenaed fails to comply with the subpoena, the committee may 8076

authorize its chairperson to apply to the court of common pleas in 8077  
the county where the person to be subpoenaed resides for an order 8078  
compelling compliance in the same manner as compliance with a 8079  
subpoena issued by the court is compelled. 8080

(B) The trauma committee of the state board of emergency 8081  
medical, fire, and transportation services is hereby created and 8082  
shall consist of the following members appointed by the director 8083  
of public safety: 8084

(1) A physician who is certified by the American board of 8085  
surgery or American osteopathic board of surgery and actively 8086  
practices general trauma surgery, appointed from among three 8087  
persons nominated by the Ohio chapter of the American college of 8088  
surgeons, three persons nominated by the Ohio state medical 8089  
association, and three persons nominated by the Ohio osteopathic 8090  
association; 8091

(2) A physician who is certified by the American board of 8092  
surgery or the American osteopathic board of surgery and actively 8093  
practices orthopedic trauma surgery, appointed from among three 8094  
persons nominated by the Ohio orthopedic society and three persons 8095  
nominated by the Ohio osteopathic association; 8096

(3) A physician who is certified by the American board of 8097  
neurological surgeons or the American osteopathic board of surgery 8098  
and actively practices neurosurgery on trauma victims, appointed 8099  
from among three persons nominated by the Ohio state neurological 8100  
society and three persons nominated by the Ohio osteopathic 8101  
association; 8102

(4) A physician who is certified by the American board of 8103  
surgeons or American osteopathic board of surgeons and actively 8104  
specializes in treating burn victims, appointed from among three 8105  
persons nominated by the Ohio chapter of the American college of 8106  
surgeons and three persons nominated by the Ohio osteopathic 8107

association; 8108

(5) A dentist who is certified by the American board of oral 8109  
and maxillofacial surgery and actively practices oral and 8110  
maxillofacial surgery, appointed from among three persons 8111  
nominated by the Ohio dental association; 8112

(6) A physician who is certified by the American board of 8113  
physical medicine and rehabilitation or American osteopathic board 8114  
of rehabilitation medicine and actively provides rehabilitative 8115  
care to trauma victims, appointed from among three persons 8116  
nominated by the Ohio society of physical medicine and 8117  
rehabilitation and three persons nominated by the Ohio osteopathic 8118  
association; 8119

(7) A physician who is certified by the American board of 8120  
surgery or American osteopathic board of surgery with special 8121  
qualifications in pediatric surgery and actively practices 8122  
pediatric trauma surgery, appointed from among three persons 8123  
nominated by the Ohio chapter of the American academy of 8124  
pediatrics and three persons nominated by the Ohio osteopathic 8125  
association; 8126

(8) A physician who is certified by the American board of 8127  
emergency medicine or American osteopathic board of emergency 8128  
medicine, actively practices emergency medicine, and is actively 8129  
involved in emergency medical services, appointed from among three 8130  
persons nominated by the Ohio chapter of the American college of 8131  
emergency physicians and three persons nominated by the Ohio 8132  
osteopathic association; 8133

(9) A physician who is certified by the American board of 8134  
pediatrics, American osteopathic board of pediatrics, or American 8135  
board of emergency medicine, is sub-boarded in pediatric emergency 8136  
medicine, actively practices pediatric emergency medicine, and is 8137  
actively involved in emergency medical services, appointed from 8138

among three persons nominated by the Ohio chapter of the American 8139  
academy of pediatrics, three persons nominated by the Ohio chapter 8140  
of the American college of emergency physicians, and three persons 8141  
nominated by the Ohio osteopathic association; 8142

(10) A physician who is certified by the American board of 8143  
surgery, American osteopathic board of surgery, or American board 8144  
of emergency medicine and is the chief medical officer of an air 8145  
medical organization, appointed from among three persons nominated 8146  
by the Ohio association of air medical services; 8147

(11) A coroner or medical examiner appointed from among three 8148  
people nominated by the Ohio state coroners' association; 8149

(12) A registered nurse who actively practices trauma nursing 8150  
at an adult or pediatric trauma center, appointed from among three 8151  
persons nominated by the Ohio association of trauma nurse 8152  
coordinators; 8153

(13) A registered nurse who actively practices emergency 8154  
nursing and is actively involved in emergency medical services, 8155  
appointed from among three persons nominated by the Ohio chapter 8156  
of the emergency nurses' association; 8157

(14) The chief trauma registrar of an adult or pediatric 8158  
trauma center, appointed from among three persons nominated by the 8159  
alliance of Ohio trauma registrars; 8160

(15) The administrator of an adult or pediatric trauma 8161  
center, appointed from among three persons nominated by OHA: the 8162  
association for hospitals and health systems, three persons 8163  
nominated by the Ohio osteopathic association, three persons 8164  
nominated by the association of Ohio children's hospitals, and 8165  
three persons nominated by the health forum of Ohio; 8166

(16) The administrator of a hospital that is not a trauma 8167  
center and actively provides emergency care to adult or pediatric 8168  
trauma patients, appointed from among three persons nominated by 8169

OHA: the association for hospitals and health systems, three 8170  
persons nominated by the Ohio osteopathic association, three 8171  
persons nominated by the association of Ohio children's hospitals, 8172  
and three persons nominated by the health forum of Ohio; 8173

(17) The operator of an ambulance company that actively 8174  
provides trauma care to emergency patients, appointed from among 8175  
three persons nominated by the Ohio ambulance association; 8176

(18) The chief of a fire department that actively provides 8177  
trauma care to emergency patients, appointed from among three 8178  
persons nominated by the Ohio fire chiefs' association; 8179

(19) An EMT or paramedic who is certified under this chapter 8180  
and actively provides trauma care to emergency patients, appointed 8181  
from among three persons nominated by the Ohio association of 8182  
professional firefighters, three persons nominated by the northern 8183  
Ohio fire fighters, three persons nominated by the Ohio state 8184  
firefighters' association, and three persons nominated by the Ohio 8185  
association of emergency medical services; 8186

(20) A person who actively advocates for trauma victims, 8187  
appointed from three persons nominated by the Ohio brain injury 8188  
association and three persons nominated by the governor's council 8189  
on people with disabilities; 8190

(21) A physician or nurse who has substantial administrative 8191  
responsibility for trauma care provided in or by an adult or 8192  
pediatric trauma center, appointed from among three persons 8193  
nominated by OHA: the association for hospitals and health 8194  
systems, three persons nominated by the Ohio osteopathic 8195  
association, three persons nominated by the association of Ohio 8196  
children's hospitals, and three persons nominated by the health 8197  
forum of Ohio; 8198

(22) Three representatives of hospitals that are not trauma 8199  
centers and actively provide emergency care to trauma patients, 8200



appointed from among three persons nominated by OHA: the 8201  
association for hospitals and health systems, three persons 8202  
nominated by the Ohio osteopathic association, three persons 8203  
nominated by the association of Ohio children's hospitals, and 8204  
three persons nominated by the health forum of Ohio. The 8205  
representatives may be hospital administrators, physicians, 8206  
nurses, or other clinical professionals. 8207

Members of the committee shall have substantial experience in 8208  
the categories they represent, shall be residents of this state, 8209  
and may be members of the state board of emergency medical, fire, 8210  
and transportation services. In appointing members of the 8211  
committee, the director shall attempt to include members 8212  
representing urban and rural areas, various geographical areas of 8213  
the state, and various schools of training. The director shall not 8214  
appoint to the committee more than one member who is employed by 8215  
or practices at the same hospital, health system, or emergency 8216  
medical service organization. 8217

The director may refuse to appoint any of the persons 8218  
nominated by an organization or organizations under this division. 8219  
In that event, the organization or organizations shall continue to 8220  
nominate the required number of persons until the director 8221  
appoints to the committee one or more of the persons nominated by 8222  
the organization or organizations. 8223

Initial appointments to the committee shall be made by the 8224  
director not later than ninety days after November 3, 2000. 8225  
Members of the committee shall serve at the pleasure of the 8226  
director, except that any member of the committee who ceases to be 8227  
qualified for the position to which the member was appointed shall 8228  
cease to be a member of the committee. Vacancies on the committee 8229  
shall be filled in the same manner as original appointments. 8230

The members of the committee shall serve without compensation 8231  
but shall be reimbursed for actual and necessary expenses incurred 8232

in carrying out duties as members of the committee. 8233

The committee shall select a chairperson and vice-chairperson 8234  
from among its members. A majority of all members of the committee 8235  
shall constitute a quorum. No action shall be taken without the 8236  
concurrence of a majority of all members of the committee. The 8237  
committee shall meet at the call of the chair, upon written 8238  
request of five members of the committee, and at the direction of 8239  
the state board of emergency medical, fire, and transportation 8240  
services. The committee shall not meet at times or locations that 8241  
conflict with meetings of the board. The executive director and 8242  
medical director of the state board of emergency medical, fire, 8243  
and transportation services may participate in any meeting of the 8244  
committee and shall do so at the request of the committee. 8245

The committee shall advise and assist the state board of 8246  
emergency medical, fire, and transportation services in matters 8247  
related to adult and pediatric trauma care and the establishment 8248  
and operation of the state trauma registry. In matters relating to 8249  
the state trauma registry, the board and the committee shall 8250  
consult with trauma registrars from adult and pediatric trauma 8251  
centers in the state. The committee may appoint a subcommittee to 8252  
advise and assist with the trauma registry. The subcommittee may 8253  
include persons with expertise relevant to the trauma registry who 8254  
are not members of the board or committee. 8255

(C)(1) The medical transportation committee of the state 8256  
board of emergency medical, fire, and transportation services is 8257  
hereby created. The committee shall consist of members appointed 8258  
by the board in accordance with rules adopted by the board. In 8259  
appointing members of the committee, the board shall attempt to 8260  
include members representing urban and rural areas and various 8261  
geographical areas of the state, and shall ensure the members have 8262  
substantial experience in the transportation of patients, 8263  
including addressing the unique issues of mobile intensive care 8264

and air medical services. The members of the committee shall be 8265  
residents of this state and may be members of the board. The 8266  
members of the committee shall serve without compensation but 8267  
shall be reimbursed for actual and necessary expenses incurred in 8268  
carrying out duties as members of the committee. The committee 8269  
shall select a chairperson and vice-chairperson from among its 8270  
members. A majority of all members of the committee shall 8271  
constitute a quorum. No action shall be taken without the 8272  
concurrence of a majority of all members of the committee. The 8273  
committee shall meet at the call of the chair and at the direction 8274  
of the board. The committee shall not meet at times or locations 8275  
that conflict with meetings of the board. The committee shall 8276  
advise and assist the board in matters related to the licensing of 8277  
nonemergency medical service, emergency medical service, and air 8278  
medical service organizations in this state. 8279

(2) There is hereby created the critical care subcommittee of 8280  
the medical transportation committee. The membership of the 8281  
subcommittee and the conduct of the subcommittee's business shall 8282  
conform to rules adopted by the board. The subcommittee shall 8283  
advise and assist the committee and board in matters relating to 8284  
mobile intensive care and air medical service organizations in 8285  
this state. 8286

(D) The state board of emergency medical, fire, and 8287  
transportation services may appoint other committees and 8288  
subcommittees as it considers necessary. 8289

~~(D)~~(E) The state board of emergency medical, fire, and 8290  
transportation services, and any of its committees or 8291  
subcommittees, may request assistance from any state agency. The 8292  
board and its committees and subcommittees may permit persons who 8293  
are not members of those bodies to participate in deliberations of 8294  
those bodies, but no person who is not a member of the board shall 8295  
vote on the board and no person who is not a member of a committee 8296

created under division (A) ~~or~~, (B), or (C) of this section shall 8297  
vote on that committee. 8298

~~(E)~~(F) Sections 101.82 to 101.87 of the Revised Code do not 8299  
apply to the committees established under ~~division~~ divisions (A) 8300  
~~or~~, (B), and (C) of this section. 8301

**Sec. 4765.05.** (A) As used in this section, "prehospital 8302  
emergency medical services" means an emergency medical services 8303  
system that provides medical services to patients who require 8304  
immediate assistance, because of illness or injury, prior to their 8305  
arrival at an emergency medical facility. 8306

(B) The state board of emergency medical, fire, and 8307  
transportation services shall divide the state geographically into 8308  
prehospital emergency medical services regions for purposes of 8309  
overseeing the delivery of adult and pediatric prehospital 8310  
emergency medical services. For each prehospital emergency medical 8311  
services region, the state board of emergency medical, fire, and 8312  
transportation services shall appoint either a physician to serve 8313  
as the regional director or a physician advisory board to serve as 8314  
the regional advisory board. The state board of emergency medical, 8315  
fire, and transportation services shall specify the duties of each 8316  
regional director and regional advisory board. Regional directors 8317  
and members of regional advisory boards shall serve without 8318  
compensation, but shall be reimbursed for actual and necessary 8319  
expenses incurred in carrying out duties as regional directors and 8320  
members of regional advisory boards. 8321

(C) Nothing in this section shall be construed to limit in 8322  
any way the ability of a hospital to determine the market area of 8323  
that hospital. 8324

**Sec. 4765.06.** (A) The state board of emergency medical, fire, 8325  
and transportation services shall establish an emergency medical 8326

services incidence reporting system for the collection of 8327  
information regarding the delivery of emergency medical services 8328  
in this state and the frequency at which the services are 8329  
provided. All emergency medical service organizations shall submit 8330  
to the board any information that the board determines is 8331  
necessary for maintaining the incidence reporting system. 8332

(B) The board shall establish a state trauma registry to be 8333  
used for the collection of information regarding the care of adult 8334  
and pediatric trauma victims in this state. The registry shall 8335  
provide for the reporting of adult and pediatric trauma-related 8336  
deaths, identification of adult and pediatric trauma patients, 8337  
monitoring of adult and pediatric trauma patient care data, 8338  
determination of the total amount of uncompensated adult and 8339  
pediatric trauma care provided annually by each facility that 8340  
provides care to trauma victims, and collection of any other 8341  
information specified by the board. All persons designated by the 8342  
board shall submit to the board any information it determines is 8343  
necessary for maintaining the state trauma registry. At the 8344  
request of the board any state agency possessing information 8345  
regarding adult or pediatric trauma care shall provide the 8346  
information to the board. The board shall maintain the state 8347  
trauma registry in accordance with rules adopted under section 8348  
4765.11 of the Revised Code. 8349

Rules relating to the state trauma registry adopted under 8350  
this section and section 4765.11 of the Revised Code shall not 8351  
prohibit the operation of other trauma registries and may provide 8352  
for the reporting of information to the state trauma registry by 8353  
or through other trauma registries in a manner consistent with 8354  
information otherwise reported to the state trauma registry. Other 8355  
trauma registries may report aggregate information to the state 8356  
trauma registry, provided the information can be matched to the 8357  
person that reported it. Information maintained by another trauma 8358

registry and reported to the state trauma registry in lieu of 8359  
being reported directly to the state trauma registry is a public 8360  
record and shall be maintained, made available to the public, held 8361  
in confidence, risk adjusted, and not subject to discovery or 8362  
introduction into evidence in a civil action as provided in 8363  
section 149.43 of the Revised Code and this section. Any person 8364  
who provides, maintains, or risk adjusts such information shall 8365  
comply with this section and rules adopted under it in performing 8366  
that function and has the same immunities with respect to that 8367  
function as a person who performs that function with respect to 8368  
the state trauma registry. 8369

(C) The board and any employee or contractor of the board or 8370  
the department of public safety shall not make public information 8371  
it receives under Chapter 4765. of the Revised Code that 8372  
identifies or would tend to identify a specific recipient of 8373  
emergency medical services or adult or pediatric trauma care. 8374

(D) Not later than two years after November 3, 2000, the 8375  
board shall adopt and implement rules under section 4765.11 of the 8376  
Revised Code that provide written standards and procedures for 8377  
risk adjustment of information received by the board under Chapter 8378  
4765. of the Revised Code. The rules shall be developed in 8379  
consultation with appropriate medical, hospital, and emergency 8380  
medical service organizations and may provide for risk adjustment 8381  
by a contractor of the board. Except as provided in division (G) 8382  
of this section, before risk adjustment standards and procedures 8383  
are implemented, no member of the board and no employee or 8384  
contractor of the board or the department of public safety shall 8385  
make public information received by the board under Chapter 4765. 8386  
of the Revised Code that identifies or would tend to identify a 8387  
specific provider of emergency medical services or adult or 8388  
pediatric trauma care. Except as provided in division (G) of this 8389  
section, after risk adjustment standards and procedures are 8390

implemented, the board shall make public such information only on a risk adjusted basis. 8391  
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(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 pediatric trauma care. 8393  
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(F) No provider that furnishes information to the board with respect to any patient the provider examined or treated shall, because of this furnishing, be deemed liable in damages to any person or be held to answer for betrayal of a professional confidence in the absence of willful or wanton misconduct. No such information shall be subject to introduction in evidence in any civil action against the provider. No provider that furnishes information to the board shall be liable for the misuse or improper release of the information by the board or any other person. 8404  
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No person who performs risk adjustment functions under this section shall, because of performing such functions, be held liable in a civil action for betrayal of professional confidence or otherwise in the absence of willful or wanton misconduct. 8414  
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(G) The board may transmit data that identifies or tends to identify a specific provider of emergency medical services care and has not been risk-adjusted from the emergency medical services incident reporting system directly to the national emergency medical services information system, pursuant to a written 8418  
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contract between the board and the federal agency that administers 8423  
the national emergency medical services information system, which 8424  
shall ensure to the maximum extent permitted by federal law that 8425  
such agency shall use such data solely for inclusion in the 8426  
national emergency medical services information system and shall 8427  
not disclose such data to the public, through legal discovery, a 8428  
freedom of information request, or otherwise, in a manner that 8429  
identifies or tends to identify a specific provider of emergency 8430  
medical services care. 8431

**Sec. 4765.07.** (A) The state board of emergency medical, fire, 8432  
and transportation services shall adopt rules under section 8433  
4765.11 of the Revised Code to establish and administer a grant 8434  
program under which grants are distributed according to the 8435  
following priorities: 8436

(1) First priority shall be given to emergency medical 8437  
service organizations for the training of personnel, for the 8438  
purchase of equipment and vehicles, and to improve the 8439  
availability, accessibility, and quality of emergency medical 8440  
services in this state. In this category, the board shall give 8441  
priority to grants that fund training and equipping of emergency 8442  
medical service personnel. 8443

(2) Second priority shall be given to entities that research, 8444  
test, and evaluate medical procedures and systems related to adult 8445  
and pediatric trauma care. 8446

(3) Third priority shall be given to entities that research 8447  
the causes, nature, and effects of traumatic injuries, educate the 8448  
public about injury prevention, and implement, test, and evaluate 8449  
injury prevention strategies. 8450

(4) Fourth priority shall be given to entities that research, 8451  
test, and evaluate procedures that promote the rehabilitation, 8452  
retraining, and reemployment of adult or pediatric trauma victims 8453



and social service support mechanisms for adult or pediatric 8454  
trauma victims and their families. 8455

(5) Fifth priority shall be given to entities that conduct 8456  
research on, test, or evaluate one or more of the following: 8457

(a) Procedures governing the performance of emergency medical 8458  
services in this state; 8459

(b) The training of emergency medical service personnel; 8460

(c) The staffing of emergency medical service organizations. 8461

(6) For grants distributed for the grant award years 8462  
occurring not later than the award year ending June 30, 2017, 8463  
sixth priority shall be given to entities that operate paramedic 8464  
training programs and are seeking national accreditation of the 8465  
programs. 8466

(B) To be eligible for a grant distributed pursuant to 8467  
division (A)(6) of this section, an applicant for the grant shall 8468  
meet all of the following conditions: 8469

(1) Hold a certificate of accreditation issued by the board 8470  
under section 4765.17 of the Revised Code to operate a paramedic 8471  
training program; 8472

(2) Be seeking initial national accreditation of the program 8473  
from an accrediting organization approved by the board; 8474

(3) Apply for the national accreditation on or after February 8475  
25, 2010. 8476

(C) The grant program shall be funded from the trauma and 8477  
emergency medical services fund created by section 4513.263 of the 8478  
Revised Code. 8479

**Sec. 4765.08.** The state board of emergency medical, fire, and 8480  
transportation services shall prepare a statewide emergency 8481  
medical services plan and shall revise the plan as necessary. 8482

The board shall prepare a plan for the statewide regulation 8483  
of emergency medical services during periods of disaster. The plan 8484  
shall be consistent with the statewide emergency medical services 8485  
plan required under this section and with the statewide emergency 8486  
operations plan required under section 5502.22 of the Revised 8487  
Code. The board shall submit the plan to the emergency management 8488  
agency created under section 5502.22 of the Revised Code. The 8489  
board shall cooperate with the agency in any other manner the 8490  
agency considers necessary to develop and implement the statewide 8491  
emergency operations plan. 8492

**Sec. 4765.09.** The state board of emergency medical, fire, and 8493  
transportation services shall prepare recommendations for the 8494  
operation of ambulance service organizations, air medical 8495  
organizations, and emergency medical service organizations. Within 8496  
thirty days following the preparation or modification of 8497  
recommendations, the board shall notify the board of county 8498  
commissioners of any county, the board of township trustees of any 8499  
township, the board of trustees of any joint ambulance district, 8500  
or the board of trustees of any joint emergency medical services 8501  
district in which there exist ambulance service organizations, air 8502  
medical organizations, or emergency medical service organizations 8503  
of any board recommendations for the operation of such 8504  
organizations. The recommendations shall include, but not be 8505  
limited to: 8506

(A) The definition and classification of ambulances and 8507  
medical aircraft; 8508

(B) The design, equipment, and supplies for ambulances and 8509  
medical aircraft, including special equipment, supplies, training, 8510  
and staffing required to assist pediatric and geriatric emergency 8511  
victims; 8512

(C) The minimum number and type of personnel for the 8513

operation of ambulances and medical aircraft;	8514
(D) The communication systems necessary for the operation of ambulances and medical aircraft;	8515
(E) Reports to be made by persons holding certificates of accreditation or approval issued under section 4765.17 of the Revised Code and certificates to practice issued under section 4765.30 of the Revised Code to ascertain compliance with this chapter and the rules and recommendations adopted thereunder and to ascertain the quantity and quality of ambulance service organizations, air medical organizations, and emergency medical service organizations throughout the state.	8517
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<b>Sec. 4765.10.</b> (A) The state board of emergency medical, <u>fire,</u> and <u>transportation</u> services shall do all of the following:	8525
	8526
(1) Administer and enforce the provisions of this chapter and the rules adopted under it;	8527
	8528
(2) Approve, in accordance with procedures established in rules adopted under section 4765.11 of the Revised Code, examinations that demonstrate competence to have a certificate to practice renewed without completing a continuing education program;	8529
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(3) Advise applicants for state or federal emergency medical services funds, review and comment on applications for these funds, and approve the use of all state and federal funds designated solely for emergency medical service programs unless federal law requires another state agency to approve the use of all such federal funds;	8534
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(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services;	8540
	8541
(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services;	8542
	8543

(6) Maintain a toll-free long distance telephone number 8544  
through which it shall respond to questions about emergency 8545  
medical services; 8546

(7) Work with appropriate state offices in coordinating the 8547  
training of firefighters and emergency medical service personnel. 8548  
Other state offices that are involved in the training of 8549  
firefighters or emergency medical service personnel shall 8550  
cooperate with the board and its committees and subcommittees to 8551  
achieve this goal. 8552

(8) Provide a liaison to the state emergency operation center 8553  
during those periods when a disaster, as defined in section 8554  
5502.21 of the Revised Code, has occurred in this state and the 8555  
governor has declared an emergency as defined in that section. 8556

(B) The board may do any of the following: 8557

(1) Investigate complaints concerning emergency medical 8558  
services and emergency medical service organizations as it 8559  
determines necessary; 8560

(2) Enter into reciprocal agreements with other states that 8561  
have standards for accreditation of emergency medical services 8562  
training programs and for certification of first responders, 8563  
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 8564  
inspectors that are substantially similar to those established 8565  
under this chapter and the rules adopted under it; 8566

(3) Establish a statewide public information system and 8567  
public education programs regarding emergency medical services; 8568

(4) Establish an injury prevention program. 8569

(C) The state board of emergency medical, fire, and 8570  
transportation services shall not regulate any profession that 8571  
otherwise is regulated by another board, commission, or similar 8572  
regulatory entity. 8573

Sec. 4765.101. (A) The state board of emergency medical, 8574  
fire, and transportation services shall investigate any allegation 8575  
that a person has violated this chapter or a rule adopted under 8576  
it. 8577

Any person may submit to the board a written complaint 8578  
regarding an alleged violation of this chapter or a rule adopted 8579  
under it. In the absence of fraud or bad faith, no person 8580  
submitting a complaint to the board or testifying in an 8581  
adjudication hearing conducted in accordance with Chapter 119. of 8582  
the Revised Code with regard to such an alleged violation shall be 8583  
liable to any person in damages in a civil action as a result of 8584  
submitting the complaint or providing testimony. 8585

(B) In investigating an allegation, the board may do any of 8586  
the following: 8587

(1) Administer oaths; 8588

(2) Order the taking of depositions; 8589

(3) Issue subpoenas; 8590

(4) Compel the attendance of witnesses and production of 8591  
books, accounts, papers, records, documents, and testimony. 8592

(C) A subpoena for patient record information shall not be 8593  
issued without consultation with the attorney general's office and 8594  
approval of the executive director of the board. Before issuance 8595  
of a subpoena for patient record information, the executive 8596  
director shall determine whether there is probable cause to 8597  
believe that the complaint filed alleges a violation of this 8598  
chapter or any rule adopted under it and that the records sought 8599  
are relevant to the alleged violation and material to the 8600  
investigation. The subpoena may apply only to records that cover a 8601  
reasonable period of time surrounding the alleged violation. 8602

(D) On failure to comply with any subpoena issued by the 8603

board and after reasonable notice to the person being subpoenaed, 8604  
the board may move, pursuant to the Rules of Civil Procedure, for 8605  
an order compelling the production of persons or records. 8606

(E) A subpoena issued by the board may be served by a 8607  
sheriff, the sheriff's deputy, or an investigator for the division 8608  
of emergency medical services of the department of public safety. 8609  
Service of a subpoena issued by the board may be made by 8610  
delivering a copy of the subpoena to the person named in it, 8611  
reading it to the person, or leaving it at the person's usual 8612  
place of residence. When the person being served is an individual 8613  
authorized by this chapter to practice emergency medical services, 8614  
service of the subpoena may be made by certified mail, restricted 8615  
delivery, return receipt requested, and the subpoena shall be 8616  
deemed served on the date delivery is made or on the date that the 8617  
person refuses to accept delivery. 8618

**Sec. 4765.102.** (A) As used in this section, "licensing 8619  
agency" means any entity that has the authority pursuant to Title 8620  
XLVII of the Revised Code to issue a license, and any other agency 8621  
of this or another state, other than the Ohio supreme court, that 8622  
has the authority to issue a license that authorizes an individual 8623  
to engage in an occupation or profession. "Licensing agency" 8624  
includes an administrative officer that has authority to issue a 8625  
license that authorizes an individual to engage in an occupation 8626  
or profession. 8627

(B) Except as provided in divisions (C) and (D) of this 8628  
section and section 4765.111 of the Revised Code, all information 8629  
the state board of emergency medical, fire, and transportation 8630  
services receives pursuant to an investigation, including 8631  
information regarding an alleged violation of this chapter or 8632  
rules adopted under it or a complaint submitted under division (A) 8633  
of section 4765.101 of the Revised Code, is confidential, and is 8634

not subject to discovery in any civil action, during the course of 8635  
the investigation and any adjudication proceedings that result 8636  
from the investigation. Upon completion of the investigation and 8637  
any resulting adjudication proceedings, the information is a 8638  
matter of public record for purposes of section 149.43 of the 8639  
Revised Code. 8640

(C) The board may release information otherwise made 8641  
confidential by division (B) of this section to law enforcement 8642  
officers or licensing agencies of this or another state that are 8643  
prosecuting, adjudicating, or investigating the holder of a 8644  
certificate issued under this chapter or a person who allegedly 8645  
engaged in the unauthorized provision of emergency medical 8646  
services. 8647

A law enforcement officer or licensing agency with 8648  
information disclosed by the board under this division shall not 8649  
divulge the information other than for the purpose of an 8650  
adjudication by a court or licensing agency to which the subject 8651  
of the adjudication is a party. 8652

(D) If an investigation conducted under section 4765.101 of 8653  
the Revised Code requires a review of patient records, the 8654  
investigation and proceedings related to it shall be conducted in 8655  
such a manner as to protect patient confidentiality. The board 8656  
shall not make public the name or any other identifying 8657  
information about a patient unless proper consent is given in 8658  
accordance with rules adopted by the board. If the patient is less 8659  
than eighteen years of age, the board shall obtain consent from 8660  
the patient's parent, guardian, or custodian. 8661

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 8662  
and transportation services shall adopt, and may amend and 8663  
rescind, rules in accordance with Chapter 119. of the Revised Code 8664  
and division (C) of this section that establish all of the 8665

following:	8666
(1) Procedures for its governance and the control of its actions and business affairs;	8667 8668
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	8669 8670 8671 8672
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	8673 8674 8675 8676 8677
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	8678 8679 8680
(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;	8681 8682 8683 8684 8685 8686
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	8687 8688 8689
(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;	8690 8691 8692 8693
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	8694 8695



(9) Standards for certificates of accreditation and certificates of approval;	8696 8697
(10) Qualifications for certificates to teach;	8698
(11) Requirements for a certificate to practice;	8699
(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;	8700 8701 8702 8703 8704
(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;	8705 8706 8707 8708 8709
(14) Examinations for certificates to practice;	8710
(15) Procedures for administering examinations for certificates to practice;	8711 8712
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	8713 8714 8715 8716
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	8717 8718
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised	8719 8720 8721 8722 8723 8724 8725

Code to perform;	8726
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	8727 8728 8729 8730
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	8731 8732 8733
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	8734 8735
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	8736 8737 8738
(23) The manner in which a patient, or a patient's parent, guardian, or custodian may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;	8739 8740 8741 8742
(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;	8743 8744 8745 8746
(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, <u>fire, and transportation</u> services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.	8747 8748 8749 8750 8751 8752
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	8753 8754 8755

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

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

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

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

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

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

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

**Sec. 4765.111.** Except as provided in this section or sections 8786  
4765.112 to 4765.116 of the Revised Code, the state board of 8787  
emergency medical, fire, and transportation services shall conduct 8788  
disciplinary proceedings regarding the holder of a certificate 8789  
issued under this chapter in accordance with rules adopted by the 8790  
board under section 4765.11 of the Revised Code. 8791

The board and a holder of a certificate are the parties to a 8792  
hearing conducted under this chapter. Either party may submit a 8793  
written request to the other party for a list of witnesses and 8794  
copies of documents intended to be introduced at the hearing. The 8795  
request shall be in writing and shall be served not less than 8796  
thirty-seven days prior to the commencement of the hearing, unless 8797  
the hearing officer or presiding board member grants an extension 8798  
of time to make the request. Not later than thirty days before the 8799  
hearing, the responding party shall provide the requested list of 8800  
witnesses and copies of documents to the requesting party, unless 8801  
the hearing officer or presiding board member grants an extension 8802  
of time to provide the list and copies. 8803

Failure to timely provide a list or copies requested in 8804  
accordance with this section shall result in exclusion from the 8805  
hearing of the witnesses, testimony, or documents. 8806

**Sec. 4765.112.** (A) The state board of emergency medical, 8807  
fire, and transportation services, by an affirmative vote of the 8808  
majority of its members, may suspend without a prior hearing a 8809  
certificate to practice issued under this chapter if the board 8810  
determines that there is clear and convincing evidence that 8811  
continued practice by the certificate holder presents a danger of 8812  
immediate and serious harm to the public and that the certificate 8813  
holder has done any of the following: 8814

(1) Furnished false, fraudulent, or misleading information to 8815

the board; 8816

(2) Engaged in activities that exceed those permitted by the 8817  
individual's certificate; 8818

(3) In a court of this or any other state or federal court 8819  
been convicted of, pleaded guilty to, or been the subject of a 8820  
judicial finding of guilt of, a judicial finding of guilt 8821  
resulting from a plea of no contest to, or a judicial finding of 8822  
eligibility for intervention in lieu of conviction for, a felony 8823  
or for a misdemeanor committed in the course of practice or 8824  
involving gross immorality or moral turpitude. 8825

(B) Immediately following the decision to impose a summary 8826  
suspension, the board, in accordance with section 119.07 of the 8827  
Revised Code, shall issue a written order of suspension, cause it 8828  
to be delivered to the certificate holder, and notify the 8829  
certificate holder of the opportunity for a hearing. If timely 8830  
requested by the certificate holder, a hearing shall be conducted 8831  
in accordance with section 4765.115 of the Revised Code. 8832

**Sec. 4765.113.** If the state board of emergency medical, fire, 8833  
and transportation services imposes a suspension on the basis of a 8834  
conviction, judicial finding, or plea as described in division 8835  
(A)(3) of section 4765.112 of the Revised Code that is overturned 8836  
on appeal, the certificate holder, on exhaustion of the criminal 8837  
appeal process, may file with the board a petition for 8838  
reconsideration of the suspension along with appropriate court 8839  
documents. On receipt of the petition and documents, the board 8840  
shall reinstate the certificate holder's certificate to practice. 8841

**Sec. 4765.114.** (A) A certificate to practice emergency 8842  
medical services issued under this chapter is automatically 8843  
suspended on the certificate holder's conviction of, plea of 8844  
guilty to, or judicial finding of guilt of any of the following: 8845

aggravated murder, murder, voluntary manslaughter, felonious 8846  
assault, kidnapping, rape, sexual battery, gross sexual 8847  
imposition, aggravated arson, aggravated burglary, aggravated 8848  
robbery, or a substantially equivalent offense committed in this 8849  
or another jurisdiction. Continued practice after the suspension 8850  
is practicing without a certificate. 8851

(B) If the state board of emergency medical, fire, and 8852  
transportation services has knowledge that an automatic suspension 8853  
has occurred, it shall notify, in accordance with section 119.07 8854  
of the Revised Code, the certificate holder of the suspension and 8855  
of the opportunity for a hearing. If timely requested by the 8856  
certificate holder, a hearing shall be conducted in accordance 8857  
with section 4765.115 of the Revised Code. 8858

**Sec. 4765.115.** (A) A suspension order issued under section 8859  
4765.112 or automatic suspension under section 4765.114 of the 8860  
Revised Code is not subject to suspension by a court prior to a 8861  
hearing under this section or during the pendency of any appeal 8862  
filed under section 119.12 of the Revised Code. 8863

(B) A suspension order issued under section 4765.112 or 8864  
automatic suspension under section 4765.114 of the Revised Code 8865  
remains in effect, unless reversed by the state board of emergency 8866  
medical, fire, and transportation services, until a final 8867  
adjudication order issued by the board pursuant to this section 8868  
becomes effective. 8869

(C) Hearings requested pursuant to section 4765.112 or 8870  
4765.114 of the Revised Code shall be conducted under this section 8871  
in accordance with Chapter 119. of the Revised Code. 8872

(D) A hearing under this section shall be held not later than 8873  
forty-five days but not earlier than forty days after the 8874  
certificate holder requests it, unless another date is agreed to 8875

by the certificate holder and the board. 8876

(E) After completion of an adjudication hearing, the board 8877  
may adopt, by an affirmative vote of the majority of its members, 8878  
a final adjudication order that imposes any of the following 8879  
sanctions: 8880

(1) Suspension of the holder's certificate to practice; 8881

(2) Revocation of the holder's certificate to practice; 8882

(3) Issuance of a written reprimand; 8883

(4) A refusal to renew or a limitation on the holder's 8884  
certificate to practice. 8885

The board shall issue its final adjudication order not later 8886  
than forty-five days after completion of an adjudication hearing. 8887  
If the board does not issue a final order within that time period, 8888  
the suspension order is void, but any final adjudication order 8889  
subsequently issued is not affected. 8890

(F) Any action taken by the board under this section 8891  
resulting in a suspension from practice shall be accompanied by a 8892  
written statement of the conditions under which the certificate to 8893  
practice may be reinstated. Reinstatement of a certificate 8894  
suspended under this section requires an affirmative vote by the 8895  
majority of the members of the board. 8896

(G) When the board revokes or refuses to reinstate a 8897  
certificate to practice, the board may specify that its action is 8898  
permanent. An individual subject to permanent action taken by the 8899  
board is forever ineligible to hold a certificate of the type 8900  
revoked or refused, and the board shall not accept from the 8901  
individual an application for reinstatement of the certificate or 8902  
for a new certificate. 8903

**Sec. 4765.116.** If a certificate holder subject to a 8904  
suspension order issued by the state board of emergency medical, 8905

fire, and transportation services under section 4765.112 or an 8906  
automatic suspension order under section 4765.114 of the Revised 8907  
Code fails to make a timely request for a hearing, the following 8908  
apply: 8909

(A) In the case of a certificate holder subject to a summary 8910  
suspension order, the board is not required to hold a hearing, but 8911  
may adopt, by an affirmative vote of a majority of its members, a 8912  
final order that contains the board's findings. In the final 8913  
order, the board may order any of the sanctions listed in division 8914  
(E) of section 4765.115 of the Revised Code. 8915

(B) In the case of a certificate holder subject to an 8916  
automatic suspension order, the board may adopt, by an affirmative 8917  
vote of a majority of its members, a final order that permanently 8918  
revokes the holder's certificate to practice. 8919

**Sec. 4765.12.** (A) Not later than two years after ~~the~~ 8920  
~~effective date of this section~~ November 3, 2000, the state board 8921  
of emergency medical, fire, and transportation services shall 8922  
develop and distribute guidelines for the care of trauma victims 8923  
by emergency medical service personnel and for the conduct of peer 8924  
review and quality assurance programs by emergency medical service 8925  
organizations. The guidelines shall be consistent with the state 8926  
trauma triage protocols adopted in rules under sections 4765.11 8927  
and 4765.40 of the Revised Code and shall place emphasis on the 8928  
special needs of pediatric and geriatric trauma victims. In 8929  
developing the guidelines, the board shall consult with entities 8930  
with interests in trauma and emergency medical services and shall 8931  
consider any relevant guidelines adopted by national 8932  
organizations, including the American college of surgeons, 8933  
American college of emergency physicians, and American academy of 8934  
pediatrics. The board shall distribute the guidelines, and 8935  
amendments to the guidelines, to each emergency medical service 8936



organization, regional director, regional physician advisory 8937  
board, certified emergency medical service instructor, and person 8938  
who regularly provides medical direction to emergency medical 8939  
service personnel in this state. 8940

(B) Not later than three years after ~~the effective date of~~ 8941  
~~this section~~ November 3, 2000, each emergency medical service 8942  
organization in this state shall implement ongoing peer review and 8943  
quality assurance programs designed to improve the availability 8944  
and quality of the emergency medical services it provides. The 8945  
form and content of the programs shall be determined by each 8946  
emergency medical service organization. In implementing the 8947  
programs, each emergency medical service organization shall 8948  
consider how to improve its ability to provide effective trauma 8949  
care, particularly for pediatric and geriatric trauma victims, and 8950  
shall take into account the trauma care guidelines developed by 8951  
the state board of emergency medical, fire, and transportation 8952  
services under this section. 8953

Information generated solely for use in a peer review or 8954  
quality assurance program conducted on behalf of an emergency 8955  
medical service organization is not a public record under section 8956  
149.43 of the Revised Code. Such information, and any discussion 8957  
conducted in the course of a peer review or quality assurance 8958  
program conducted on behalf of an emergency medical service 8959  
organization, is not subject to discovery in a civil action and 8960  
shall not be introduced into evidence in a civil action against 8961  
the emergency medical service organization on whose behalf the 8962  
information was generated or the discussion occurred. 8963

No emergency medical service organization on whose behalf a 8964  
peer review or quality assurance program is conducted, and no 8965  
person who conducts such a program, because of performing such 8966  
functions, shall be liable in a civil action for betrayal of 8967  
professional confidence or otherwise in the absence of willful or 8968

wanton misconduct. 8969

**Sec. 4765.15.** A person seeking to operate an emergency 8970  
medical services training program shall submit a completed 8971  
application for accreditation to the state board of emergency 8972  
medical, fire, and transportation services on a form the board 8973  
shall prescribe and furnish. The application shall be accompanied 8974  
by the appropriate application fee established in rules adopted 8975  
under section 4765.11 of the Revised Code. 8976

A person seeking to operate an emergency medical services 8977  
continuing education program shall submit a completed application 8978  
for approval to the board on a form the board shall prescribe and 8979  
furnish. The application shall be accompanied by the appropriate 8980  
application fee established in rules adopted under section 4765.11 8981  
of the Revised Code. 8982

The board shall administer the accreditation and approval 8983  
processes pursuant to rules adopted under section 4765.11 of the 8984  
Revised Code. In administering these processes, the board may 8985  
authorize other persons to evaluate applications for accreditation 8986  
or approval and may accept the recommendations made by those 8987  
persons. 8988

The board may cause an investigation to be made into the 8989  
accuracy of the information submitted in any application for 8990  
accreditation or approval. If an investigation indicates that 8991  
false, misleading, or incomplete information has been submitted to 8992  
the board in connection with any application for accreditation or 8993  
approval, the board shall conduct a hearing on the matter in 8994  
accordance with Chapter 119. of the Revised Code. 8995

**Sec. 4765.16.** (A) All courses offered through an emergency 8996  
medical services training program or an emergency medical services 8997  
continuing education program, other than ambulance driving, shall 8998

be developed under the direction of a physician who specializes in 8999  
emergency medicine. Each course that deals with trauma care shall 9000  
be developed in consultation with a physician who specializes in 9001  
trauma surgery. Except as specified by the state board of 9002  
emergency medical, fire, and transportation services pursuant to 9003  
rules adopted under section 4765.11 of the Revised Code, each 9004  
course offered through a training program or continuing education 9005  
program shall be taught by a person who holds the appropriate 9006  
certificate to teach issued under section 4765.23 of the Revised 9007  
Code. 9008

(B) A training program for first responders shall meet the 9009  
standards established in rules adopted by the board under section 9010  
4765.11 of the Revised Code. The program shall include courses in 9011  
both of the following areas for at least the number of hours 9012  
established by the board's rules: 9013

(1) Emergency victim care; 9014

(2) Reading and interpreting a trauma victim's vital signs. 9015

(C) A training program for emergency medical 9016  
technicians-basic shall meet the standards established in rules 9017  
adopted by the board under section 4765.11 of the Revised Code. 9018  
The program shall include courses in each of the following areas 9019  
for at least the number of hours established by the board's rules: 9020

(1) Emergency victim care; 9021

(2) Reading and interpreting a trauma victim's vital signs; 9022

(3) Triage protocols for adult and pediatric trauma victims; 9023

(4) In-hospital training; 9024

(5) Clinical training; 9025

(6) Training as an ambulance driver. 9026

Each operator of a training program for emergency medical 9027  
technicians-basic shall allow any pupil in the twelfth grade in a 9028

secondary school who is at least seventeen years old and who 9029  
otherwise meets the requirements for admission into such a 9030  
training program to be admitted to and complete the program and, 9031  
as part of the training, to ride in an ambulance with emergency 9032  
medical technicians-basic, emergency medical 9033  
technicians-intermediate, and emergency medical 9034  
technicians-paramedic. Each emergency medical service organization 9035  
shall allow pupils participating in training programs to ride in 9036  
an ambulance with emergency medical technicians-basic, advanced 9037  
emergency medical technicians-intermediate, and emergency medical 9038  
technicians-paramedic. 9039

(D) A training program for emergency medical 9040  
technicians-intermediate shall meet the standards established in 9041  
rules adopted by the board under section 4765.11 of the Revised 9042  
Code. The program shall include, or require as a prerequisite, the 9043  
training specified in division (C) of this section and courses in 9044  
each of the following areas for at least the number of hours 9045  
established by the board's rules: 9046

(1) Recognizing symptoms of life-threatening allergic 9047  
reactions and in calculating proper dosage levels and 9048  
administering injections of epinephrine to persons who suffer 9049  
life-threatening allergic reactions, conducted in accordance with 9050  
rules adopted by the board under section 4765.11 of the Revised 9051  
Code; 9052

(2) Venous access procedures; 9053

(3) Cardiac monitoring and electrical interventions to 9054  
support or correct the cardiac function. 9055

(E) A training program for emergency medical 9056  
technicians-paramedic shall meet the standards established in 9057  
rules adopted by the board under section 4765.11 of the Revised 9058  
Code. The program shall include, or require as a prerequisite, the 9059

training specified in divisions (C) and (D) of this section and 9060  
courses in each of the following areas for at least the number of 9061  
hours established by the board's rules: 9062

(1) Medical terminology; 9063

(2) Venous access procedures; 9064

(3) Airway procedures; 9065

(4) Patient assessment and triage; 9066

(5) Acute cardiac care, including administration of 9067  
parenteral injections, electrical interventions, and other 9068  
emergency medical services; 9069

(6) Emergency and trauma victim care beyond that required 9070  
under division (C) of this section; 9071

(7) Clinical training beyond that required under division (C) 9072  
of this section. 9073

(F) A continuing education program for first responders, 9074  
EMTs-basic, EMTs-I, or paramedics shall meet the standards 9075  
established in rules adopted by the board under section 4765.11 of 9076  
the Revised Code. A continuing education program shall include 9077  
instruction and training in subjects established by the board's 9078  
rules for at least the number of hours established by the board's 9079  
rules. 9080

**Sec. 4765.17.** (A) The state board of emergency medical, fire, 9081  
and transportation services shall issue the appropriate 9082  
certificate of accreditation or certificate of approval to an 9083  
applicant who is of good reputation and meets the requirements of 9084  
section 4765.16 of the Revised Code. The board shall grant or deny 9085  
a certificate of accreditation or certificate of approval within 9086  
one hundred twenty days of receipt of the application. The board 9087  
may issue or renew a certificate of accreditation or certificate 9088  
of approval on a provisional basis to an applicant who is of good 9089

reputation and is in substantial compliance with the requirements 9090  
of section 4765.16 of the Revised Code. The board shall inform an 9091  
applicant receiving such a certificate of the conditions that must 9092  
be met to complete compliance with section 4765.16 of the Revised 9093  
Code. 9094

(B) Except as provided in division (C) of this section, a 9095  
certificate of accreditation or certificate of approval is valid 9096  
for up to five years and may be renewed by the board pursuant to 9097  
procedures and standards established in rules adopted under 9098  
section 4765.11 of the Revised Code. An application for renewal 9099  
shall be accompanied by the appropriate renewal fee established in 9100  
rules adopted under section 4765.11 of the Revised Code. 9101

(C) A certificate of accreditation or certificate of approval 9102  
issued on a provisional basis is valid for the length of time 9103  
established by the board. If the board finds that the holder of 9104  
such a certificate has met the conditions it specifies under 9105  
division (A) of this section, the board shall issue the 9106  
appropriate certificate of accreditation or certificate of 9107  
approval. 9108

(D) A certificate of accreditation is valid only for the 9109  
emergency medical services training program or programs for which 9110  
it is issued. The holder of a certificate of accreditation may 9111  
apply to operate additional training programs in accordance with 9112  
rules adopted by the board under section 4765.11 of the Revised 9113  
Code. Any additional training programs shall expire on the 9114  
expiration date of the applicant's current certificate. A 9115  
certificate of approval is valid only for the emergency medical 9116  
services continuing education program for which it is issued. 9117  
Neither is transferable. 9118

(E) The holder of a certificate of accreditation or a 9119  
certificate of approval may offer courses at more than one 9120  
location in accordance with rules adopted under section 4765.11 of 9121

the Revised Code. 9122

**Sec. 4765.18.** The state board of emergency medical, fire, and 9123  
transportation services may suspend or revoke a certificate of 9124  
accreditation or a certificate of approval issued under section 9125  
4765.17 of the Revised Code for any of the following reasons: 9126

(A) Violation of this chapter or any rule adopted under it; 9127

(B) Furnishing of false, misleading, or incomplete 9128  
information to the board; 9129

(C) The signing of an application or the holding of a 9130  
certificate of accreditation by a person who has pleaded guilty to 9131  
or has been convicted of a felony, or has pleaded guilty to or 9132  
been convicted of a crime involving moral turpitude; 9133

(D) The signing of an application or the holding of a 9134  
certificate of accreditation by a person who is addicted to the 9135  
use of any controlled substance or has been adjudicated 9136  
incompetent for that purpose by a court, as provided in section 9137  
5122.301 of the Revised Code; 9138

(E) Violation of any commitment made in an application for a 9139  
certificate of accreditation or certificate of approval; 9140

(F) Presentation to prospective students of misleading, 9141  
false, or fraudulent information relating to the emergency medical 9142  
services training program or emergency medical services continuing 9143  
education program, employment opportunities, or opportunities for 9144  
enrollment in accredited institutions of higher education after 9145  
entering or completing courses offered by the operator of a 9146  
program; 9147

(G) Failure to maintain in a safe and sanitary condition 9148  
premises and equipment used in conducting courses of study; 9149

(H) Failure to maintain financial resources adequate for the 9150  
satisfactory conduct of courses of study or to retain a sufficient 9151

number of certified instructors; 9152

(I) Discrimination in the acceptance of students upon the 9153  
basis of race, color, religion, sex, or national origin. 9154

**Sec. 4765.22.** A person seeking a certificate to teach in an 9155  
emergency medical services training program or an emergency 9156  
medical services continuing education program shall submit a 9157  
completed application for certification to the state board of 9158  
emergency medical, fire, and transportation services on a form the 9159  
board shall prescribe and furnish. The application shall be 9160  
accompanied by the appropriate application fee established in 9161  
rules adopted under section 4765.11 of the Revised Code. 9162

**Sec. 4765.23.** The state board of emergency medical, fire, and 9163  
transportation services shall issue a certificate to teach in an 9164  
emergency medical services training program or an emergency 9165  
medical services continuing education program to any applicant who 9166  
it determines meets the qualifications established in rules 9167  
adopted under section 4765.11 of the Revised Code. The certificate 9168  
shall indicate each type of instruction and training the 9169  
certificate holder may teach under the certificate. 9170

A certificate to teach shall have a certification cycle 9171  
established by the board and may be renewed by the board pursuant 9172  
to rules adopted under section 4765.11 of the Revised Code. An 9173  
application for renewal shall be accompanied by the appropriate 9174  
renewal fee established in rules adopted under section 4765.11 of 9175  
the Revised Code. 9176

The board may suspend or revoke a certificate to teach 9177  
pursuant to rules adopted under section 4765.11 of the Revised 9178  
Code. 9179

**Sec. 4765.28.** A person seeking a certificate to practice as a 9180



first responder, emergency medical technician-basic, emergency 9181  
medical technician-intermediate, or emergency medical 9182  
technician-paramedic shall submit a completed application for 9183  
certification to the state board of emergency medical, fire, and 9184  
transportation services on a form the board shall prescribe and 9185  
furnish. Except as provided in division (B) of section 4765.29 of 9186  
the Revised Code, the application shall include evidence that the 9187  
applicant received the appropriate certificate of completion 9188  
pursuant to section 4765.24 of the Revised Code. The application 9189  
shall be accompanied by the appropriate application fee 9190  
established in rules adopted under section 4765.11 of the Revised 9191  
Code, unless the board waives the fee on determining pursuant to 9192  
those rules that the applicant cannot afford to pay the fee. 9193

**Sec. 4765.29.** (A) The state board of emergency medical, fire, 9194  
and transportation services shall provide for the examination of 9195  
applicants for certification to practice as first responders, 9196  
emergency medical technicians-basic, emergency medical 9197  
technicians-intermediate, and emergency medical 9198  
technicians-paramedic. The examinations shall be established by 9199  
the board in rules adopted under section 4765.11 of the Revised 9200  
Code. The board may administer the examinations or contract with 9201  
other persons to administer the examinations. In either case, the 9202  
examinations shall be administered pursuant to procedures 9203  
established in rules adopted under section 4765.11 of the Revised 9204  
Code and shall be offered at various locations in the state 9205  
selected by the board. 9206

Except as provided in division (B) of this section, an 9207  
applicant shall not be permitted to take an examination for the 9208  
same certificate to practice more than three times since last 9209  
receiving the certificate of completion pursuant to section 9210  
4765.24 of the Revised Code that qualifies the applicant to take 9211  
the examination unless the applicant receives another certificate 9212

of completion that qualifies the applicant to take the 9213  
examination. 9214

(B) On request of an applicant who fails three examinations 9215  
for the same certificate to practice, the board may direct the 9216  
applicant to complete a specific portion of an accredited 9217  
emergency medical services training program. If the applicant 9218  
provides satisfactory proof to the board that the applicant has 9219  
successfully completed that portion of the program, the applicant 9220  
shall be permitted to take the examination. 9221

**Sec. 4765.30.** (A)(1) The state board of emergency medical, 9222  
fire, and transportation services shall issue a certificate to 9223  
practice as a first responder to an applicant who meets all of the 9224  
following conditions: 9225

(a) Except as provided in division (A)(2) of this section, is 9226  
a volunteer for a nonprofit emergency medical service organization 9227  
or a nonprofit fire department; 9228

(b) Holds the appropriate certificate of completion issued in 9229  
accordance with section 4765.24 of the Revised Code; 9230

(c) Passes the appropriate examination conducted under 9231  
section 4765.29 of the Revised Code; 9232

(d) Is not in violation of any provision of this chapter or 9233  
the rules adopted under it; 9234

(e) Meets any other certification requirements established in 9235  
rules adopted under section 4765.11 of the Revised Code. 9236

(2) The board may waive the requirement to be a volunteer for 9237  
a nonprofit entity if the applicant meets other requirements 9238  
established in rules adopted under division (B)(3) of section 9239  
4765.11 of the Revised Code relative to a person's eligibility to 9240  
practice as a first responder. 9241

(B) The state board of emergency medical, fire, and 9242

transportation services shall issue a certificate to practice as 9243  
an emergency medical technician-basic to an applicant who meets 9244  
all of the following conditions: 9245

(1) Holds a certificate of completion in emergency medical 9246  
services training-basic issued in accordance with section 4765.24 9247  
of the Revised Code; 9248

(2) Passes the examination for emergency medical 9249  
technicians-basic conducted under section 4765.29 of the Revised 9250  
Code; 9251

(3) Is not in violation of any provision of this chapter or 9252  
the rules adopted under it; 9253

(4) Meets any other certification requirements established in 9254  
rules adopted under section 4765.11 of the Revised Code. 9255

(C) The state board of emergency medical, fire, and 9256  
transportation services shall issue a certificate to practice as 9257  
an emergency medical technician-intermediate or emergency medical 9258  
technician-paramedic to an applicant who meets all of the 9259  
following conditions: 9260

(1) Holds a certificate to practice as an emergency medical 9261  
technician-basic; 9262

(2) Holds the appropriate certificate of completion issued in 9263  
accordance with section 4765.24 of the Revised Code; 9264

(3) Passes the appropriate examination conducted under 9265  
section 4765.29 of the Revised Code; 9266

(4) Is not in violation of any provision of this chapter or 9267  
the rules adopted under it; 9268

(5) Meets any other certification requirements established in 9269  
rules adopted under section 4765.11 of the Revised Code. 9270

(D) A certificate to practice shall have a certification 9271  
cycle established by the board and may be renewed by the board 9272

pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.

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

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

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

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

**Sec. 4765.31.** (A) Except as provided in division (B) of this section, a first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic shall complete an emergency medical services

continuing education program or pass an examination approved by 9304  
the state board of emergency medical, fire, and transportation 9305  
services under division (A) of section 4765.10 of the Revised Code 9306  
prior to the expiration of the individual's certificate to 9307  
practice. Completion of the continuing education requirements for 9308  
EMTs-I or paramedics satisfies the continuing education 9309  
requirements for renewing the certificate to practice as an 9310  
EMT-basic held by an EMT-I or paramedic. 9311

(B)(1) An applicant for renewal of a certificate to practice 9312  
may apply to the board, in writing, for an extension to complete 9313  
the continuing education requirements established under division 9314  
(A) of this section. The board may grant such an extension and 9315  
determine the length of the extension. The board may authorize the 9316  
applicant to continue to practice during the extension as if the 9317  
certificate to practice had not expired. 9318

(2) An applicant for renewal of a certificate to practice may 9319  
apply to the board, in writing, for an exemption from the 9320  
continuing education requirements established under division (A) 9321  
of this section. The board may exempt an individual or a group of 9322  
individuals from all or any part of the continuing education 9323  
requirements due to active military service, unusual circumstance, 9324  
emergency, special hardship, or any other cause considered 9325  
reasonable by the board. 9326

(C) Decisions of whether to grant an extension or exemption 9327  
under division (B) of this section shall be made by the board 9328  
pursuant to procedures established in rules adopted under section 9329  
4765.11 of the Revised Code. 9330

**Sec. 4765.32.** A current, valid certificate of accreditation 9331  
issued under the provisions of former section 3303.11 or 3303.23 9332  
of the Revised Code shall remain valid until one year after the 9333  
expiration date of the certificate as determined by the provisions 9334

of those sections and shall confer the same privileges and impose 9335  
the same responsibilities and requirements as a certificate of 9336  
accreditation issued by the state board of emergency medical, 9337  
fire, and transportation services under section 4765.17 of the 9338  
Revised Code. 9339

A certificate to practice as an emergency medical 9340  
technician-ambulance that is valid on November 24, 1995, shall be 9341  
considered a certificate to practice as an emergency medical 9342  
technician-basic. A certificate to practice as an advanced 9343  
emergency medical technician-ambulance that is valid on November 9344  
24, 1995, shall be considered a certificate to practice as an 9345  
emergency medical technician-intermediate. 9346

**Sec. 4765.33.** The state board of emergency medical, fire, and 9347  
transportation services may suspend or revoke certificates to 9348  
practice issued under section 4765.30 of the Revised Code, and may 9349  
take other disciplinary action against first responders, emergency 9350  
medical technicians-basic, emergency medical 9351  
technicians-intermediate, and emergency medical 9352  
technicians-paramedic pursuant to rules adopted under section 9353  
4765.11 of the Revised Code. 9354

**Sec. 4765.37.** (A) An emergency medical technician-basic shall 9355  
perform the emergency medical services described in this section 9356  
in accordance with this chapter and any rules adopted under it by 9357  
the state board of emergency medical, fire, and transportation 9358  
services. 9359

(B) An emergency medical technician-basic may operate, or be 9360  
responsible for operation of, an ambulance and may provide 9361  
emergency medical services to patients. In an emergency, an 9362  
EMT-basic may determine the nature and extent of illness or injury 9363  
and establish priority for required emergency medical services. An 9364

EMT-basic may render emergency medical services such as opening 9365  
and maintaining an airway, giving positive pressure ventilation, 9366  
cardiac resuscitation, electrical interventions with automated 9367  
defibrillators to support or correct the cardiac function and 9368  
other methods determined by the board, controlling of hemorrhage, 9369  
treatment of shock, immobilization of fractures, bandaging, 9370  
assisting in childbirth, management of mentally disturbed 9371  
patients, initial care of poison and burn patients, and 9372  
determining triage of adult and pediatric trauma victims. Where 9373  
patients must in an emergency be extricated from entrapment, an 9374  
EMT-basic may assess the extent of injury and render all possible 9375  
emergency medical services and protection to the entrapped 9376  
patient; provide light rescue services if an ambulance has not 9377  
been accompanied by a specialized unit; and after extrication, 9378  
provide additional care in sorting of the injured in accordance 9379  
with standard emergency procedures. 9380

(C) An EMT-basic may perform any other emergency medical 9381  
services approved pursuant to rules adopted under section 4765.11 9382  
of the Revised Code. The board shall determine whether the nature 9383  
of any such service requires that an EMT-basic receive 9384  
authorization prior to performing the service. 9385

(D)(1) Except as provided in division (D)(2) of this section, 9386  
if the board determines under division (C) of this section that a 9387  
service requires prior authorization, the service shall be 9388  
performed only pursuant to the written or verbal authorization of 9389  
a physician or of the cooperating physician advisory board, or 9390  
pursuant to an authorization transmitted through a direct 9391  
communication device by a physician, physician assistant 9392  
designated by a physician, or registered nurse designated by a 9393  
physician. 9394

(2) If communications fail during an emergency situation or 9395  
the required response time prohibits communication, an EMT-basic 9396

may perform services subject to this division, if, in the judgment 9397  
of the EMT-basic, the life of the patient is in immediate danger. 9398  
Services performed under these circumstances shall be performed in 9399  
accordance with the protocols for triage of adult and pediatric 9400  
trauma victims established in rules adopted under sections 4765.11 9401  
and 4765.40 of the Revised Code and any applicable protocols 9402  
adopted by the emergency medical service organization with which 9403  
the EMT-basic is affiliated. 9404

**Sec. 4765.38.** (A) An emergency medical 9405  
technician-intermediate shall perform the emergency medical 9406  
services described in this section in accordance with this chapter 9407  
and any rules adopted under it. 9408

(B) An EMT-I may do any of the following: 9409

(1) Establish and maintain an intravenous lifeline that has 9410  
been approved by a cooperating physician or physician advisory 9411  
board; 9412

(2) Perform cardiac monitoring; 9413

(3) Perform electrical interventions to support or correct 9414  
the cardiac function; 9415

(4) Administer epinephrine; 9416

(5) Determine triage of adult and pediatric trauma victims; 9417

(6) Perform any other emergency medical services approved 9418  
pursuant to rules adopted under section 4765.11 of the Revised 9419  
Code. 9420

(C)(1) Except as provided in division (C)(2) of this section, 9421  
the services described in division (B) of this section shall be 9422  
performed by an EMT-I only pursuant to the written or verbal 9423  
authorization of a physician or of the cooperating physician 9424  
advisory board, or pursuant to an authorization transmitted 9425  
through a direct communication device by a physician, physician 9426



assistant designated by a physician, or registered nurse 9427  
designated by a physician. 9428

(2) If communications fail during an emergency situation or 9429  
the required response time prohibits communication, an EMT-I may 9430  
perform any of the services described in division (B) of this 9431  
section, if, in the judgment of the EMT-I, the life of the patient 9432  
is in immediate danger. Services performed under these 9433  
circumstances shall be performed in accordance with the protocols 9434  
for triage of adult and pediatric trauma victims established in 9435  
rules adopted under sections 4765.11 and 4765.40 of the Revised 9436  
Code and any applicable protocols adopted by the emergency medical 9437  
service organization with which the EMT-I is affiliated. 9438

(D) In addition to, and in the course of, providing emergency 9439  
medical treatment, an emergency medical technician-intermediate 9440  
may withdraw blood as provided under sections 1547.11, 4506.17, 9441  
and 4511.19 of the Revised Code. An emergency medical 9442  
technician-intermediate shall withdraw blood in accordance with 9443  
this chapter and any rules adopted under it by the state board of 9444  
emergency medical, fire, and transportation services. 9445

**Sec. 4765.39.** (A) An emergency medical technician-paramedic 9446  
shall perform the emergency medical services described in this 9447  
section in accordance with this chapter and any rules adopted 9448  
under it. 9449

(B) A paramedic may do any of the following: 9450

(1) Perform cardiac monitoring; 9451

(2) Perform electrical interventions to support or correct 9452  
the cardiac function; 9453

(3) Perform airway procedures; 9454

(4) Perform relief of pneumothorax; 9455

(5) Administer appropriate drugs and intravenous fluids; 9456

(6) Determine triage of adult and pediatric trauma victims; 9457

(7) Perform any other emergency medical services, including 9458  
life support or intensive care techniques, approved pursuant to 9459  
rules adopted under section 4765.11 of the Revised Code. 9460

(C)(1) Except as provided in division (C)(2) of this section, 9461  
the services described in division (B) of this section shall be 9462  
performed by a paramedic only pursuant to the written or verbal 9463  
authorization of a physician or of the cooperating physician 9464  
advisory board, or pursuant to an authorization transmitted 9465  
through a direct communication device by a physician, physician 9466  
assistant designated by a physician, or registered nurse 9467  
designated by a physician. 9468

(2) If communications fail during an emergency situation or 9469  
the required response time prohibits communication, a paramedic 9470  
may perform any of the services described in division (B) of this 9471  
section, if, in the paramedic's judgment, the life of the patient 9472  
is in immediate danger. Services performed under these 9473  
circumstances shall be performed in accordance with the protocols 9474  
for triage of adult and pediatric trauma victims established in 9475  
rules adopted under sections 4765.11 and 4765.40 of the Revised 9476  
Code and any applicable protocols adopted by the emergency medical 9477  
service organization with which the paramedic is affiliated. 9478

(D) In addition to, and in the course of, providing emergency 9479  
medical treatment, an emergency medical technician-paramedic may 9480  
withdraw blood as provided under sections 1547.11, 4506.17, and 9481  
4511.19 of the Revised Code. An emergency medical 9482  
technician-paramedic shall withdraw blood in accordance with this 9483  
chapter and any rules adopted under it by the state board of 9484  
emergency medical, fire, and transportation services. 9485

**Sec. 4765.40.** (A)(1) Not later than two years after ~~the~~ 9486  
~~effective date of this amendment~~ November 3, 2000, the state board 9487

of emergency medical, fire, and transportation services shall 9488  
adopt rules under section 4765.11 of the Revised Code establishing 9489  
written protocols for the triage of adult and pediatric trauma 9490  
victims. The rules shall define adult and pediatric trauma in a 9491  
manner that is consistent with section 4765.01 of the Revised 9492  
Code, minimizes overtriage and undertriage, and emphasizes the 9493  
special needs of pediatric and geriatric trauma patients. 9494

(2) The state triage protocols adopted under division (A) of 9495  
this section shall require a trauma victim to be transported 9496  
directly to an adult or pediatric trauma center that is qualified 9497  
to provide appropriate adult or pediatric trauma care, unless one 9498  
or more of the following exceptions applies: 9499

(a) It is medically necessary to transport the victim to 9500  
another hospital for initial assessment and stabilization before 9501  
transfer to an adult or pediatric trauma center; 9502

(b) It is unsafe or medically inappropriate to transport the 9503  
victim directly to an adult or pediatric trauma center due to 9504  
adverse weather or ground conditions or excessive transport time; 9505

(c) Transporting the victim to an adult or pediatric trauma 9506  
center would cause a shortage of local emergency medical service 9507  
resources; 9508

(d) No appropriate adult or pediatric trauma center is able 9509  
to receive and provide adult or pediatric trauma care to the 9510  
trauma victim without undue delay; 9511

(e) Before transport of a patient begins, the patient 9512  
requests to be taken to a particular hospital that is not a trauma 9513  
center or, if the patient is less than eighteen years of age or is 9514  
not able to communicate, such a request is made by an adult member 9515  
of the patient's family or a legal representative of the patient. 9516

(3)(a) The state triage protocols adopted under division (A) 9517  
of this section shall require trauma patients to be transported to 9518

an adult or pediatric trauma center that is able to provide 9519  
appropriate adult or pediatric trauma care, but shall not require 9520  
a trauma patient to be transported to a particular trauma center. 9521  
The state triage protocols shall establish one or more procedures 9522  
for evaluating whether an injury victim requires or would benefit 9523  
from adult or pediatric trauma care, which procedures shall be 9524  
applied by emergency medical service personnel based on the 9525  
patient's medical needs. In developing state trauma triage 9526  
protocols, the board shall consider relevant model triage rules 9527  
and shall consult with the commission on minority health, regional 9528  
directors, regional physician advisory boards, and appropriate 9529  
medical, hospital, and emergency medical service organizations. 9530

(b) Before the joint committee on agency rule review 9531  
considers state triage protocols for trauma victims proposed by 9532  
the state board of emergency medical, fire, and transportation 9533  
services, or amendments thereto, the board shall send a copy of 9534  
the proposal to the Ohio chapter of the American college of 9535  
emergency physicians, the Ohio chapter of the American college of 9536  
surgeons, the Ohio chapter of the American academy of pediatrics, 9537  
OHA: the association for hospitals and health systems, the Ohio 9538  
osteopathic association, and the association of Ohio children's 9539  
hospitals and shall hold a public hearing at which it must 9540  
consider the appropriateness of the protocols to minimize 9541  
overtriage and undertriage of trauma victims. 9542

(c) The board shall provide copies of the state triage 9543  
protocols, and amendments to the protocols, to each emergency 9544  
medical service organization, regional director, regional 9545  
physician advisory board, certified emergency medical service 9546  
instructor, and person who regularly provides medical direction to 9547  
emergency medical service personnel in the state; to each medical 9548  
service organization in other jurisdictions that regularly provide 9549  
emergency medical services in this state; and to others upon 9550

request. 9551

(B)(1) The state board of emergency medical, fire, and 9552  
transportation services shall approve regional protocols for the 9553  
triage of adult and pediatric trauma victims, and amendments to 9554  
such protocols, that are submitted to the board as provided in 9555  
division (B)(2) of this section and provide a level of adult and 9556  
pediatric trauma care comparable to the state triage protocols 9557  
adopted under division (A) of this section. The board shall not 9558  
otherwise approve regional triage protocols for trauma victims. 9559  
The board shall not approve regional triage protocols for regions 9560  
that overlap and shall resolve any such disputes by apportioning 9561  
the overlapping territory among appropriate regions in a manner 9562  
that best serves the medical needs of the residents of that 9563  
territory. The trauma committee of the board shall have reasonable 9564  
opportunity to review and comment on regional triage protocols and 9565  
amendments to such protocols before the board approves or 9566  
disapproves them. 9567

(2) Regional protocols for the triage of adult and pediatric 9568  
trauma victims, and amendments to such protocols, shall be 9569  
submitted in writing to the state board of emergency medical, 9570  
fire, and transportation services by the regional physician 9571  
advisory board or regional director, as appropriate, that serves a 9572  
majority of the population in the region in which the protocols 9573  
apply. Prior to submitting regional triage protocols, or an 9574  
amendment to such protocols, to the state board of emergency 9575  
medical, fire, and transportation services, a regional physician 9576  
advisory board or regional director shall consult with each of the 9577  
following that regularly serves the region in which the protocols 9578  
apply: 9579

(a) Other regional physician advisory boards and regional 9580  
directors; 9581

(b) Hospitals that operate an emergency facility; 9582

(c) Adult and pediatric trauma centers;	9583
(d) Professional societies of physicians who specialize in adult or pediatric emergency medicine or adult or pediatric trauma surgery;	9584 9585 9586
(e) Professional societies of nurses who specialize in adult or pediatric emergency nursing or adult or pediatric trauma surgery;	9587 9588 9589
(f) Professional associations or labor organizations of emergency medical service personnel;	9590 9591
(g) Emergency medical service organizations and medical directors of such organizations;	9592 9593
(h) Certified emergency medical service instructors.	9594
(3) Regional protocols for the triage of adult and pediatric trauma victims approved under division (B)(2) of this section shall require patients to be transported to a trauma center that is able to provide an appropriate level of adult or pediatric trauma care; shall not discriminate among trauma centers for reasons not related to a patient's medical needs; shall seek to minimize undertriage and overtriage; may include any of the exceptions in division (A)(2) of this section; and supersede the state triage protocols adopted under division (A) of this section in the region in which the regional protocols apply.	9595 9596 9597 9598 9599 9600 9601 9602 9603 9604
(4) Upon approval of regional protocols for the triage of adult and pediatric trauma victims under division (B)(2) of this section, or an amendment to such protocols, the state board of emergency medical, <u>fire, and transportation</u> services shall provide written notice of the approval and a copy of the protocols or amendment to each entity in the region in which the protocols apply to which the board is required to send a copy of the state triage protocols adopted under division (A) of this section.	9605 9606 9607 9608 9609 9610 9611 9612

(C)(1) The state board of emergency medical, fire, and 9613  
transportation services shall review the state triage protocols 9614  
adopted under division (A) of this section at least every three 9615  
years to determine if they are causing overtriage or undertriage 9616  
of trauma patients, and shall modify them as necessary to minimize 9617  
overtriage and undertriage. 9618

(2) Each regional physician advisory board or regional 9619  
director that has had regional triage protocols approved under 9620  
division (B)(2) of this section shall review the protocols at 9621  
least every three years to determine if they are causing 9622  
overtriage or undertriage of trauma patients and shall submit an 9623  
appropriate amendment to the state board, as provided in division 9624  
(B) of this section, as necessary to minimize overtriage and 9625  
undertriage. The state board shall approve the amendment if it 9626  
will reduce overtriage or undertriage while complying with 9627  
division (B) of this section, and shall not otherwise approve the 9628  
amendment. 9629

(D) No provider of emergency medical services or person who 9630  
provides medical direction to emergency medical service personnel 9631  
in this state shall fail to comply with the state triage protocols 9632  
adopted under division (A) of this section or applicable regional 9633  
triage protocols approved under division (B)(2) of this section. 9634

(E) The state board of emergency medical, fire, and 9635  
transportation services shall adopt rules under section 4765.11 of 9636  
the Revised Code that provide for enforcement of the state triage 9637  
protocols adopted under division (A) of this section and regional 9638  
triage protocols approved under division (B)(2) of this section, 9639  
and for education regarding those protocols for emergency medical 9640  
service organizations and personnel, regional directors and 9641  
regional physician advisory boards, emergency medical service 9642  
instructors, and persons who regularly provide medical direction 9643  
to emergency medical service personnel in this state. 9644

**Sec. 4765.42.** Each emergency medical service organization 9645  
shall give notice of the name of its medical director or the names 9646  
of the members of its cooperating physician advisory board to the 9647  
state board of emergency medical, fire, and transportation 9648  
services. The notice shall be made in writing. 9649

**Sec. 4765.48.** The attorney general, the prosecuting attorney 9650  
of the county, or the city director of law shall, upon complaint 9651  
of the state board of emergency medical, fire, and transportation 9652  
services, prosecute to termination or bring an action for 9653  
injunction against any person violating this chapter or the rules 9654  
adopted under it. The common pleas court in which an action for 9655  
injunction is filed has the jurisdiction to grant injunctive 9656  
relief upon a showing that the respondent named in the complaint 9657  
is in violation of this chapter or the rules adopted under it. 9658

**Sec. 4765.49.** (A) A first responder, emergency medical 9659  
technician-basic, emergency medical technician-intermediate, or 9660  
emergency medical technician-paramedic is not liable in damages in 9661  
a civil action for injury, death, or loss to person or property 9662  
resulting from the individual's administration of emergency 9663  
medical services, unless the services are administered in a manner 9664  
that constitutes willful or wanton misconduct. A physician, 9665  
physician assistant designated by a physician, or registered nurse 9666  
designated by a physician, any of whom is advising or assisting in 9667  
the emergency medical services by means of any communication 9668  
device or telemetering system, is not liable in damages in a civil 9669  
action for injury, death, or loss to person or property resulting 9670  
from the individual's advisory communication or assistance, unless 9671  
the advisory communication or assistance is provided in a manner 9672  
that constitutes willful or wanton misconduct. Medical directors 9673  
and members of cooperating physician advisory boards of emergency 9674



medical service organizations are not liable in damages in a civil 9675  
action for injury, death, or loss to person or property resulting 9676  
from their acts or omissions in the performance of their duties, 9677  
unless the act or omission constitutes willful or wanton 9678  
misconduct. 9679

(B) A political subdivision, joint ambulance district, joint 9680  
emergency medical services district, or other public agency, and 9681  
any officer or employee of a public agency or of a private 9682  
organization operating under contract or in joint agreement with 9683  
one or more political subdivisions, that provides emergency 9684  
medical services, or that enters into a joint agreement or a 9685  
contract with the state, any political subdivision, joint 9686  
ambulance district, or joint emergency medical services district 9687  
for the provision of emergency medical services, is not liable in 9688  
damages in a civil action for injury, death, or loss to person or 9689  
property arising out of any actions taken by a first responder, 9690  
EMT-basic, EMT-I, or paramedic working under the officer's or 9691  
employee's jurisdiction, or for injury, death, or loss to person 9692  
or property arising out of any actions of licensed medical 9693  
personnel advising or assisting the first responder, EMT-basic, 9694  
EMT-I, or paramedic, unless the services are provided in a manner 9695  
that constitutes willful or wanton misconduct. 9696

(C) A student who is enrolled in an emergency medical 9697  
services training program accredited under section 4765.17 of the 9698  
Revised Code or an emergency medical services continuing education 9699  
program approved under that section is not liable in damages in a 9700  
civil action for injury, death, or loss to person or property 9701  
resulting from either of the following: 9702

(1) The student's administration of emergency medical 9703  
services or patient care or treatment, if the services, care, or 9704  
treatment is administered while the student is under the direct 9705  
supervision and in the immediate presence of an EMT-basic, EMT-I, 9706

paramedic, registered nurse, physician assistant, or physician and 9707  
while the student is receiving clinical training that is required 9708  
by the program, unless the services, care, or treatment is 9709  
provided in a manner that constitutes willful or wanton 9710  
misconduct; 9711

(2) The student's training as an ambulance driver, unless the 9712  
driving is done in a manner that constitutes willful or wanton 9713  
misconduct. 9714

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 9715  
holds a valid commercial driver's license issued pursuant to 9716  
Chapter 4506. of the Revised Code or driver's license issued 9717  
pursuant to Chapter 4507. of the Revised Code and who is employed 9718  
by an emergency medical service organization that is not owned or 9719  
operated by a political subdivision as defined in section 2744.01 9720  
of the Revised Code, is not liable in damages in a civil action 9721  
for injury, death, or loss to person or property that is caused by 9722  
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 9723  
or other operator while responding to or completing a call for 9724  
emergency medical services, unless the operation constitutes 9725  
willful or wanton misconduct or does not comply with the 9726  
precautions of section 4511.03 of the Revised Code. An emergency 9727  
medical service organization is not liable in damages in a civil 9728  
action for any injury, death, or loss to person or property that 9729  
is caused by the operation of an ambulance by its employee or 9730  
agent, if this division grants the employee or agent immunity from 9731  
civil liability for the injury, death, or loss. 9732

(E) An employee or agent of an emergency medical service 9733  
organization who receives requests for emergency medical services 9734  
that are directed to the organization, dispatches first 9735  
responders, EMTs-basic, EMTs-I, or paramedics in response to those 9736  
requests, communicates those requests to those employees or agents 9737  
of the organization who are authorized to dispatch first 9738

responders, EMTs-basic, EMTs-I, or paramedics, or performs any 9739  
combination of these functions for the organization, is not liable 9740  
in damages in a civil action for injury, death, or loss to person 9741  
or property resulting from the individual's acts or omissions in 9742  
the performance of those duties for the organization, unless an 9743  
act or omission constitutes willful or wanton misconduct. 9744

(F) A person who is performing the functions of a first 9745  
responder, EMT-basic, EMT-I, or paramedic under the authority of 9746  
the laws of a state that borders this state and who provides 9747  
emergency medical services to or transportation of a patient in 9748  
this state is not liable in damages in a civil action for injury, 9749  
death, or loss to person or property resulting from the person's 9750  
administration of emergency medical services, unless the services 9751  
are administered in a manner that constitutes willful or wanton 9752  
misconduct. A physician, physician assistant designated by a 9753  
physician, or registered nurse designated by a physician, any of 9754  
whom is licensed to practice in the adjoining state and who is 9755  
advising or assisting in the emergency medical services by means 9756  
of any communication device or telemetering system, is not liable 9757  
in damages in a civil action for injury, death, or loss to person 9758  
or property resulting from the person's advisory communication or 9759  
assistance, unless the advisory communication or assistance is 9760  
provided in a manner that constitutes willful or wanton 9761  
misconduct. 9762

(G) A person certified under section 4765.23 of the Revised 9763  
Code to teach in an emergency medical services training program or 9764  
emergency medical services continuing education program, and a 9765  
person who teaches at the Ohio fire academy established under 9766  
section 3737.33 of the Revised Code or in a fire service training 9767  
program described in division (A) of section 4765.55 of the 9768  
Revised Code, is not liable in damages in a civil action for 9769  
injury, death, or loss to person or property resulting from the 9770

person's acts or omissions in the performance of the person's 9771  
duties, unless an act or omission constitutes willful or wanton 9772  
misconduct. 9773

(H) In the accreditation of emergency medical services 9774  
training programs or approval of emergency medical services 9775  
continuing education programs, the state board of emergency 9776  
medical, fire, and transportation services and any person or 9777  
entity authorized by the board to evaluate applications for 9778  
accreditation or approval are not liable in damages in a civil 9779  
action for injury, death, or loss to person or property resulting 9780  
from their acts or omissions in the performance of their duties, 9781  
unless an act or omission constitutes willful or wanton 9782  
misconduct. 9783

(I) A person authorized by an emergency medical service 9784  
organization to review the performance of first responders, 9785  
EMTs-basic, EMTs-I, and paramedics or to administer quality 9786  
assurance programs is not liable in damages in a civil action for 9787  
injury, death, or loss to person or property resulting from the 9788  
person's acts or omissions in the performance of the person's 9789  
duties, unless an act or omission constitutes willful or wanton 9790  
misconduct. 9791

**Sec. 4765.55.** (A) The executive director of the state board 9792  
of emergency medical, fire, and transportation services, with the 9793  
advice and counsel of the firefighter and fire safety inspector 9794  
training committee of the state board of emergency medical, fire, 9795  
and transportation services, shall assist in the establishment and 9796  
maintenance by any state agency, or any county, township, city, 9797  
village, school district, or educational service center of a fire 9798  
service training program for the training of all persons in 9799  
positions of any fire training certification level approved by the 9800  
executive director, including full-time paid firefighters, 9801

part-time paid firefighters, volunteer firefighters, and fire 9802  
safety inspectors in this state. The executive director, with the 9803  
advice and counsel of the committee, shall adopt rules to regulate 9804  
those firefighter and fire safety inspector training programs, and 9805  
other training programs approved by the executive director. The 9806  
rules may include, but need not be limited to, training 9807  
curriculum, certification examinations, training schedules, 9808  
minimum hours of instruction, attendance requirements, required 9809  
equipment and facilities, basic physical requirements, and methods 9810  
of training for all persons in positions of any fire training 9811  
certification level approved by the executive director, including 9812  
full-time paid firefighters, part-time paid firefighters, 9813  
volunteer firefighters, and fire safety inspectors. The rules 9814  
adopted to regulate training programs for volunteer firefighters 9815  
shall not require more than thirty-six hours of training. 9816

The executive director, with the advice and counsel of the 9817  
committee, shall provide for the classification and chartering of 9818  
fire service training programs in accordance with rules adopted 9819  
under division (B) of this section, and may take action against 9820  
any chartered training program or applicant, in accordance with 9821  
rules adopted under divisions (B)(4) and (5) of this section, for 9822  
failure to meet standards set by the adopted rules. 9823

(B) The executive director, with the advice and counsel of 9824  
the firefighter and fire safety inspector training committee of 9825  
the state board of emergency medical, fire, and transportation 9826  
services, shall adopt, and may amend or rescind, rules under 9827  
Chapter 119. of the Revised Code that establish all of the 9828  
following: 9829

(1) Requirements for, and procedures for chartering, the 9830  
training programs regulated by this section; 9831

(2) Requirements for, and requirements and procedures for 9832  
obtaining and renewing, an instructor certificate to teach the 9833

training programs and continuing education classes regulated by	9834
this section;	9835
(3) Requirements for, and requirements and procedures for	9836
obtaining and renewing, any of the fire training certificates	9837
regulated by this section;	9838
(4) Grounds and procedures for suspending, revoking,	9839
restricting, or refusing to issue or renew any of the certificates	9840
or charters regulated by this section, which grounds shall be	9841
limited to one of the following:	9842
(a) Failure to satisfy the education or training requirements	9843
of this section;	9844
(b) Conviction of a felony offense;	9845
(c) Conviction of a misdemeanor involving moral turpitude;	9846
(d) Conviction of a misdemeanor committed in the course of	9847
practice;	9848
(e) In the case of a chartered training program or applicant,	9849
failure to meet standards set by the rules adopted under this	9850
division.	9851
(5) Grounds and procedures for imposing and collecting fines,	9852
not to exceed one thousand dollars, in relation to actions taken	9853
under division (B)(4) of this section against persons holding	9854
certificates and charters regulated by this section, the fines to	9855
be deposited into the trauma and emergency medical services fund	9856
established under section 4513.263 of the Revised Code;	9857
(6) Continuing education requirements for certificate	9858
holders, including a requirement that credit shall be granted for	9859
in-service training programs conducted by local entities;	9860
(7) Procedures for considering the granting of an extension	9861
or exemption of fire service continuing education requirements;	9862
(8) Certification cycles for which the certificates and	9863

charters regulated by this section are valid. 9864

(C) The executive director, with the advice and counsel of 9865  
the firefighter and fire safety inspector training committee of 9866  
the state board of emergency medical, fire, and transportation 9867  
services, shall issue or renew an instructor certificate to teach 9868  
the training programs and continuing education classes regulated 9869  
by this section to any applicant that the executive director 9870  
determines meets the qualifications established in rules adopted 9871  
under division (B) of this section, and may take disciplinary 9872  
action against an instructor certificate holder or applicant in 9873  
accordance with rules adopted under division (B) of this section. 9874  
The executive director, with the advice and counsel of the 9875  
committee, shall charter or renew the charter of any training 9876  
program that the executive director determines meets the 9877  
qualifications established in rules adopted under division (B) of 9878  
this section, and may take disciplinary action against the holder 9879  
of a charter in accordance with rules adopted under division (B) 9880  
of this section. 9881

(D) The executive director shall issue or renew a fire 9882  
training certificate for a firefighter, a fire safety inspector, 9883  
or another position of any fire training certification level 9884  
approved by the executive director, to any applicant that the 9885  
executive director determines meets the qualifications established 9886  
in rules adopted under division (B) of this section and may take 9887  
disciplinary actions against a certificate holder or applicant in 9888  
accordance with rules adopted under division (B) of this section. 9889

(E) Certificates issued under this section shall be on a form 9890  
prescribed by the executive director, with the advice and counsel 9891  
of the firefighter and fire safety inspector training committee of 9892  
the state board of emergency medical, fire, and transportation 9893  
services. 9894

(F)(1) The executive director, with the advice and counsel of 9895

the firefighter and fire safety inspector training committee of 9896  
the state board of emergency medical, fire, and transportation 9897  
services, shall establish criteria for evaluating the standards 9898  
maintained by other states and the branches of the United States 9899  
military for firefighter, fire safety inspector, and fire 9900  
instructor training programs, and other training programs 9901  
recognized by the executive director, to determine whether the 9902  
standards are equivalent to those established under this section 9903  
and shall establish requirements and procedures for issuing a 9904  
certificate to each person who presents proof to the executive 9905  
director of having satisfactorily completed a training program 9906  
that meets those standards. 9907

(2) The executive director, with the committee's advice and 9908  
counsel, shall adopt rules establishing requirements and 9909  
procedures for issuing a fire training certificate in lieu of 9910  
completing a chartered training program. 9911

(G) Nothing in this section invalidates any other section of 9912  
the Revised Code relating to the fire training academy. Section 9913  
4765.11 of the Revised Code does not affect any powers and duties 9914  
granted to the executive director under this section. 9915

**Sec. 4765.56.** On receipt of a notice pursuant to section 9916  
3123.43 of the Revised Code, the state board of emergency medical, 9917  
fire, and transportation services shall comply with sections 9918  
3123.41 to 3123.50 of the Revised Code and any applicable rules 9919  
adopted under section 3123.63 of the Revised Code with respect to 9920  
a certificate to practice issued pursuant to this chapter. 9921

**Sec. 4765.59.** The state board of emergency medical, fire, and 9922  
transportation services shall not administer laws and rules 9923  
exceeding the statutory authority provided to the board under 9924  
Chapters 4765. and 4766. of the Revised Code. 9925



<b>Sec. 4766.01.</b> As used in this chapter:	9926
(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.	9927 9928 9929
(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.	9930 9931 9932 9933
(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.	9934 9935 9936
(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.	9937 9938 9939 9940 9941 9942 9943 9944 9945 9946 9947
(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.	9948 9949 9950 9951
(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an <del>EMT-basic</del> <u>EMT</u> is certified to perform.	9952 9953 9954
(G) "Disaster situation" means any condition or situation	9955

described by rule of the ~~Ohio~~ state board of emergency medical, 9956  
fire, and transportation board services as a mass casualty, major 9957  
emergency, natural disaster, or national emergency. 9958

(H) "Emergency medical service organization" means an 9959  
organization that uses ~~EMTs-basic EMTs, EMTs-I AEMTs,~~ or 9960  
paramedics, or a combination of ~~EMTs-basic EMTs, EMTs-I AEMTs,~~ and 9961  
paramedics, to provide medical care to victims of illness or 9962  
injury. An emergency medical service organization includes, but is 9963  
not limited to, a commercial ambulance service organization, a 9964  
hospital, and a funeral home. 9965

(I) "~~EMT-basic EMT,~~" "~~EMT-I AEMT,~~" and "paramedic" have the 9966  
same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the 9967  
Revised Code. 9968

(J) "Fixed wing air ambulance" means a fixed wing aircraft 9969  
that is specifically designed, constructed, or modified and 9970  
equipped and is intended to be used as a means of air medical 9971  
transportation. 9972

(K) "Intermediate life support" means treatment described in 9973  
section 4765.38 of the Revised Code that an ~~EMT-I AEMT~~ is 9974  
certified to perform. 9975

(L) "Major emergency" means any emergency event that cannot 9976  
be resolved through the use of locally available emergency 9977  
resources. 9978

(M) "Mass casualty" means an emergency event that results in 9979  
ten or more persons being injured, incapacitated, made ill, or 9980  
killed. 9981

(N) "Medical emergency" means an unforeseen event affecting 9982  
an individual in such a manner that a need for immediate care is 9983  
created. 9984

(O) "Mobile intensive care unit" means an ambulance used only 9985

for maintaining specialized or intensive care treatment and used 9986  
primarily for interhospital transports of patients whose 9987  
conditions require care beyond the scope of a paramedic as 9988  
provided in section 4765.39 of the Revised Code. 9989

(P)(1) "Nonemergency medical service organization" means a 9990  
person that does both of the following: 9991

(a) Provides services to the public on a regular basis for 9992  
the purpose of transporting individuals who require the use of a 9993  
wheelchair or are confined to a wheelchair to receive health care 9994  
services at health care facilities or health care practitioners' 9995  
offices in nonemergency circumstances; 9996

(b) Provides the services for a fee, regardless of whether 9997  
the fee is paid by the person being transported, a third party 9998  
payer, as defined in section 3702.51 of the Revised Code, or any 9999  
other person or government entity. 10000

(2) "Nonemergency medical service organization" does not 10001  
include a health care facility, as defined in section 1751.01 of 10002  
the Revised Code, that provides ambulette services only to 10003  
patients of that facility. 10004

(Q) "Nontransport vehicle" means a motor vehicle operated by 10005  
a licensed emergency medical service organization not as an 10006  
ambulance, but as a vehicle for providing services in conjunction 10007  
with the ambulances operated by the organization or other 10008  
emergency medical service organizations. 10009

(R) "Patient" means any individual who as a result of illness 10010  
or injury needs medical attention, whose physical or mental 10011  
condition is such that there is imminent danger of loss of life or 10012  
significant health impairment, who may be otherwise incapacitated 10013  
or helpless as a result of a physical or mental condition, or 10014  
whose physical condition requires the use of a wheelchair. 10015

(S) "Rotorcraft air ambulance" means a helicopter or other 10016

aircraft capable of vertical takeoffs, vertical landings, and 10017  
hovering that is specifically designed, constructed, or modified 10018  
and equipped and is intended to be used as a means of air medical 10019  
transportation. 10020

**Sec. 4766.03.** (A) The ~~Ohio~~ state board of emergency medical, 10021  
fire, and transportation board services shall adopt rules, in 10022  
accordance with Chapter 119. of the Revised Code, implementing the 10023  
requirements of this chapter. The rules shall include provisions 10024  
relating to the following: 10025

(1) Requirements for an emergency medical service 10026  
organization to receive a permit for an ambulance or nontransport 10027  
vehicle; 10028

(2) Requirements for an emergency medical service 10029  
organization to receive a license as a basic life-support, 10030  
intermediate life-support, advanced life-support, or mobile 10031  
intensive care unit organization; 10032

(3) Requirements for a nonemergency medical service 10033  
organization to receive a permit for an ambulette vehicle; 10034

(4) Requirements for a nonemergency medical service 10035  
organization to receive a license for an ambulette service; 10036

(5) Requirements for an air medical service organization to 10037  
receive a permit for a rotorcraft air ambulance or fixed wing air 10038  
ambulance; 10039

(6) Requirements for licensure of air medical service 10040  
organizations; 10041

(7) Forms for applications and renewals of licenses and 10042  
permits; 10043

(8) Requirements for record keeping of service responses made 10044  
by licensed emergency medical service organizations; 10045

(9) Fee amounts for licenses and permits, and their renewals;	10046
(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	10047 10048
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	10049 10050 10051
(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;	10052 10053 10054 10055 10056 10057 10058 10059 10060
(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;	10061 10062 10063
(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 consideration for employment.	10064 10065 10066 10067 10068 10069 10070
(15) Any other rules that the board determines necessary for the implementation and enforcement of this chapter.	10071 10072
(B) In the rules for ambulances and nontransport vehicles adopted under division (A)(12) of this section, the board may establish requirements that vary according to whether the emergency medical service organization using the vehicles is	10073 10074 10075 10076

licensed as a basic life-support, intermediate life-support, 10077  
advanced life-support, or mobile intensive care unit organization. 10078

(C) A mobile intensive care unit that is not dually certified 10079  
to provide advanced life-support and meets the requirements of the 10080  
rules adopted under this section is not required to carry 10081  
immobilization equipment, including board splint kits, traction 10082  
splints, backboards, backboard straps, cervical immobilization 10083  
devices, cervical collars, stair chairs, folding cots, or other 10084  
types of immobilization equipment determined by the board to be 10085  
unnecessary for mobile intensive care units. 10086

A mobile intensive care unit is exempt from the emergency 10087  
medical technician staffing requirements of section 4765.43 of the 10088  
Revised Code when it is staffed by at least one physician or 10089  
registered nurse and another person, designated by a physician, 10090  
who holds a valid license or certificate to practice in a health 10091  
care profession, and when at least one of the persons staffing the 10092  
mobile intensive care unit is a registered nurse whose training 10093  
meets or exceeds the training required for a paramedic. 10094

**Sec. 4766.04.** (A) Except as otherwise provided in this 10095  
chapter, no person shall furnish, operate, conduct, maintain, 10096  
advertise, engage in, or propose or profess to engage in the 10097  
business or service in this state of transporting persons who are 10098  
seriously ill, injured, or otherwise incapacitated or who require 10099  
the use of a wheelchair or are confined to a wheelchair unless the 10100  
person is licensed pursuant to this section. 10101

(B) To qualify for a license as a basic life-support, 10102  
intermediate life-support, advanced life-support, or mobile 10103  
intensive care unit organization, an emergency medical service 10104  
organization shall do all of the following: 10105

(1) Apply for a permit for each ambulance and nontransport 10106  
vehicle owned or leased as provided in section 4766.07 of the 10107

Revised Code;	10108
(2) Meet all requirements established in rules adopted by the	10109
<del>Ohio state board of emergency</del> <u>medical, fire, and</u> transportation	10110
<del>board services</del> regarding ambulances and nontransport vehicles,	10111
including requirements pertaining to equipment, communications	10112
systems, staffing, and level of care the particular organization	10113
is permitted to render;	10114
(3) Maintain the appropriate type and amount of insurance as	10115
specified in section 4766.06 of the Revised Code;	10116
(4) Meet all other requirements established under rules	10117
adopted by the board for the particular license.	10118
(C) To qualify for a license to provide ambulette service, a	10119
nonemergency medical service organization shall do all of the	10120
following:	10121
(1) Apply for a permit for each ambulette owned or leased as	10122
provided in section 4766.07 of the Revised Code;	10123
(2) Meet all requirements established in rules adopted by the	10124
<del>Ohio state board of emergency</del> <u>medical, fire, and</u> transportation	10125
<del>board services</del> regarding ambulettes, including requirements	10126
pertaining to equipment, communication systems, staffing, and	10127
level of care the organization is permitted to render;	10128
(3) Maintain the appropriate type and amount of insurance as	10129
specified in section 4766.06 of the Revised Code;	10130
(4) Meet all other requirements established under rules	10131
adopted by the board for the license.	10132
(D) To qualify for a license to provide air medical	10133
transportation, an air medical service organization shall do all	10134
of the following:	10135
(1) Apply for a permit for each rotorcraft air ambulance and	10136
fixed wing air ambulance owned or leased as provided in section	10137

4766.07 of the Revised Code; 10138

(2) Meet all requirements established in rules adopted by the 10139  
~~Ohio state board of emergency~~ medical, fire, and transportation 10140  
~~board~~ services regarding rotorcraft air ambulances and fixed wing 10141  
air ambulances, including requirements pertaining to equipment, 10142  
communication systems, staffing, and level of care the 10143  
organization is permitted to render; 10144

(3) Maintain the appropriate type and amount of insurance as 10145  
specified in section 4766.06 of the Revised Code; 10146

(4) Meet all other requirements established under rules 10147  
adopted by the board for the license. 10148

(E) An emergency medical service organization that applies 10149  
for a license as a basic life-support, intermediate life-support, 10150  
advanced life-support, or mobile intensive care unit organization; 10151  
a nonemergency medical service organization that applies for a 10152  
license to provide ambulance service; or an air medical service 10153  
organization that applies for a license to provide air medical 10154  
transportation shall submit a completed application to the board, 10155  
on a form provided by the board for each particular license, 10156  
together with the appropriate fees established under section 10157  
4766.05 of the Revised Code. The application form shall include 10158  
all of the following: 10159

(1) The name and business address of the operator of the 10160  
organization for which licensure is sought; 10161

(2) The name under which the applicant will operate the 10162  
organization; 10163

(3) A list of the names and addresses of all officers and 10164  
directors of the organization; 10165

(4) For emergency medical service organizations and 10166  
nonemergency medical service organizations, a description of each 10167



vehicle to be used, including the make, model, year of 10168  
manufacture, mileage, vehicle identification number, and the color 10169  
scheme, insignia, name, monogram, or other distinguishing 10170  
characteristics to be used to designate the applicant's vehicle; 10171

(5) For air medical service organizations using fixed wing 10172  
air ambulances, a description of each aircraft to be used, 10173  
including the make, model, year of manufacture, and aircraft hours 10174  
on airframe; 10175

(6) For air medical service organizations using rotorcraft 10176  
air ambulances, a description of each aircraft to be used, 10177  
including the make, model, year of manufacture, aircraft hours on 10178  
airframe, aircraft identification number, and the color scheme, 10179  
insignia, name, monogram, or other distinguishing characteristics 10180  
to be used to designate the applicant's rotorcraft air ambulance; 10181

(7) The location and description of each place from which the 10182  
organization will operate; 10183

(8) A description of the geographic area to be served by the 10184  
applicant; 10185

(9) Any other information the board, by rule, determines 10186  
necessary. 10187

(F) Within sixty days after receiving a completed application 10188  
for licensure as a basic life-support, intermediate life-support, 10189  
advanced life-support, or mobile intensive care unit organization; 10190  
an ambulette service; or an air medical service organization, the 10191  
board shall approve or deny the application. The board shall deny 10192  
an application if it determines that the applicant does not meet 10193  
the requirements of this chapter or any rules adopted under it. 10194  
The board shall send notice of the denial of an application by 10195  
certified mail to the applicant. The applicant may request a 10196  
hearing within ten days after receipt of the notice. If the board 10197  
receives a timely request, it shall hold a hearing in accordance 10198

with Chapter 119. of the Revised Code. 10199

(G) If an applicant or licensee operates or plans to operate 10200  
an organization in more than one location under the same or 10201  
different identities, the applicant or licensee shall apply for 10202  
and meet all requirements for licensure or renewal of a license, 10203  
other than payment of a license fee or renewal fee, for operating 10204  
the organization at each separate location. An applicant or 10205  
licensee that operates or plans to operate under the same 10206  
organization identity in separate locations shall pay only a 10207  
single license fee. 10208

(H) An emergency medical service organization that wishes to 10209  
provide ambulance services to the public must apply for a separate 10210  
license under division (C) of this section. 10211

(I) Each license issued under this section and each permit 10212  
issued under section 4766.07 of the Revised Code expires one year 10213  
after the date of issuance and may be renewed in accordance with 10214  
the standard renewal procedures of Chapter 4745. of the Revised 10215  
Code. An application for renewal shall include the license or 10216  
permit renewal fee established under section 4766.05 of the 10217  
Revised Code. An applicant for renewal of a permit also shall 10218  
submit to the board proof of an annual inspection of the vehicle 10219  
or aircraft for which permit renewal is sought. The board shall 10220  
renew a license if the applicant meets the requirements for 10221  
licensure and shall renew a permit if the applicant and vehicle or 10222  
aircraft meet the requirements to maintain a permit for that 10223  
vehicle or aircraft. 10224

(J) Each licensee shall maintain accurate records of all 10225  
service responses conducted. The records shall be maintained on 10226  
forms prescribed by the board and shall contain information as 10227  
specified by rule by the board. 10228

**Sec. 4766.05.** (A) The ~~Ohio~~ state board of emergency medical, 10229

fire, and transportation board services shall establish by rule a license fee, a permit fee for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle owned or leased by the licensee that is or will be used as provided in section 4766.07 of the Revised Code, and fees for renewals of licenses and permits, taking into consideration the actual costs incurred by the board in carrying out its duties under this chapter. However, the fee for each license and each renewal of a license shall not exceed one hundred dollars, and the fee for each permit and each renewal of a permit shall not exceed one hundred dollars for each ambulance, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle. ~~The fee for each permit and each renewal of a permit shall be twenty five dollars for each ambulette for one year after March 9, 2004. Thereafter, the board shall determine by rule the fee, which shall not exceed fifty dollars, for each permit and each renewal of a permit for each ambulette. For purposes of establishing fees, "actual costs" includes the costs of salaries, expenses, inspection equipment, supervision, and program administration.~~

(B) The board shall deposit all fees and other moneys collected pursuant to sections 4766.04, 4766.07, and 4766.08 of the Revised Code in the state treasury to the credit of the ~~occupational licensing~~ trauma and regulatory emergency medical services fund, which is created by section ~~4743.05~~ 4513.263 of the Revised Code. ~~All moneys from the fund shall be used solely for the salaries and expenses of the board incurred in implementing and enforcing this chapter.~~

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

Sec. 4766.07. (A) Except as otherwise provided by rule of the 10262  
~~Ohio state board of emergency~~ medical, fire, and transportation 10263  
~~board~~ services, each emergency medical service organization, 10264  
nonemergency medical service organization, and air medical service 10265  
organization subject to licensure under this chapter shall possess 10266  
a valid permit for each ambulance, ambulette, rotorcraft air 10267  
ambulance, fixed wing air ambulance, and nontransport vehicle it 10268  
owns or leases that is or will be used by the licensee to perform 10269  
the services permitted by the license. Each licensee and license 10270  
applicant shall submit the appropriate fee and an application for 10271  
a permit for each ambulance, ambulette, rotorcraft air ambulance, 10272  
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 10273  
state board of emergency medical, fire, and transportation ~~board~~ 10274  
services on forms provided by the board. The application shall 10275  
include documentation that the vehicle or aircraft meets the 10276  
appropriate standards set by the board, that the vehicle or 10277  
aircraft has been inspected pursuant to division (C) of this 10278  
section, that the permit applicant maintains insurance as provided 10279  
in section 4766.06 of the Revised Code, and that the vehicle or 10280  
aircraft and permit applicant meet any other requirements 10281  
established under rules adopted by the board. 10282

The ~~Ohio state board of emergency~~ medical, fire, and 10283  
transportation ~~board~~ services may adopt rules in accordance with 10284  
Chapter 119. of the Revised Code to authorize the temporary use of 10285  
a vehicle or aircraft for which a permit is not possessed under 10286  
this section in back-up or disaster situations. 10287

(B)(1) Within sixty days after receiving a completed 10288  
application for a permit, the board shall issue or deny the 10289  
permit. The board shall deny an application if it determines that 10290  
the permit applicant, vehicle, or aircraft does not meet the 10291  
requirements of this chapter and the rules adopted under it that 10292  
apply to permits for ambulances, ambulettes, rotorcraft air 10293

ambulances, fixed wing air ambulances, and nontransport vehicles. 10294  
The board shall send notice of the denial of an application by 10295  
certified mail to the permit applicant. The permit applicant may 10296  
request a hearing within ten days after receipt of the notice. If 10297  
the board receives a timely request, it shall hold a hearing in 10298  
accordance with Chapter 119. of the Revised Code. 10299

(2) If the board issues the vehicle permit for an ambulance, 10300  
ambulette, or nontransport vehicle, it also shall issue a decal, 10301  
in a form prescribed by rule, to be displayed on the rear window 10302  
of the vehicle. The board shall not issue a decal until all of the 10303  
requirements for licensure and permit issuance have been met. 10304

(3) If the board issues the aircraft permit for a rotorcraft 10305  
air ambulance or fixed wing air ambulance, it also shall issue a 10306  
decal, in a form prescribed by rule, to be displayed on the left 10307  
fuselage aircraft window in a manner that complies with all 10308  
applicable federal aviation regulations. The board shall not issue 10309  
a decal until all of the requirements for licensure and permit 10310  
issuance have been met. 10311

(C) In addition to any other requirements that the board 10312  
establishes by rule, a licensee or license applicant applying for 10313  
an initial vehicle or aircraft permit under division (A) of this 10314  
section shall submit to the board the vehicle or aircraft for 10315  
which the permit is sought. Thereafter, a licensee shall annually 10316  
submit to the board each vehicle or aircraft for which a permit 10317  
has been issued. 10318

(1) The board shall conduct a physical inspection of an 10319  
ambulance, ambulette, or nontransport vehicle to determine its 10320  
roadworthiness and compliance with standard motor vehicle 10321  
requirements. 10322

(2) The board shall conduct a physical inspection of the 10323  
medical equipment, communication system, and interior of an 10324

ambulance to determine the operational condition and safety of the 10325  
equipment and the ambulance's interior and to determine whether 10326  
the ambulance is in compliance with the federal requirements for 10327  
ambulance construction that were in effect at the time the 10328  
ambulance was manufactured, as specified by the general services 10329  
administration in the various versions of its publication titled 10330  
"federal specification for the star-of-life ambulance, 10331  
KKK-A-1822." 10332

(3) The board shall conduct a physical inspection of the 10333  
equipment, communication system, and interior of an ambulette to 10334  
determine the operational condition and safety of the equipment 10335  
and the ambulette's interior and to determine whether the 10336  
ambulette is in compliance with state requirements for ambulette 10337  
construction. The board shall determine by rule requirements for 10338  
the equipment, communication system, interior, and construction of 10339  
an ambulette. 10340

(4) The board shall conduct a physical inspection of the 10341  
medical equipment, communication system, and interior of a 10342  
rotorcraft air ambulance or fixed wing air ambulance to determine 10343  
the operational condition and safety of the equipment and the 10344  
aircraft's interior. 10345

(5) The board shall issue a certificate to the applicant for 10346  
each vehicle or aircraft that passes the inspection and may assess 10347  
a fee for each inspection, as established by the board. 10348

(6) The board shall adopt rules regarding the implementation 10349  
and coordination of inspections. The rules may permit the board to 10350  
contract with a third party to conduct the inspections required of 10351  
the board under this section. 10352

**Sec. 4766.08.** (A) The ~~Ohio~~ state board of emergency medical, 10353  
fire, and transportation board ~~may~~ services, pursuant to an 10354  
adjudication conducted in accordance with Chapter 119. of the 10355

Revised Code, may suspend or revoke any license or permit or 10356  
renewal thereof issued under this chapter for any one or 10357  
combination of the following causes: 10358

(1) Violation of this chapter or any rule adopted thereunder; 10359

(2) Refusal to permit the board to inspect a vehicle or 10360  
aircraft used under the terms of a permit or to inspect the 10361  
records or physical facilities of a licensee; 10362

(3) Failure to meet the ambulance, ambulette, rotorcraft air 10363  
ambulance, fixed wing air ambulance, and nontransport vehicle 10364  
requirements specified in this chapter or the rules adopted 10365  
thereunder; 10366

(4) Violation of an order issued by the board; 10367

(5) Failure to comply with any of the terms of an agreement 10368  
entered into with the board regarding the suspension or revocation 10369  
of a license or permit or the imposition of a penalty under this 10370  
section. 10371

(B) If the board determines that the records, record-keeping 10372  
procedures, or physical facilities of a licensee, or an ambulance, 10373  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, or 10374  
nontransport vehicle for which a valid permit has been issued, do 10375  
not meet the standards specified in this chapter and the rules 10376  
adopted thereunder, the board shall notify the licensee of any 10377  
deficiencies within thirty days of finding the deficiencies. If 10378  
the board determines that the deficiencies exist and they remain 10379  
uncorrected after thirty days, the board may suspend the license, 10380  
vehicle permit, or aircraft permit. The licensee, notwithstanding 10381  
the suspension under this division, may operate until all appeals 10382  
have been exhausted. 10383

(C) At the discretion of the board, a licensee whose license 10384  
has been suspended or revoked under this section may be ineligible 10385

to be licensed under this chapter for a period of not more than 10386  
three years from the date of the violation, provided that the 10387  
board shall make no determination on a period of ineligibility 10388  
until all the licensee's appeals relating to the suspension or 10389  
revocation have been exhausted. 10390

(D) The board may, in addition to any other action taken 10391  
under this section and after a hearing conducted pursuant to 10392  
Chapter 119. of the Revised Code, impose a penalty of not more 10393  
than fifteen hundred dollars for any violation specified in this 10394  
section. The attorney general shall institute a civil action for 10395  
the collection of any such penalty imposed. 10396

**Sec. 4766.09.** This chapter does not apply to any of the 10397  
following: 10398

(A) A person rendering services with an ambulance in the 10399  
event of a disaster situation when licensees' vehicles based in 10400  
the locality of the disaster situation are incapacitated or 10401  
insufficient in number to render the services needed; 10402

(B) Any person operating an ambulance, ambulette, rotorcraft 10403  
air ambulance, or fixed wing air ambulance outside this state 10404  
unless receiving a person within this state for transport to a 10405  
location within this state; 10406

(C) A publicly owned or operated emergency medical service 10407  
organization and the vehicles it owns or leases and operates, 10408  
except as provided in section 307.051, division (G) of section 10409  
307.055, division (F) of section 505.37, division (B) of section 10410  
505.375, and division (B)(3) of section 505.72 of the Revised 10411  
Code; 10412

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 10413  
wing air ambulance, or nontransport vehicle owned or leased and 10414  
operated by the federal government; 10415



(E) A publicly owned and operated fire department vehicle;	10416
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	10417 10418 10419
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	10420 10421 10422
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	10423 10424 10425
(I) A public emergency medical service organization;	10426
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	10427 10428 10429 10430
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	10431 10432 10433
(L) Emergency medical service personnel who are regulated by the state board of emergency medical, <u>fire, and transportation</u> services under Chapter 4765. of the Revised Code;	10434 10435 10436
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:	10437 10438 10439 10440
(1) A public nonemergency medical service organization;	10441
(2) An urban or rural public transit system;	10442
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	10443 10444

(N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions: 10445  
10446

(a) The entity is certified by the department of aging or the department's designee in accordance with section 173.391 of the Revised Code or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code. 10447  
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10449  
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(b) The entity meets the requirements of section 4766.14 of the Revised Code. 10452  
10453

(c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan. 10454  
10455

(2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions: 10456  
10457

(a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section. 10458  
10459

(b) The vehicle does not provide ambulette services that are reimbursed under the state medicaid plan. 10460  
10461

(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan: 10462  
10463  
10464

(1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310; 10465  
10466  
10467

(2) The department of transportation holds a lien on the vehicle. 10468  
10469

**Sec. 4766.10.** This chapter does not invalidate any ordinance or resolution adopted by a municipal corporation that establishes standards for the licensure of emergency medical service organizations as basic life-support, intermediate life-support, or 10470  
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10472  
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advanced life-support service organizations that have their 10474  
principal places of business located within the limits of the 10475  
municipal corporation, as long as the licensure standards meet or 10476  
exceed the standards established in this chapter and the rules 10477  
adopted thereunder. 10478

Emergency medical service organizations licensed by a 10479  
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 10480  
state board of emergency medical, fire, and transportation board 10481  
services, but the fees they pay to the board for licenses, 10482  
permits, and renewals thereof shall not exceed fifty per cent of 10483  
the fee amounts established by the board pursuant to section 10484  
4766.03 of the Revised Code. The board may choose to waive the 10485  
vehicle inspection requirements and inspection fees, but not the 10486  
permit fees, for the vehicles of organizations licensed by a 10487  
municipal corporation. 10488

**Sec. 4766.11.** (A) The ~~Ohio~~ state board of emergency medical, 10489  
fire, and transportation board services may investigate alleged 10490  
violations of this chapter or the rules adopted under it and may 10491  
investigate any complaints received regarding alleged violations. 10492

In addition to any other remedies available and regardless of 10493  
whether an adequate remedy at law exists, the board may apply to 10494  
the court of common pleas in the county where a violation of any 10495  
provision of this chapter or any rule adopted pursuant thereto is 10496  
occurring for a temporary or permanent injunction restraining a 10497  
person from continuing to commit that violation. On a showing that 10498  
a person has committed a violation, the court shall grant the 10499  
injunction. 10500

In conducting an investigation under this section, the board 10501  
may issue subpoenas compelling the attendance and testimony of 10502  
witnesses and the production of books, records, and other 10503

documents pertaining to the investigation. If a person fails to 10504  
obey a subpoena from the board, the board may apply to the court 10505  
of common pleas in the county where the investigation is being 10506  
conducted for an order compelling the person to comply with the 10507  
subpoena. On application by the board, the court shall compel 10508  
obedience by attachment proceedings for contempt, as in the case 10509  
of disobedience of the requirements of a subpoena from the court 10510  
or a refusal to testify therein. 10511

(B) The ~~medical transportation~~ board may suspend a license 10512  
issued under this chapter without a prior hearing if it determines 10513  
that there is evidence that the license holder is subject to 10514  
action under this section and that there is clear and convincing 10515  
evidence that continued operation by the license holder presents a 10516  
danger of immediate and serious harm to the public. The 10517  
chairperson and executive director of the board shall make a 10518  
preliminary determination and describe the evidence on which they 10519  
made their determination to the board members. The board by 10520  
resolution may designate another board member to act in place of 10521  
the chairperson or another employee to act in place of the 10522  
executive director in the event that the chairperson or executive 10523  
director is unavailable or unable to act. Upon review of the 10524  
allegations, the board, by the affirmative vote of ~~at least four a~~ 10525  
majority of its members, may suspend the license without a 10526  
hearing. 10527

~~Any method of communication, including a telephone conference 10528  
call, may be utilized for describing the evidence to the board 10529  
members, for reviewing the allegations, and for voting on the 10530  
suspension.~~ 10531

Immediately following the decision by the board to suspend a 10532  
license under this division, the board shall issue a written order 10533  
of suspension and cause it to be delivered in accordance with 10534  
section 119.07 of the Revised Code. If the license holder subject 10535

to the suspension requests an adjudication hearing by the board, 10536  
the date set for the adjudication shall be within fifteen days but 10537  
not earlier than seven days after the request unless another date 10538  
is agreed to by the license holder and the board. 10539

Any summary suspension imposed under this division remains in 10540  
effect, unless reversed by the board, until a final adjudicative 10541  
order issued by the board pursuant to this section and Chapter 10542  
119. of the Revised Code becomes effective. The board shall issue 10543  
its final adjudicative order not less than ninety days after 10544  
completion of its adjudication hearing. Failure to issue the order 10545  
by that day shall cause the summary suspension order to end, but 10546  
such failure shall not affect the validity of any subsequent final 10547  
adjudication order. 10548

**Sec. 4766.12.** If a county, township, joint ambulance 10549  
district, or joint emergency medical services district chooses to 10550  
have the ~~Ohio~~ state board of emergency medical, fire, and 10551  
transportation ~~board~~ services license its emergency medical 10552  
service organizations and issue permits for its vehicles pursuant 10553  
to this chapter, except as may be otherwise provided, all 10554  
provisions of this chapter and all rules adopted by the board 10555  
thereunder are fully applicable. However, a county, township, 10556  
joint ambulance district, or joint emergency medical services 10557  
district is not required to obtain any type of permit from the 10558  
board for any of its nontransport vehicles. 10559

**Sec. 4766.13.** The ~~Ohio~~ state board of emergency medical, 10560  
fire, and transportation board services, by endorsement, may 10561  
license and issue vehicle permits to an emergency medical service 10562  
organization or a nonemergency medical service organization that 10563  
is regulated by another state. To qualify for a license and 10564  
vehicle permits by endorsement, an organization must submit 10565  
evidence satisfactory to the board that it has met standards in 10566

another state that are equal to or more stringent than the 10567  
standards established by this chapter and the rules adopted under 10568  
it. 10569

**Sec. 4766.15.** (A) An applicant for employment as an ambulette 10570  
driver with an organization licensed pursuant to this chapter 10571  
shall submit proof to the organization of, or give consent to the 10572  
employer to obtain, all of the following: 10573

(1)(a) A valid driver's license issued pursuant to Chapter 10574  
4506. or 4507. of the Revised Code, or its equivalent, if the 10575  
applicant is a resident of another state; 10576

(b) A recent certified abstract of the applicant's record of 10577  
convictions for violations of motor vehicle laws provided by the 10578  
registrar of motor vehicles pursuant to section 4509.05 of the 10579  
Revised Code, or its equivalent, if the applicant is a resident of 10580  
another state. 10581

(2)(a) A certificate of completion of a course in first aid 10582  
techniques offered by the American red cross or an equivalent 10583  
organization; 10584

(b) A certificate of completion of a course in 10585  
cardiopulmonary resuscitation, or its equivalent, offered by an 10586  
organization approved by the ~~Ohio~~ state board of emergency 10587  
medical, fire, and transportation board services. 10588

(3) The result of a chemical test or tests of the applicant's 10589  
blood, breath, or urine conducted at a hospital or other 10590  
institution approved by the board for the purpose of determining 10591  
the alcohol, drug of abuse, controlled substance, or metabolite of 10592  
a controlled substance content of the applicant's whole blood, 10593  
blood serum or plasma, breath, or urine; 10594

(4) The result of a criminal records check conducted by the 10595  
bureau of criminal identification and investigation. 10596

(B) An organization may employ an applicant on a temporary 10597  
provisional basis pending the completion of all of the 10598  
requirements of this section. The length of the provisional period 10599  
shall be determined by the board. 10600

(C) An organization licensed pursuant to this chapter shall 10601  
use information received pursuant to this section to determine in 10602  
accordance with rules adopted by the ~~Ohio~~ state board of emergency 10603  
medical, fire, and transportation board services under section 10604  
4766.03 of the Revised Code whether an applicant is disqualified 10605  
for employment. 10606

No applicant shall be accepted for permanent employment as an 10607  
ambulette driver by an organization licensed pursuant to this 10608  
chapter until all of the requirements of division (A) of this 10609  
section have been met. 10610

**Sec. 4766.22.** (A) Not later than forty-five days after the 10611  
end of each fiscal year, the ~~Ohio~~ state board of emergency 10612  
medical, fire, and transportation board services shall submit a 10613  
report to the governor and general assembly that provides all of 10614  
the following information for that fiscal year: 10615

(1) The number of each of the following the board issued: 10616

(a) Basic life-support organization licenses; 10617

(b) Intermediate life-support organization licenses; 10618

(c) Advanced life-support organization licenses; 10619

(d) Mobile intensive care unit organization licenses; 10620

(e) Ambulette service licenses; 10621

(f) Air medical service organization licenses; 10622

(g) Ambulance permits; 10623

(h) Nontransport vehicle permits; 10624

(i) Ambulette vehicle permits;	10625
(j) Rotorcraft air ambulance permits;	10626
(k) Fixed wing air ambulance permits.	10627
(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;	10628 10629 10630
(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;	10631 10632 10633 10634
(4) The number of complaints that were submitted to the board;	10635 10636
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	10637 10638
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	10639 10640
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	10641 10642
(8) Other information the board determines reflects the board's operations.	10643 10644
(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.	10645 10646 10647
<b>Sec. 5501.03.</b> (A) The department of transportation shall:	10648
(1) Exercise and perform such other duties, powers, and functions as are conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department;	10649 10650 10651 10652



(2) Coordinate and develop, in cooperation with local, 10653  
regional, state, and federal planning agencies and authorities, 10654  
comprehensive and balanced state policy and planning to meet 10655  
present and future needs for adequate transportation facilities in 10656  
this state, including recommendations for adequate funding of the 10657  
implementation of such planning; 10658

(3) Coordinate its activities with those of other appropriate 10659  
state departments, public agencies, and authorities, and enter 10660  
into any contracts with such departments, agencies, and 10661  
authorities as may be necessary to carry out its duties, powers, 10662  
and functions; 10663

(4) Cooperate with and assist the public utilities commission 10664  
in the commission's administration of sections 4907.47 to 4907.476 10665  
of the Revised Code, particularly with respect to the federal 10666  
highway administration; 10667

(5) Cooperate with and assist the Ohio power siting board in 10668  
the board's administration of Chapter 4906. of the Revised Code; 10669

(6) Give particular consideration to the development of 10670  
policy and planning for public transportation facilities, and to 10671  
the coordination of associated activities relating thereto, as 10672  
prescribed under divisions (A)(2) and (3) of this section; 10673

(7) Conduct, in cooperation with the Ohio legislative service 10674  
commission, any studies or comparisons of state traffic laws and 10675  
local traffic ordinances with model laws and ordinances that may 10676  
be required to meet program standards adopted by the United States 10677  
department of transportation pursuant to the "Highway Safety Act 10678  
of 1966," 80 Stat. 731, U.S.C.A. 401; 10679

(8) Prepare, print, distribute, and advertise books, maps, 10680  
pamphlets, and other information that, in the judgment of the 10681  
director, will inform the public and other governmental 10682  
departments, agencies, and authorities as to the duties, powers, 10683

and functions of the department; 10684

(9) In its research and development program, consider 10685  
technologies for improving safety, mobility, aviation and aviation 10686  
education, transportation facilities, roadways, including 10687  
construction techniques and materials to prolong project life, 10688  
being used or developed by other states that have geographic, 10689  
geologic, or climatic features similar to this state's, and 10690  
collaborate with those states in that development. 10691

(B) Nothing contained in ~~division (A)(1)~~ of this section 10692  
shall be held to in any manner affect, limit, restrict, or 10693  
otherwise interfere with the exercise of powers relating to 10694  
transportation facilities by appropriate agencies of the federal 10695  
government, or by counties, municipal corporations, or other 10696  
political subdivisions or special districts in this state 10697  
authorized by law to exercise such powers. 10698

(C) The department may use all appropriate sources of revenue 10699  
to assist in the development and implementation of rail service as 10700  
defined by division (C) of section 4981.01 of the Revised Code. 10701

(D) The director of transportation may enter into contracts 10702  
with public agencies including political subdivisions, other state 10703  
agencies, boards, commissions, regional transit authorities, 10704  
county transit boards, and port authorities, to administer the 10705  
design, qualification of bidders, competitive bid letting, 10706  
construction inspection, research, and acceptance of any projects 10707  
or transportation facilities administered by the department, 10708  
provided the administration of such projects or transportation 10709  
facilities is performed in accordance with all applicable state 10710  
and federal laws and regulations with oversight by the department. 10711

**Sec. 5501.17.** The director of transportation may employ such 10712  
assistants as are necessary to prepare plans and surveys. 10713  
Compensation paid for the preparation of plans, surveys, and 10714

specifications shall be regarded as a part of the cost and expense 10715  
of the improvement for which they were made and shall be paid from 10716  
funds set aside for the improvement. 10717

The director may appoint additional clerks and stenographers, 10718  
and such other engineers, inspectors, technicians, and other 10719  
employees as are necessary to carry out Chapters 4561., 5501., 10720  
5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 10721  
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 10722  
Code. All such technicians employed under the authority of this 10723  
section shall be eligible to receive pay during periods of on the 10724  
job training or while attending special training schools conducted 10725  
by the department of transportation. Such employees and 10726  
appointees, in addition to their salaries, shall receive their 10727  
actual necessary traveling expenses when on official business. 10728

The director may contract with regional, county, or municipal 10729  
planning commissions or county engineers having adequate staffs, 10730  
and with planning agencies of adjacent states, for the preparation 10731  
of comprehensive transportation and land use studies and major 10732  
thoroughfare reports, or parts thereof, and pay the commissions, 10733  
county engineers, or planning agencies of adjacent states for such 10734  
work from funds available to the department. 10735

**Sec. 5501.31.** The director of transportation shall have 10736  
general supervision of all roads comprising the state highway 10737  
system. The director may alter, widen, straighten, realign, 10738  
relocate, establish, construct, reconstruct, improve, maintain, 10739  
repair, and preserve any road or highway on the state highway 10740  
system, and, in connection therewith, relocate, alter, widen, 10741  
deepen, clean out, or straighten the channel of any watercourse as 10742  
the director considers necessary, and purchase or appropriate 10743  
property for the disposal of surplus materials or borrow pits, 10744  
and, where an established road has been relocated, establish, 10745

construct, and maintain such connecting roads between the old and 10746  
new location as will provide reasonable access thereto. 10747

The director may purchase or appropriate property necessary 10748  
for the location or construction of any culvert, bridge, or 10749  
viaduct, or the approaches thereto, including any property needed 10750  
to extend, widen, or alter any feeder or outlet road, street, or 10751  
way adjacent to or under the bridge or viaduct when the extension, 10752  
widening, or alteration of the feeder road, street, or way is 10753  
necessary for the full utilization of the bridge or viaduct, or 10754  
for any other highway improvement. The director may purchase or 10755  
appropriate, for such length of time as is necessary and 10756  
desirable, any additional property required for the construction 10757  
and maintenance of slopes, detour roads, sewers, roadside parks, 10758  
rest areas, recreational park areas, park and ride facilities, and 10759  
park and carpool or vanpool facilities, scenic view areas, 10760  
drainage systems, or land to replace wetlands, incident to any 10761  
highway improvement, that the director is or may be authorized to 10762  
locate or construct. Also incident to any authorized highway 10763  
improvement, the director may purchase property from a willing 10764  
seller as required for the construction and maintenance of 10765  
bikeways and bicycle paths or to replace, preserve, or conserve 10766  
any environmental resource if the replacement, preservation, or 10767  
conservation is required by state or federal law. 10768

Title to property purchased or appropriated by the director 10769  
shall be taken in the name of the state either in fee simple or in 10770  
any lesser estate or interest that the director considers 10771  
necessary or proper, in accordance with forms to be prescribed by 10772  
the attorney general. The deed shall contain a description of the 10773  
property and be recorded in the county where the property is 10774  
situated and, when recorded, shall be kept on file in the 10775  
department of transportation. The property may be described by 10776  
metes and bounds or by the department of transportation parcel 10777

number as shown on a right of way plan recorded in the county 10778  
where the property is located. 10779

Provided that when property, other than property used by a 10780  
railroad for operating purposes, is acquired in connection with 10781  
improvements involving projects affecting railroads wherein the 10782  
department is obligated to acquire property under grade separation 10783  
statutes, or on other improvements wherein the department is 10784  
obligated to acquire lands under agreements with railroads, or 10785  
with a public utility, political subdivision, public corporation, 10786  
or private corporation owning transportation facilities for the 10787  
readjustment, relocation, or improvement of their facilities, a 10788  
fee simple title or an easement may be acquired by purchase or 10789  
appropriation in the name of the railroad, public utility, 10790  
political subdivision, public corporation, or private corporation 10791  
in the discretion of the director. When the title to lands, which 10792  
are required to adjust, relocate, or improve such facilities 10793  
pursuant to agreements with the director, is taken in the name of 10794  
the state, then, in the discretion of the director, the title to 10795  
such lands may be conveyed to the railroad, public utility, 10796  
political subdivision, or public corporation for which they were 10797  
acquired. The conveyance shall be prepared by the attorney general 10798  
and executed by the governor and bear the great seal of the state 10799  
of Ohio. 10800

The director, in the maintenance or repair of state highways, 10801  
is not limited to the use of the materials with which the 10802  
highways, including the bridges and culverts thereon, were 10803  
originally constructed, but may use any material that is proper or 10804  
suitable. The director may aid any board of county commissioners 10805  
in establishing, creating, and repairing suitable systems of 10806  
drainage for all highways within the jurisdiction or control of 10807  
the board and advise with it as to the establishment, 10808  
construction, improvement, maintenance, and repair of the 10809

highways. 10810

Chapters 4561., 5501., 5503., 5511., 5513., 5515., 5516., 10811  
5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 10812  
5533., and 5535. of the Revised Code do not prohibit the federal 10813  
government, any government agency, or any individual or 10814  
corporation, from contributing a portion of the cost of the 10815  
establishment, construction, reconstruction, relocating, widening, 10816  
resurfacing, maintenance, and repair of the highways or 10817  
transportation facilities. 10818

Except in the case of maintaining, repairing, erecting 10819  
traffic signs on, or pavement marking of state highways within 10820  
villages, which is mandatory as required by section 5521.01 of the 10821  
Revised Code, and except as provided in section 5501.49 of the 10822  
Revised Code, no duty of constructing, reconstructing, widening, 10823  
resurfacing, maintaining, or repairing state highways within 10824  
municipal corporations, or the culverts thereon, shall attach to 10825  
or rest upon the director, but the director may construct, 10826  
reconstruct, widen, resurface, maintain, and repair the same with 10827  
or without the cooperation of any municipal corporation, or with 10828  
or without the cooperation of boards of county commissioners upon 10829  
each municipal corporation consenting thereto. 10830

**Sec. 5501.73.** (A) After selecting a solicited or unsolicited 10831  
proposal for a public-private initiative, the department of 10832  
transportation shall enter into a public-private agreement for a 10833  
transportation facility with the selected private entity or any 10834  
configuration of private entities. An affected jurisdiction may be 10835  
a party to a public-private agreement entered into by the 10836  
department and a selected private entity or combination of private 10837  
entities. 10838

(B) A public-private agreement under this section shall 10839  
provide for all of the following: 10840

(1) Planning, acquisition, financing, development, design,	10841
construction, reconstruction, replacement, improvement,	10842
maintenance, management, repair, leasing, or operation of a	10843
transportation facility;	10844
(2) Term of the public-private agreement;	10845
(3) Type of property interest, if any, the private entity	10846
will have in the transportation facility;	10847
(4) A specific plan to ensure proper maintenance of the	10848
transportation facility throughout the term of the agreement and a	10849
return of the facility to the department, if applicable, in good	10850
condition and repair;	10851
(5) Whether user fees will be collected on the transportation	10852
facility and the basis by which such user fees shall be determined	10853
and modified;	10854
(6) Compliance with applicable federal, state, and local	10855
laws;	10856
(7) Grounds for termination of the public-private agreement	10857
by the department or operator;	10858
(8) Disposition of the facility upon completion of the	10859
agreement;	10860
(9) Procedures for amendment of the agreement.	10861
(C) A public-private agreement under this section may provide	10862
for any of the following:	10863
(1) Review and approval by the department of the operator's	10864
plans for the development and operation of the transportation	10865
facility;	10866
(2) Inspection by the department of construction of or	10867
improvements to the transportation facility;	10868
(3) Maintenance by the operator of a policy of liability	10869

insurance or self-insurance;	10870
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	10871 10872 10873
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	10874 10875
(6) Financing obligations of the operator and the department;	10876
(7) Apportionment of expenses between the operator and the department;	10877 10878
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	10879 10880 10881
(9) Rights and remedies available in the event of default or delay;	10882 10883
(10) Terms and conditions of indemnification of the operator by the department;	10884 10885
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	10886 10887 10888 10889
(12) Sale or lease to the operator of private property related to the transportation facility;	10890 10891
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	10892 10893
<u>(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties</u>	10894 10895 10896 10897 10898 10899



do not agree to proceed to a binding dispute resolution, a party 10900  
having a claim against the department shall exhaust its 10901  
administrative remedies specified in the public-private agreement 10902  
prior to filing any action against the department in the court of 10903  
claims. 10904

No appeal from the determination of a technical expert lies 10905  
to any court, except that the court of common pleas of Franklin 10906  
County may issue an order vacating such a determination upon the 10907  
application of any party to the binding dispute resolution if any 10908  
of the following applies: 10909

(a) The determination was procured by corruption, fraud, or 10910  
undue means. 10911

(b) There was evidence of partiality or corruption on the 10912  
part of the technical expert. 10913

(c) The technical expert was guilty of misconduct in refusing 10914  
to postpone the hearing, upon sufficient cause shown, or in 10915  
refusing to hear evidence pertinent and material to the 10916  
controversy, or of any other misbehavior by which the rights of 10917  
any party have been prejudiced. 10918

(2) As used in this division, "binding dispute resolution" 10919  
means a binding determination after review by a technical expert 10920  
of all relevant items, which may include documents, and by 10921  
interviewing appropriate personnel and visiting the project site 10922  
involved in the controversy. "Binding dispute resolution" does not 10923  
involve representation by legal counsel or advocacy by any person 10924  
on behalf of any party to the controversy. 10925

(E) No public-private agreement entered into under this 10926  
section shall be construed to transfer to a private entity the 10927  
director's authority to appropriate property under Chapters 163., 10928  
5501., and 5519. of the Revised Code. 10929

Sec. 5501.77. (A) For the purposes of carrying out sections 10930  
5501.70 to 5501.83 of the Revised Code, the department of 10931  
transportation may do all of the following: 10932

(1) Accept, subject to applicable terms and conditions, 10933  
available funds from the United States or any of its agencies, 10934  
whether the funds are made available by grant, loan, or other 10935  
financial assistance; 10936

(2) Enter into agreements or other arrangements with the 10937  
United States or any of its agencies as may be necessary; 10938

(3) For the purpose of completing a transportation facility 10939  
under an agreement, accept from any source any grant, donation, 10940  
gift, or other form of conveyance of land, money, other real or 10941  
personal property, or other item of value made to the state or the 10942  
department. 10943

(B) Any transportation facility may be financed in whole or 10944  
in part by contribution of any funds or property made by any 10945  
private entity or affected jurisdiction that is party to a 10946  
public-private agreement under sections 5501.70 to 5501.83 of the 10947  
Revised Code. 10948

(C) The department may use federal, state, local, and private 10949  
funds to finance a transportation facility under sections 5501.70 10950  
to 5501.83 of the Revised Code and shall comply with any 10951  
requirements and restrictions governing the use of the funds, 10952  
including maintaining the funds separately when necessary. 10953

(D) The director of transportation, in accordance with 10954  
Chapter 119. of the Revised Code, may adopt such rules as the 10955  
director considers advisable for the control and regulation of 10956  
traffic on any transportation facility subject to a public-private 10957  
agreement, for the protection and preservation of the 10958  
transportation facility, for the maintenance and preservation of 10959

good order within the transportation facility, and for the purpose 10960  
of establishing vehicle owner or operator liability for avoidance 10961  
of user fees. The rules shall provide that public police officers 10962  
shall be afforded ready access, while in the performance of their 10963  
official duties, to the transportation facility without the 10964  
payment of user fees. 10965

(1) No person shall violate any rules of the department of 10966  
transportation adopted under this division. 10967

(2)(a) All fines collected for the violation of applicable 10968  
laws of the state and the rules of the department of 10969  
transportation or money arising from bonds forfeited for such 10970  
violation shall be disposed of in accordance with section 5503.04 10971  
of the Revised Code. 10972

(b) All fees or charges assessed by the department of 10973  
transportation or a public-private operator in accordance with 10974  
this section against an owner or operator of a vehicle as a civil 10975  
violation for failure to comply with toll collection rules shall 10976  
be revenues of the department or public-private operator as set 10977  
forth in the public-private agreement. 10978

(E)(1) Except as provided in division (E)(2) of this section, 10979  
whoever violates division (D)(1) of this section is guilty of a 10980  
minor misdemeanor on a first offense; on each subsequent offense 10981  
such person is guilty of a misdemeanor of the fourth degree. 10982

(2) Whoever violates division (D)(1) of this section when the 10983  
violation is a civil violation for failure to comply with toll 10984  
collection rules is subject to a fee or charge established by the 10985  
department by rule. 10986

**Sec. 5502.01.** (A) The department of public safety shall 10987  
administer and enforce the laws relating to the registration, 10988  
licensing, sale, and operation of motor vehicles and the laws 10989

pertaining to the licensing of drivers of motor vehicles. 10990

The department shall compile, analyze, and publish statistics 10991  
relative to motor vehicle accidents and the causes of them, 10992  
prepare and conduct educational programs for the purpose of 10993  
promoting safety in the operation of motor vehicles on the 10994  
highways, and conduct research and studies for the purpose of 10995  
promoting safety on the highways of this state. 10996

(B) The department shall administer the laws and rules 10997  
relative to trauma and emergency medical services specified in 10998  
Chapter 4765. of the Revised Code and any laws and rules relative 10999  
to medical transportation services specified in Chapter 4766. of 11000  
the Revised Code. 11001

(C) The department shall administer and enforce the laws 11002  
contained in Chapters 4301. and 4303. of the Revised Code and 11003  
enforce the rules and orders of the liquor control commission 11004  
pertaining to retail liquor permit holders. 11005

(D) The department shall administer the laws governing the 11006  
state emergency management agency and shall enforce all additional 11007  
duties and responsibilities as prescribed in the Revised Code 11008  
related to emergency management services. 11009

(E) The department shall conduct investigations pursuant to 11010  
Chapter 5101. of the Revised Code in support of the duty of the 11011  
department of job and family services to administer the 11012  
supplemental nutrition assistance program throughout this state. 11013  
The department of public safety shall conduct investigations 11014  
necessary to protect the state's property rights and interests in 11015  
the supplemental nutrition assistance program. 11016

(F) The department of public safety shall enforce compliance 11017  
with orders and rules of the public utilities commission and 11018  
applicable laws in accordance with Chapters 4905., 4921., and 11019  
4923. of the Revised Code regarding commercial motor vehicle 11020

transportation safety, economic, and hazardous materials 11021  
requirements. 11022

(G) Notwithstanding Chapter 4117. of the Revised Code, the 11023  
department of public safety may establish requirements for its 11024  
enforcement personnel, including its enforcement agents described 11025  
in section 5502.14 of the Revised Code, that include standards of 11026  
conduct, work rules and procedures, and criteria for eligibility 11027  
as law enforcement personnel. 11028

(H) The department shall administer, maintain, and operate 11029  
the Ohio criminal justice network. The Ohio criminal justice 11030  
network shall be a computer network that supports state and local 11031  
criminal justice activities. The network shall be an electronic 11032  
repository for various data, which may include arrest warrants, 11033  
notices of persons wanted by law enforcement agencies, criminal 11034  
records, prison inmate records, stolen vehicle records, vehicle 11035  
operator's licenses, and vehicle registrations and titles. 11036

(I) The department shall coordinate all homeland security 11037  
activities of all state agencies and shall be a liaison between 11038  
state agencies and local entities for those activities and related 11039  
purposes. 11040

(J) Beginning July 1, 2004, the department shall administer 11041  
and enforce the laws relative to private investigators and 11042  
security service providers specified in Chapter 4749. of the 11043  
Revised Code. 11044

(K) The department shall administer criminal justice services 11045  
in accordance with sections 5502.61 to 5502.66 of the Revised 11046  
Code. 11047

**Sec. 5503.01.** There is hereby created in the department of 11048  
public safety a division of state highway patrol which shall be 11049  
administered by a superintendent of the state highway patrol. 11050

The superintendent shall be appointed by the director of public safety, and shall serve at the director's pleasure. The superintendent shall hold the rank of colonel and be appointed from within the eligible ranks of the patrol. The superintendent shall give bond for the faithful performance of the superintendent's official duties in such amount and with such security as the director approves.

The superintendent, with the approval of the director, may appoint any number of state highway patrol troopers and radio operators as are necessary to carry out sections 5503.01 to 5503.06 of the Revised Code, but the number of troopers shall not be less than eight hundred eighty. The number of radio operators shall not exceed eighty in number. Except as provided in this section, at the time of appointment, troopers shall be not less than twenty-one years of age, nor have reached thirty-five years of age. A person who is attending a training school for prospective state highway patrol troopers established under section 5503.05 of the Revised Code and attains the age of thirty-five years during the person's period of attendance at that training school shall not be disqualified as over age and shall be permitted to continue to attend the training school as long as the person otherwise is eligible to do so. Such a person also remains eligible to be appointed a trooper. Any other person who attains or will attain the age of thirty-five years prior to the time of appointment shall be disqualified as over age.

At the time of appointment, troopers shall have been legal residents of Ohio for at least one year, except that this residence requirement may be waived by the superintendent.

If any state highway patrol troopers become disabled through accident or illness, the superintendent, with the approval of the director, shall fill any vacancies through the appointment of other troopers from a qualified list to serve during the period of

the disability. 11083

The superintendent and state highway patrol troopers shall be 11084  
vested with the authority of peace officers for the purpose of 11085  
enforcing the laws of the state that it is the duty of the patrol 11086  
to enforce and may arrest, without warrant, any person who, in the 11087  
presence of the superintendent or any trooper, is engaged in the 11088  
violation of any such laws. The state highway patrol troopers 11089  
shall never be used as peace officers in connection with any 11090  
strike or labor dispute. 11091

Each state highway patrol trooper and radio operator, upon 11092  
appointment and before entering upon official duties, shall take 11093  
an oath of office for faithful performance of the trooper's or 11094  
radio operator's official duties and execute a bond in the sum of 11095  
twenty-five hundred dollars, payable to the state and for the use 11096  
and benefit of any aggrieved party who may have a cause of action 11097  
against any trooper or radio operator for misconduct while in the 11098  
performance of official duties. In no event shall the bond include 11099  
any claim arising out of negligent operation of a motorcycle or 11100  
motor vehicle used by a trooper or radio operator in the 11101  
performance of official duties. 11102

The superintendent shall prescribe a distinguishing uniform 11103  
and badge which shall be worn by each state highway patrol trooper 11104  
and radio operator while on duty, unless otherwise designated by 11105  
the superintendent. No person shall wear the distinguishing 11106  
uniform of the state highway patrol or the badge or any 11107  
distinctive part of that uniform, except on order of the 11108  
superintendent. 11109

The superintendent, with the approval of the director, may 11110  
appoint necessary clerks, stenographers, and employees. 11111

**Sec. 5503.03.** The state highway patrol and the superintendent 11112  
of the state highway patrol shall be furnished by the state with 11113

such vehicles, equipment, and supplies as the director of public 11114  
safety deems necessary, all of which shall remain the property of 11115  
the state and be strictly accounted for by each member of the 11116  
patrol. 11117

The patrol may be equipped with standardized and tested 11118  
devices for weighing vehicles, and may stop and weigh any vehicle 11119  
which appears to weigh in excess of the amounts permitted by 11120  
sections 5577.01 to 5577.14 of the Revised Code. 11121

The superintendent, with the approval of the director, shall 11122  
prescribe rules for instruction and discipline, make all 11123  
administrative rules, and fix the hours of duty for patrol 11124  
officers. ~~He~~ The superintendent shall divide the state into 11125  
districts and assign members of the patrol to such districts in a 11126  
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 11127  
superintendent may transfer members of the patrol from one 11128  
district to another, ~~and classify~~ and rank members of the patrol. 11129  
All ranks below the level of superintendent shall be classified. 11130  
All promotions to a higher grade shall be made from the next lower 11131  
grade. When a patrol officer is promoted by the superintendent, 11132  
the officer's salary shall be increased to that of the lowest step 11133  
in the pay range for the new grade which shall increase the 11134  
officer's salary or wage by at least nine per cent of the base pay 11135  
wherever possible. 11136

**Sec. 5503.04.** Forty-five per cent of the fines collected from 11137  
or moneys arising from bail forfeited by persons apprehended or 11138  
arrested by state highway patrol troopers shall be paid into the 11139  
state treasury to be credited to the general revenue fund, five 11140  
per cent shall be paid into the state treasury to be credited to 11141  
the trauma and emergency medical services fund created by section 11142  
4513.263 of the Revised Code, and fifty per cent shall be paid 11143  
into the treasury of the municipal corporation where the case is 11144



prosecuted, if in a mayor's court. If the prosecution is in a 11145  
trial court outside a municipal corporation, or outside the 11146  
territorial jurisdiction of a municipal court, the fifty per cent 11147  
of the fines and moneys that is not paid into the state treasury 11148  
shall be paid into the treasury of the county where the case is 11149  
prosecuted. The fines and moneys paid into a county treasury and 11150  
the fines and moneys paid into the treasury of a municipal 11151  
corporation shall be deposited one-half to the same fund and 11152  
expended in the same manner as is the revenue received from the 11153  
registration of motor vehicles, and one-half to the general fund 11154  
of such county or municipal corporation. 11155

If the prosecution is in a municipal court, forty-five per 11156  
cent of the fines and moneys shall be paid into the state treasury 11157  
to be credited to the general revenue fund, five per cent shall be 11158  
paid into the state treasury to be credited to the trauma and 11159  
emergency medical services ~~grants~~ fund created by division (E) of 11160  
section 4513.263 of the Revised Code, ten per cent shall be paid 11161  
into the county treasury to be credited to the general fund of the 11162  
county, and forty per cent shall be paid into the municipal 11163  
treasury to be credited to the general fund of the municipal 11164  
corporation. In the Auglaize county, Clermont county, Crawford 11165  
county, Hocking county, Jackson county, Lawrence county, Madison 11166  
county, Miami county, Ottawa county, Portage county, and Wayne 11167  
county municipal courts, that portion of money otherwise paid into 11168  
the municipal treasury shall be paid into the county treasury. 11169

The trial court shall make remittance of the fines and moneys 11170  
as prescribed in this section, and at the same time as the 11171  
remittance is made of the state's portion to the state treasury, 11172  
the trial court shall notify the superintendent of the state 11173  
highway patrol of the case and the amount covered by the 11174  
remittance. 11175

This section does not apply to fines for violations of 11176

division (B) of section 4513.263 of the Revised Code, or for 11177  
violations of any municipal ordinance that is substantively 11178  
comparable to that division, all of which shall be delivered to 11179  
the treasurer of state as provided in division (E) of section 11180  
4513.263 of the Revised Code. 11181

**Sec. 5503.31.** The state highway patrol shall have the same 11182  
authority as is conferred upon it by section 5503.02 of the 11183  
Revised Code with respect to the enforcement of state laws on 11184  
other roads and highways and on other state properties, to enforce 11185  
on all turnpike projects the laws of the state and the bylaws, 11186  
rules, and regulations of the Ohio turnpike and infrastructure 11187  
commission. The patrol, the superintendent of the patrol, and all 11188  
state highway patrol troopers shall have the same authority to 11189  
make arrests on all turnpike projects for violations of state laws 11190  
and of bylaws, rules, and regulations of the Ohio turnpike and 11191  
infrastructure commission as is conferred upon them by section 11192  
5503.02 of the Revised Code to make arrests on, and in connection 11193  
with offenses committed on, other roads and highways and on other 11194  
state properties. 11195

**Sec. 5503.32.** The director of public safety may from time to 11196  
time enter into contracts with the Ohio turnpike and 11197  
infrastructure commission with respect to the policing of turnpike 11198  
projects by the state highway patrol. The contracts shall provide 11199  
for the reimbursement of the state by the commission for the costs 11200  
incurred by the patrol in policing turnpike projects, including, 11201  
but not limited to, the salaries of employees of the patrol 11202  
assigned to the policing, the current costs of funding retirement 11203  
pensions for the employees of the patrol and of providing workers' 11204  
compensation for them, the cost of training state highway patrol 11205  
troopers and radio operators assigned to turnpike projects, and 11206  
the cost of equipment and supplies used by the patrol in such 11207

policing, and of housing for such troopers and radio operators, to 11208  
the extent that the equipment, supplies, and housing are not 11209  
directly furnished by the commission. Each contract may provide 11210  
for the ascertainment of such costs, and shall be of any duration, 11211  
not in excess of five years, and may contain any other terms, that 11212  
the director and the commission may agree upon. The patrol shall 11213  
not be obligated to furnish policing services on any turnpike 11214  
project beyond the extent required by the contract. All payments 11215  
pursuant to any contract in reimbursement of the costs of the 11216  
policing shall be deposited in the state treasury to the credit of 11217  
the turnpike policing fund, which is hereby created. All 11218  
investment earnings of the fund shall be credited to the fund. 11219

**Sec. 5513.01.** (A) All purchases of machinery, materials, 11220  
supplies, or other articles that the director of transportation 11221  
makes shall be in the manner provided in this section. In all 11222  
cases except those in which the director provides written 11223  
authorization for purchases by district deputy directors of 11224  
transportation, all such purchases shall be made at the central 11225  
office of the department of transportation in Columbus. Before 11226  
making any purchase at that office, the director, as provided in 11227  
this section, shall give notice to bidders of the director's 11228  
intention to purchase. Where the expenditure does not exceed the 11229  
amount applicable to the purchase of supplies specified in 11230  
division (B) of section 125.05 of the Revised Code, as adjusted 11231  
pursuant to division (D) of that section, the director shall give 11232  
such notice as the director considers proper, or the director may 11233  
make the purchase without notice. Where the expenditure exceeds 11234  
the amount applicable to the purchase of supplies specified in 11235  
division (B) of section 125.05 of the Revised Code, as adjusted 11236  
pursuant to division (D) of that section, the director shall give 11237  
notice by posting for not less than ten days a written, typed, or 11238  
printed invitation to bidders on a bulletin board, which shall be 11239

located in a place in the offices assigned to the department and 11240  
open to the public during business hours. Producers or 11241  
distributors of any product may notify the director, in writing, 11242  
of the class of articles for the furnishing of which they desire 11243  
to bid and their post-office addresses, in which case copies of 11244  
all invitations to bidders relating to the purchase of such 11245  
articles shall be mailed to such persons by the director by 11246  
regular first class mail at least ten days prior to the time fixed 11247  
for taking bids. The director also may mail copies of all 11248  
invitations to bidders to news agencies or other agencies or 11249  
organizations distributing information of this character. Requests 11250  
for invitations shall not be valid nor require action by the 11251  
director unless renewed, either annually or after such shorter 11252  
period as the director may prescribe by a general rule. The 11253  
invitation to bidders shall contain a brief statement of the 11254  
general character of the article that it is intended to purchase, 11255  
the approximate quantity desired, and a statement of the time and 11256  
place where bids will be received, and may relate to and describe 11257  
as many different articles as the director thinks proper, it being 11258  
the intent and purpose of this section to authorize the inclusion 11259  
in a single invitation of as many different articles as the 11260  
director desires to invite bids upon at any given time. 11261  
Invitations issued during each calendar year shall be given 11262  
consecutive numbers, and the number assigned to each invitation 11263  
shall appear on all copies thereof. In all cases where notice is 11264  
required by this section, sealed bids shall be taken, on forms 11265  
prescribed and furnished by the director, and modification of bids 11266  
after they have been opened shall not be permitted. 11267

(B) The director may permit the Ohio turnpike and 11268  
infrastructure commission, any political subdivision, and any 11269  
state university or college to participate in contracts into which 11270  
the director has entered for the purchase of machinery, materials, 11271  
supplies, or other articles. The turnpike and infrastructure 11272

commission and any political subdivision or state university or 11273  
college desiring to participate in such purchase contracts shall 11274  
file with the director a certified copy of the bylaws or rules of 11275  
the turnpike and infrastructure commission or the ordinance or 11276  
resolution of the legislative authority, board of trustees, or 11277  
other governing board requesting authorization to participate in 11278  
such contracts and agreeing to be bound by such terms and 11279  
conditions as the director prescribes. Purchases made by the 11280  
turnpike and infrastructure commission, political subdivisions, or 11281  
state universities or colleges under this division are exempt from 11282  
any competitive bidding required by law for the purchase of 11283  
machinery, materials, supplies, or other articles. 11284

(C) As used in this section: 11285

(1) "Political subdivision" means any county, township, 11286  
municipal corporation, conservancy district, township park 11287  
district, park district created under Chapter 1545. of the Revised 11288  
Code, port authority, regional transit authority, regional airport 11289  
authority, regional water and sewer district, county transit 11290  
board, or school district as defined in section 5513.04 of the 11291  
Revised Code. 11292

(2) "State university or college" has the same meaning as in 11293  
division (A)(1) of section 3345.32 of the Revised Code. 11294

(3) "Ohio turnpike and infrastructure commission" means the 11295  
commission created by section 5537.02 of the Revised Code. 11296

**Sec. 5517.02.** (A) Before undertaking the construction, 11297  
reconstruction by widening or resurfacing, or improvement of a 11298  
state highway, or a bridge or culvert thereon, or the installation 11299  
of a traffic control signal on a state highway, the director of 11300  
transportation, except as provided in section 5517.021 of the 11301  
Revised Code, shall make an estimate of the cost of the work using 11302  
the force account project assessment form developed by the auditor 11303

of state under section 117.16 of the Revised Code. ~~In~~ 11304  
~~constructing, or reconstructing by widening or resurfacing,~~ 11305  
~~improving, maintaining, and repairing state highways, and the~~ 11306  
~~bridges and culverts thereon, and in installing, maintaining, and~~ 11307  
~~repairing traffic control signals on state highways, the director,~~ 11308  
~~except as provided in division (B) of this section, shall proceed~~ 11309  
~~by contract let to the lowest competent and responsible bidder,~~ 11310  
~~after advertisement as provided in section 5525.01 of the Revised~~ 11311  
Code When a force account project assessment form is required, the 11312  
estimate shall include costs for subcontracted work and any 11313  
competitively bid component costs. 11314

(B)(1) ~~Where the work contemplated is the construction of a~~ 11315  
~~bridge or culvert, or the installation of a traffic control~~ 11316  
~~signal, estimated to cost not more than fifty thousand dollars,~~ 11317  
~~the director may proceed by employing labor, purchasing materials,~~ 11318  
~~and furnishing equipment.~~ 11319

~~(2) The~~ After complying with division (A) of this section, 11320  
the director may also proceed without competitive bidding with 11321  
maintenance or repair work by employing labor, purchasing 11322  
materials, and furnishing equipment, provided if the total 11323  
estimated cost of the completed operation, or series of connected 11324  
operations, does not exceed ~~twenty-five~~ the following, as adjusted 11325  
under division (B)(2) of this section: 11326

(a) Thirty thousand dollars per centerline mile of highway, 11327  
exclusive of structures and traffic control signals, ~~or fifty;~~ 11328

(b) Sixty thousand dollars for any single structure or 11329  
traffic control signal or any other single project. 11330

~~(3)(2)~~ On the first day of July of every odd-numbered year 11331  
beginning in 2015, the director shall increase the amounts 11332  
established in division (B)(1) of this section by an amount not to 11333  
exceed the lesser of three per cent, or the percentage amount of 11334

any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director shall publish the applicable amounts on the department's internet web site. 11335  
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(C) The director may proceed by furnishing equipment, purchasing materials, and employing labor in the erection of temporary bridges or the making of temporary repairs to a highway or bridge rendered necessary by flood, landslide, or other extraordinary emergency. If the director determines inability to complete such emergency work by force account, the director may contract for any part of the work, with or without advertising for bids, as the director considers for the best interest of the department of transportation. 11339  
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(D) When a project proceeds by force account under this section or section 5517.021 of the Revised Code, the department of transportation shall perform the work in compliance with any project requirements and specifications that would have applied if a contract for the work had been let by competitive bidding. The department shall retain in the project record all records documenting materials testing compliance, materials placement compliance, actual personnel and equipment hours usage, and all other documentation that would have been required if a contract for the work had been let by competitive bidding. 11348  
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(E) The director shall proceed by competitive bidding to let work to the lowest competent and responsible bidder after advertisement as provided in section 5525.01 of the Revised Code in both of the following situations: 11358  
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(1) When the scope of work exceeds the limits established in section 5517.021 of the Revised Code; 11362  
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(2) When the estimated cost for a project, other than work described in section 5517.021 of the Revised Code, exceeds the 11364  
11365

amounts established in division (B) of this section, as adjusted. 11366

Sec. 5517.021. (A)(1) The director of transportation may 11367  
proceed without competitive bidding by employing labor, purchasing 11368  
materials, and furnishing equipment to do any of the following 11369  
work: 11370

(a) Replace any single span bridge in its substantial 11371  
entirety or widen any single span bridge, including necessary 11372  
modifications to accommodate widening the existing substructure 11373  
and wing walls. The director shall proceed under division 11374  
(A)(1)(a) of this section only if the deck area of the new or 11375  
widened bridge does not exceed seven hundred square feet as 11376  
measured around the outside perimeter of the deck. 11377

(b) Replace the bearings, beams, and deck of any bridge on 11378  
that bridge's existing foundation if the deck area of the 11379  
rehabilitated structure does not exceed eight hundred square feet; 11380

(c) Construct or replace any single cell or multi-cell 11381  
culvert whose total waterway opening does not exceed fifty-two 11382  
square feet; 11383

(d) Pave or patch an asphalt surface if the operation does 11384  
not exceed one hundred twenty tons of asphalt per lane-mile of 11385  
roadway length, except that the department shall not perform a 11386  
continuous resurfacing operation under this section if the cost of 11387  
the work exceeds the amount established in division (B)(1)(a) of 11388  
section 5517.02 of the Revised Code, as adjusted. 11389

(2) Work performed in accordance with division (A)(1) of this 11390  
section may include approach roadway work, extending not more than 11391  
one hundred fifty feet as measured from the back side of the 11392  
bridge abutment wall or outside edge of the culvert, as 11393  
applicable. The length of an approach guardrail shall be in 11394  
accordance with department of transportation design requirements 11395



and shall not be included in the approach work size limitation. 11396

(B) The requirements of section 117.16 of the Revised Code 11397  
shall not apply to work described in division (A) of this section 11398  
and the work shall be exempt from audit for force account purposes 11399  
except to determine compliance with the applicable size or tonnage 11400  
restrictions. 11401

**Sec. 5525.01.** Before entering into a contract, the director 11402  
of transportation shall advertise for bids for two consecutive 11403  
weeks in one newspaper of general circulation published in the 11404  
county in which the improvement or part thereof is located, but if 11405  
there is no such newspaper then in one newspaper having general 11406  
circulation in an adjacent county. In the alternative, the 11407  
director may advertise for bids as provided in section 7.16 of the 11408  
Revised Code. The director may advertise for bids in such other 11409  
publications as the director considers advisable. Such notices 11410  
shall state that plans and specifications for the improvement are 11411  
on file in the office of the director and the district deputy 11412  
director of the district in which the improvement or part thereof 11413  
is located and the time within which bids therefor will be 11414  
received. 11415

Each bidder shall be required to file with the bidder's bid a 11416  
bid guaranty in the form of a certified check, a cashier's check, 11417  
or an electronic funds transfer to the treasurer of state that is 11418  
evidenced by a receipt or by a certification to the director of 11419  
transportation in a form prescribed by the director that an 11420  
electronic funds transfer has been made to the treasurer of state, 11421  
for an amount equal to five per cent of the bidder's bid, but in 11422  
no event more than fifty thousand dollars, or a bid bond for ten 11423  
per cent of the bidder's bid, payable to the director, which 11424  
check, transferred sum, or bond shall be forthwith returned to the 11425  
bidder in case the contract is awarded to another bidder, or, in 11426

case of a successful bidder, when the bidder has entered into a contract and furnished the bonds required by section 5525.16 of the Revised Code. In the event the contract is awarded to a bidder, and the bidder fails or refuses to furnish the bonds as required by section 5525.16 of the Revised Code, the check, transferred sum, or bid bond filed with the bidder's bid shall be forfeited as liquidated damages. No bidder shall be required either to file a signed contract with the bidder's bid, to enter into a contract, or to furnish the contract performance bond and the payment bond required by that section until the bids have been opened and the bidder has been notified by the director that the bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's bid from consideration, without forfeiture of the check, transferred sum, or bid bond filed with the bid, providing a written request together with a sworn statement of the grounds for such withdrawal is delivered within forty-eight hours after the time established for the receipt of bids, and if the price bid was substantially lower than the other bids, providing the bid was submitted in good faith, and the reason for the price bid being substantially lower was a clerical mistake evident on the face of the bid, as opposed to a judgment mistake, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, or material made directly in the compilation of the bid. In the event the director decides the conditions for withdrawal have not been met, the director may award the contract to such bidder. If such bidder does not then enter into a contract and furnish the contract bond as required by law, the director may declare forfeited the check, transferred sum, or bid bond as liquidated damages and award the contract to the next higher bidder or reject the remaining bids and readvertise the project for bids. Such bidder ~~may~~, within thirty days, may appeal the decision of the

director to the court of common pleas of Franklin county and the 11460  
court may affirm or reverse the decision of the director and may 11461  
order the director to refund the amount of the forfeiture. At the 11462  
hearing before the common pleas court evidence may be introduced 11463  
for and against the decision of the director. The decision of the 11464  
common pleas court may be appealed as in other cases. 11465

There is hereby created the ODOT letting fund, which shall be 11466  
in the custody of the treasurer of state but shall not be part of 11467  
the state treasury. All certified checks and cashiers' checks 11468  
received with bidders' bids, and all sums transferred to the 11469  
treasurer of state by electronic funds transfer in connection with 11470  
bidders' bids, under this section shall be credited to the fund. 11471  
All such bid guaranties shall be held in the fund until a 11472  
determination is made as to the final disposition of the money. If 11473  
the department determines that any such bid guaranty is no longer 11474  
required to be held, the amount of the bid guaranty shall be 11475  
returned to the appropriate bidder. If the department determines 11476  
that a bid guaranty under this section shall be forfeited, the 11477  
amount of the bid guaranty shall be transferred or, in the case of 11478  
money paid on a forfeited bond, deposited into the state treasury, 11479  
to the credit of the highway operating fund. Any investment 11480  
earnings of the ODOT letting fund shall be distributed as the 11481  
treasurer of state considers appropriate. 11482

The director shall require all bidders to furnish the 11483  
director, upon such forms as the director may prescribe, detailed 11484  
information with respect to all pending work of the bidder, 11485  
whether with the department of transportation or otherwise, 11486  
together with such other information as the director considers 11487  
necessary. 11488

In the event a bidder fails to submit anything required to be 11489  
submitted with the bid and then fails or refuses to so submit such 11490  
at the request of the director, the failure or refusal constitutes 11491

grounds for the director, in the director's discretion, to declare 11492  
as forfeited the bid guaranty submitted with the bid. 11493

The director may reject any or all bids. Except in regard to 11494  
contracts for environmental remediation and specialty work for 11495  
which there are no classes of work set out in the rules adopted by 11496  
the director, if the director awards the contract, the director 11497  
shall award it to the lowest competent and responsible bidder as 11498  
defined by rules adopted by the director under section 5525.05 of 11499  
the Revised Code, who is qualified to bid under sections 5525.02 11500  
to 5525.09 of the Revised Code. In regard to contracts for 11501  
environmental remediation and specialty work for which there are 11502  
no classes of work set out in the rules adopted by the director, 11503  
the director shall competitively bid the projects in accordance 11504  
with this chapter and shall award the contracts to the lowest and 11505  
best bidder. 11506

The award for all projects competitively let by the director 11507  
under this section shall be made within ten days after the date on 11508  
which the bids are opened, and the successful bidder shall enter 11509  
into a contract and furnish a contract performance bond and a 11510  
payment bond, as provided for in section 5525.16 of the Revised 11511  
Code, within ten days after the bidder is notified that the bidder 11512  
has been awarded the contract. 11513

The director may insert in any contract awarded under this 11514  
chapter a clause providing for value engineering change proposals, 11515  
under which a contractor who has been awarded a contract may 11516  
propose a change in the plans and specifications of the project 11517  
that saves the department time or money on the project without 11518  
impairing any of the essential functions and characteristics of 11519  
the project such as service life, reliability, economy of 11520  
operation, ease of maintenance, safety, and necessary standardized 11521  
features. If the director adopts the value engineering proposal, 11522  
the savings from the proposal shall be divided between the 11523

department and the contractor according to guidelines established 11524  
by the director, provided that the contractor shall receive at 11525  
least fifty per cent of the savings from the proposal. The 11526  
adoption of a value engineering proposal does not invalidate the 11527  
award of the contract or require the director to rebid the 11528  
project. 11529

**Sec. 5525.16.** (A) Before entering into a contract, the 11530  
director of transportation shall require a contract performance 11531  
bond and a payment bond with sufficient sureties, as follows: 11532

(1) A contract performance bond in an amount equal to one 11533  
hundred per cent of the ~~estimated cost of the work~~ contract 11534  
amount, conditioned, among other things, that the contractor will 11535  
perform the work upon the terms proposed, within the time 11536  
prescribed, and in accordance with the plans and specifications, 11537  
will indemnify the state against any damage that may result from 11538  
any failure of the contractor to so perform, and, further, in case 11539  
of a grade separation will indemnify any railroad company involved 11540  
against any damage that may result by reason of the negligence of 11541  
the contractor in making the improvement. 11542

(2) A payment bond in an amount equal to one hundred per cent 11543  
of the ~~estimated cost of the work~~ contract amount, conditioned for 11544  
the payment by the contractor and all subcontractors for labor or 11545  
work performed or materials furnished in connection with the work, 11546  
improvement, or project involved. 11547

(B) In no case is the state liable for damages sustained in 11548  
the construction of any work, improvement, or project under this 11549  
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 11550  
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 11551  
5535. of the Revised Code. 11552

This section does not require the director to take bonds as 11553  
described in division (A) of this section in connection with any 11554

force account work, but the director may require those bonds in 11555  
connection with force account work. 11556

If any bonds taken under this section are executed by a 11557  
surety company, the director may not approve such bonds unless 11558  
there is attached a certificate of the superintendent of insurance 11559  
that the company is authorized to transact business in this state, 11560  
and a copy of the power of attorney of the agent of the company. 11561  
The superintendent, upon request, shall issue to any licensed 11562  
agent of such company the certificate without charge. 11563

The bonds required to be taken under this section shall be 11564  
executed by the same surety, approved by the director as to 11565  
sufficiency of the sureties, and be in the form prescribed by the 11566  
attorney general. 11567

(C) Any person to whom any money is due for labor or work 11568  
performed or materials furnished in connection with a work, 11569  
improvement, or project, at any time after performing the labor or 11570  
furnishing the materials but not later than ninety days after the 11571  
acceptance of the work, improvement, or project by the director, 11572  
may furnish to the sureties on the payment bond a statement of the 11573  
amount due the person. If the indebtedness is not paid in full at 11574  
the expiration of sixty days after the statement is furnished, the 11575  
person may commence an action in the person's own name upon the 11576  
bond as provided in sections 2307.06 and 2307.07 of the Revised 11577  
Code. 11578

An action shall not be commenced against the sureties on a 11579  
payment bond until sixty days after the furnishing of the 11580  
statement described in this section or, notwithstanding section 11581  
2305.12 of the Revised Code, later than one year after the date of 11582  
the acceptance of the work, improvement, or project. 11583

(D) As used in this section, "improvement," "subcontractor," 11584  
"material supplier," and "materials" have the same meanings as in 11585

section 1311.01 of the Revised Code, and "contractor" has the same 11586  
meaning as "original contractor" as defined in that section. 11587

**Sec. 5526.01.** As used in this chapter: 11588

(A) "Firm" means any person or limited liability company that 11589  
is legally engaged in rendering professional services. 11590

(B) "Federal Water Pollution Control Act" has the same 11591  
meaning as in section 6111.01 of the Revised Code. 11592

(C) "Professional services" means any of the following: 11593

(1) The practice of engineering as defined in section 4733.01 11594  
of the Revised Code; 11595

(2) The practice of surveying as defined in section 4733.01 11596  
of the Revised Code; 11597

(3) The practice of landscape architecture as defined in 11598  
section 4703.30 of the Revised Code; 11599

(4) The evaluation of environmental impacts performed in 11600  
accordance with the "National Environmental Policy Act of 1969," 11601  
83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water 11602  
Pollution Control Act, or any other applicable law or regulation; 11603

(5) Right-of-way acquisition services such as right-of-way 11604  
project management, title searches, property valuations, 11605  
appraisals, appraisal reviews, negotiations, relocation services, 11606  
appropriation activities, real estate closings, and property 11607  
management activities that are performed for the purpose of 11608  
properly acquiring private and public property rights in 11609  
conjunction with public highway projects and that conform to 11610  
Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to 11611  
5501:2-5-06 of the Ohio Administrative Code; the "Uniform 11612  
Relocation Assistance and Real Property Acquisition Policies Act 11613  
of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the 11614  
"Surface Transportation and Uniform Relocation Assistance Act of 11615

1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions 11616  
of Titles 23 and 49 of the Code of Federal Regulations; and any 11617  
applicable policies and procedures established by the department 11618  
of transportation; 11619

(6) Services related to the department's administration of 11620  
construction contract claims, including, but not limited to, the 11621  
analysis of claims, assistance in negotiations, and assistance 11622  
during litigation; 11623

(7) Architectural services related to bridges; 11624

(8) Any other professional service that is determined by the 11625  
director of transportation or any other designated officials of 11626  
the department to be necessary for the provision of transportation 11627  
services or to provide assistance to the department in furtherance 11628  
of its statutory duties and powers. 11629

"Professional services" does not mean the practice of 11630  
architecture as regulated under Chapter 4703. of the Revised Code, 11631  
except landscape architecture and architectural services related 11632  
to bridges as provided in divisions (C)(3) and (7) of this 11633  
section. 11634

(D) "Qualifications" means all of the following: 11635

(1) The competence of a firm to perform required professional 11636  
services as indicated by the technical training, education, and 11637  
experience of the firm's personnel, in particular the technical 11638  
training, education, and experience of the firm's personnel 11639  
assigned to perform professional services for the department; 11640

(2) The ability of a firm in terms of its workload and the 11641  
availability of qualified personnel, equipment, and facilities to 11642  
perform the required professional services competently and 11643  
expeditiously; 11644

(3) The past performance of a firm as indicated by 11645



evaluations of previous clients of the firm with respect to such 11646  
factors as control of costs, quality of work, and meeting of 11647  
deadlines; 11648

(4) Any other relevant factors as determined by the director. 11649

**Sec. 5533.121.** In addition to any other name prescribed in 11650  
the Revised Code or otherwise, that portion of the road known as 11651  
United States highway number twenty-two, within the municipal 11652  
corporation of Zanesville only, in Muskingum county, shall be 11653  
known as the "U.S. Army Staff Sergeant Lester O. "Buddy" Kinney II 11654  
Memorial Highway." 11655

The director of transportation may erect suitable markers 11656  
along the highway indicating its name. 11657

**Sec. 5533.31.** The road known as interstate route eighty, 11658  
extending across Ohio from the Pennsylvania border in Trumbull 11659  
county to the Indiana border in Williams county, shall be known as 11660  
the "Christopher Columbus highway." 11661

The director of transportation may erect suitable markers 11662  
upon the portions of such highway under ~~his~~ the director's 11663  
jurisdiction indicating its name, and the Ohio turnpike and 11664  
infrastructure commission may erect suitable markers on the 11665  
portions of such highway under its jurisdiction indicating its 11666  
name. 11667

**Sec. 5537.01.** As used in this chapter: 11668

(A) "Commission" means the Ohio turnpike and infrastructure 11669  
commission created by section 5537.02 of the Revised Code or, if 11670  
that commission is abolished, the board, body, officer, or 11671  
commission succeeding to the principal functions thereof or to 11672  
which the powers given by this chapter to the commission are given 11673  
by law. 11674

(B) "~~Project~~ or ~~turnpike~~ Turnpike project" means any 11675  
express or limited access highway, super highway, or motorway 11676  
constructed, operated, or improved, under the jurisdiction of the 11677  
commission and pursuant to this chapter, at a location or 11678  
locations reviewed by the turnpike legislative review committee 11679  
and approved by the governor, including all bridges, tunnels, 11680  
overpasses, underpasses, interchanges, entrance plazas, 11681  
approaches, those portions of connecting public roads that serve 11682  
interchanges and are determined by the commission and the director 11683  
of transportation to be necessary for the safe merging of traffic 11684  
between the turnpike project and those public roads, toll booths, 11685  
service facilities, and administration, storage, and other 11686  
buildings, property, and facilities that the commission considers 11687  
necessary for the operation or policing of the turnpike project, 11688  
together with all property and rights which may be acquired by the 11689  
commission for the construction, maintenance, or operation of the 11690  
turnpike project, and includes any sections or extensions of a 11691  
turnpike project designated by the commission as such for the 11692  
particular purpose. Each turnpike project shall be separately 11693  
designated, by name or number, and may be constructed, improved, 11694  
or extended in such sections as the commission may from time to 11695  
time determine. Construction includes the improvement and 11696  
renovation of a previously constructed turnpike project, including 11697  
additional interchanges, whether or not the turnpike project was 11698  
initially constructed by the commission. 11699

(C) "Infrastructure project" means any public express or 11700  
limited access highway, super highway, or motorway, including all 11701  
bridges, tunnels, overpasses, underpasses, interchanges, entrance 11702  
plazas, approaches, and those portions of connecting public roads 11703  
that serve interchanges, that is constructed or improved, in whole 11704  
or in part, with infrastructure funding approved pursuant to 11705  
criteria established under section 5537.18 of the Revised Code. 11706

(D) "Cost," as applied to construction of a turnpike project 11707  
or an infrastructure project, includes the cost of construction, 11708  
including bridges over or under existing highways and railroads, 11709  
acquisition of all property acquired either by the commission or 11710  
by the owner of the infrastructure project for the construction, 11711  
demolishing or removing any buildings or structures on land so 11712  
acquired, including the cost of acquiring any lands to which the 11713  
buildings or structures may be moved, site clearance, improvement, 11714  
and preparation, diverting public roads, interchanges with public 11715  
roads, access roads to private property, including the cost of 11716  
land or easements therefor, all machinery, furnishings, and 11717  
equipment, communications facilities, financing expenses, interest 11718  
prior to and during construction and for one year after completion 11719  
of construction, traffic estimates, indemnity and surety bonds and 11720  
premiums on insurance, title work and title commitments, 11721  
insurance, and guarantees, engineering, feasibility studies, and 11722  
legal expenses, plans, specifications, surveys, estimates of cost 11723  
and revenues, other expenses necessary or incident to determining 11724  
the feasibility or practicability of constructing or operating a 11725  
turnpike project or an infrastructure project, administrative 11726  
expenses, and any other expense that may be necessary or incident 11727  
to the construction of the turnpike project or an infrastructure 11728  
project, the financing of the construction, and the placing of the 11729  
turnpike project or an infrastructure project in operation. Any 11730  
obligation or expense incurred by the department of transportation 11731  
with the approval of the commission for surveys, borings, 11732  
preparation of plans and specifications, and other engineering 11733  
services in connection with the construction of a turnpike project 11734  
or an infrastructure project, or by the federal government with 11735  
the approval of the commission for any public road projects which 11736  
must be reimbursed as a condition to the exercise of any of the 11737  
powers of the commission under this chapter, shall be regarded as 11738  
a part of the cost of the turnpike project or an infrastructure 11739

project and shall be reimbursed to the state or the federal 11740  
government, as the case may be, from revenues, state taxes, or the 11741  
proceeds of bonds as authorized by this chapter. 11742

~~(D)~~(E) "Owner" includes all persons having any title or 11743  
interest in any property authorized to be acquired by the 11744  
commission for turnpike projects under this chapter, or the public 11745  
entity for whom an infrastructure project is funded, in whole or 11746  
in part, by the commission under this chapter. 11747

~~(E)~~(F) "Revenues" means all tolls, service revenues, 11748  
investment income on special funds, rentals, gifts, grants, and 11749  
all other moneys coming into the possession of or under the 11750  
control of the commission by virtue of this chapter, except the 11751  
proceeds from the sale of bonds. "Revenues" does not include state 11752  
taxes. 11753

~~(F)~~(G) "Public roads" means all public highways, roads, and 11754  
streets in the state, whether maintained by a state agency or any 11755  
other governmental agency. 11756

~~(G)~~(H) "Public utility facilities" means tracks, pipes, 11757  
mains, conduits, cables, wires, towers, poles, and other equipment 11758  
and appliances of any public utility. 11759

~~(H)~~(I) "Financing expenses" means all costs and expenses 11760  
relating to the authorization, issuance, sale, delivery, 11761  
authentication, deposit, custody, clearing, registration, 11762  
transfer, exchange, fractionalization, replacement, payment, and 11763  
servicing of bonds including, without limitation, costs and 11764  
expenses for or relating to publication and printing, postage, 11765  
delivery, preliminary and final official statements, offering 11766  
circulars, and informational statements, travel and 11767  
transportation, underwriters, placement agents, investment 11768  
bankers, paying agents, registrars, authenticating agents, 11769  
remarketing agents, custodians, clearing agencies or corporations, 11770

securities depositories, financial advisory services, 11771  
certifications, audits, federal or state regulatory agencies, 11772  
accounting and computation services, legal services and obtaining 11773  
approving legal opinions and other legal opinions, credit ratings, 11774  
redemption premiums, and credit enhancement facilities. 11775

~~(I)~~(J) "Bond proceedings" means the resolutions, trust 11776  
agreements, certifications, notices, sale proceedings, leases, 11777  
lease-purchase agreements, assignments, credit enhancement 11778  
facility agreements, and other agreements, instruments, and 11779  
documents, as amended and supplemented, or any one or more or any 11780  
combination thereof, authorizing, or authorizing or providing for 11781  
the terms and conditions applicable to, or providing for the 11782  
security or sale or award or liquidity of, bonds, and includes the 11783  
provisions set forth or incorporated in those bonds and bond 11784  
proceedings. 11785

~~(J)~~(K) "Bond service charges" means principal, including any 11786  
mandatory sinking fund or mandatory redemption requirements for 11787  
the retirement of bonds, and interest and any redemption premium 11788  
payable on bonds, as those payments come due and are payable to 11789  
the bondholder or to a person making payment under a credit 11790  
enhancement facility of those bond service charges to a 11791  
bondholder. 11792

~~(K)~~(L) "Bond service fund" means the applicable fund created 11793  
by the bond proceedings for and pledged to the payment of bond 11794  
service charges on bonds provided for by those proceedings, 11795  
including all moneys and investments, and earnings from 11796  
investments, credited and to be credited to that fund as provided 11797  
in the bond proceedings. 11798

~~(L)~~(M) "Bonds" means bonds, notes, including notes 11799  
anticipating bonds or other notes, commercial paper, certificates 11800  
of participation, or other evidences of obligation, including any 11801  
interest coupons pertaining thereto, issued by the commission 11802

pursuant to this chapter. 11803

~~(M)~~(N) "Infrastructure fund" means the applicable fund or 11804  
funds created by the bond proceedings, which shall be used to pay 11805  
or defray the cost of infrastructure projects recommended by the 11806  
director of transportation and evaluated and approved by the 11807  
commission. 11808

(O) "Net revenues" means revenues lawfully available to pay 11809  
both current operating expenses of the commission and bond service 11810  
charges in any fiscal year or other specified period, less current 11811  
operating expenses of the commission and any amount necessary to 11812  
maintain a working capital reserve for that period. 11813

~~(N)~~(P) "Pledged revenues" means net revenues, moneys and 11814  
investments, and earnings on those investments, in the applicable 11815  
bond service fund and any other special funds, and the proceeds of 11816  
any bonds issued for the purpose of refunding prior bonds, all as 11817  
lawfully available and by resolution of the commission committed 11818  
for application as pledged revenues to the payment of bond service 11819  
charges on particular issues of bonds. 11820

~~(O)~~(Q) "Service facilities" means service stations, 11821  
restaurants, and other facilities for food service, roadside parks 11822  
and rest areas, parking, camping, tenting, rest, and sleeping 11823  
facilities, hotels or motels, and all similar and other facilities 11824  
providing services to the traveling public in connection with the 11825  
use of a turnpike project and owned, leased, licensed, or operated 11826  
by the commission. 11827

~~(P)~~(R) "Service revenues" means those revenues of the 11828  
commission derived from its ownership, leasing, licensing, or 11829  
operation of service facilities. 11830

~~(Q)~~(S) "Special funds" means the applicable bond service fund 11831  
and any accounts and subaccounts in that fund, any other funds or 11832  
accounts permitted by and established under, and identified as a 11833

"special fund" or "special account" in, the bond proceedings, 11834  
including any special fund or account established for purposes of 11835  
rebate or other requirements under federal income tax laws. 11836

~~(R)~~(T) "State agencies" means the state, officers of the 11837  
state, and boards, departments, branches, divisions, or other 11838  
units or agencies of the state. 11839

~~(S)~~(U) "State taxes" means receipts of the commission from 11840  
the proceeds of state taxes or excises levied and collected, or 11841  
appropriated by the general assembly to the commission, for the 11842  
purposes and functions of the commission. State taxes do not 11843  
include tolls, or investment earnings on state taxes except on 11844  
those state taxes referred to in Section 5a of Article XII, Ohio 11845  
Constitution. 11846

~~(T)~~(V) "Tolls" means tolls, special fees or permit fees, or 11847  
other charges by the commission to the owners, lessors, lessees, 11848  
or operators of motor vehicles for the operation of or the right 11849  
to operate those vehicles on a turnpike project. 11850

~~(U)~~(W) "Credit enhancement facilities" means letters of 11851  
credit, lines of credit, standby, contingent, or firm securities 11852  
purchase agreements, insurance, or surety arrangements, 11853  
guarantees, and other arrangements that provide for direct or 11854  
contingent payment of bond service charges, for security or 11855  
additional security in the event of nonpayment or default in 11856  
respect of bonds, or for making payment of bond service charges 11857  
and at the option and on demand of bondholders or at the option of 11858  
the commission or upon certain conditions occurring under put or 11859  
similar arrangements, or for otherwise supporting the credit or 11860  
liquidity of the bonds, and includes credit, reimbursement, 11861  
marketing, remarketing, indexing, carrying, interest rate hedge, 11862  
and subrogation agreements, and other agreements and arrangements 11863  
for payment and reimbursement of the person providing the credit 11864  
enhancement facility and the security for that payment and 11865

reimbursement. 11866

~~(V)~~(X) "Person" has the same meaning as in section 1.59 of 11867  
the Revised Code and, unless the context otherwise provides, also 11868  
includes any governmental agency and any combination of those 11869  
persons. 11870

~~(W)~~(Y) "Refund" means to fund and retire outstanding bonds, 11871  
including advance refunding with or without payment or redemption 11872  
prior to stated maturity. 11873

~~(X)~~(Z) "Governmental agency" means any state agency, federal 11874  
agency, political subdivision, or other local, interstate, or 11875  
regional governmental agency, and any combination of those 11876  
agencies. 11877

~~(Y)~~(AA) "Property" has the same meaning as in section 1.59 of 11878  
the Revised Code, and includes interests in property. 11879

~~(Z)~~(BB) "Administrative agent," "agent," "commercial paper," 11880  
"floating rate interest structure," "indexing agent," "interest 11881  
rate hedge," "interest rate period," "put arrangement," and 11882  
"remarketing agent" have the same meanings as in section 9.98 of 11883  
the Revised Code. 11884

~~(AA)~~(CC) "Outstanding," as applied to bonds, means 11885  
outstanding in accordance with the terms of the bonds and the 11886  
applicable bond proceedings. 11887

~~(BB)~~(DD) "Ohio turnpike system" or "system" means all 11888  
existing and future turnpike projects constructed, operated, and 11889  
maintained under the jurisdiction of the commission. 11890

(EE) "Ohio turnpike and infrastructure system" means turnpike 11891  
projects and infrastructure projects funded by the commission 11892  
existing on and after July 1, 2013, that facilitate access to, use 11893  
of, and egress from the Ohio turnpike system, and also facilitate 11894  
access to and from areas of population, commerce, and industry 11895



that are connected to the Ohio turnpike system. 11896

**Sec. 5537.02.** (A) There is hereby created a commission to be 11897  
known on and after July 1, 2013, as the "Ohio turnpike and 11898  
infrastructure commission." The commission is a body both 11899  
corporate and politic, constituting an instrumentality of the 11900  
state, and the exercise by it of the powers conferred by this 11901  
chapter in the construction, operation, and maintenance of the 11902  
Ohio turnpike system, and also in entering into agreements with 11903  
the department of transportation to pay the cost or a portion of 11904  
the costs of infrastructure projects, are and shall be held to be 11905  
essential governmental functions of the state, but the commission 11906  
shall not be immune from liability by reason thereof. Chapter 11907  
2744. of the Revised Code applies to the commission and the 11908  
commission is a political subdivision of the state for purposes of 11909  
that chapter. The commission is subject to all provisions of law 11910  
generally applicable to state agencies which do not conflict with 11911  
this chapter. 11912

(B)(1) The commission shall consist of ~~nine~~ ten members as 11913  
follows: 11914

(a) ~~Four~~ Six members appointed by the governor with the 11915  
advice and consent of the senate, no more than ~~two~~ three of whom 11916  
shall be members of the same political party; 11917

(b) The director of transportation, who shall be a voting 11918  
member, and the director of budget and management, ~~and the~~ 11919  
~~director of development,~~ each both of whom shall ~~be a member~~ serve 11920  
as ex officio members, without compensation; 11921

(c) One member of the senate, appointed by the president of 11922  
the senate, who shall represent either a district in which is 11923  
located or through which passes a portion of a turnpike project 11924  
that is part of the Ohio turnpike system or a district located in 11925  
the vicinity of a turnpike project that is part of the Ohio 11926

turnpike system; 11927

(d) One member of the house of representatives, appointed by 11928  
the speaker of the house of representatives, who shall represent 11929  
either a district in which is located or through which passes a 11930  
portion of a turnpike project that is part of the Ohio turnpike 11931  
system or a district located in the vicinity of a turnpike project 11932  
that is part of the Ohio turnpike system. 11933

(2) The members appointed by the governor shall be residents 11934  
of the state, shall have been qualified electors therein for a 11935  
period of at least five years next preceding their appointment, 11936  
~~and. In making the appointments, the governor may appoint persons~~ 11937  
who reside in different geographic areas of the state, taking into 11938  
consideration the various turnpike and infrastructure projects in 11939  
the state. Members appointed to the commission prior to July 1, 11940  
2013, shall serve terms of eight years commencing on the first day 11941  
of July and ending on the thirtieth day of June. Thereafter, 11942  
members appointed by the governor shall serve terms of five years 11943  
commencing on the first day of July and ending on the thirtieth 11944  
day of June. Those members appointed by the president of the 11945  
senate or the speaker of the house of representatives shall serve 11946  
a term of the remainder of the general assembly during which the 11947  
senator or representative is appointed. Each appointed member 11948  
shall hold office from the date of appointment until the end of 11949  
the term for which the member was appointed. If a commission 11950  
member dies or resigns, or if a senator or representative who is a 11951  
member of the commission ceases to be a senator or representative, 11952  
or if an ex officio member ceases to hold the applicable office, 11953  
the vacancy shall be filled in the same manner as provided in 11954  
division (B)(1) of this section. Any member who fills a vacancy 11955  
occurring prior to the end of the term for which the member's 11956  
predecessor was appointed shall, if appointed by the governor, 11957  
hold office for the remainder of such term or, if appointed by the 11958

president of the senate or the speaker of the house of 11959  
representatives, shall hold office for the remainder of the term 11960  
or for a shorter period of time as determined by the president or 11961  
the speaker. Any member appointed by the governor shall continue 11962  
in office subsequent to the expiration date of the member's term 11963  
until the member's successor takes office, or until a period of 11964  
sixty days has elapsed, whichever occurs first. A member of the 11965  
commission is eligible for reappointment. Each member of the 11966  
commission appointed by the governor, before entering upon the 11967  
member's duties, shall take an oath as provided by Section 7 of 11968  
Article XV, Ohio Constitution. The governor, the president of the 11969  
senate, or the speaker of the house of representatives, may at any 11970  
time remove their respective appointees to the commission for 11971  
misfeasance, nonfeasance, or malfeasance in office. 11972

(3)(a) A member of the commission who is appointed by the 11973  
president of the senate or the speaker of the house of 11974  
representatives shall not participate in any vote of the 11975  
commission. Serving as an appointed member of the commission under 11976  
divisions (B)(1)(c), (1)(d), or (2) of this section does not 11977  
constitute grounds for resignation from the senate or the house of 11978  
representatives under section 101.26 of the Revised Code. 11979

(b) The director of budget and management ~~and the director of~~ 11980  
~~development~~ shall not participate in any vote of the commission. 11981

(C) The voting members of the commission shall elect one of 11982  
the ~~appointed~~ voting members as chairperson and another as 11983  
vice-chairperson, and shall appoint a secretary-treasurer who need 11984  
not be a member of the commission. ~~Three~~ Four of the voting 11985  
members of the commission constitute a quorum, and the affirmative 11986  
vote of ~~three~~ four voting members is necessary for any action 11987  
taken by the commission. No vacancy in the membership of the 11988  
commission impairs the rights of a quorum to exercise all the 11989  
rights and perform all the duties of the commission. 11990

(D) Each member of the commission appointed by the governor 11991  
shall give a surety bond to the commission in the penal sum of 11992  
twenty-five thousand dollars and the secretary-treasurer shall 11993  
give such a bond in at least the penal sum of fifty thousand 11994  
dollars. The commission may require any of its officers or 11995  
employees to file surety bonds including a blanket bond as 11996  
provided in section 3.06 of the Revised Code. Each such bond shall 11997  
be in favor of the commission and shall be conditioned upon the 11998  
faithful performance of the duties of the office, executed by a 11999  
surety company authorized to transact business in this state, 12000  
approved by the governor, and filed in the office of the secretary 12001  
of state. The costs of the surety bonds shall be paid or 12002  
reimbursed by the commission from revenues. Each member of the 12003  
commission appointed by the governor shall receive an annual 12004  
salary of five thousand dollars, payable in monthly installments. 12005  
Each member shall be reimbursed for the member's actual expenses 12006  
necessarily incurred in the performance of the member's duties. 12007  
All costs and expenses incurred by the commission in carrying out 12008  
this chapter shall be payable solely from revenues and state 12009  
taxes, and no liability or obligation shall be incurred by the 12010  
commission beyond the extent to which revenues have been provided 12011  
for pursuant to this chapter. 12012

**Sec. 5537.03.** In order to remove present and anticipated 12013  
handicaps and potential hazards on the congested highways in this 12014  
state, to facilitate vehicular traffic throughout the state, to 12015  
finance infrastructure projects that improve and enhance mobility 12016  
in Ohio, and also to promote the agricultural, ~~commercial,~~ 12017  
recreational, tourism, and commercial, industrial, and economic 12018  
development of the state, and to provide for the general welfare 12019  
by the construction, improvement, and maintenance of modern 12020  
express highways embodying safety devices, including without 12021  
limitation center divisions, ample shoulder widths, long sight 12022

distances, multiple lanes in each direction, and grade separations 12023  
at intersections with other public roads and railroads, the Ohio 12024  
turnpike and infrastructure commission, ~~subject~~ may do the 12025  
following: 12026

(A) Subject to section 5537.26 of the Revised Code, ~~may~~ 12027  
construct, maintain, repair, and operate a system of turnpike 12028  
projects at locations that are reviewed by the turnpike 12029  
legislative review committee and approved by the governor, and in 12030  
accordance with alignment and design standards that are approved 12031  
by the director of transportation, and issue revenue bonds of this 12032  
state, payable solely from pledged revenues, to pay the cost of 12033  
those projects. The turnpikes and turnpike projects authorized by 12034  
this chapter are hereby or shall be made part of the Ohio turnpike 12035  
system. 12036

(B) Provide the infrastructure funds to pay the cost or a 12037  
portion of the cost of infrastructure projects as recommended by 12038  
the director of transportation pursuant to a determination made by 12039  
the commission based on criteria set forth in rules adopted by the 12040  
commission under section 5537.18 of the Revised Code. A 12041  
determination by the commission to provide infrastructure funds 12042  
for an infrastructure project shall be conclusive and 12043  
incontestable. 12044

**Sec. 5537.04.** (A) The Ohio turnpike and infrastructure 12045  
commission may do any of the following: 12046

(1) Adopt bylaws for the regulation of its affairs and the 12047  
conduct of its business; 12048

(2) Adopt an official seal, which shall not be the great seal 12049  
of the state and which need not be in compliance with section 5.10 12050  
of the Revised Code; 12051

(3) Maintain a principal office and suboffices at such places 12052

within the state as it designates; 12053

(4) Sue With respect to the Ohio turnpike system and turnpike projects, sue and be sued in its own name, plead and be impleaded, 12054  
provided any actions against the commission shall be brought in 12055  
the court of common pleas of the county in which the principal 12056  
office of the commission is located, or in the court of common 12057  
pleas of the county in which the cause of action arose if that 12058  
county is located within this state, and all summonses, 12059  
exceptions, and notices of every kind shall be served on the 12060  
commission by leaving a copy thereof at its principal office with 12061  
the secretary-treasurer or executive director of the commission; 12062  
12063

(5) With respect to infrastructure projects only, sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of Franklin county, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission. 12064  
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(6) Construct, maintain, repair, police, and operate the 12071  
turnpike system, and establish rules for the use of any turnpike 12072  
project; 12073

~~(6)~~(7) Issue revenue bonds of the state, payable solely from 12074  
pledged revenues, as provided in this chapter, for the purpose of 12075  
paying any part of the cost of constructing any one or more 12076  
turnpike projects or infrastructure projects; 12077

~~(7)~~(8) Fix, and revise from time to time, and charge and 12078  
collect tolls by any method approved by the commission, including, 12079  
but not limited to, manual methods or through electronic 12080  
technology accepted within the tolling industry; 12081

~~(8)~~(9) Acquire, hold, and dispose of property in the exercise 12082  
of its powers and the performance of its duties under this 12083

chapter; 12084

~~(9)~~(10) Designate the locations and establish, limit, and 12085  
control such points of ingress to and egress from each turnpike 12086  
project as are necessary or desirable in the judgment of the 12087  
commission and of the director of transportation to ensure the 12088  
proper operation and maintenance of that turnpike project, and 12089  
prohibit entrance to such a turnpike project from any point not so 12090  
designated; 12091

~~(10)~~(11) Make and enter into all contracts and agreements 12092  
necessary or incidental to the performance of its duties and the 12093  
execution of its powers under this chapter, including 12094  
participation in a multi-jurisdiction electronic toll collection 12095  
agreement and collection or remittance of tolls, fees, or other 12096  
charges to or from entities or agencies that participate in such 12097  
an agreement; the commission also may enter into agreements with 12098  
retail locations, including deputy registrars, to allow the 12099  
general public to acquire electronic toll collection devices, 12100  
commonly known as transponders, from the retail locations for such 12101  
reasonable fees as are established by the commission; 12102

~~(11)~~(12) Employ or retain or contract for the services of 12103  
consulting engineers, superintendents, managers, and any other 12104  
engineers, construction and accounting experts, financial 12105  
advisers, trustees, marketing, remarketing, and administrative 12106  
agents, attorneys, and other employees, independent contractors, 12107  
or agents that are necessary in its judgment and fix their 12108  
compensation, provided all such expenses shall be payable solely 12109  
from the proceeds of bonds or from revenues of the Ohio turnpike 12110  
system; 12111

~~(12)~~(13) Receive and accept from any federal agency, subject 12112  
to the approval of the governor, and from any other governmental 12113  
agency grants for or in aid of the construction, reconstruction, 12114  
repair, renovation, maintenance, or operation of any turnpike 12115

project, and receive and accept aid or contributions from any 12116  
source or person of money, property, labor, or other things of 12117  
value, to be held, used, and applied only for the purposes for 12118  
which such grants and contributions are made; 12119

~~(13)~~(14) Provide coverage for its employees under Chapters 12120  
4123. and 4141. of the Revised Code; 12121

~~(14)~~(15) Fix and revise by rule, from time to time, such 12122  
permit fees, processing fees, or administrative charges for the 12123  
prepayment, deferred payment, or nonpayment of tolls and use of 12124  
electronic tolling equipment or other commission property; 12125

(16) Adopt rules for the issuance of citations either by a 12126  
policing authority or through administrative means to individuals 12127  
or corporations that evade the payment of tolls established for 12128  
the use of any turnpike project; 12129

(17) Approve funding and authorize agreements with the 12130  
department of transportation for the funding of infrastructure 12131  
projects recommended by the director of transportation pursuant to 12132  
the criteria established by rule under section 5537.18 of the 12133  
Revised Code. 12134

(B) The commission may do all acts necessary or proper to 12135  
carry out the powers expressly granted in this chapter. 12136

**Sec. 5537.05.** (A) The Ohio turnpike and infrastructure 12137  
commission may construct grade separations at intersections of any 12138  
turnpike project with public roads and railroads, and change and 12139  
adjust the lines and grades of those roads and railroads, and of 12140  
public utility facilities, which change and adjustment of lines 12141  
and grades of those roads shall be subject to the approval of the 12142  
governmental agency having jurisdiction over the road, so as to 12143  
accommodate them to the design of the grade separation. The cost 12144  
of the grade separation and any damage incurred in changing and 12145



adjusting the lines and grades of roads, railroads, and public utility facilities shall be ascertained and paid by the commission as a part of the cost of the turnpike project or from revenues or state taxes.

(1) If the commission finds it necessary to change the location of any portion of any public road, railroad, or public utility facility, it shall cause the same to be reconstructed at the location the governmental agency having jurisdiction over such road, railroad, or public utility facility considers most favorable. The construction shall be of substantially the same type and in as good condition as the original road, railroad, or public utility facility. The cost of the reconstruction, relocation, or removal and any damage incurred in changing the location shall be ascertained and paid by the commission as a part of the cost of the turnpike project or from revenues or state taxes.

(2) The commission may petition the board of county commissioners of the county in which is situated any public road or part thereof affected by the location therein of any turnpike project, for the vacation or relocation of the road or any part thereof, in the same manner and with the same force and effect as is given to the director of transportation pursuant to sections 5553.04 to 5553.11 of the Revised Code.

(B) The commission and its authorized agents and employees, after proper notice, may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations that are necessary or proper for the purposes of this chapter, and the entry shall not be deemed a trespass, nor shall an entry for those purposes be deemed an entry under any appropriation proceedings which may then be pending, provided that before entering upon the premises of any railroad notice shall be given to the superintendent of the

railroad involved at least five days in advance of entry, and 12178  
provided that no survey, sounding, drilling, and examination shall 12179  
be made between the rails or so close to a railroad track as would 12180  
render the track unusable. The commission shall make reimbursement 12181  
for any actual damage resulting to such lands, waters, and 12182  
premises and to private property located in, on, along, over, or 12183  
under such lands, waters, and premises, as a result of such 12184  
activities. The state, subject to the approval of the governor, 12185  
hereby consents to the use of all lands owned by it, including 12186  
lands lying under water, that are necessary or proper for the 12187  
construction, maintenance, or operation of any turnpike project, 12188  
provided adequate consideration is provided for the use. 12189

(C) The commission may make reasonable provisions or rules 12190  
for the installation, construction, maintenance, repair, renewal, 12191  
relocation, and removal of public utility facilities in, on, 12192  
along, over, or under any turnpike project. Whenever the 12193  
commission determines that it is necessary that any public utility 12194  
facilities located in, on, along, over, or under any turnpike 12195  
project should be relocated in or removed from the turnpike 12196  
project, the public utility owning or operating the facilities 12197  
shall relocate or remove them in accordance with the order of the 12198  
commission. Except as otherwise provided in any license or other 12199  
agreement with the commission, the cost and expenses of such 12200  
relocation or removal, including the cost of installing the 12201  
facilities in a new location, the cost of any lands, or any rights 12202  
or interests in lands, and any other rights, acquired to 12203  
accomplish the relocation or removal, shall be ascertained and 12204  
paid by the commission as part of the cost of the turnpike project 12205  
or from revenues of the Ohio turnpike system. In case of any such 12206  
relocation or removal of facilities, the public utility owning or 12207  
operating them and its successors or assigns may maintain and 12208  
operate the facilities, with the necessary appurtenances, in the 12209  
new location, for as long a period, and upon the same terms, as it 12210

had the right to maintain and operate the facilities in their 12211  
former location. 12212

(D) The commission is subject to Chapters 1515., 6131., 12213  
6133., 6135., and 6137. of the Revised Code and shall pay any 12214  
assessments levied under those chapters for an improvement or 12215  
maintenance of an improvement on land under the control or 12216  
ownership of the commission. 12217

**Sec. 5537.051.** (A)(1) In any county that as of January 1, 12218  
2011, had closed one or more roads as a result of grade separation 12219  
failure at intersections of a turnpike project with a county or 12220  
township road, the Ohio turnpike and infrastructure commission is 12221  
responsible for the major maintenance and repair and replacement 12222  
of failed grade separations. The governmental entity with 12223  
jurisdiction over the county or township road is responsible for 12224  
routine maintenance of such failed grade separations. 12225

(2) This section does not apply to any grade separation at 12226  
intersections of a turnpike project with a county or township road 12227  
except as described in division (A)(1) of this section. 12228

(3) Major maintenance and repair and replacement of 12229  
aforementioned failed grade separations shall commence not later 12230  
than July 1, 2011, and be completed before December 31, 2014. 12231

(B) As used in this section: 12232

(1) "Major maintenance and repair and replacement" relates to 12233  
all elements constructed as part of or required for a grade 12234  
separation, including bridges, pile, foundations, substructures, 12235  
abutments, piers, superstructures, approach slabs, slopes, 12236  
embankments, fences, and appurtenances. 12237

(2) "Routine maintenance" includes, without limitation, 12238  
clearing debris, sweeping, snow and ice removal, wearing surface 12239  
improvements, marking for traffic control, box culverts, drainage 12240

facilities including headwalls and underdrains, inlets, catch 12241  
basins and grates, guardrails, minor and emergency repairs to 12242  
railing and appurtenances, and emergency patching. 12243

**Sec. 5537.06.** (A) The Ohio turnpike and infrastructure 12244  
commission may acquire by purchase, lease, lease-purchase, lease 12245  
with option to purchase, appropriation, or otherwise and in such 12246  
manner and for such consideration as it considers proper, any 12247  
public or private property necessary, convenient, or proper for 12248  
the construction, maintenance, or efficient operation of the Ohio 12249  
turnpike system. The commission may pledge net revenues, to the 12250  
extent permitted by this chapter with respect to bonds, to secure 12251  
payments to be made by the commission under any such lease, 12252  
lease-purchase agreement, or lease with option to purchase. Title 12253  
to personal property, and interests less than a fee in real 12254  
property, shall be held in the name of the commission. Title to 12255  
real property held in fee shall be held in the name of the state 12256  
for the use of the commission. In any proceedings for 12257  
appropriation under this section, the procedure to be followed 12258  
shall be in accordance with the procedure provided in sections 12259  
163.01 to 163.22 of the Revised Code, including division (B) of 12260  
section 163.06 of the Revised Code notwithstanding the limitation 12261  
in that division of its applicability to roads open to the public 12262  
without charge. Except as otherwise agreed upon by the owner, full 12263  
compensation shall be paid for public property so taken. 12264

(B) This section does not authorize the commission to take or 12265  
disturb property or facilities belonging to any public utility or 12266  
to a common carrier engaged in interstate commerce, which property 12267  
or facilities are required for the proper and convenient operation 12268  
of the public utility or common carrier, unless provision is made 12269  
for the restoration, relocation, replication, or duplication of 12270  
the property or facilities elsewhere at the sole cost of the 12271  
commission. 12272

(C) Disposition of real property shall be by the commission 12273  
in the manner and for the consideration it determines if to a 12274  
state agency or other governmental agency, and otherwise in the 12275  
manner provided in section 5501.45 of the Revised Code for the 12276  
disposition of property by the director of transportation. 12277  
Disposition of personal property shall be in the manner and for 12278  
the consideration the commission determines. 12279

(D) Any instrument by which real property is acquired 12280  
pursuant to this section shall identify the agency of the state 12281  
that has the use and benefit of the real property as specified in 12282  
section 5301.012 of the Revised Code. 12283

**Sec. 5537.07.** (A) When the cost to the Ohio turnpike and 12284  
infrastructure commission under any contract with a person other 12285  
than a governmental agency involves an expenditure of more than 12286  
fifty thousand dollars, the commission shall make a written 12287  
contract with the lowest responsive and responsible bidder in 12288  
accordance with section 9.312 of the Revised Code after 12289  
advertisement for not less than two consecutive weeks in a 12290  
newspaper of general circulation in Franklin county, and in such 12291  
other publications as the commission determines, which notice 12292  
shall state the general character of the work and the general 12293  
character of the materials to be furnished, the place where plans 12294  
and specifications therefor may be examined, and the time and 12295  
place of receiving bids. The commission may require that the cost 12296  
estimate for the construction, demolition, alteration, repair, 12297  
improvement, renovation, or reconstruction of roadways and bridges 12298  
for which the commission is required to receive bids be kept 12299  
confidential and remain confidential until after all bids for the 12300  
public improvement have been received or the deadline for 12301  
receiving bids has passed. Thereafter, and before opening the bids 12302  
submitted for the roadways and bridges, the commission shall make 12303  
the cost estimate public knowledge by reading the cost estimate in 12304

a public place. The commission may reject any and all bids. The requirements of this division do not apply to contracts for the acquisition of real property or compensation for professional or other personal services.

(B) Each bid for a contract for construction, demolition, alteration, repair, improvement, renovation, or reconstruction shall contain the full name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(C) Other than for a contract referred to in division (B) of this section, each bid for a contract that involves an expenditure in excess of one hundred fifty thousand dollars or any contract with a service facility operator shall contain the full name of every person interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured.

(D) Other than a contract referred to in division (B) of this section, a bond with good and sufficient surety, in a form as prescribed and approved by the commission, shall be required of every contractor awarded a contract that involves an expenditure in excess of one hundred fifty thousand dollars or any contract with a service facility operator. The bond shall be in an amount equal to at least fifty per cent of the contract price and shall be conditioned upon the faithful performance of the contract.

(E) Notwithstanding any other provisions of this section, the commission may establish a program to expedite special turnpike projects by combining the design and construction elements of any public improvement project into a single contract. The commission shall prepare and distribute a scope of work document upon which the bidders shall base their bids. At a minimum, bidders shall meet the requirements of section 4733.161 of the Revised Code. Except in regard to those requirements relating to providing

plans, the commission shall award contracts following the 12337  
requirements set forth in divisions (A), (B), (C), and (D) of this 12338  
section. 12339

**Sec. 5537.08.** (A) The Ohio turnpike and infrastructure 12340  
commission may provide by resolution for the issuance, at one time 12341  
or from time to time, of revenue bonds of the state for the 12342  
purpose of paying all or any part of the cost of any one or more 12343  
turnpike projects or infrastructure projects. The bond service 12344  
charges shall be payable solely from pledged revenues pledged for 12345  
such payment pursuant to the applicable bond proceedings. The 12346  
bonds of each issue shall be dated, shall bear interest at a rate 12347  
or rates or at variable rates, and shall mature or be payable at 12348  
such time or times, with a final maturity not to exceed forty 12349  
years from their date or dates, all as determined by the 12350  
commission in the bond proceedings. The commission shall determine 12351  
the form of the bonds, including any interest coupons to be 12352  
attached thereto, and shall fix the denomination or denominations 12353  
of the bonds and the place or places of payment of bond service 12354  
charges. 12355

(B) The bonds shall be signed by the chairperson or 12356  
vice-chairperson of the commission or by the facsimile signature 12357  
of that officer, the official seal of the commission or a 12358  
facsimile thereof shall be affixed thereto or printed thereon and 12359  
attested by the secretary-treasurer of the commission, which may 12360  
be by facsimile signature, and any coupons attached thereto shall 12361  
bear the facsimile signature of the chairperson or 12362  
vice-chairperson of the commission. In case any officer whose 12363  
signature, or a facsimile of whose signature, appears on any bonds 12364  
or coupons ceases to be such officer before delivery of bonds, 12365  
such signature or facsimile shall nevertheless be valid and 12366  
sufficient for all purposes the same as if the officer had 12367  
remained in office until such delivery. 12368

(C) Subject to the bond proceedings and provisions for 12369  
registration, the bonds shall have all the qualities and incidents 12370  
of negotiable instruments under Title XIII of the Revised Code. 12371  
The bonds may be issued in such form or forms as the commission 12372  
determines, including without limitation coupon, book entry, and 12373  
fully registered form, and provision may be made for the 12374  
registration of any coupon bonds as to principal alone and also as 12375  
to both principal and interest, and for the exchange of bonds 12376  
between forms. The commission may sell such bonds by competitive 12377  
bid on the best bid after advertisement or request for bids or by 12378  
private sale in the manner, and for the price, it determines to be 12379  
for the best interest of the state. ~~The determination of the 12380  
commission as to the manner of sale, by competitive bid or by 12381  
private sale, shall be approved by the controlling board.~~ 12382

(D) The proceeds of the bonds of each issue shall be used 12383  
solely for the payment of the costs of the turnpike project or 12384  
projects for which such bonds were issued, and or for the payment 12385  
of the costs of the infrastructure project or projects as approved 12386  
by the commission under section 5537.18 of the Revised Code. The 12387  
proceeds shall be disbursed in such manner and under such 12388  
restrictions as the commission provides in the applicable bond 12389  
proceedings. 12390

(E) Prior to the preparation of definitive bonds, the 12391  
commission may, under like restrictions, issue interim receipts or 12392  
temporary bonds or bond anticipation notes, with or without 12393  
coupons, exchangeable for definitive bonds when such bonds have 12394  
been executed and are available for delivery. The commission may 12395  
provide for the replacement of any mutilated, stolen, destroyed, 12396  
or lost bonds. Bonds may be issued by the commission under this 12397  
chapter without obtaining the consent of any state agency, and 12398  
without any other proceedings or the happening of any other 12399  
conditions or things than those proceedings, conditions, or things 12400



that are specifically required by this chapter or those 12401  
proceedings. 12402

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 12403  
bonds. 12404

(G) The bond proceedings shall provide, subject to the 12405  
provisions of any other applicable bond proceedings, for the 12406  
pledge to the payment of bond service charges and of any costs of 12407  
or relating to credit enhancement facilities of all, or such part 12408  
as the commission may determine, of the pledged revenues and the 12409  
applicable special fund or funds, which pledges may be made to 12410  
secure the bonds on a parity with bonds theretofore or thereafter 12411  
issued if and to the extent provided in the bond proceedings. 12412  
Every pledge, and every covenant and agreement with respect 12413  
thereto, made in the bond proceedings may in the bond proceedings 12414  
be extended to the benefit of the owners and holders of bonds and 12415  
to any trustee and any person providing a credit enhancement 12416  
facility for those bonds, for the further security for the payment 12417  
of the bond service charges and credit enhancement facility costs. 12418

(H) The bond proceedings may contain additional provisions as 12419  
to: 12420

(1) The redemption of bonds prior to maturity at the option 12421  
of the commission or of the bondholders or upon the occurrence of 12422  
certain stated conditions, and at such price or prices and under 12423  
such terms and conditions as are provided in the bond proceedings; 12424

(2) Other terms of the bonds; 12425

(3) Limitations on the issuance of additional bonds; 12426

(4) The terms of any trust agreement securing the bonds or 12427  
under which the same may be issued; 12428

(5) Any or every provision of the bond proceedings being 12429  
binding upon the commission and state agencies, or other person as 12430

may from time to time have the authority under law to take such 12431  
actions as may be necessary to perform all or any part of the duty 12432  
required by such provision; 12433

(6) Any provision that may be made in a trust agreement; 12434

(7) Any other or additional agreements with the holders of 12435  
the bonds, or the trustee therefor, relating to the bonds or the 12436  
security for the bonds, including agreements for credit 12437  
enhancement facilities. 12438

(I) Any holder of bonds or a trustee under the bond 12439  
proceedings, except to the extent that the holder's or trustee's 12440  
rights are restricted by the bond proceedings, may by any suitable 12441  
form of legal proceedings, protect and enforce any rights under 12442  
the laws of this state or granted by the bond proceedings. Those 12443  
rights include the right to compel the performance of all duties 12444  
of the commission and state agencies required by this chapter or 12445  
the bond proceedings; to enjoin unlawful activities; and in the 12446  
event of default with respect to the payment of any bond service 12447  
charges on any bonds or in the performance of any covenant or 12448  
agreement on the part of the commission contained in the bond 12449  
proceedings, to apply to a court having jurisdiction of the cause 12450  
to appoint a receiver to receive and administer the revenues and 12451  
the pledged revenues which are pledged to the payment of the bond 12452  
service charges on such bonds or which are the subject of the 12453  
covenant or agreement, with full power to pay, and to provide for 12454  
payment of, bond service charges on such bonds, and with such 12455  
powers, subject to the direction of the court, as are accorded 12456  
receivers in general equity cases, excluding any power to pledge 12457  
additional revenues or receipts or other income, funds, or moneys 12458  
of the commission or state agencies to the payment of such bond 12459  
service charges and excluding the power to take possession of, 12460  
mortgage, or cause the sale or otherwise dispose of any turnpike 12461  
project or other property of the commission. 12462

(J) Each duty of the commission and the commission's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the commission, and of each such officer, member, or employee having authority to perform the duty, specifically enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

(K) The commission's officers or employees are not liable in their personal capacities on any bonds issued by the commission or any agreements of or with the commission relating to those bonds.

(L) The bonds are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other funds of the state or its political subdivisions and taxing districts, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys.

(M) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges pertinent to such accounts and bond service fund, and for other accounts therein within the general purposes of such fund.

(N) The commission may pledge all, or such portion as it determines, of the pledged revenues to the payment of bond service charges, and for the establishment and maintenance of any reserves

and special funds, as provided in the bond proceedings, and make 12495  
other provisions therein with respect to pledged revenues, 12496  
revenues, and net revenues as authorized by this chapter, which 12497  
provisions are controlling notwithstanding any other provisions of 12498  
law pertaining thereto. 12499

**Sec. 5537.09.** The Ohio turnpike and infrastructure commission 12500  
may provide by resolution for the issuance of revenue bonds of the 12501  
state, payable solely from pledged revenues, for the purpose of 12502  
refunding any bonds then outstanding, including the payment of 12503  
related financing expenses and, if considered advisable by the 12504  
commission, for the additional purpose of paying costs of 12505  
improvements, extensions, renovations, or enlargements of any 12506  
turnpike project or any infrastructure project. The issuance of 12507  
refunding bonds, the maturities and other details thereof, the 12508  
rights of the holders thereof, and the rights, duties, and 12509  
obligations of the commission in respect to such bonds shall be 12510  
governed by the provisions of this chapter insofar as they are 12511  
applicable and by the applicable bond proceedings. 12512

**Sec. 5537.11.** (A) The bonds do not constitute a debt, or a 12513  
pledge of the faith and credit, of the state or of any political 12514  
subdivision of the state. Bond service charges on outstanding 12515  
bonds are payable solely from the pledged revenues pledged for 12516  
their payment as authorized by this chapter and as provided in the 12517  
bond proceedings. All turnpike and infrastructure revenue bonds 12518  
shall contain on their face a statement to that effect. 12519

(B) All expenses incurred in carrying out this chapter shall 12520  
be payable solely from revenues provided under this chapter and 12521  
from state taxes. This chapter does not authorize the Ohio 12522  
turnpike and infrastructure commission to incur indebtedness or 12523  
liability on behalf of or payable by the state or any political 12524  
subdivision of the state. 12525

Sec. 5537.12. (A) In the discretion of the Ohio turnpike and 12526  
infrastructure commission any bonds may be secured by a trust 12527  
agreement between the commission and a corporate trustee, which 12528  
may be any trust company or bank having the powers of a trust 12529  
company within or without the state but authorized to exercise 12530  
trust powers within this state. 12531

(B) Any trust agreement may pledge or assign the revenues to 12532  
be received, but shall not convey or mortgage any turnpike project 12533  
or infrastructure project, any part of a turnpike project or 12534  
infrastructure project, or any part of the Ohio turnpike system or 12535  
the Ohio turnpike and infrastructure system. Any such trust 12536  
agreement or other bond proceedings may contain provisions for 12537  
protecting and enforcing the rights and remedies of the 12538  
bondholders that are reasonable and proper and not in violation of 12539  
law, including covenants setting forth the duties of the 12540  
commission in relation to the acquisition of property, and the 12541  
construction, maintenance, repair, operation, and insurance of the 12542  
turnpike project or projects in connection with which the bonds 12543  
are authorized, the rates of toll to be charged, and the custody, 12544  
safeguarding, and application of all moneys, and provisions for 12545  
the employment or retention of the services of consulting 12546  
engineers in connection with the construction, maintenance, or 12547  
operation of the turnpike project or projects. Any bank or trust 12548  
company incorporated under the laws of this state which may act as 12549  
depository of the proceeds of bonds or of revenues may furnish 12550  
such indemnifying bonds or may pledge such securities as are 12551  
required by the commission. Any such trust agreement may set forth 12552  
the rights and remedies of the bondholders and of the trustee, may 12553  
restrict the individual right of action by bondholders as is 12554  
customary in revenue bond trust agreements of public bodies, and 12555  
may contain other provisions that the commission considers 12556  
reasonable and proper for the security of the bondholders. All 12557

expenses incurred in entering into or carrying out the provisions 12558  
of such a trust agreement may be treated as a part of the cost, or 12559  
of the cost of the operation, of the turnpike project or projects. 12560

**Sec. 5537.13.** (A) Subject to division (C)(1) of this section 12561  
and section 5537.26 of the Revised Code, the Ohio turnpike and 12562  
infrastructure commission may fix, revise, charge, and collect 12563  
tolls for each turnpike project, and contract in the manner 12564  
provided by this section with any person desiring the use of any 12565  
part thereof, including the right-of-way adjoining the paved 12566  
portion, for placing thereon telephone, electric light, or power 12567  
lines, service facilities, or for any other purpose, and fix the 12568  
terms, conditions, rents, and rates of charge for such use, 12569  
provided that no toll, charge, or rental may be made by the 12570  
commission for placing in, on, along, over, or under the turnpike 12571  
project, equipment or public utility facilities that are necessary 12572  
to serve service facilities or to interconnect any public utility 12573  
facilities. 12574

(B) Contracts for the operation of service facilities shall 12575  
be made in writing. Such contracts, except contracts with state 12576  
agencies or other governmental agencies, shall be made with the 12577  
bidder whose bid is determined by the commission to be the best 12578  
bid received, after advertisement for two consecutive weeks in a 12579  
newspaper of general circulation in Franklin county, and in other 12580  
publications that the commission determines. The notice shall 12581  
state the general character of the service facilities operation 12582  
proposed, the place where plans and specifications may be 12583  
examined, and the time and place of receiving bids. Bids shall 12584  
contain the full name of each person interested in them, and shall 12585  
be in such form as the commission requires. The commission may 12586  
reject any and all bids. All contracts for service facilities 12587  
shall be preserved in the principal office of the commission. 12588

(C) ~~Tolls~~ (1) For calendar years 2013 through 2023, the 12589  
commission shall not increase the toll rates for any class of 12590  
vehicle as fixed on the effective date of this amendment, when 12591  
both of the following apply: 12592

(a) The tolls are collected and remitted in accordance with a 12593  
multi-jurisdiction electronic toll collection agreement; and 12594

(b) The distance traveled is thirty miles or less. 12595

(2) Subject to division (C)(1) of this section, tolls shall 12596  
be so fixed and adjusted as to provide funds at least sufficient 12597  
with other revenues of the Ohio turnpike system, if any, to pay: 12598

~~(1)~~(a) The cost of maintaining, improving, repairing, 12599  
constructing, and operating the Ohio turnpike system and its 12600  
different parts and sections, and to create and maintain any 12601  
reserves for those purposes; 12602

~~(2)~~(b) Any unpaid bond service charges on outstanding bonds 12603  
payable from pledged revenues as such charges become due and 12604  
payable, and to create and maintain any reserves for that purpose. 12605

(D) Tolls are not subject to supervision, approval, or 12606  
regulation by any state agency other than the turnpike and 12607  
infrastructure commission. 12608

(E) Revenues derived from each turnpike project ~~in connection~~ 12609  
~~with which any bonds are outstanding~~ shall be first applied to pay 12610  
the cost of maintenance, improvement, repair, and operation and to 12611  
provide any reserves therefor that are provided for in the bond 12612  
proceedings authorizing the issuance of those outstanding bonds, 12613  
and otherwise as provided by the commission, ~~and the balance. The~~ 12614  
bond proceedings also shall provide, subject to the provisions of 12615  
any other applicable bond proceedings, for the pledge of all, or 12616  
such part as the commission may determine of the pledged revenues 12617  
~~shall be set aside, at such regular intervals as are provided in~~ 12618  
~~the bond proceedings, in a bond service fund, which is hereby~~ 12619

~~pledged to and charged with and the applicable special fund or~~ 12620  
~~funds to the payment of the bond service charges on any such~~ 12621  
~~outstanding bonds as provided in the applicable, which pledge may~~ 12622  
~~be made to secure the bonds senior or subordinate to or on a~~ 12623  
~~parity with bonds theretofore or thereafter issued, if and to the~~ 12624  
~~extent provided in the~~ bond proceedings. The pledge shall be valid 12625  
and binding from the time the pledge is made; the revenues and the 12626  
pledged revenues thereafter received by the commission immediately 12627  
shall be subject to the lien of the pledge without any physical 12628  
delivery thereof or further act, and the lien of the pledge shall 12629  
be valid and binding as against all parties having claims of any 12630  
kind in tort, contract, or otherwise against the commission, 12631  
whether or not those parties have notice thereof. The bond 12632  
proceedings by which a pledge is created need not be filed or 12633  
recorded except in the records of the commission. The use and 12634  
disposition of moneys to the credit of a bond service fund shall 12635  
be subject to the applicable bond proceedings. ~~Except as is~~ 12636  
~~otherwise provided in such bond proceedings, such a bond service~~ 12637  
~~fund shall be a fund for all such bonds, without distinction or~~ 12638  
~~priority of one over another.~~ 12639

(F) The proceeds of bonds issued for the payment of the costs 12640  
of infrastructure projects, net of the payment of all financing 12641  
expenses and deposits into debt service reserves or other special 12642  
funds as may be required in the applicable bond proceedings, shall 12643  
be deposited to the infrastructure fund or funds and shall be 12644  
exclusively used to pay the cost of infrastructure projects 12645  
approved by the commission, except that income earned by the 12646  
infrastructure fund may be used by the commission towards the 12647  
payment of bond service charges. 12648

**Sec. 5537.14.** All moneys received by the Ohio turnpike and 12649  
infrastructure commission under this chapter, whether as proceeds 12650  
from the sale of bonds or as revenues, are to be held and applied 12651



solely as provided in this chapter and in any applicable bond 12652  
proceedings. Such moneys shall be kept in depositories as selected 12653  
by the commission in the manner provided in sections 135.01 to 12654  
135.21 of the Revised Code, insofar as such sections are 12655  
applicable, and the deposits shall be secured as provided in 12656  
sections 135.01 to 135.21 of the Revised Code. The bond 12657  
proceedings shall provide that any officer to whom, or any bank or 12658  
trust company to which, revenues or pledged revenues are paid 12659  
shall act as trustee of such moneys and hold and apply them for 12660  
the purposes thereof, subject to applicable provisions of this 12661  
chapter and the bond proceedings. 12662

**Sec. 5537.15.** Any holder of bonds issued and outstanding 12663  
under this chapter, or any of the coupons appertaining thereto, 12664  
and the trustee under any trust agreement, except to the extent 12665  
the rights given by this chapter may be restricted or modified by 12666  
the bond proceedings, may by suit, action, mandamus, or other 12667  
proceedings, protect and enforce any rights under the laws of the 12668  
state or granted under this chapter or the bond proceedings, and 12669  
may enforce and compel the performance of all duties required by 12670  
this chapter or the bond proceedings, to be performed by the Ohio 12671  
turnpike and infrastructure commission or any officer of the 12672  
commission, including the fixing, charging, collecting, and 12673  
application of tolls. 12674

**Sec. 5537.16.** (A) The Ohio turnpike and infrastructure 12675  
commission may adopt such bylaws and rules as it considers 12676  
advisable for the control and regulation of traffic on any 12677  
turnpike project, for the protection and preservation of property 12678  
under its jurisdiction and control, for the maintenance and 12679  
preservation of good order within the property under its control, 12680  
and for the purpose of establishing owner or operator liability 12681  
for failure to comply with toll collection rules. The rules of the 12682

commission with respect to the speed, use of special engine 12683  
brakes, axle loads, vehicle loads, and vehicle dimensions of 12684  
vehicles on turnpike projects, including the issuance of a special 12685  
permit by the commission to allow the operation on any turnpike 12686  
project of a motor vehicle transporting two or fewer steel coils, 12687  
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 12688  
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 12689  
be published in a newspaper of general circulation in Franklin 12690  
county, and in such other manner as the commission prescribes. 12691

(B) Such rules shall provide that public police officers 12692  
shall be afforded ready access, while in the performance of their 12693  
official duty, to all property under the jurisdiction of the 12694  
commission and without the payment of tolls. 12695

(C) No person shall violate any such bylaws or rules of the 12696  
commission. 12697

(D)(1) All fines collected for the violation of applicable 12698  
laws of the state and the bylaws and rules of the commission or 12699  
moneys arising from bonds forfeited for such violation shall be 12700  
disposed of in accordance with section 5503.04 of the Revised 12701  
Code. 12702

(2) All fees or charges assessed by the commission against an 12703  
owner or operator of a vehicle as a civil violation for failure to 12704  
comply with toll collection or toll evasion rules shall be 12705  
revenues of the commission. 12706

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 12707  
be maintained and kept in good condition and repair by the Ohio 12708  
turnpike and infrastructure commission. The Ohio turnpike system 12709  
shall be policed and operated by a force of police, toll 12710  
collectors, and other employees and agents that the commission 12711  
employs or contracts for. 12712

(B) All public or private property damaged or destroyed in 12713  
carrying out the powers granted by this chapter shall be restored 12714  
or repaired and placed in its original condition, as nearly as 12715  
practicable, or adequate compensation or consideration made 12716  
therefor out of moneys provided under this chapter. 12717

(C) All governmental agencies may lease, lend, grant, or 12718  
convey to the commission at its request, upon terms that the 12719  
proper authorities of the governmental agencies consider 12720  
reasonable and fair and without the necessity for an 12721  
advertisement, order of court, or other action or formality, other 12722  
than the regular and formal action of the authorities concerned, 12723  
any property that is necessary or convenient to the effectuation 12724  
of the purposes of the commission, including public roads and 12725  
other property already devoted to public use. 12726

(D) Each bridge constituting part of a turnpike project shall 12727  
be inspected at least once each year by a professional engineer 12728  
employed or retained by the commission. 12729

(E) On or before the first day of July in each year, the 12730  
commission shall make an annual report of its activities for the 12731  
preceding calendar year to the governor and the general assembly. 12732  
Each such report shall set forth a complete operating and 12733  
financial statement covering the commission's operations and 12734  
funding of any turnpike projects and infrastructure projects 12735  
during the year. The commission shall cause an audit of its books 12736  
and accounts to be made at least once each year by certified 12737  
public accountants, and the cost thereof may be treated as a part 12738  
of the cost of operations of the commission. The auditor of state, 12739  
at least once a year and without previous notice to the 12740  
commission, shall audit the accounts and transactions of the 12741  
commission. 12742

(F) The commission shall submit a copy of its annual audit by 12743  
the auditor of state and its proposed annual budget for each 12744

calendar or fiscal year to the governor, the presiding officers of 12745  
each house of the general assembly, the director of budget and 12746  
management, and the legislative service commission no later than 12747  
the first day of that calendar or fiscal year. 12748

(G) Upon request of the chairperson of the appropriate 12749  
standing committee or subcommittee of the senate and house of 12750  
representatives that is primarily responsible for considering 12751  
transportation budget matters, the commission shall appear at 12752  
least one time before each committee or subcommittee during the 12753  
period when that committee or subcommittee is considering the 12754  
biennial appropriations for the department of transportation and 12755  
shall provide testimony outlining its budgetary results for the 12756  
last two calendar years, including a comparison of budget and 12757  
actual revenue and expenditure amounts. The commission also shall 12758  
address its current budget and long-term capital plan. 12759

(H) Not more than sixty nor less than thirty days before 12760  
adopting its annual budget, the commission shall submit a copy of 12761  
its proposed annual budget to the governor, the presiding officers 12762  
of each house of the general assembly, the director of budget and 12763  
management, and the legislative service commission. The office of 12764  
budget and management shall review the proposed budget and may 12765  
provide recommendations to the commission for its consideration. 12766

Sec. 5537.18. (A) The Ohio turnpike and infrastructure 12767  
commission shall adopt rules establishing the procedures and 12768  
criteria under which the commission may approve an application 12769  
received from the director of transportation for infrastructure 12770  
project funding under division (B) of this section. The rules 12771  
shall require an infrastructure project to have an anticipated 12772  
benefit to the system of public highways in the state of Ohio and 12773  
transportation-related nexus with and relationship to the Ohio 12774  
turnpike system and the Ohio turnpike and infrastructure system. 12775

The criteria included in the rules for determining if an 12776  
infrastructure project has the required nexus and relationship to 12777  
the Ohio turnpike system and the Ohio turnpike and infrastructure 12778  
system and the criteria for approving an application for 12779  
infrastructure project funding submitted by the director of 12780  
transportation shall include the following: 12781

(1) A physical proximity of the infrastructure project to and 12782  
a direct or indirect physical connection between the 12783  
infrastructure project and the Ohio turnpike system; 12784

(2) The impact of the infrastructure project on traffic 12785  
density, flow through, or capacity on the Ohio turnpike system; 12786

(3) The impact of the infrastructure project on the Ohio 12787  
turnpike system toll revenue or other revenues; 12788

(4) The impact of the infrastructure project on the movement 12789  
of goods and services on or in the area of the Ohio turnpike 12790  
system; and 12791

(5) The enhancement or improvement by and through the 12792  
infrastructure project of access to, use of, and egress from the 12793  
Ohio turnpike system and access to and from connected areas of 12794  
population, commerce, and industry. 12795

(B) The director of transportation may submit an application 12796  
to the commission for infrastructure project funding. An 12797  
application to the commission for infrastructure project funding, 12798  
as submitted by the director, shall include only infrastructure 12799  
projects that previously have been reviewed and recommended by the 12800  
transportation review advisory council pursuant to the selection 12801  
process followed by the council under Chapter 5512. of the Revised 12802  
Code. In selecting infrastructure projects for which applications 12803  
will be made to the commission for infrastructure project funding, 12804  
the director shall consider the physical proximity of the project 12805

to the Ohio turnpike system. Not less than ninety per cent of the 12806  
total moneys deposited in the infrastructure fund or funds shall 12807  
be expended on infrastructure projects any portion of which are 12808  
located within seventy-five miles of the Ohio turnpike system. 12809

By rule, the director may establish guidelines under which an 12810  
application may be made for infrastructure project funding that 12811  
combines separate projects if the combination of projects is 12812  
necessary to satisfy any funding threshold required for approval 12813  
by the transportation review advisory council and the individual 12814  
projects have a nexus to the Ohio turnpike system and also address 12815  
a critical public safety concern or have a significant economic 12816  
impact. 12817

(C) The commission shall evaluate each application for 12818  
infrastructure project funding submitted under division (B) of 12819  
this section in accordance with the procedures and criteria 12820  
established in rules adopted under division (A) of this section. A 12821  
determination or approval made under this section is conclusive 12822  
and incontestable. 12823

(D) Nothing in this section shall interfere with the 12824  
authority of the director of transportation under Chapter 5512. of 12825  
the Revised Code. 12826

**Sec. 5537.19.** The Ohio turnpike and infrastructure commission 12827  
shall expend such moneys as the commission considers necessary for 12828  
studies of any turnpike project or infrastructure project, whether 12829  
proposed, under construction, or in operation, and may employ 12830  
consulting engineers, traffic engineers, and any other individuals 12831  
or firms that the commission considers necessary to properly 12832  
implement the studies. The cost of the studies may be paid from 12833  
revenues, eligible state and federal grants, state taxes available 12834  
to the commission and permitted by law to be spent for such 12835  
purposes, or the proceeds of bonds. 12836

**Sec. 5537.20.** The exercise of the powers granted by this 12837  
chapter is in all respects for the benefit of the people of the 12838  
state, for the increase of their commerce and prosperity, and for 12839  
the improvement of their health and living conditions, and as the 12840  
construction, operation, and maintenance of the Ohio turnpike 12841  
system by the Ohio turnpike and infrastructure commission 12842  
constitute the performance of essential governmental functions, 12843  
the commission, except as provided in division (D) of section 12844  
5537.05 of the Revised Code, shall not be required to pay any 12845  
state or local taxes or assessments upon any turnpike project or 12846  
infrastructure project funded by it, or upon revenues or any 12847  
property acquired or used by the commission under this chapter, or 12848  
upon the income therefrom. The bonds issued under this chapter, 12849  
their transfer, and the income therefrom, including any profit 12850  
made on the sale thereof, shall at all times be free from taxation 12851  
within the state. 12852

**Sec. 5537.21.** (A) When bond service charges on all 12853  
outstanding bonds issued in connection with any turnpike project 12854  
have been paid or provision for that payment has been made, as 12855  
provided in the applicable bond proceedings, or in the case of a 12856  
turnpike project in connection with which no bonds have been 12857  
issued, the project shall continue to be or be operated, and 12858  
improved and maintained, by the Ohio turnpike and infrastructure 12859  
commission as a part of the Ohio turnpike system and as a toll 12860  
road, and all revenues received by the commission relating to that 12861  
project shall be applied as provided in division (B) of this 12862  
section. 12863

(B) Subject to the bond proceedings for bonds relating to any 12864  
turnpike project or infrastructure project, tolls relating to a 12865  
turnpike project as referred to in division (A) of this section 12866  
shall be so fixed and adjusted such that the aggregate of 12867

~~available~~ revenues relating to that turnpike project ~~and available~~ 12868  
~~for the purpose~~ are in amounts ~~to provide moneys at least~~ 12869  
~~sufficient, and those revenues shall be used,~~ to pay the costs 12870  
described in division (C)~~(1)~~(2)(a) of section 5537.13 of the 12871  
Revised Code. 12872

**Sec. 5537.22.** All final actions of the Ohio turnpike and 12873  
infrastructure commission shall be journalized and such journal 12874  
shall be open to the inspection of the public at all reasonable 12875  
times. 12876

**Sec. 5537.24.** (A) There is hereby created a turnpike 12877  
legislative review committee consisting of six members as follows: 12878

(1) Three members of the senate, no more than two of whom 12879  
shall be members of the same political party, one of whom shall be 12880  
the chairperson of the committee dealing primarily with highway 12881  
matters, one of whom shall be appointed by the president of the 12882  
senate, and one of whom shall be appointed by the minority leader 12883  
of the senate. 12884

Both the senate member who is appointed by the president of 12885  
the senate and the senate member appointed by the minority leader 12886  
of the senate shall represent either districts in which is located 12887  
or through which passes a portion of a turnpike project that is 12888  
part of the Ohio turnpike system or districts located in the 12889  
vicinity of a turnpike project that is part of the Ohio turnpike 12890  
system. 12891

The president of the senate shall make the president of the 12892  
senate's appointment to the committee first, followed by the 12893  
minority leader of the senate, and they shall make their 12894  
appointments in such a manner that their two appointees represent 12895  
districts that are located in different areas of the state. If the 12896  
chairperson of the senate committee dealing primarily with highway 12897



matters represents a district in which is located or through which 12898  
passes a portion of a turnpike project that is part of the Ohio 12899  
turnpike system or a district located in the vicinity of a 12900  
turnpike project that is part of the Ohio turnpike system, the 12901  
president of the senate and the minority leader of the senate 12902  
shall make their appointments in such a manner that their two 12903  
appointees and the chairperson of the senate committee dealing 12904  
primarily with highway matters all represent districts that are 12905  
located in different areas of the state. 12906

(2) Three members of the house of representatives, no more 12907  
than two of whom shall be members of the same political party, one 12908  
of whom shall be the chairperson of the house of representatives 12909  
committee dealing primarily with highway matters, one of whom 12910  
shall be appointed by the speaker of the house of representatives, 12911  
and one of whom shall be appointed by the minority leader of the 12912  
house of representatives. 12913

Both the house of representatives member who is appointed by 12914  
the speaker of the house of representatives and the house of 12915  
representatives member appointed by the minority leader of the 12916  
house of representatives shall represent either districts in which 12917  
is located or through which passes a portion of a turnpike project 12918  
that is part of the Ohio turnpike system or districts located in 12919  
the vicinity of a turnpike project that is part of the Ohio 12920  
turnpike system. 12921

The speaker of the house of representatives shall make the 12922  
speaker of the house of representative's appointment to the 12923  
committee first, followed by the minority leader of the house of 12924  
representatives, and they shall make their appointments in such a 12925  
manner that their two appointees represent districts that are 12926  
located in different areas of the state. If the chairperson of the 12927  
house of representatives committee dealing primarily with highway 12928  
matters represents a district in which is located or through which 12929

passes a portion of a turnpike project that is part of the Ohio 12930  
turnpike system or a district located in the vicinity of a 12931  
turnpike project that is part of the Ohio turnpike system, the 12932  
speaker of the house of representatives and the minority leader of 12933  
the house of representatives shall make their appointments in such 12934  
a manner that their two appointees and the chairperson of the 12935  
house of representatives committee dealing primarily with highway 12936  
matters all represent districts that are located in different 12937  
areas of the state. 12938

The chairperson of the house of representatives committee 12939  
shall serve as the chairperson of the turnpike legislative review 12940  
committee for the year 1996. Thereafter, the chair annually shall 12941  
alternate between, first, the chairperson of the senate committee 12942  
and then the chairperson of the house of representatives 12943  
committee. 12944

(B) Each member of the turnpike legislative review committee 12945  
who is a member of the general assembly shall serve a term of the 12946  
remainder of the general assembly during which the member is 12947  
appointed or is serving as chairperson of the specified senate or 12948  
house committee. In the event of the death or resignation of a 12949  
committee member who is a member of the general assembly, or in 12950  
the event that a member ceases to be a senator or representative, 12951  
or in the event that the chairperson of the senate committee 12952  
dealing primarily with highway matters or the chairperson of the 12953  
house of representatives committee dealing primarily with highway 12954  
matters ceases to hold that position, the vacancy shall be filled 12955  
through an appointment by the president of the senate or the 12956  
speaker of the house of representatives or minority leader of the 12957  
senate or house of representatives, as applicable. Any member 12958  
appointed to fill a vacancy occurring prior to the end of the term 12959  
for which the member's predecessor was appointed shall hold office 12960  
for the remainder of the term or for a shorter period of time as 12961

determined by the president or the speaker. A member of the 12962  
committee is eligible for reappointment. 12963

(C) The turnpike legislative review committee shall meet at 12964  
least quarterly and may meet at the call of its chairperson, or 12965  
upon the written request to the chairperson of not fewer than four 12966  
members of the committee. Meetings shall be held at sites that are 12967  
determined solely by the chairperson of the committee. At each 12968  
meeting, the Ohio turnpike and infrastructure commission shall 12969  
make a report to the committee on commission matters, including 12970  
but not limited to financial and budgetary matters and proposed 12971  
and on-going construction, maintenance, repair, and operational 12972  
projects of the commission. 12973

The committee, by the affirmative vote of at least four of 12974  
its members, may submit written recommendations to the commission, 12975  
either at meetings held pursuant to this section or at any other 12976  
time, describing new turnpike projects or new interchanges located 12977  
on existing projects that the committee believes the commission 12978  
should consider constructing. 12979

(D) At least annually the commission shall make a report to 12980  
the committee of those infrastructure projects approved and paid 12981  
for by the commission. 12982

(E) The members of the turnpike legislative review committee 12983  
who are members of the general assembly shall serve without 12984  
compensation, but shall be reimbursed by the commission for their 12985  
actual and necessary expenses incurred in the discharge of their 12986  
official duties as committee members. Serving as a member of the 12987  
turnpike legislative review committee does not constitute grounds 12988  
for resignation from the senate or house of representatives under 12989  
section 101.26 of the Revised Code. 12990

**Sec. 5537.25.** (A) Notwithstanding any provision of law to the 12991  
contrary, the Ohio turnpike and infrastructure commission shall 12992

make no expenditure to engage the services of any person to 12993  
influence either of the following: 12994

(1) Administrative actions or decisions of the governor, the 12995  
director of any department listed in section 121.02 of the Revised 12996  
Code, any member of the staff of any public officer or employee 12997  
listed in this section, the president of the United States, or any 12998  
federal officer or employee; 12999

(2) Legislation pending in this state or any other state, a 13000  
subdivision of this state or any other state, or the federal 13001  
government, including the executive approval or veto of any such 13002  
pending legislation. 13003

(B) This section shall not be interpreted to prohibit the 13004  
commission from designating officers or members of the commission, 13005  
or full-time, permanent employees of the commission, to act as 13006  
administrative or legislative agents for the commission. 13007

**Sec. 5537.26.** (A) Except as provided in division (D) of this 13008  
section, no increase by the Ohio turnpike and infrastructure 13009  
commission in the toll rate structure that is applicable to 13010  
vehicles operating on a turnpike project shall become effective 13011  
unless the commission complies with the notice and hearing 13012  
requirements prescribed in division (B) of this section, and the 13013  
commission shall not take any action that expands, has the effect 13014  
of expanding, or will to any degree at any time in the future have 13015  
the effect of expanding the sphere of responsibility of the 13016  
commission beyond the Ohio turnpike, unless the commission 13017  
complies with the notice and hearing requirements prescribed in 13018  
division (B) of this section. 13019

(B) Not less than ninety days prior to the date on which the 13020  
commission votes to increase any part of the toll rate structure 13021  
that is applicable to vehicles operating on a turnpike project, 13022  
and not less than ninety days prior to the date on which the 13023

commission votes to take an action that expands, has the effect of 13024  
expanding, or will to any degree at any time in the future have 13025  
the effect of expanding the sphere of responsibility of the 13026  
commission beyond the Ohio turnpike, the commission shall do both 13027  
of the following: 13028

(1) Send notice to the governor and the presiding officers 13029  
and minority leaders of the senate and house of representatives 13030  
that details the proposed increase to the toll rate structure or 13031  
the expansion of the sphere of responsibility of the commission 13032  
beyond the Ohio turnpike, including a description of and a 13033  
justification for the increase or expansion; 13034

(2) Commence holding public hearings on the proposed increase 13035  
in the toll rate structure or the proposed action. If the 13036  
commission is proposing an increase in the toll rate structure 13037  
that is applicable to vehicles operating on a turnpike project, it 13038  
shall hold not less than three public hearings in three 13039  
geographically diverse locations in this state that are in the 13040  
immediate vicinity of the affected project. If the commission is 13041  
proposing to take an action that expands, has the effect of 13042  
expanding, or will to any degree at any time in the future have 13043  
the effect of expanding the sphere of responsibility of the 13044  
commission beyond the Ohio turnpike, it shall hold not less than 13045  
three public hearings in three locations in the immediate vicinity 13046  
where the expanded responsibilities would arise. 13047

The commission shall hold the third or, if it holds more than 13048  
three hearings, the last hearing of any set of hearings required 13049  
to be held under this section not less than thirty days prior to 13050  
the date on which it votes to increase part of the toll rate 13051  
structure that is applicable to vehicles operating on a turnpike 13052  
project or to take an action that expands, has the effect of 13053  
expanding, or will to any degree at any time in the future have 13054  
the effect of expanding the sphere of responsibility of the 13055

commission beyond the Ohio turnpike. 13056

The commission shall inform the public of all the hearings 13057  
required to be held under this section by causing a notice to be 13058  
published in a newspaper of general circulation in the county in 13059  
which each hearing is to be held, not less than once per week for 13060  
two weeks prior to the date of the hearing. 13061

(C) If the commission does not comply with the notice and 13062  
hearing requirements contained in division (B) of this section and 13063  
votes for an increase in the toll rate structure that is 13064  
applicable to vehicles operating on a turnpike project, the 13065  
increase in the toll rate structure shall not take effect, any 13066  
attempt by the commission to implement the increase in the toll 13067  
rate structure is void, and, if necessary, the attorney general 13068  
shall file an action in the court of common pleas of the county in 13069  
which the principal office of the commission is located to enjoin 13070  
the commission from implementing the increase. The commission 13071  
shall not implement any increase until it complies with division 13072  
(B) of this section. 13073

If the commission does not comply with the notice and hearing 13074  
requirements contained in division (B) of this section and votes 13075  
to take an action that expands, has the effect of expanding, or 13076  
will to any degree at any time in the future have the effect of 13077  
expanding the sphere of responsibility of the commission beyond 13078  
the Ohio turnpike, the commission shall not take the proposed 13079  
action and, if necessary, the attorney general shall file an 13080  
action in the court of common pleas of the county in which the 13081  
principal office of the commission is located to enjoin the 13082  
commission from taking the proposed action. The commission shall 13083  
not take the proposed action until it complies with the notice and 13084  
hearing requirements prescribed in division (B) of this section. 13085

(D) Divisions (A) to (C) of this section do not apply to any 13086  
decrease made to the toll rate structure by the commission. The 13087

commission may implement a temporary decrease in the toll rate 13088  
structure only if it does not exceed eighteen months in duration. 13089  
Prior to instituting any decrease to the toll rate structure, the 13090  
commission shall do both of the following: 13091

(1) Not less than five days prior to any public meeting under 13092  
division (D)(2) of this section, send notice to the governor and 13093  
the presiding officers and minority leaders of the senate and 13094  
house of representatives that details the proposed decrease to the 13095  
toll rate structure; 13096

(2) Hold a public meeting to explain to members of the 13097  
traveling public the reasons for the upcoming decrease, to inform 13098  
them of any benefits and any negative consequences, and to give 13099  
them the opportunity to express their opinions as to the relative 13100  
merits or drawbacks of each toll decrease. The commission shall 13101  
inform the public of the meeting by causing a notice to be 13102  
published in newspapers of general circulation in Cuyahoga, Lucas, 13103  
Mahoning, Trumbull, Williams, and Summit counties not less than 13104  
five days prior to the meeting. The commission shall not be 13105  
required to hold any public hearing or meeting upon the expiration 13106  
of any temporary decrease in the toll rate structure, so long as 13107  
it implements the same toll rate structure that was in effect 13108  
immediately prior to the temporary decrease. 13109

(E) As used in this section, "Ohio turnpike" means the toll 13110  
freeway that is under the jurisdiction of the commission and runs 13111  
in an easterly and westerly direction across the entire northern 13112  
portion of this state between its borders with the state of 13113  
Pennsylvania in the east and the state of Indiana in the west, and 13114  
carries the interstate highway designations of interstate 13115  
seventy-six, interstate eighty, and interstate eighty-ninety. 13116

**Sec. 5537.27.** The Ohio turnpike and infrastructure 13117  
commission, the director of transportation or the director's 13118

designee, and another person designated by the governor shall 13119  
establish a procedure whereby a political subdivision or other 13120  
government agency or agencies may submit a written application to 13121  
the commission, requesting the commission to construct and operate 13122  
a turnpike project within the boundaries of the subdivision, 13123  
agency, or agencies making the request. The procedure shall 13124  
include a requirement that the commission send a written reply to 13125  
the subdivision, agency, or agencies, explaining the disposition 13126  
of the request. The procedure established pursuant to this section 13127  
shall not become effective unless it is approved by the commission 13128  
and by the director or the director's designee and the designee of 13129  
the governor, and shall require submission of the proposed 13130  
turnpike project to the turnpike legislative review committee if 13131  
the project must be approved by the governor. 13132

**Sec. 5537.28.** (A) ~~Notwithstanding any other provision of law,~~ 13133  
~~on and after the effective date of this section, the Ohio turnpike~~ 13134  
~~commission shall not expend any toll revenues that are generated~~ 13135  
~~by an existing turnpike project to fund in any manner or to any~~ 13136  
~~degree the construction, operation, maintenance, or repair of~~ 13137  
~~another turnpike project the location of which must be reviewed by~~ 13138  
~~the turnpike legislative review committee and approved by the~~ 13139  
~~governor.~~ 13140

In paying the cost of ~~such a~~ any turnpike project, the Ohio 13141  
turnpike and infrastructure commission may issue bonds and bond 13142  
anticipation notes as permitted by this chapter, and may accept 13143  
moneys from any source to pay the cost of any portion of the 13144  
turnpike project, including, but not limited to, the federal 13145  
government, any department or agency of this state, and any 13146  
political subdivision or other government agency. Each such 13147  
project shall be constructed, operated, maintained, and repaired 13148  
entirely with funds ~~generated by that project or otherwise~~ 13149  
specifically acquired for that project or from ~~sources permitted~~ 13150



by this chapter excess funds available from any other turnpike 13151  
project. 13152

~~(B) The commission shall not expend any toll revenues 13153  
generated by the Ohio turnpike to pay any amount of the principal 13154  
amount of, or interest due on, any bonds or bond anticipation 13155  
notes issued by the commission to pay any portion of the cost of 13156  
another turnpike project the location of which must be reviewed by 13157  
the turnpike legislative review committee and approved by the 13158  
governor. The commission shall not expend any toll revenues 13159  
generated by any turnpike project to pay any amount of the 13160  
principal amount of, or interest due on, any bonds or bond 13161  
anticipation notes issued by the commission to pay any portion of 13162  
the cost of a new turnpike project the location of which must be 13163  
reviewed by the turnpike legislative review committee and approved 13164  
by the governor or the cost of the operation, repair, improvement, 13165  
maintenance, or reconstruction of any turnpike project other than 13166  
the project that generated those toll revenues. 13167~~

~~(C) As used in this section:~~ 13168

~~(1) "Ohio turnpike" has the same meaning as in division (E) 13169  
of section 5537.26 of the Revised Code; 13170~~

~~(2) "Another any turnpike project" does not include 13171  
infrastructure improvements on the Ohio turnpike or on connecting 13172  
roadways within one mile of an Ohio turnpike interchange projects. 13173  
The costs of infrastructure projects approved under section 13174  
5537.18 of the Revised Code shall be funded exclusively out of the 13175  
infrastructure fund or funds. 13176~~

**Sec. 5537.30.** (A) Not later than December 31, 2009, the Ohio 13177  
turnpike and infrastructure commission shall establish a program 13178  
for the placement of business logos for identification purposes on 13179  
directional signs within the turnpike right-of-way. 13180

(B)(1) The commission shall establish, and may revise at any time, a fee for participation in the business logo sign program. All direct and indirect costs of the business logo sign program established pursuant to this section shall be fully paid by the businesses applying for participation in the program. The direct and indirect costs of the program shall include, but not be limited to, the cost of capital, directional signs, blanks, posts, logos, installation, repair, engineering, design, insurance, removal, replacement, and administration.

(2) Money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract ~~under division (C) of this section to operate, maintain, or market the business logo sign program~~ shall be remitted to the commission.

(3) If the commission operates such a program and does not contract with a private person to operate it, all money collected from participating businesses shall be retained by the commission.

~~(C) The commission, in accordance with rules adopted pursuant to section 111.15 of the Revised Code, may contract with any private person to operate, maintain, or market the business logo sign program. The contract may allow for a reasonable profit to be earned by the successful applicant. In awarding the contract, the commission shall consider the skill, expertise, prior experience, and other qualifications of each applicant.~~

~~(D)~~ The program shall permit the business logo signs of a seller of motor vehicle fuel to include on the seller's signs a marking or symbol indicating that the seller sells one or more types of alternative fuel so long as the seller in fact sells that fuel. As used in this division, "alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

Sec. 5553.051. The board of county commissioners may

establish a fee to cover the actual costs the county incurs in 13212  
providing published notice and mailed notice as required by 13213  
section 5553.05 of the Revised Code. The board may require an 13214  
initial deposit to be paid at the time a petition for vacation of 13215  
a road is filed under section 5553.04 of the Revised Code or 13216  
promptly thereafter. The clerk of the board shall maintain an 13217  
accurate and detailed accounting of all funds received under this 13218  
section and expended in providing the required published and 13219  
mailed notice. 13220

**Sec. 5577.044.** (A) Notwithstanding sections 5577.02 and 13221  
5577.04 of the Revised Code, a vehicle fueled solely by compressed 13222  
natural gas may exceed by not more than two thousand pounds the 13223  
gross vehicle weight provisions of sections 5577.01 to 5577.09 of 13224  
the Revised Code or the axle load limits of those sections. 13225

(B) If a vehicle described in division (A) of this section 13226  
exceeds the weight provisions of sections 5577.01 to 5577.09 of 13227  
the Revised Code by more than the allowance provided for in 13228  
division (A) of this section, both of the following apply: 13229

(1) The applicable penalty prescribed in section 5577.99 of 13230  
the Revised Code; 13231

(2) The civil liability imposed by section 5577.12 of the 13232  
Revised Code. 13233

(C) Division (A) of this section does not apply to the 13234  
operation of a vehicle on either of the following: 13235

(1) A highway that is part of the interstate system; 13236

(2) A highway, road, or bridge that is subject to reduced 13237  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 13238  
5577.09, or 5591.42 of the Revised Code. 13239

**Sec. 5577.05.** (A) No vehicle shall be operated upon the 13240

public highways, streets, bridges, and culverts within the state, 13241  
whose dimensions exceed those specified in this section. 13242

(B) No such vehicle shall have a width in excess of: 13243

(1) One hundred four inches for passenger bus type vehicles 13244  
operated exclusively within municipal corporations; 13245

(2) One hundred two inches, excluding such safety devices as 13246  
are required by law, for passenger bus type vehicles operated over 13247  
freeways, and such other state roads with minimum pavement widths 13248  
of twenty-two feet, except those roads or portions of roads over 13249  
which operation of one hundred two-inch buses is prohibited by 13250  
order of the director of transportation; 13251

(3) One hundred thirty-two inches for traction engines; 13252

(4) One hundred two inches for recreational vehicles, 13253  
excluding safety devices and retracted awnings and other 13254  
appurtenances of six inches or less in width and except that the 13255  
director may prohibit the operation of one hundred two inch 13256  
recreational vehicles on designated state highways or portions of 13257  
highways; 13258

(5) One hundred two inches, including load, for all other 13259  
vehicles, except that the director may prohibit the operation of 13260  
one hundred two-inch vehicles on such state highways or portions 13261  
of state highways as the director designates. 13262

(C) No such vehicle shall have a length in excess of: 13263

(1) Sixty-six feet for passenger bus type vehicles and 13264  
articulated passenger bus type vehicles operated by a regional 13265  
transit authority pursuant to sections 306.30 to 306.54 of the 13266  
Revised Code; 13267

(2) Forty-five feet for all other passenger bus type 13268  
vehicles; 13269

(3) Fifty-three feet for any semitrailer when operated in a 13270

commercial tractor-semitrailer combination, with or without load, 13271  
except that the director may prohibit the operation of any such 13272  
commercial tractor-semitrailer combination on such state highways 13273  
or portions of state highways as the director designates. 13274

(4) Twenty-eight and one-half feet for any semitrailer or 13275  
trailer when operated in a commercial tractor-semitrailer-trailer 13276  
or commercial tractor-semitrailer-semitrailer combination, except 13277  
that the director may prohibit the operation of any such 13278  
commercial tractor-semitrailer-trailer or commercial 13279  
tractor-semitrailer-semitrailer combination on such state highways 13280  
or portions of state highways as the director designates; 13281

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 13282  
transporter combinations and drive-away saddlemount with fullmount 13283  
vehicle transporter combinations when operated on any interstate, 13284  
United States route, or state route, including reasonable access 13285  
travel on all other roadways for a distance not to exceed one road 13286  
mile from any interstate, United States route, or state route, not 13287  
to exceed three saddlemounted vehicles, but which may include one 13288  
fullmount; 13289

(b) Seventy-five feet for drive-away saddlemount vehicle 13290  
transporter combinations and drive-away saddlemount with fullmount 13291  
vehicle transporter combinations, when operated on any roadway not 13292  
designated as an interstate, United States route, or state route, 13293  
not to exceed three saddlemounted vehicles, but which may include 13294  
one fullmount; 13295

(6) Sixty-five feet for any other combination of vehicles 13296  
coupled together, with or without load, except as provided in 13297  
divisions (C)(3) and (4), and in division (E) of this section; 13298

(7) Forty-five feet for recreational vehicles; 13299

(8) ~~Forty~~ Fifty feet for all other vehicles except trailers 13300  
and semitrailers, with or without load. 13301

(D) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load. 13302  
13303

(E) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion of any state highway that the director designates. 13304  
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(F) The widths prescribed in division (B) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge. 13315  
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The width prescribed in division (B)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle. 13320  
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The lengths prescribed in divisions (C)(2) to (8) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the secretary of the United States department of transportation, or any noncargo-carrying 13324  
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refrigeration equipment attached to the front of trailers and 13334  
semitrailers. In special cases, vehicles whose dimensions exceed 13335  
those prescribed by this section may operate in accordance with 13336  
rules adopted by the director. 13337

(G) This section does not apply to fire engines, fire trucks, 13338  
or other vehicles or apparatus belonging to any municipal 13339  
corporation or to the volunteer fire department of any municipal 13340  
corporation or used by such department in the discharge of its 13341  
functions. This section does not apply to vehicles and pole 13342  
trailers used in the transportation of wooden and metal poles, nor 13343  
to the transportation of pipes or well-drilling equipment, nor to 13344  
farm machinery and equipment. ~~The~~ 13345

The owner or operator of any vehicle, machinery, or equipment 13346  
not specifically enumerated in this section but the dimensions of 13347  
which exceed the dimensions provided by this section, when 13348  
operating the same on the highways and streets of this state, 13349  
shall comply with the rules of the director governing such 13350  
movement that the director may adopt. Sections 119.01 to 119.13 of 13351  
the Revised Code apply to any rules the director adopts under this 13352  
section, or the amendment or rescission of the rules, and any 13353  
person adversely affected shall have the same right of appeal as 13354  
provided in those sections. 13355

This section does not require the state, a municipal 13356  
corporation, county, township, or any railroad or other private 13357  
corporation to provide sufficient vertical clearance to permit the 13358  
operation of such vehicle, or to make any changes in or about 13359  
existing structures now crossing streets, roads, and other public 13360  
thoroughfares in this state. 13361

(H) As used in this section, "recreational vehicle" has the 13362  
same meaning as in section 4501.01 of the Revised Code. 13363

**Sec. 5728.01.** As used in sections 5728.02 to 5728.14 of the 13364

Revised Code: 13365

(A) "Motor vehicle" means everything on wheels that is 13366  
self-propelled, other than by muscular power or power collected 13367  
from electric trolley wires and other than vehicles or machinery 13368  
not designed for or employed in general highway transportation, 13369  
used to transport or propel persons or property over a public 13370  
highway. 13371

(B) "Commercial car" means any motor vehicle used for 13372  
transporting persons or property, wholly on its own structure on a 13373  
public highway. 13374

(C) "Commercial tractor" means any motor vehicle designed and 13375  
used to propel or draw a trailer or semi-trailer or both on a 13376  
public highway without having any provision for carrying loads 13377  
independently of such trailer or semi-trailer. 13378

(D) "Trailer" means everything on wheels that is not 13379  
self-propelled, except vehicles or machinery not designed for or 13380  
employed in general highway transportation, used for carrying 13381  
property wholly on its own structure and for being drawn by a 13382  
motor vehicle on a public highway, including any such vehicle when 13383  
formed by or operated as a combination of a semi-trailer and a 13384  
vehicle of the dolly type such as that commonly known as a trailer 13385  
dolly. "Trailer" does not include manufactured homes as defined in 13386  
division (C)(4) of section 3781.06 of the Revised Code or mobile 13387  
homes as defined in division (O) of section 4501.01 of the Revised 13388  
Code. 13389

(E) "Semi-trailer" means everything on wheels that is not 13390  
self-propelled, except vehicles or machinery not designed for or 13391  
employed in general highway transportation, designed and used for 13392  
carrying property on a public highway when being propelled or 13393  
drawn by a commercial tractor when part of its own weight or the 13394  
weight of its load, or both, rest upon and is carried by a 13395



commercial tractor.	13396
(F) "Commercial tandem" means any commercial car and trailer	13397
or any commercial tractor, semi-trailer, and trailer when fastened	13398
together and used as one unit.	13399
(G) "Commercial tractor combination" means any commercial	13400
tractor and semi-trailer when fastened together and used as one	13401
unit.	13402
(H) "Axle" means two or more load carrying wheels mounted in	13403
a single transverse vertical plane.	13404
(I) "Public highway" means any highway, road, or street	13405
dedicated to public use, including a highway under the control and	13406
jurisdiction of the Ohio turnpike <u>and infrastructure</u> commission	13407
created by the provisions of section 5537.02 of the Revised Code	13408
and land and lots over which the public, either as user or owner,	13409
generally has a right to pass even though such land or lots are	13410
closed temporarily by public authorities for the purpose of	13411
construction, reconstruction, maintenance, or repair.	13412
(J) "Jurisdiction" means a state of the United States, the	13413
District of Columbia, or a province or territory of Canada.	13414
<b>Sec. 5735.05.</b> (A) To provide revenue for maintaining the	13415
state highway system; to widen existing surfaces on such highways;	13416
to resurface such highways; to pay that portion of the	13417
construction cost of a highway project which a county, township,	13418
or municipal corporation normally would be required to pay, but	13419
which the director of transportation, pursuant to division (B) of	13420
section 5531.08 of the Revised Code, determines instead will be	13421
paid from moneys in the highway operating fund; to enable the	13422
counties of the state properly to plan, maintain, and repair their	13423
roads and to pay principal, interest, and charges on bonds and	13424
other obligations issued pursuant to Chapter 133. of the Revised	13425

Code or incurred pursuant to section 5531.09 of the Revised Code 13426  
for highway improvements; to enable the municipal corporations to 13427  
plan, construct, reconstruct, repave, widen, maintain, repair, 13428  
clear, and clean public highways, roads, and streets, and to pay 13429  
the principal, interest, and charges on bonds and other 13430  
obligations issued pursuant to Chapter 133. of the Revised Code or 13431  
incurred pursuant to section 5531.09 of the Revised Code for 13432  
highway improvements; to enable the Ohio turnpike and 13433  
infrastructure commission to construct, reconstruct, maintain, and 13434  
repair turnpike projects; to maintain and repair bridges and 13435  
viaducts; to purchase, erect, and maintain street and traffic 13436  
signs and markers; to purchase, erect, and maintain traffic lights 13437  
and signals; to pay the costs apportioned to the public under 13438  
sections 4907.47 and 4907.471 of the Revised Code and to 13439  
supplement revenue already available for such purposes; to pay the 13440  
costs incurred by the public utilities commission in administering 13441  
sections 4907.47 to 4907.476 of the Revised Code; to distribute 13442  
equitably among those persons using the privilege of driving motor 13443  
vehicles upon such highways and streets the cost of maintaining 13444  
and repairing them; to pay the interest, principal, and charges on 13445  
highway capital improvements bonds and other obligations issued 13446  
pursuant to Section 2m of Article VIII, Ohio Constitution, and 13447  
section 151.06 of the Revised Code; to pay the interest, 13448  
principal, and charges on highway obligations issued pursuant to 13449  
Section 2i of Article VIII, Ohio Constitution, and sections 13450  
5528.30 and 5528.31 of the Revised Code; to pay the interest, 13451  
principal, and charges on major new state infrastructure bonds and 13452  
other obligations of the state issued pursuant to Section 13 of 13453  
Article VIII, Ohio Constitution, and section 5531.10 of the 13454  
Revised Code; to provide revenue for the purposes of sections 13455  
1547.71 to 1547.78 of the Revised Code; and to pay the expenses of 13456  
the department of taxation incident to the administration of the 13457  
motor fuel laws, a motor fuel excise tax is hereby imposed on all 13458

motor fuel dealers upon receipt of motor fuel within this state at 13459  
the rate of two cents plus the cents per gallon rate on each 13460  
gallon so received, to be computed in the manner set forth in 13461  
section 5735.06 of the Revised Code; provided that no tax is 13462  
hereby imposed upon the following transactions: 13463

(1) The sale of dyed diesel fuel by a licensed motor fuel 13464  
dealer from a location other than a retail service station 13465  
provided the licensed motor fuel dealer places on the face of the 13466  
delivery document or invoice, or both if both are used, a 13467  
conspicuous notice stating that the fuel is dyed and is not for 13468  
taxable use, and that taxable use of that fuel is subject to a 13469  
penalty. The tax commissioner, by rule, may provide that any 13470  
notice conforming to rules or regulations issued by the United 13471  
States department of the treasury or the Internal Revenue Service 13472  
is sufficient notice for the purposes of division (A)(1) of this 13473  
section. 13474

(2) The sale of K-1 kerosene to a retail service station, 13475  
except when placed directly in the fuel supply tank of a motor 13476  
vehicle. Such sale shall be rebuttably presumed to not be 13477  
distributed or sold for use or used to generate power for the 13478  
operation of motor vehicles upon the public highways or upon the 13479  
waters within the boundaries of this state. 13480

(3) The sale of motor fuel by a licensed motor fuel dealer to 13481  
another licensed motor fuel dealer; 13482

(4) The exportation of motor fuel by a licensed motor fuel 13483  
dealer from this state to any other state or foreign country; 13484

(5) The sale of motor fuel to the United States government or 13485  
any of its agencies, except such tax as is permitted by it, where 13486  
such sale is evidenced by an exemption certificate, in a form 13487  
approved by the tax commissioner, executed by the United States 13488  
government or an agency thereof certifying that the motor fuel 13489

therein identified has been purchased for the exclusive use of the 13490  
United States government or its agency; 13491

(6) The sale of motor fuel that is in the process of 13492  
transportation in foreign or interstate commerce, except insofar 13493  
as it may be taxable under the Constitution and statutes of the 13494  
United States, and except as may be agreed upon in writing by the 13495  
dealer and the commissioner; 13496

(7) The sale of motor fuel when sold exclusively for use in 13497  
the operation of aircraft, where such sale is evidenced by an 13498  
exemption certificate prescribed by the commissioner and executed 13499  
by the purchaser certifying that the motor fuel purchased has been 13500  
purchased for exclusive use in the operation of aircraft; 13501

(8) The sale for exportation of motor fuel by a licensed 13502  
motor fuel dealer to a licensed exporter type A; 13503

(9) The sale for exportation of motor fuel by a licensed 13504  
motor fuel dealer to a licensed exporter type B, provided that the 13505  
destination state motor fuel tax has been paid or will be accrued 13506  
and paid by the licensed motor fuel dealer. 13507

(10) The sale to a consumer of diesel fuel, by a motor fuel 13508  
dealer for delivery from a bulk lot vehicle, for consumption in 13509  
operating a vessel when the use of such fuel in a vessel would 13510  
otherwise qualify for a refund under section 5735.14 of the 13511  
Revised Code. 13512

Division (A)(1) of this section does not apply to the sale or 13513  
distribution of dyed diesel fuel used to operate a motor vehicle 13514  
on the public highways or upon water within the boundaries of this 13515  
state by persons permitted under regulations of the United States 13516  
department of the treasury or of the Internal Revenue Service to 13517  
so use dyed diesel fuel. 13518

(B) The two cent motor fuel tax levied by this section is 13519  
also for the purpose of paying the expenses of administering and 13520

enforcing the state law relating to the registration and operation 13521  
of motor vehicles. 13522

(C) After the tax provided for by this section on the receipt 13523  
of any motor fuel has been paid by the motor fuel dealer, the 13524  
motor fuel may thereafter be used, sold, or resold by any person 13525  
having lawful title to it, without incurring liability for such 13526  
tax. 13527

If a licensed motor fuel dealer sells motor fuel received by 13528  
the licensed motor fuel dealer to another licensed motor fuel 13529  
dealer, the seller may deduct on the report required by section 13530  
5735.06 of the Revised Code the number of gallons so sold for the 13531  
month within which the motor fuel was sold or delivered. In this 13532  
event the number of gallons is deemed to have been received by the 13533  
purchaser, who shall report and pay the tax imposed thereon. 13534

**Sec. 5735.23.** (A) Out of receipts from the tax levied by 13535  
section 5735.05 of the Revised Code, the treasurer of state shall 13536  
place to the credit of the tax refund fund established by section 13537  
5703.052 of the Revised Code amounts equal to the refunds 13538  
certified by the tax commissioner pursuant to sections 5735.13, 13539  
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 13540  
treasurer of state shall then transfer the amount required by 13541  
section 5735.051 of the Revised Code to the waterways safety fund, 13542  
the amount required by section 4907.472 of the Revised Code to the 13543  
grade crossing protection fund, and the amount required by section 13544  
5735.053 of the Revised Code to the motor fuel tax administration 13545  
fund. 13546

(B) Except as provided in division (D) of this section, each 13547  
month the balance of the receipts from the tax levied by section 13548  
5735.05 of the Revised Code shall be credited, after receipt by 13549  
the treasurer of state of certification from the commissioners of 13550  
the sinking fund, as required by section 5528.35 of the Revised 13551

Code, that there are sufficient moneys to the credit of the 13552  
highway obligations bond retirement fund to meet in full all 13553  
payments of interest, principal, and charges for the retirement of 13554  
highway obligations issued pursuant to Section 2i of Article VIII, 13555  
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 13556  
Code due and payable during the current calendar year, as follows: 13557

(1) To the state and local government highway distribution 13558  
fund, which is hereby created in the state treasury, an amount 13559  
that is the same percentage of the balance to be credited as that 13560  
portion of the tax per gallon determined under division (B)(2)(a) 13561  
of section 5735.06 of the Revised Code is of the total tax per 13562  
gallon determined under divisions (B)(2)(a) and (b) of that 13563  
section. 13564

(2) After making the distribution to the state and local 13565  
government highway distribution fund, the remainder shall be 13566  
credited as follows: 13567

(a) Thirty per cent to the gasoline excise tax fund for 13568  
distribution pursuant to division (A)(1) of section 5735.27 of the 13569  
Revised Code; 13570

(b) Twenty-five per cent to the gasoline excise tax fund for 13571  
distribution pursuant to division (A)(3) of section 5735.27 of the 13572  
Revised Code; 13573

(c) Except as provided in division (D) of this section, 13574  
forty-five per cent to the highway operating fund for distribution 13575  
pursuant to division (B)(1) of section 5735.27 of the Revised 13576  
Code. 13577

(C) From the balance in the state and local government 13578  
highway distribution fund on the last day of each month there 13579  
shall be paid the following amounts: 13580

(1) To the local transportation improvement program fund 13581  
created by section 164.14 of the Revised Code, an amount equal to 13582

a fraction of the balance in the state and local government 13583  
highway distribution fund, the numerator of which fraction is one 13584  
and the denominator of which fraction is that portion of the tax 13585  
per gallon determined under division (B)(2)(a) of section 5735.06 13586  
of the Revised Code; 13587

(2) An amount equal to five cents multiplied by the number of 13588  
gallons of motor fuel sold at stations operated by the Ohio 13589  
turnpike and infrastructure commission, such gallonage to be 13590  
certified by the commission to the treasurer of state not later 13591  
than the last day of the month following. The funds paid to the 13592  
commission pursuant to this section shall be expended for the 13593  
construction, reconstruction, maintenance, and repair of turnpike 13594  
projects, except that the funds may not be expended for the 13595  
construction of new interchanges. The funds also may be expended 13596  
for the construction, reconstruction, maintenance, and repair of 13597  
those portions of connecting public roads that serve existing 13598  
interchanges and are determined by the commission and the director 13599  
of transportation to be necessary for the safe merging of traffic 13600  
between the turnpike and those public roads. 13601

The remainder of the balance shall be distributed as follows 13602  
on the fifteenth day of the following month: 13603

(a) Ten and seven-tenths per cent shall be paid to municipal 13604  
corporations for distribution pursuant to division (A)(1) of 13605  
section 5735.27 of the Revised Code and may be used for any 13606  
purpose for which payments received under that division may be 13607  
used. Through July 15, 2005, the sum of two hundred forty-eight 13608  
thousand six hundred twenty-five dollars shall be monthly 13609  
subtracted from the amount so computed and credited to the highway 13610  
operating fund. Beginning August 15, 2005, the sum of seven 13611  
hundred forty-five thousand eight hundred seventy-five dollars 13612  
shall be monthly subtracted from the amount so computed and 13613  
credited to the highway operating fund. 13614

(b) Five per cent shall be paid to townships for distribution 13615  
pursuant to division (A)(5) of section 5735.27 of the Revised Code 13616  
and may be used for any purpose for which payments received under 13617  
that division may be used. Through July 15, 2005, the sum of 13618  
eighty-seven thousand seven hundred fifty dollars shall be monthly 13619  
subtracted from the amount so computed and credited to the highway 13620  
operating fund. Beginning August 15, 2005, the sum of two hundred 13621  
sixty-three thousand two hundred fifty dollars shall be monthly 13622  
subtracted from the amount so computed and credited to the highway 13623  
operating fund. 13624

(c) Nine and three-tenths per cent shall be paid to counties 13625  
for distribution pursuant to division (A)(3) of section 5735.27 of 13626  
the Revised Code and may be used for any purpose for which 13627  
payments received under that division may be used. Through July 13628  
15, 2005, the sum of two hundred forty-eight thousand six hundred 13629  
twenty-five dollars shall be monthly subtracted from the amount so 13630  
computed and credited to the highway operating fund. Beginning 13631  
August 15, 2005, the sum of seven hundred forty-five thousand 13632  
eight hundred seventy-five dollars shall be monthly subtracted 13633  
from the amount so computed and credited to the highway operating 13634  
fund. 13635

(d) Except as provided in division (D) of this section, the 13636  
balance shall be transferred to the highway operating fund and 13637  
used for the purposes set forth in division (B)(1) of section 13638  
5735.27 of the Revised Code. 13639

(D) Monthly from September to February of each fiscal year, 13640  
an amount equal to one-sixth of the amount certified in July of 13641  
that year by the treasurer of state pursuant to division (Q) of 13642  
section 151.01 of the Revised Code shall, from amounts required to 13643  
be credited or transferred to the highway operating fund pursuant 13644  
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 13645  
transferred to the highway capital improvement bond service fund 13646



created in section 151.06 of the Revised Code. If, in any of those 13647  
months, the amount available to be credited or transferred to the 13648  
bond service fund is less than one-sixth of the amount so 13649  
certified, the shortfall shall be added to the amount due the next 13650  
succeeding month. Any amount still due at the end of the six-month 13651  
period shall be credited or transferred as the money becomes 13652  
available, until such time as the office of budget and management 13653  
receives certification from the treasurer of state or the 13654  
treasurer of state's designee that sufficient money has been 13655  
credited or transferred to the bond service fund to meet in full 13656  
all payments of debt service and financing costs due during the 13657  
fiscal year from that fund. 13658

**Sec. 5739.02.** For the purpose of providing revenue with which 13659  
to meet the needs of the state, for the use of the general revenue 13660  
fund of the state, for the purpose of securing a thorough and 13661  
efficient system of common schools throughout the state, for the 13662  
purpose of affording revenues, in addition to those from general 13663  
property taxes, permitted under constitutional limitations, and 13664  
from other sources, for the support of local governmental 13665  
functions, and for the purpose of reimbursing the state for the 13666  
expense of administering this chapter, an excise tax is hereby 13667  
levied on each retail sale made in this state. 13668

(A)(1) The tax shall be collected as provided in section 13669  
5739.025 of the Revised Code. The rate of the tax shall be five 13670  
and one-half per cent. The tax applies and is collectible when the 13671  
sale is made, regardless of the time when the price is paid or 13672  
delivered. 13673

(2) In the case of the lease or rental, with a fixed term of 13674  
more than thirty days or an indefinite term with a minimum period 13675  
of more than thirty days, of any motor vehicles designed by the 13676  
manufacturer to carry a load of not more than one ton, watercraft, 13677

outboard motor, or aircraft, or of any tangible personal property, 13678  
other than motor vehicles designed by the manufacturer to carry a 13679  
load of more than one ton, to be used by the lessee or renter 13680  
primarily for business purposes, the tax shall be collected by the 13681  
vendor at the time the lease or rental is consummated and shall be 13682  
calculated by the vendor on the basis of the total amount to be 13683  
paid by the lessee or renter under the lease agreement. If the 13684  
total amount of the consideration for the lease or rental includes 13685  
amounts that are not calculated at the time the lease or rental is 13686  
executed, the tax shall be calculated and collected by the vendor 13687  
at the time such amounts are billed to the lessee or renter. In 13688  
the case of an open-end lease or rental, the tax shall be 13689  
calculated by the vendor on the basis of the total amount to be 13690  
paid during the initial fixed term of the lease or rental, and for 13691  
each subsequent renewal period as it comes due. As used in this 13692  
division, "motor vehicle" has the same meaning as in section 13693  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 13694  
unit attached to the watercraft. 13695

A lease with a renewal clause and a termination penalty or 13696  
similar provision that applies if the renewal clause is not 13697  
exercised is presumed to be a sham transaction. In such a case, 13698  
the tax shall be calculated and paid on the basis of the entire 13699  
length of the lease period, including any renewal periods, until 13700  
the termination penalty or similar provision no longer applies. 13701  
The taxpayer shall bear the burden, by a preponderance of the 13702  
evidence, that the transaction or series of transactions is not a 13703  
sham transaction. 13704

(3) Except as provided in division (A)(2) of this section, in 13705  
the case of a sale, the price of which consists in whole or in 13706  
part of the lease or rental of tangible personal property, the tax 13707  
shall be measured by the installments of that lease or rental. 13708

(4) In the case of a sale of a physical fitness facility 13709

service or recreation and sports club service, the price of which 13710  
consists in whole or in part of a membership for the receipt of 13711  
the benefit of the service, the tax applicable to the sale shall 13712  
be measured by the installments thereof. 13713

(B) The tax does not apply to the following: 13714

(1) Sales to the state or any of its political subdivisions, 13715  
or to any other state or its political subdivisions if the laws of 13716  
that state exempt from taxation sales made to this state and its 13717  
political subdivisions; 13718

(2) Sales of food for human consumption off the premises 13719  
where sold; 13720

(3) Sales of food sold to students only in a cafeteria, 13721  
dormitory, fraternity, or sorority maintained in a private, 13722  
public, or parochial school, college, or university; 13723

(4) Sales of newspapers and of magazine subscriptions and 13724  
sales or transfers of magazines distributed as controlled 13725  
circulation publications; 13726

(5) The furnishing, preparing, or serving of meals without 13727  
charge by an employer to an employee provided the employer records 13728  
the meals as part compensation for services performed or work 13729  
done; 13730

(6) Sales of motor fuel upon receipt, use, distribution, or 13731  
sale of which in this state a tax is imposed by the law of this 13732  
state, but this exemption shall not apply to the sale of motor 13733  
fuel on which a refund of the tax is allowable under division (A) 13734  
of section 5735.14 of the Revised Code; and the tax commissioner 13735  
may deduct the amount of tax levied by this section applicable to 13736  
the price of motor fuel when granting a refund of motor fuel tax 13737  
pursuant to division (A) of section 5735.14 of the Revised Code 13738  
and shall cause the amount deducted to be paid into the general 13739  
revenue fund of this state; 13740

(7) Sales of natural gas by a natural gas company, of water 13741  
by a water-works company, or of steam by a heating company, if in 13742  
each case the thing sold is delivered to consumers through pipes 13743  
or conduits, and all sales of communications services by a 13744  
telegraph company, all terms as defined in section 5727.01 of the 13745  
Revised Code, and sales of electricity delivered through wires; 13746

(8) Casual sales by a person, or auctioneer employed directly 13747  
by the person to conduct such sales, except as to such sales of 13748  
motor vehicles, watercraft or outboard motors required to be 13749  
titled under section 1548.06 of the Revised Code, watercraft 13750  
documented with the United States coast guard, snowmobiles, and 13751  
all-purpose vehicles as defined in section 4519.01 of the Revised 13752  
Code; 13753

(9)(a) Sales of services or tangible personal property, other 13754  
than motor vehicles, mobile homes, and manufactured homes, by 13755  
churches, organizations exempt from taxation under section 13756  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 13757  
organizations operated exclusively for charitable purposes as 13758  
defined in division (B)(12) of this section, provided that the 13759  
number of days on which such tangible personal property or 13760  
services, other than items never subject to the tax, are sold does 13761  
not exceed six in any calendar year, except as otherwise provided 13762  
in division (B)(9)(b) of this section. If the number of days on 13763  
which such sales are made exceeds six in any calendar year, the 13764  
church or organization shall be considered to be engaged in 13765  
business and all subsequent sales by it shall be subject to the 13766  
tax. In counting the number of days, all sales by groups within a 13767  
church or within an organization shall be considered to be sales 13768  
of that church or organization. 13769

(b) The limitation on the number of days on which tax-exempt 13770  
sales may be made by a church or organization under division 13771  
(B)(9)(a) of this section does not apply to sales made by student 13772

clubs and other groups of students of a primary or secondary 13773  
school, or a parent-teacher association, booster group, or similar 13774  
organization that raises money to support or fund curricular or 13775  
extracurricular activities of a primary or secondary school. 13776

(c) Divisions (B)(9)(a) and (b) of this section do not apply 13777  
to sales by a noncommercial educational radio or television 13778  
broadcasting station. 13779

(10) Sales not within the taxing power of this state under 13780  
the Constitution of the United States; 13781

(11) Except for transactions that are sales under division 13782  
(B)(3)(r) of section 5739.01 of the Revised Code, the 13783  
transportation of persons or property, unless the transportation 13784  
is by a private investigation and security service; 13785

(12) Sales of tangible personal property or services to 13786  
churches, to organizations exempt from taxation under section 13787  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 13788  
nonprofit organizations operated exclusively for charitable 13789  
purposes in this state, no part of the net income of which inures 13790  
to the benefit of any private shareholder or individual, and no 13791  
substantial part of the activities of which consists of carrying 13792  
on propaganda or otherwise attempting to influence legislation; 13793  
sales to offices administering one or more homes for the aged or 13794  
one or more hospital facilities exempt under section 140.08 of the 13795  
Revised Code; and sales to organizations described in division (D) 13796  
of section 5709.12 of the Revised Code. 13797

"Charitable purposes" means the relief of poverty; the 13798  
improvement of health through the alleviation of illness, disease, 13799  
or injury; the operation of an organization exclusively for the 13800  
provision of professional, laundry, printing, and purchasing 13801  
services to hospitals or charitable institutions; the operation of 13802  
a home for the aged, as defined in section 5701.13 of the Revised 13803

Code; the operation of a radio or television broadcasting station 13804  
that is licensed by the federal communications commission as a 13805  
noncommercial educational radio or television station; the 13806  
operation of a nonprofit animal adoption service or a county 13807  
humane society; the promotion of education by an institution of 13808  
learning that maintains a faculty of qualified instructors, 13809  
teaches regular continuous courses of study, and confers a 13810  
recognized diploma upon completion of a specific curriculum; the 13811  
operation of a parent-teacher association, booster group, or 13812  
similar organization primarily engaged in the promotion and 13813  
support of the curricular or extracurricular activities of a 13814  
primary or secondary school; the operation of a community or area 13815  
center in which presentations in music, dramatics, the arts, and 13816  
related fields are made in order to foster public interest and 13817  
education therein; the production of performances in music, 13818  
dramatics, and the arts; or the promotion of education by an 13819  
organization engaged in carrying on research in, or the 13820  
dissemination of, scientific and technological knowledge and 13821  
information primarily for the public. 13822

Nothing in this division shall be deemed to exempt sales to 13823  
any organization for use in the operation or carrying on of a 13824  
trade or business, or sales to a home for the aged for use in the 13825  
operation of independent living facilities as defined in division 13826  
(A) of section 5709.12 of the Revised Code. 13827

(13) Building and construction materials and services sold to 13828  
construction contractors for incorporation into a structure or 13829  
improvement to real property under a construction contract with 13830  
this state or a political subdivision of this state, or with the 13831  
United States government or any of its agencies; building and 13832  
construction materials and services sold to construction 13833  
contractors for incorporation into a structure or improvement to 13834  
real property that are accepted for ownership by this state or any 13835

of its political subdivisions, or by the United States government 13836  
or any of its agencies at the time of completion of the structures 13837  
or improvements; building and construction materials sold to 13838  
construction contractors for incorporation into a horticulture 13839  
structure or livestock structure for a person engaged in the 13840  
business of horticulture or producing livestock; building 13841  
materials and services sold to a construction contractor for 13842  
incorporation into a house of public worship or religious 13843  
education, or a building used exclusively for charitable purposes 13844  
under a construction contract with an organization whose purpose 13845  
is as described in division (B)(12) of this section; building 13846  
materials and services sold to a construction contractor for 13847  
incorporation into a building under a construction contract with 13848  
an organization exempt from taxation under section 501(c)(3) of 13849  
the Internal Revenue Code of 1986 when the building is to be used 13850  
exclusively for the organization's exempt purposes; building and 13851  
construction materials sold for incorporation into the original 13852  
construction of a sports facility under section 307.696 of the 13853  
Revised Code; building and construction materials and services 13854  
sold to a construction contractor for incorporation into real 13855  
property outside this state if such materials and services, when 13856  
sold to a construction contractor in the state in which the real 13857  
property is located for incorporation into real property in that 13858  
state, would be exempt from a tax on sales levied by that state; 13859  
and, until one calendar year after the construction of a 13860  
convention center that qualifies for property tax exemption under 13861  
section 5709.084 of the Revised Code is completed, building and 13862  
construction materials and services sold to a construction 13863  
contractor for incorporation into the real property comprising 13864  
that convention center; 13865

(14) Sales of ships or vessels or rail rolling stock used or 13866  
to be used principally in interstate or foreign commerce, and 13867  
repairs, alterations, fuel, and lubricants for such ships or 13868

vessels or rail rolling stock; 13869

(15) Sales to persons primarily engaged in any of the 13870  
activities mentioned in division (B)(42)(a), (g), or (h) of this 13871  
section, to persons engaged in making retail sales, or to persons 13872  
who purchase for sale from a manufacturer tangible personal 13873  
property that was produced by the manufacturer in accordance with 13874  
specific designs provided by the purchaser, of packages, including 13875  
material, labels, and parts for packages, and of machinery, 13876  
equipment, and material for use primarily in packaging tangible 13877  
personal property produced for sale, including any machinery, 13878  
equipment, and supplies used to make labels or packages, to 13879  
prepare packages or products for labeling, or to label packages or 13880  
products, by or on the order of the person doing the packaging, or 13881  
sold at retail. "Packages" includes bags, baskets, cartons, 13882  
crates, boxes, cans, bottles, bindings, wrappings, and other 13883  
similar devices and containers, but does not include motor 13884  
vehicles or bulk tanks, trailers, or similar devices attached to 13885  
motor vehicles. "Packaging" means placing in a package. Division 13886  
(B)(15) of this section does not apply to persons engaged in 13887  
highway transportation for hire. 13888

(16) Sales of food to persons using supplemental nutrition 13889  
assistance program benefits to purchase the food. As used in this 13890  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 13891  
federal regulations adopted pursuant to the Food and Nutrition Act 13892  
of 2008. 13893

(17) Sales to persons engaged in farming, agriculture, 13894  
horticulture, or floriculture, of tangible personal property for 13895  
use or consumption primarily in the production by farming, 13896  
agriculture, horticulture, or floriculture of other tangible 13897  
personal property for use or consumption primarily in the 13898  
production of tangible personal property for sale by farming, 13899  
agriculture, horticulture, or floriculture; or material and parts 13900



for incorporation into any such tangible personal property for use 13901  
or consumption in production; and of tangible personal property 13902  
for such use or consumption in the conditioning or holding of 13903  
products produced by and for such use, consumption, or sale by 13904  
persons engaged in farming, agriculture, horticulture, or 13905  
floriculture, except where such property is incorporated into real 13906  
property; 13907

(18) Sales of drugs for a human being that may be dispensed 13908  
only pursuant to a prescription; insulin as recognized in the 13909  
official United States pharmacopoeia; urine and blood testing 13910  
materials when used by diabetics or persons with hypoglycemia to 13911  
test for glucose or acetone; hypodermic syringes and needles when 13912  
used by diabetics for insulin injections; epoetin alfa when 13913  
purchased for use in the treatment of persons with medical 13914  
disease; hospital beds when purchased by hospitals, nursing homes, 13915  
or other medical facilities; and medical oxygen and medical 13916  
oxygen-dispensing equipment when purchased by hospitals, nursing 13917  
homes, or other medical facilities; 13918

(19) Sales of prosthetic devices, durable medical equipment 13919  
for home use, or mobility enhancing equipment, when made pursuant 13920  
to a prescription and when such devices or equipment are for use 13921  
by a human being. 13922

(20) Sales of emergency and fire protection vehicles and 13923  
equipment to nonprofit organizations for use solely in providing 13924  
fire protection and emergency services, including trauma care and 13925  
emergency medical services, for political subdivisions of the 13926  
state; 13927

(21) Sales of tangible personal property manufactured in this 13928  
state, if sold by the manufacturer in this state to a retailer for 13929  
use in the retail business of the retailer outside of this state 13930  
and if possession is taken from the manufacturer by the purchaser 13931  
within this state for the sole purpose of immediately removing the 13932

same from this state in a vehicle owned by the purchaser;	13933
(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;	13934 13935 13936 13937 13938
(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;	13939 13940 13941
(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	13942 13943 13944 13945 13946 13947 13948 13949 13950 13951 13952 13953 13954 13955 13956
(25)(a) Sales of water to a consumer for residential use;	13957
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	13958 13959 13960 13961
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	13962 13963

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	13964 13965 13966 13967
(a) To prepare food for human consumption for sale;	13968
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	13969 13970 13971 13972
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	13973 13974
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	13975 13976
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	13977 13978 13979 13980
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	13981 13982 13983
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	13984 13985 13986
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	13987 13988 13989 13990 13991 13992
(33) Sales to the state headquarters of any veterans'	13993

organization in this state that is either incorporated and issued 13994  
a charter by the congress of the United States or is recognized by 13995  
the United States veterans administration, for use by the 13996  
headquarters; 13997

(34) Sales to a telecommunications service vendor, mobile 13998  
telecommunications service vendor, or satellite broadcasting 13999  
service vendor of tangible personal property and services used 14000  
directly and primarily in transmitting, receiving, switching, or 14001  
recording any interactive, one- or two-way electromagnetic 14002  
communications, including voice, image, data, and information, 14003  
through the use of any medium, including, but not limited to, 14004  
poles, wires, cables, switching equipment, computers, and record 14005  
storage devices and media, and component parts for the tangible 14006  
personal property. The exemption provided in this division shall 14007  
be in lieu of all other exemptions under division (B)(42)(a) or 14008  
(n) of this section to which the vendor may otherwise be entitled, 14009  
based upon the use of the thing purchased in providing the 14010  
telecommunications, mobile telecommunications, or satellite 14011  
broadcasting service. 14012

(35)(a) Sales where the purpose of the consumer is to use or 14013  
consume the things transferred in making retail sales and 14014  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 14015  
certificates, or other advertising material that prices and 14016  
describes tangible personal property offered for retail sale. 14017

(b) Sales to direct marketing vendors of preliminary 14018  
materials such as photographs, artwork, and typesetting that will 14019  
be used in printing advertising material; and of printed matter 14020  
that offers free merchandise or chances to win sweepstake prizes 14021  
and that is mailed to potential customers with advertising 14022  
material described in division (B)(35)(a) of this section; 14023

(c) Sales of equipment such as telephones, computers, 14024  
facsimile machines, and similar tangible personal property 14025

primarily used to accept orders for direct marketing retail sales.	14026
(d) Sales of automatic food vending machines that preserve	14027
food with a shelf life of forty-five days or less by refrigeration	14028
and dispense it to the consumer.	14029
For purposes of division (B)(35) of this section, "direct	14030
marketing" means the method of selling where consumers order	14031
tangible personal property by United States mail, delivery	14032
service, or telecommunication and the vendor delivers or ships the	14033
tangible personal property sold to the consumer from a warehouse,	14034
catalogue distribution center, or similar fulfillment facility by	14035
means of the United States mail, delivery service, or common	14036
carrier.	14037
(36) Sales to a person engaged in the business of	14038
horticulture or producing livestock of materials to be	14039
incorporated into a horticulture structure or livestock structure;	14040
(37) Sales of personal computers, computer monitors, computer	14041
keyboards, modems, and other peripheral computer equipment to an	14042
individual who is licensed or certified to teach in an elementary	14043
or a secondary school in this state for use by that individual in	14044
preparation for teaching elementary or secondary school students;	14045
(38) Sales to a professional racing team of any of the	14046
following:	14047
(a) Motor racing vehicles;	14048
(b) Repair services for motor racing vehicles;	14049
(c) Items of property that are attached to or incorporated in	14050
motor racing vehicles, including engines, chassis, and all other	14051
components of the vehicles, and all spare, replacement, and	14052
rebuilt parts or components of the vehicles; except not including	14053
tires, consumable fluids, paint, and accessories consisting of	14054
instrumentation sensors and related items added to the vehicle to	14055

collect and transmit data by means of telemetry and other forms of communication. 14056  
14057

(39) Sales of used manufactured homes and used mobile homes, 14058  
as defined in section 5739.0210 of the Revised Code, made on or 14059  
after January 1, 2000; 14060

(40) Sales of tangible personal property and services to a 14061  
provider of electricity used or consumed directly and primarily in 14062  
generating, transmitting, or distributing electricity for use by 14063  
others, including property that is or is to be incorporated into 14064  
and will become a part of the consumer's production, transmission, 14065  
or distribution system and that retains its classification as 14066  
tangible personal property after incorporation; fuel or power used 14067  
in the production, transmission, or distribution of electricity; 14068  
energy conversion equipment as defined in section 5727.01 of the 14069  
Revised Code; and tangible personal property and services used in 14070  
the repair and maintenance of the production, transmission, or 14071  
distribution system, including only those motor vehicles as are 14072  
specially designed and equipped for such use. The exemption 14073  
provided in this division shall be in lieu of all other exemptions 14074  
in division (B)(42)(a) or (n) of this section to which a provider 14075  
of electricity may otherwise be entitled based on the use of the 14076  
tangible personal property or service purchased in generating, 14077  
transmitting, or distributing electricity. 14078

(41) Sales to a person providing services under division 14079  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 14080  
personal property and services used directly and primarily in 14081  
providing taxable services under that section. 14082

(42) Sales where the purpose of the purchaser is to do any of 14083  
the following: 14084

(a) To incorporate the thing transferred as a material or a 14085  
part into tangible personal property to be produced for sale by 14086

manufacturing, assembling, processing, or refining; or to use or 14087  
consume the thing transferred directly in producing tangible 14088  
personal property for sale by mining, including, without 14089  
limitation, the extraction from the earth of all substances that 14090  
are classed geologically as minerals, production of crude oil and 14091  
natural gas, or directly in the rendition of a public utility 14092  
service, except that the sales tax levied by this section shall be 14093  
collected upon all meals, drinks, and food for human consumption 14094  
sold when transporting persons. Persons engaged in rendering 14095  
services in the exploration for, and production of, crude oil and 14096  
natural gas for others are deemed engaged directly in the 14097  
exploration for, and production of, crude oil and natural gas. 14098  
This paragraph does not exempt from "retail sale" or "sales at 14099  
retail" the sale of tangible personal property that is to be 14100  
incorporated into a structure or improvement to real property. 14101

(b) To hold the thing transferred as security for the 14102  
performance of an obligation of the vendor; 14103

(c) To resell, hold, use, or consume the thing transferred as 14104  
evidence of a contract of insurance; 14105

(d) To use or consume the thing directly in commercial 14106  
fishing; 14107

(e) To incorporate the thing transferred as a material or a 14108  
part into, or to use or consume the thing transferred directly in 14109  
the production of, magazines distributed as controlled circulation 14110  
publications; 14111

(f) To use or consume the thing transferred in the production 14112  
and preparation in suitable condition for market and sale of 14113  
printed, imprinted, overprinted, lithographic, multilithic, 14114  
blueprinted, photostatic, or other productions or reproductions of 14115  
written or graphic matter; 14116

(g) To use the thing transferred, as described in section 14117

5739.011 of the Revised Code, primarily in a manufacturing	14118
operation to produce tangible personal property for sale;	14119
(h) To use the benefit of a warranty, maintenance or service	14120
contract, or similar agreement, as described in division (B)(7) of	14121
section 5739.01 of the Revised Code, to repair or maintain	14122
tangible personal property, if all of the property that is the	14123
subject of the warranty, contract, or agreement would not be	14124
subject to the tax imposed by this section;	14125
(i) To use the thing transferred as qualified research and	14126
development equipment;	14127
(j) To use or consume the thing transferred primarily in	14128
storing, transporting, mailing, or otherwise handling purchased	14129
sales inventory in a warehouse, distribution center, or similar	14130
facility when the inventory is primarily distributed outside this	14131
state to retail stores of the person who owns or controls the	14132
warehouse, distribution center, or similar facility, to retail	14133
stores of an affiliated group of which that person is a member, or	14134
by means of direct marketing. This division does not apply to	14135
motor vehicles registered for operation on the public highways. As	14136
used in this division, "affiliated group" has the same meaning as	14137
in division (B)(3)(e) of section 5739.01 of the Revised Code and	14138
"direct marketing" has the same meaning as in division (B)(35) of	14139
this section.	14140
(k) To use or consume the thing transferred to fulfill a	14141
contractual obligation incurred by a warrantor pursuant to a	14142
warranty provided as a part of the price of the tangible personal	14143
property sold or by a vendor of a warranty, maintenance or service	14144
contract, or similar agreement the provision of which is defined	14145
as a sale under division (B)(7) of section 5739.01 of the Revised	14146
Code;	14147
(l) To use or consume the thing transferred in the production	14148



of a newspaper for distribution to the public; 14149

(m) To use tangible personal property to perform a service 14150  
listed in division (B)(3) of section 5739.01 of the Revised Code, 14151  
if the property is or is to be permanently transferred to the 14152  
consumer of the service as an integral part of the performance of 14153  
the service; 14154

(n) To use or consume the thing transferred primarily in 14155  
producing tangible personal property for sale by farming, 14156  
agriculture, horticulture, or floriculture. Persons engaged in 14157  
rendering farming, agriculture, horticulture, or floriculture 14158  
services for others are deemed engaged primarily in farming, 14159  
agriculture, horticulture, or floriculture. This paragraph does 14160  
not exempt from "retail sale" or "sales at retail" the sale of 14161  
tangible personal property that is to be incorporated into a 14162  
structure or improvement to real property. 14163

(o) To use or consume the thing transferred in acquiring, 14164  
formatting, editing, storing, and disseminating data or 14165  
information by electronic publishing. 14166

As used in division (B)(42) of this section, "thing" includes 14167  
all transactions included in divisions (B)(3)(a), (b), and (e) of 14168  
section 5739.01 of the Revised Code. 14169

(43) Sales conducted through a coin operated device that 14170  
activates vacuum equipment or equipment that dispenses water, 14171  
whether or not in combination with soap or other cleaning agents 14172  
or wax, to the consumer for the consumer's use on the premises in 14173  
washing, cleaning, or waxing a motor vehicle, provided no other 14174  
personal property or personal service is provided as part of the 14175  
transaction. 14176

(44) Sales of replacement and modification parts for engines, 14177  
airframes, instruments, and interiors in, and paint for, aircraft 14178  
used primarily in a fractional aircraft ownership program, and 14179

sales of services for the repair, modification, and maintenance of 14180  
such aircraft, and machinery, equipment, and supplies primarily 14181  
used to provide those services. 14182

(45) Sales of telecommunications service that is used 14183  
directly and primarily to perform the functions of a call center. 14184  
As used in this division, "call center" means any physical 14185  
location where telephone calls are placed or received in high 14186  
volume for the purpose of making sales, marketing, customer 14187  
service, technical support, or other specialized business 14188  
activity, and that employs at least fifty individuals that engage 14189  
in call center activities on a full-time basis, or sufficient 14190  
individuals to fill fifty full-time equivalent positions. 14191

(46) Sales by a telecommunications service vendor of 900 14192  
service to a subscriber. This division does not apply to 14193  
information services, as defined in division (FF) of section 14194  
5739.01 of the Revised Code. 14195

(47) Sales of value-added non-voice data service. This 14196  
division does not apply to any similar service that is not 14197  
otherwise a telecommunications service. 14198

(48)(a) Sales of machinery, equipment, and software to a 14199  
qualified direct selling entity for use in a warehouse or 14200  
distribution center primarily for storing, transporting, or 14201  
otherwise handling inventory that is held for sale to independent 14202  
salespersons who operate as direct sellers and that is held 14203  
primarily for distribution outside this state; 14204

(b) As used in division (B)(48)(a) of this section: 14205

(i) "Direct seller" means a person selling consumer products 14206  
to individuals for personal or household use and not from a fixed 14207  
retail location, including selling such product at in-home product 14208  
demonstrations, parties, and other one-on-one selling. 14209

(ii) "Qualified direct selling entity" means an entity 14210

selling to direct sellers at the time the entity enters into a tax 14211  
credit agreement with the tax credit authority pursuant to section 14212  
122.17 of the Revised Code, provided that the agreement was 14213  
entered into on or after January 1, 2007. Neither contingencies 14214  
relevant to the granting of, nor later developments with respect 14215  
to, the tax credit shall impair the status of the qualified direct 14216  
selling entity under division (B)(48) of this section after 14217  
execution of the tax credit agreement by the tax credit authority. 14218

(c) Division (B)(48) of this section is limited to machinery, 14219  
equipment, and software first stored, used, or consumed in this 14220  
state within the period commencing June 24, 2008, and ending on 14221  
the date that is five years after that date. 14222

(49) Sales of materials, parts, equipment, or engines used in 14223  
the repair or maintenance of aircraft or avionics systems of such 14224  
aircraft, and sales of repair, remodeling, replacement, or 14225  
maintenance services in this state performed on aircraft or on an 14226  
aircraft's avionics, engine, or component materials or parts. As 14227  
used in division (B)(49) of this section, "aircraft" means 14228  
aircraft of more than six thousand pounds maximum certified 14229  
takeoff weight or used exclusively in general aviation. 14230

(50) Sales of full flight simulators that are used for pilot 14231  
or flight-crew training, sales of repair or replacement parts or 14232  
components, and sales of repair or maintenance services for such 14233  
full flight simulators. "Full flight simulator" means a replica of 14234  
a specific type, or make, model, and series of aircraft cockpit. 14235  
It includes the assemblage of equipment and computer programs 14236  
necessary to represent aircraft operations in ground and flight 14237  
conditions, a visual system providing an out-of-the-cockpit view, 14238  
and a system that provides cues at least equivalent to those of a 14239  
three-degree-of-freedom motion system, and has the full range of 14240  
capabilities of the systems installed in the device as described 14241  
in appendices A and B of part 60 of chapter 1 of title 14 of the 14242

Code of Federal Regulations. 14243

(51) Any transfer or lease of tangible personal property 14244  
~~between the state and a successful proposer in accordance with~~ 14245  
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 14246  
~~property is part of a project as defined in section 126.60 of the~~ 14247  
~~Revised Code and the state retains ownership of the project or~~ 14248  
~~part thereof that is being transferred or leased,~~ between the 14249  
state and JobsOhio in accordance with section 4313.02 of the 14250  
Revised Code. 14251

(C) For the purpose of the proper administration of this 14252  
chapter, and to prevent the evasion of the tax, it is presumed 14253  
that all sales made in this state are subject to the tax until the 14254  
contrary is established. 14255

(D) The levy of this tax on retail sales of recreation and 14256  
sports club service shall not prevent a municipal corporation from 14257  
levying any tax on recreation and sports club dues or on any 14258  
income generated by recreation and sports club dues. 14259

(E) The tax collected by the vendor from the consumer under 14260  
this chapter is not part of the price, but is a tax collection for 14261  
the benefit of the state, and of counties levying an additional 14262  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 14263  
Code and of transit authorities levying an additional sales tax 14264  
pursuant to section 5739.023 of the Revised Code. Except for the 14265  
discount authorized under section 5739.12 of the Revised Code and 14266  
the effects of any rounding pursuant to section 5703.055 of the 14267  
Revised Code, no person other than the state or such a county or 14268  
transit authority shall derive any benefit from the collection or 14269  
payment of the tax levied by this section or section 5739.021, 14270  
5739.023, or 5739.026 of the Revised Code. 14271

**Sec. 5747.01.** Except as otherwise expressly provided or 14272  
clearly appearing from the context, any term used in this chapter 14273

that is not otherwise defined in this section has the same meaning 14274  
as when used in a comparable context in the laws of the United 14275  
States relating to federal income taxes or if not used in a 14276  
comparable context in those laws, has the same meaning as in 14277  
section 5733.40 of the Revised Code. Any reference in this chapter 14278  
to the Internal Revenue Code includes other laws of the United 14279  
States relating to federal income taxes. 14280

As used in this chapter: 14281

(A) "Adjusted gross income" or "Ohio adjusted gross income" 14282  
means federal adjusted gross income, as defined and used in the 14283  
Internal Revenue Code, adjusted as provided in this section: 14284

(1) Add interest or dividends on obligations or securities of 14285  
any state or of any political subdivision or authority of any 14286  
state, other than this state and its subdivisions and authorities. 14287

(2) Add interest or dividends on obligations of any 14288  
authority, commission, instrumentality, territory, or possession 14289  
of the United States to the extent that the interest or dividends 14290  
are exempt from federal income taxes but not from state income 14291  
taxes. 14292

(3) Deduct interest or dividends on obligations of the United 14293  
States and its territories and possessions or of any authority, 14294  
commission, or instrumentality of the United States to the extent 14295  
that the interest or dividends are included in federal adjusted 14296  
gross income but exempt from state income taxes under the laws of 14297  
the United States. 14298

(4) Deduct disability and survivor's benefits to the extent 14299  
included in federal adjusted gross income. 14300

(5) Deduct benefits under Title II of the Social Security Act 14301  
and tier 1 railroad retirement benefits to the extent included in 14302  
federal adjusted gross income under section 86 of the Internal 14303  
Revenue Code. 14304

(6) In the case of a taxpayer who is a beneficiary of a trust 14305  
that makes an accumulation distribution as defined in section 665 14306  
of the Internal Revenue Code, add, for the beneficiary's taxable 14307  
years beginning before 2002, the portion, if any, of such 14308  
distribution that does not exceed the undistributed net income of 14309  
the trust for the three taxable years preceding the taxable year 14310  
in which the distribution is made to the extent that the portion 14311  
was not included in the trust's taxable income for any of the 14312  
trust's taxable years beginning in 2002 or thereafter. 14313  
"Undistributed net income of a trust" means the taxable income of 14314  
the trust increased by (a)(i) the additions to adjusted gross 14315  
income required under division (A) of this section and (ii) the 14316  
personal exemptions allowed to the trust pursuant to section 14317  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 14318  
deductions to adjusted gross income required under division (A) of 14319  
this section, (ii) the amount of federal income taxes attributable 14320  
to such income, and (iii) the amount of taxable income that has 14321  
been included in the adjusted gross income of a beneficiary by 14322  
reason of a prior accumulation distribution. Any undistributed net 14323  
income included in the adjusted gross income of a beneficiary 14324  
shall reduce the undistributed net income of the trust commencing 14325  
with the earliest years of the accumulation period. 14326

(7) Deduct the amount of wages and salaries, if any, not 14327  
otherwise allowable as a deduction but that would have been 14328  
allowable as a deduction in computing federal adjusted gross 14329  
income for the taxable year, had the targeted jobs credit allowed 14330  
and determined under sections 38, 51, and 52 of the Internal 14331  
Revenue Code not been in effect. 14332

(8) Deduct any interest or interest equivalent on public 14333  
obligations and purchase obligations to the extent that the 14334  
interest or interest equivalent is included in federal adjusted 14335  
gross income. 14336

(9) Add any loss or deduct any gain resulting from the sale, 14337  
exchange, or other disposition of public obligations to the extent 14338  
that the loss has been deducted or the gain has been included in 14339  
computing federal adjusted gross income. 14340

(10) Deduct or add amounts, as provided under section 5747.70 14341  
of the Revised Code, related to contributions to variable college 14342  
savings program accounts made or tuition units purchased pursuant 14343  
to Chapter 3334. of the Revised Code. 14344

(11)(a) Deduct, to the extent not otherwise allowable as a 14345  
deduction or exclusion in computing federal or Ohio adjusted gross 14346  
income for the taxable year, the amount the taxpayer paid during 14347  
the taxable year for medical care insurance and qualified 14348  
long-term care insurance for the taxpayer, the taxpayer's spouse, 14349  
and dependents. No deduction for medical care insurance under 14350  
division (A)(11) of this section shall be allowed either to any 14351  
taxpayer who is eligible to participate in any subsidized health 14352  
plan maintained by any employer of the taxpayer or of the 14353  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 14354  
application would be entitled to, benefits under part A of Title 14355  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 14356  
301, as amended. For the purposes of division (A)(11)(a) of this 14357  
section, "subsidized health plan" means a health plan for which 14358  
the employer pays any portion of the plan's cost. The deduction 14359  
allowed under division (A)(11)(a) of this section shall be the net 14360  
of any related premium refunds, related premium reimbursements, or 14361  
related insurance premium dividends received during the taxable 14362  
year. 14363

(b) Deduct, to the extent not otherwise deducted or excluded 14364  
in computing federal or Ohio adjusted gross income during the 14365  
taxable year, the amount the taxpayer paid during the taxable 14366  
year, not compensated for by any insurance or otherwise, for 14367  
medical care of the taxpayer, the taxpayer's spouse, and 14368

dependents, to the extent the expenses exceed seven and one-half 14369  
per cent of the taxpayer's federal adjusted gross income. 14370

(c) Deduct, to the extent not otherwise deducted or excluded 14371  
in computing federal or Ohio adjusted gross income, any amount 14372  
included in federal adjusted gross income under section 105 or not 14373  
excluded under section 106 of the Internal Revenue Code solely 14374  
because it relates to an accident and health plan for a person who 14375  
otherwise would be a "qualifying relative" and thus a "dependent" 14376  
under section 152 of the Internal Revenue Code but for the fact 14377  
that the person fails to meet the income and support limitations 14378  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 14379

(d) For purposes of division (A)(11) of this section, 14380  
"medical care" has the meaning given in section 213 of the 14381  
Internal Revenue Code, subject to the special rules, limitations, 14382  
and exclusions set forth therein, and "qualified long-term care" 14383  
has the same meaning given in section 7702B(c) of the Internal 14384  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 14385  
of this section, "dependent" includes a person who otherwise would 14386  
be a "qualifying relative" and thus a "dependent" under section 14387  
152 of the Internal Revenue Code but for the fact that the person 14388  
fails to meet the income and support limitations under section 14389  
152(d)(1)(B) and (C) of the Internal Revenue Code. 14390

(12)(a) Deduct any amount included in federal adjusted gross 14391  
income solely because the amount represents a reimbursement or 14392  
refund of expenses that in any year the taxpayer had deducted as 14393  
an itemized deduction pursuant to section 63 of the Internal 14394  
Revenue Code and applicable United States department of the 14395  
treasury regulations. The deduction otherwise allowed under 14396  
division (A)(12)(a) of this section shall be reduced to the extent 14397  
the reimbursement is attributable to an amount the taxpayer 14398  
deducted under this section in any taxable year. 14399

(b) Add any amount not otherwise included in Ohio adjusted 14400



gross income for any taxable year to the extent that the amount is 14401  
attributable to the recovery during the taxable year of any amount 14402  
deducted or excluded in computing federal or Ohio adjusted gross 14403  
income in any taxable year. 14404

(13) Deduct any portion of the deduction described in section 14405  
1341(a)(2) of the Internal Revenue Code, for repaying previously 14406  
reported income received under a claim of right, that meets both 14407  
of the following requirements: 14408

(a) It is allowable for repayment of an item that was 14409  
included in the taxpayer's adjusted gross income for a prior 14410  
taxable year and did not qualify for a credit under division (A) 14411  
or (B) of section 5747.05 of the Revised Code for that year; 14412

(b) It does not otherwise reduce the taxpayer's adjusted 14413  
gross income for the current or any other taxable year. 14414

(14) Deduct an amount equal to the deposits made to, and net 14415  
investment earnings of, a medical savings account during the 14416  
taxable year, in accordance with section 3924.66 of the Revised 14417  
Code. The deduction allowed by division (A)(14) of this section 14418  
does not apply to medical savings account deposits and earnings 14419  
otherwise deducted or excluded for the current or any other 14420  
taxable year from the taxpayer's federal adjusted gross income. 14421

(15)(a) Add an amount equal to the funds withdrawn from a 14422  
medical savings account during the taxable year, and the net 14423  
investment earnings on those funds, when the funds withdrawn were 14424  
used for any purpose other than to reimburse an account holder 14425  
for, or to pay, eligible medical expenses, in accordance with 14426  
section 3924.66 of the Revised Code; 14427

(b) Add the amounts distributed from a medical savings 14428  
account under division (A)(2) of section 3924.68 of the Revised 14429  
Code during the taxable year. 14430

(16) Add any amount claimed as a credit under section 14431

5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may

not be claimed for educational expenses for which the taxpayer 14464  
claims a credit under section 5747.27 of the Revised Code. 14465

(19) Add any reimbursement received during the taxable year 14466  
of any amount the taxpayer deducted under division (A)(18) of this 14467  
section in any previous taxable year to the extent the amount is 14468  
not otherwise included in Ohio adjusted gross income. 14469

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 14470  
(v) of this section, add five-sixths of the amount of depreciation 14471  
expense allowed by subsection (k) of section 168 of the Internal 14472  
Revenue Code, including the taxpayer's proportionate or 14473  
distributive share of the amount of depreciation expense allowed 14474  
by that subsection to a pass-through entity in which the taxpayer 14475  
has a direct or indirect ownership interest. 14476

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 14477  
this section, add five-sixths of the amount of qualifying section 14478  
179 depreciation expense, including the taxpayer's proportionate 14479  
or distributive share of the amount of qualifying section 179 14480  
depreciation expense allowed to any pass-through entity in which 14481  
the taxpayer has a direct or indirect ownership interest. 14482

(iii) Subject to division (A)(20)(a)(v) of this section, for 14483  
taxable years beginning in 2012 or thereafter, if the increase in 14484  
income taxes withheld by the taxpayer is equal to or greater than 14485  
ten per cent of income taxes withheld by the taxpayer during the 14486  
taxpayer's immediately preceding taxable year, "two-thirds" shall 14487  
be substituted for "five-sixths" for the purpose of divisions 14488  
(A)(20)(a)(i) and (ii) of this section. 14489

(iv) Subject to division (A)(20)(a)(v) of this section, for 14490  
taxable years beginning in 2012 or thereafter, a taxpayer is not 14491  
required to add an amount under division (A)(20) of this section 14492  
if the increase in income taxes withheld by the taxpayer and by 14493  
any pass-through entity in which the taxpayer has a direct or 14494

indirect ownership interest is equal to or greater than the sum of 14495  
(I) the amount of qualifying section 179 depreciation expense and 14496  
(II) the amount of depreciation expense allowed to the taxpayer by 14497  
subsection (k) of section 168 of the Internal Revenue Code, and 14498  
including the taxpayer's proportionate or distributive shares of 14499  
such amounts allowed to any such pass-through entities. 14500

(v) If a taxpayer directly or indirectly incurs a net 14501  
operating loss for the taxable year for federal income tax 14502  
purposes, to the extent such loss resulted from depreciation 14503  
expense allowed by subsection (k) of section 168 of the Internal 14504  
Revenue Code and by qualifying section 179 depreciation expense, 14505  
"the entire" shall be substituted for "five-sixths of the" for the 14506  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 14507

The tax commissioner, under procedures established by the 14508  
commissioner, may waive the add-backs related to a pass-through 14509  
entity if the taxpayer owns, directly or indirectly, less than 14510  
five per cent of the pass-through entity. 14511

(b) Nothing in division (A)(20) of this section shall be 14512  
construed to adjust or modify the adjusted basis of any asset. 14513

(c) To the extent the add-back required under division 14514  
(A)(20)(a) of this section is attributable to property generating 14515  
nonbusiness income or loss allocated under section 5747.20 of the 14516  
Revised Code, the add-back shall be situated to the same location 14517  
as the nonbusiness income or loss generated by the property for 14518  
the purpose of determining the credit under division (A) of 14519  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 14520  
be apportioned, subject to one or more of the four alternative 14521  
methods of apportionment enumerated in section 5747.21 of the 14522  
Revised Code. 14523

(d) For the purposes of division (A)(20)(a)(v) of this 14524  
section, net operating loss carryback and carryforward shall not 14525

include the allowance of any net operating loss deduction 14526  
carryback or carryforward to the taxable year to the extent such 14527  
loss resulted from depreciation allowed by section 168(k) of the 14528  
Internal Revenue Code and by the qualifying section 179 14529  
depreciation expense amount. 14530

(e) For the purposes of divisions (A)(20) and (21) of this 14531  
section: 14532

(i) "Income taxes withheld" means the total amount withheld 14533  
and remitted under sections 5747.06 and 5747.07 of the Revised 14534  
Code by an employer during the employer's taxable year. 14535

(ii) "Increase in income taxes withheld" means the amount by 14536  
which the amount of income taxes withheld by an employer during 14537  
the employer's current taxable year exceeds the amount of income 14538  
taxes withheld by that employer during the employer's immediately 14539  
preceding taxable year. 14540

(iii) "Qualifying section 179 depreciation expense" means the 14541  
difference between (I) the amount of depreciation expense directly 14542  
or indirectly allowed to a taxpayer under section 179 of the 14543  
Internal Revised Code, and (II) the amount of depreciation expense 14544  
directly or indirectly allowed to the taxpayer under section 179 14545  
of the Internal Revenue Code as that section existed on December 14546  
31, 2002. 14547

(21)(a) If the taxpayer was required to add an amount under 14548  
division (A)(20)(a) of this section for a taxable year, deduct one 14549  
of the following: 14550

(i) One-fifth of the amount so added for each of the five 14551  
succeeding taxable years if the amount so added was five-sixths of 14552  
qualifying section 179 depreciation expense or depreciation 14553  
expense allowed by subsection (k) of section 168 of the Internal 14554  
Revenue Code; 14555

(ii) One-half of the amount so added for each of the two 14556

succeeding taxable years if the amount so added was two-thirds of 14557  
such depreciation expense; 14558

(iii) One-sixth of the amount so added for each of the six 14559  
succeeding taxable years if the entire amount of such depreciation 14560  
expense was so added. 14561

(b) If the amount deducted under division (A)(21)(a) of this 14562  
section is attributable to an add-back allocated under division 14563  
(A)(20)(c) of this section, the amount deducted shall be sitused 14564  
to the same location. Otherwise, the add-back shall be apportioned 14565  
using the apportionment factors for the taxable year in which the 14566  
deduction is taken, subject to one or more of the four alternative 14567  
methods of apportionment enumerated in section 5747.21 of the 14568  
Revised Code. 14569

(c) No deduction is available under division (A)(21)(a) of 14570  
this section with regard to any depreciation allowed by section 14571  
168(k) of the Internal Revenue Code and by the qualifying section 14572  
179 depreciation expense amount to the extent that such 14573  
depreciation results in or increases a federal net operating loss 14574  
carryback or carryforward. If no such deduction is available for a 14575  
taxable year, the taxpayer may carry forward the amount not 14576  
deducted in such taxable year to the next taxable year and add 14577  
that amount to any deduction otherwise available under division 14578  
(A)(21)(a) of this section for that next taxable year. The 14579  
carryforward of amounts not so deducted shall continue until the 14580  
entire addition required by division (A)(20)(a) of this section 14581  
has been deducted. 14582

(d) No refund shall be allowed as a result of adjustments 14583  
made by division (A)(21) of this section. 14584

(22) Deduct, to the extent not otherwise deducted or excluded 14585  
in computing federal or Ohio adjusted gross income for the taxable 14586  
year, the amount the taxpayer received during the taxable year as 14587

reimbursement for life insurance premiums under section 5919.31 of 14588  
the Revised Code. 14589

(23) Deduct, to the extent not otherwise deducted or excluded 14590  
in computing federal or Ohio adjusted gross income for the taxable 14591  
year, the amount the taxpayer received during the taxable year as 14592  
a death benefit paid by the adjutant general under section 5919.33 14593  
of the Revised Code. 14594

(24) Deduct, to the extent included in federal adjusted gross 14595  
income and not otherwise allowable as a deduction or exclusion in 14596  
computing federal or Ohio adjusted gross income for the taxable 14597  
year, military pay and allowances received by the taxpayer during 14598  
the taxable year for active duty service in the United States 14599  
army, air force, navy, marine corps, or coast guard or reserve 14600  
components thereof or the national guard. The deduction may not be 14601  
claimed for military pay and allowances received by the taxpayer 14602  
while the taxpayer is stationed in this state. 14603

(25) Deduct, to the extent not otherwise allowable as a 14604  
deduction or exclusion in computing federal or Ohio adjusted gross 14605  
income for the taxable year and not otherwise compensated for by 14606  
any other source, the amount of qualified organ donation expenses 14607  
incurred by the taxpayer during the taxable year, not to exceed 14608  
ten thousand dollars. A taxpayer may deduct qualified organ 14609  
donation expenses only once for all taxable years beginning with 14610  
taxable years beginning in 2007. 14611

For the purposes of division (A)(25) of this section: 14612

(a) "Human organ" means all or any portion of a human liver, 14613  
pancreas, kidney, intestine, or lung, and any portion of human 14614  
bone marrow. 14615

(b) "Qualified organ donation expenses" means travel 14616  
expenses, lodging expenses, and wages and salary forgone by a 14617  
taxpayer in connection with the taxpayer's donation, while living, 14618

of one or more of the taxpayer's human organs to another human 14619  
being. 14620

(26) Deduct, to the extent not otherwise deducted or excluded 14621  
in computing federal or Ohio adjusted gross income for the taxable 14622  
year, amounts received by the taxpayer as retired military 14623  
personnel pay for service in the United States army, navy, air 14624  
force, coast guard, or marine corps or reserve components thereof, 14625  
or the national guard, or received by the surviving spouse or 14626  
former spouse of such a taxpayer under the survivor benefit plan 14627  
on account of such a taxpayer's death. If the taxpayer receives 14628  
income on account of retirement paid under the federal civil 14629  
service retirement system or federal employees retirement system, 14630  
or under any successor retirement program enacted by the congress 14631  
of the United States that is established and maintained for 14632  
retired employees of the United States government, and such 14633  
retirement income is based, in whole or in part, on credit for the 14634  
taxpayer's military service, the deduction allowed under this 14635  
division shall include only that portion of such retirement income 14636  
that is attributable to the taxpayer's military service, to the 14637  
extent that portion of such retirement income is otherwise 14638  
included in federal adjusted gross income and is not otherwise 14639  
deducted under this section. Any amount deducted under division 14640  
(A)(26) of this section is not included in a taxpayer's adjusted 14641  
gross income for the purposes of section 5747.055 of the Revised 14642  
Code. No amount may be deducted under division (A)(26) of this 14643  
section on the basis of which a credit was claimed under section 14644  
5747.055 of the Revised Code. 14645

(27) Deduct, to the extent not otherwise deducted or excluded 14646  
in computing federal or Ohio adjusted gross income for the taxable 14647  
year, the amount the taxpayer received during the taxable year 14648  
from the military injury relief fund created in section 5101.98 of 14649  
the Revised Code. 14650



(28) Deduct, to the extent not otherwise deducted or excluded 14651  
in computing federal or Ohio adjusted gross income for the taxable 14652  
year, the amount the taxpayer received as a veterans bonus during 14653  
the taxable year from the Ohio department of veterans services as 14654  
authorized by Section 2r of Article VIII, Ohio Constitution. 14655

(29) Deduct, to the extent not otherwise deducted or excluded 14656  
in computing federal or Ohio adjusted gross income for the taxable 14657  
year, any loss from wagering transactions that is allowed as an 14658  
itemized deduction under section 165 of the Internal Revenue Code 14659  
and that the taxpayer deducted in computing federal taxable 14660  
income. 14661

(30) Deduct, to the extent not otherwise deducted or excluded 14662  
in computing federal or Ohio adjusted gross income for the taxable 14663  
year, any income ~~derived from providing public services under a~~ 14664  
~~contract through a project owned by the state, as described in~~ 14665  
~~section 126.604 of the Revised Code or~~ derived from a transfer 14666  
agreement or from the enterprise transferred under that agreement 14667  
under section 4313.02 of the Revised Code. 14668

(31) Deduct, to the extent not otherwise deducted or excluded 14669  
in computing federal or Ohio adjusted gross income for the taxable 14670  
year, Ohio college opportunity or federal Pell grant amounts 14671  
received by the taxpayer or the taxpayer's spouse or dependent 14672  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 14673  
1070a, et seq., and used to pay room or board furnished by the 14674  
educational institution for which the grant was awarded at the 14675  
institution's facilities, including meal plans administered by the 14676  
institution. For the purposes of this division, receipt of a grant 14677  
includes the distribution of a grant directly to an educational 14678  
institution and the crediting of the grant to the enrollee's 14679  
account with the institution. 14680

(B) "Business income" means income, including gain or loss, 14681  
arising from transactions, activities, and sources in the regular 14682

course of a trade or business and includes income, gain, or loss 14683  
from real property, tangible property, and intangible property if 14684  
the acquisition, rental, management, and disposition of the 14685  
property constitute integral parts of the regular course of a 14686  
trade or business operation. "Business income" includes income, 14687  
including gain or loss, from a partial or complete liquidation of 14688  
a business, including, but not limited to, gain or loss from the 14689  
sale or other disposition of goodwill. 14690

(C) "Nonbusiness income" means all income other than business 14691  
income and may include, but is not limited to, compensation, rents 14692  
and royalties from real or tangible personal property, capital 14693  
gains, interest, dividends and distributions, patent or copyright 14694  
royalties, or lottery winnings, prizes, and awards. 14695

(D) "Compensation" means any form of remuneration paid to an 14696  
employee for personal services. 14697

(E) "Fiduciary" means a guardian, trustee, executor, 14698  
administrator, receiver, conservator, or any other person acting 14699  
in any fiduciary capacity for any individual, trust, or estate. 14700

(F) "Fiscal year" means an accounting period of twelve months 14701  
ending on the last day of any month other than December. 14702

(G) "Individual" means any natural person. 14703

(H) "Internal Revenue Code" means the "Internal Revenue Code 14704  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 14705

(I) "Resident" means any of the following, provided that 14706  
division (I)(3) of this section applies only to taxable years of a 14707  
trust beginning in 2002 or thereafter: 14708

(1) An individual who is domiciled in this state, subject to 14709  
section 5747.24 of the Revised Code; 14710

(2) The estate of a decedent who at the time of death was 14711  
domiciled in this state. The domicile tests of section 5747.24 of 14712

the Revised Code are not controlling for purposes of division 14713  
(I)(2) of this section. 14714

(3) A trust that, in whole or part, resides in this state. If 14715  
only part of a trust resides in this state, the trust is a 14716  
resident only with respect to that part. 14717

For the purposes of division (I)(3) of this section: 14718

(a) A trust resides in this state for the trust's current 14719  
taxable year to the extent, as described in division (I)(3)(d) of 14720  
this section, that the trust consists directly or indirectly, in 14721  
whole or in part, of assets, net of any related liabilities, that 14722  
were transferred, or caused to be transferred, directly or 14723  
indirectly, to the trust by any of the following: 14724

(i) A person, a court, or a governmental entity or 14725  
instrumentality on account of the death of a decedent, but only if 14726  
the trust is described in division (I)(3)(e)(i) or (ii) of this 14727  
section; 14728

(ii) A person who was domiciled in this state for the 14729  
purposes of this chapter when the person directly or indirectly 14730  
transferred assets to an irrevocable trust, but only if at least 14731  
one of the trust's qualifying beneficiaries is domiciled in this 14732  
state for the purposes of this chapter during all or some portion 14733  
of the trust's current taxable year; 14734

(iii) A person who was domiciled in this state for the 14735  
purposes of this chapter when the trust document or instrument or 14736  
part of the trust document or instrument became irrevocable, but 14737  
only if at least one of the trust's qualifying beneficiaries is a 14738  
resident domiciled in this state for the purposes of this chapter 14739  
during all or some portion of the trust's current taxable year. If 14740  
a trust document or instrument became irrevocable upon the death 14741  
of a person who at the time of death was domiciled in this state 14742  
for purposes of this chapter, that person is a person described in 14743

division (I)(3)(a)(iii) of this section. 14744

(b) A trust is irrevocable to the extent that the transferor 14745  
is not considered to be the owner of the net assets of the trust 14746  
under sections 671 to 678 of the Internal Revenue Code. 14747

(c) With respect to a trust other than a charitable lead 14748  
trust, "qualifying beneficiary" has the same meaning as "potential 14749  
current beneficiary" as defined in section 1361(e)(2) of the 14750  
Internal Revenue Code, and with respect to a charitable lead trust 14751  
"qualifying beneficiary" is any current, future, or contingent 14752  
beneficiary, but with respect to any trust "qualifying 14753  
beneficiary" excludes a person or a governmental entity or 14754  
instrumentality to any of which a contribution would qualify for 14755  
the charitable deduction under section 170 of the Internal Revenue 14756  
Code. 14757

(d) For the purposes of division (I)(3)(a) of this section, 14758  
the extent to which a trust consists directly or indirectly, in 14759  
whole or in part, of assets, net of any related liabilities, that 14760  
were transferred directly or indirectly, in whole or part, to the 14761  
trust by any of the sources enumerated in that division shall be 14762  
ascertained by multiplying the fair market value of the trust's 14763  
assets, net of related liabilities, by the qualifying ratio, which 14764  
shall be computed as follows: 14765

(i) The first time the trust receives assets, the numerator 14766  
of the qualifying ratio is the fair market value of those assets 14767  
at that time, net of any related liabilities, from sources 14768  
enumerated in division (I)(3)(a) of this section. The denominator 14769  
of the qualifying ratio is the fair market value of all the 14770  
trust's assets at that time, net of any related liabilities. 14771

(ii) Each subsequent time the trust receives assets, a 14772  
revised qualifying ratio shall be computed. The numerator of the 14773  
revised qualifying ratio is the sum of (1) the fair market value 14774

of the trust's assets immediately prior to the subsequent 14775  
transfer, net of any related liabilities, multiplied by the 14776  
qualifying ratio last computed without regard to the subsequent 14777  
transfer, and (2) the fair market value of the subsequently 14778  
transferred assets at the time transferred, net of any related 14779  
liabilities, from sources enumerated in division (I)(3)(a) of this 14780  
section. The denominator of the revised qualifying ratio is the 14781  
fair market value of all the trust's assets immediately after the 14782  
subsequent transfer, net of any related liabilities. 14783

(iii) Whether a transfer to the trust is by or from any of 14784  
the sources enumerated in division (I)(3)(a) of this section shall 14785  
be ascertained without regard to the domicile of the trust's 14786  
beneficiaries. 14787

(e) For the purposes of division (I)(3)(a)(i) of this 14788  
section: 14789

(i) A trust is described in division (I)(3)(e)(i) of this 14790  
section if the trust is a testamentary trust and the testator of 14791  
that testamentary trust was domiciled in this state at the time of 14792  
the testator's death for purposes of the taxes levied under 14793  
Chapter 5731. of the Revised Code. 14794

(ii) A trust is described in division (I)(3)(e)(ii) of this 14795  
section if the transfer is a qualifying transfer described in any 14796  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 14797  
irrevocable inter vivos trust, and at least one of the trust's 14798  
qualifying beneficiaries is domiciled in this state for purposes 14799  
of this chapter during all or some portion of the trust's current 14800  
taxable year. 14801

(f) For the purposes of division (I)(3)(e)(ii) of this 14802  
section, a "qualifying transfer" is a transfer of assets, net of 14803  
any related liabilities, directly or indirectly to a trust, if the 14804  
transfer is described in any of the following: 14805

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly

created in connection with or as a result of the death of an 14837  
individual who, for purposes of the taxes levied under Chapter 14838  
5731. of the Revised Code, was domiciled in this state at the time 14839  
of the individual's death. 14840

(g) The tax commissioner may adopt rules to ascertain the 14841  
part of a trust residing in this state. 14842

(J) "Nonresident" means an individual or estate that is not a 14843  
resident. An individual who is a resident for only part of a 14844  
taxable year is a nonresident for the remainder of that taxable 14845  
year. 14846

(K) "Pass-through entity" has the same meaning as in section 14847  
5733.04 of the Revised Code. 14848

(L) "Return" means the notifications and reports required to 14849  
be filed pursuant to this chapter for the purpose of reporting the 14850  
tax due and includes declarations of estimated tax when so 14851  
required. 14852

(M) "Taxable year" means the calendar year or the taxpayer's 14853  
fiscal year ending during the calendar year, or fractional part 14854  
thereof, upon which the adjusted gross income is calculated 14855  
pursuant to this chapter. 14856

(N) "Taxpayer" means any person subject to the tax imposed by 14857  
section 5747.02 of the Revised Code or any pass-through entity 14858  
that makes the election under division (D) of section 5747.08 of 14859  
the Revised Code. 14860

(O) "Dependents" means dependents as defined in the Internal 14861  
Revenue Code and as claimed in the taxpayer's federal income tax 14862  
return for the taxable year or which the taxpayer would have been 14863  
permitted to claim had the taxpayer filed a federal income tax 14864  
return. 14865

(P) "Principal county of employment" means, in the case of a 14866

nonresident, the county within the state in which a taxpayer 14867  
performs services for an employer or, if those services are 14868  
performed in more than one county, the county in which the major 14869  
portion of the services are performed. 14870

(Q) As used in sections 5747.50 to 5747.55 of the Revised 14871  
Code: 14872

(1) "Subdivision" means any county, municipal corporation, 14873  
park district, or township. 14874

(2) "Essential local government purposes" includes all 14875  
functions that any subdivision is required by general law to 14876  
exercise, including like functions that are exercised under a 14877  
charter adopted pursuant to the Ohio Constitution. 14878

(R) "Overpayment" means any amount already paid that exceeds 14879  
the figure determined to be the correct amount of the tax. 14880

(S) "Taxable income" or "Ohio taxable income" applies only to 14881  
estates and trusts, and means federal taxable income, as defined 14882  
and used in the Internal Revenue Code, adjusted as follows: 14883

(1) Add interest or dividends, net of ordinary, necessary, 14884  
and reasonable expenses not deducted in computing federal taxable 14885  
income, on obligations or securities of any state or of any 14886  
political subdivision or authority of any state, other than this 14887  
state and its subdivisions and authorities, but only to the extent 14888  
that such net amount is not otherwise includible in Ohio taxable 14889  
income and is described in either division (S)(1)(a) or (b) of 14890  
this section: 14891

(a) The net amount is not attributable to the S portion of an 14892  
electing small business trust and has not been distributed to 14893  
beneficiaries for the taxable year; 14894

(b) The net amount is attributable to the S portion of an 14895  
electing small business trust for the taxable year. 14896



(2) Add interest or dividends, net of ordinary, necessary, 14897  
and reasonable expenses not deducted in computing federal taxable 14898  
income, on obligations of any authority, commission, 14899  
instrumentality, territory, or possession of the United States to 14900  
the extent that the interest or dividends are exempt from federal 14901  
income taxes but not from state income taxes, but only to the 14902  
extent that such net amount is not otherwise includible in Ohio 14903  
taxable income and is described in either division (S)(1)(a) or 14904  
(b) of this section; 14905

(3) Add the amount of personal exemption allowed to the 14906  
estate pursuant to section 642(b) of the Internal Revenue Code; 14907

(4) Deduct interest or dividends, net of related expenses 14908  
deducted in computing federal taxable income, on obligations of 14909  
the United States and its territories and possessions or of any 14910  
authority, commission, or instrumentality of the United States to 14911  
the extent that the interest or dividends are exempt from state 14912  
taxes under the laws of the United States, but only to the extent 14913  
that such amount is included in federal taxable income and is 14914  
described in either division (S)(1)(a) or (b) of this section; 14915

(5) Deduct the amount of wages and salaries, if any, not 14916  
otherwise allowable as a deduction but that would have been 14917  
allowable as a deduction in computing federal taxable income for 14918  
the taxable year, had the targeted jobs credit allowed under 14919  
sections 38, 51, and 52 of the Internal Revenue Code not been in 14920  
effect, but only to the extent such amount relates either to 14921  
income included in federal taxable income for the taxable year or 14922  
to income of the S portion of an electing small business trust for 14923  
the taxable year; 14924

(6) Deduct any interest or interest equivalent, net of 14925  
related expenses deducted in computing federal taxable income, on 14926  
public obligations and purchase obligations, but only to the 14927  
extent that such net amount relates either to income included in 14928

federal taxable income for the taxable year or to income of the S 14929  
portion of an electing small business trust for the taxable year; 14930

(7) Add any loss or deduct any gain resulting from sale, 14931  
exchange, or other disposition of public obligations to the extent 14932  
that such loss has been deducted or such gain has been included in 14933  
computing either federal taxable income or income of the S portion 14934  
of an electing small business trust for the taxable year; 14935

(8) Except in the case of the final return of an estate, add 14936  
any amount deducted by the taxpayer on both its Ohio estate tax 14937  
return pursuant to section 5731.14 of the Revised Code, and on its 14938  
federal income tax return in determining federal taxable income; 14939

(9)(a) Deduct any amount included in federal taxable income 14940  
solely because the amount represents a reimbursement or refund of 14941  
expenses that in a previous year the decedent had deducted as an 14942  
itemized deduction pursuant to section 63 of the Internal Revenue 14943  
Code and applicable treasury regulations. The deduction otherwise 14944  
allowed under division (S)(9)(a) of this section shall be reduced 14945  
to the extent the reimbursement is attributable to an amount the 14946  
taxpayer or decedent deducted under this section in any taxable 14947  
year. 14948

(b) Add any amount not otherwise included in Ohio taxable 14949  
income for any taxable year to the extent that the amount is 14950  
attributable to the recovery during the taxable year of any amount 14951  
deducted or excluded in computing federal or Ohio taxable income 14952  
in any taxable year, but only to the extent such amount has not 14953  
been distributed to beneficiaries for the taxable year. 14954

(10) Deduct any portion of the deduction described in section 14955  
1341(a)(2) of the Internal Revenue Code, for repaying previously 14956  
reported income received under a claim of right, that meets both 14957  
of the following requirements: 14958

(a) It is allowable for repayment of an item that was 14959

included in the taxpayer's taxable income or the decedent's 14960  
adjusted gross income for a prior taxable year and did not qualify 14961  
for a credit under division (A) or (B) of section 5747.05 of the 14962  
Revised Code for that year. 14963

(b) It does not otherwise reduce the taxpayer's taxable 14964  
income or the decedent's adjusted gross income for the current or 14965  
any other taxable year. 14966

(11) Add any amount claimed as a credit under section 14967  
5747.059 or 5747.65 of the Revised Code to the extent that the 14968  
amount satisfies either of the following: 14969

(a) The amount was deducted or excluded from the computation 14970  
of the taxpayer's federal taxable income as required to be 14971  
reported for the taxpayer's taxable year under the Internal 14972  
Revenue Code; 14973

(b) The amount resulted in a reduction in the taxpayer's 14974  
federal taxable income as required to be reported for any of the 14975  
taxpayer's taxable years under the Internal Revenue Code. 14976

(12) Deduct any amount, net of related expenses deducted in 14977  
computing federal taxable income, that a trust is required to 14978  
report as farm income on its federal income tax return, but only 14979  
if the assets of the trust include at least ten acres of land 14980  
satisfying the definition of "land devoted exclusively to 14981  
agricultural use" under section 5713.30 of the Revised Code, 14982  
regardless of whether the land is valued for tax purposes as such 14983  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 14984  
trust is a pass-through entity investor, section 5747.231 of the 14985  
Revised Code applies in ascertaining if the trust is eligible to 14986  
claim the deduction provided by division (S)(12) of this section 14987  
in connection with the pass-through entity's farm income. 14988

Except for farm income attributable to the S portion of an 14989  
electing small business trust, the deduction provided by division 14990

(S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income 15052  
included in a trust's Ohio taxable income after such taxable 15053  
income is first reduced by the qualifying trust amount, if any. 15054

(2) "Qualifying trust amount" of a trust means capital gains 15055  
and losses from the sale, exchange, or other disposition of equity 15056  
or ownership interests in, or debt obligations of, a qualifying 15057  
investee to the extent included in the trust's Ohio taxable 15058  
income, but only if the following requirements are satisfied: 15059

(a) The book value of the qualifying investee's physical 15060  
assets in this state and everywhere, as of the last day of the 15061  
qualifying investee's fiscal or calendar year ending immediately 15062  
prior to the date on which the trust recognizes the gain or loss, 15063  
is available to the trust. 15064

(b) The requirements of section 5747.011 of the Revised Code 15065  
are satisfied for the trust's taxable year in which the trust 15066  
recognizes the gain or loss. 15067

Any gain or loss that is not a qualifying trust amount is 15068  
modified business income, qualifying investment income, or 15069  
modified nonbusiness income, as the case may be. 15070

(3) "Modified nonbusiness income" means a trust's Ohio 15071  
taxable income other than modified business income, other than the 15072  
qualifying trust amount, and other than qualifying investment 15073  
income, as defined in section 5747.012 of the Revised Code, to the 15074  
extent such qualifying investment income is not otherwise part of 15075  
modified business income. 15076

(4) "Modified Ohio taxable income" applies only to trusts, 15077  
and means the sum of the amounts described in divisions (BB)(4)(a) 15078  
to (c) of this section: 15079

(a) The fraction, calculated under section 5747.013, and 15080  
applying section 5747.231 of the Revised Code, multiplied by the 15081  
sum of the following amounts: 15082

(i) The trust's modified business income; 15083

(ii) The trust's qualifying investment income, as defined in 15084  
section 5747.012 of the Revised Code, but only to the extent the 15085  
qualifying investment income does not otherwise constitute 15086  
modified business income and does not otherwise constitute a 15087  
qualifying trust amount. 15088

(b) The qualifying trust amount multiplied by a fraction, the 15089  
numerator of which is the sum of the book value of the qualifying 15090  
investee's physical assets in this state on the last day of the 15091  
qualifying investee's fiscal or calendar year ending immediately 15092  
prior to the day on which the trust recognizes the qualifying 15093  
trust amount, and the denominator of which is the sum of the book 15094  
value of the qualifying investee's total physical assets 15095  
everywhere on the last day of the qualifying investee's fiscal or 15096  
calendar year ending immediately prior to the day on which the 15097  
trust recognizes the qualifying trust amount. If, for a taxable 15098  
year, the trust recognizes a qualifying trust amount with respect 15099  
to more than one qualifying investee, the amount described in 15100  
division (BB)(4)(b) of this section shall equal the sum of the 15101  
products so computed for each such qualifying investee. 15102

(c)(i) With respect to a trust or portion of a trust that is 15103  
a resident as ascertained in accordance with division (I)(3)(d) of 15104  
this section, its modified nonbusiness income. 15105

(ii) With respect to a trust or portion of a trust that is 15106  
not a resident as ascertained in accordance with division 15107  
(I)(3)(d) of this section, the amount of its modified nonbusiness 15108  
income satisfying the descriptions in divisions (B)(2) to (5) of 15109  
section 5747.20 of the Revised Code, except as otherwise provided 15110  
in division (BB)(4)(c)(ii) of this section. With respect to a 15111  
trust or portion of a trust that is not a resident as ascertained 15112  
in accordance with division (I)(3)(d) of this section, the trust's 15113  
portion of modified nonbusiness income recognized from the sale, 15114

exchange, or other disposition of a debt interest in or equity 15115  
interest in a section 5747.212 entity, as defined in section 15116  
5747.212 of the Revised Code, without regard to division (A) of 15117  
that section, shall not be allocated to this state in accordance 15118  
with section 5747.20 of the Revised Code but shall be apportioned 15119  
to this state in accordance with division (B) of section 5747.212 15120  
of the Revised Code without regard to division (A) of that 15121  
section. 15122

If the allocation and apportionment of a trust's income under 15123  
divisions (BB)(4)(a) and (c) of this section do not fairly 15124  
represent the modified Ohio taxable income of the trust in this 15125  
state, the alternative methods described in division (C) of 15126  
section 5747.21 of the Revised Code may be applied in the manner 15127  
and to the same extent provided in that section. 15128

(5)(a) Except as set forth in division (BB)(5)(b) of this 15129  
section, "qualifying investee" means a person in which a trust has 15130  
an equity or ownership interest, or a person or unit of government 15131  
the debt obligations of either of which are owned by a trust. For 15132  
the purposes of division (BB)(2)(a) of this section and for the 15133  
purpose of computing the fraction described in division (BB)(4)(b) 15134  
of this section, all of the following apply: 15135

(i) If the qualifying investee is a member of a qualifying 15136  
controlled group on the last day of the qualifying investee's 15137  
fiscal or calendar year ending immediately prior to the date on 15138  
which the trust recognizes the gain or loss, then "qualifying 15139  
investee" includes all persons in the qualifying controlled group 15140  
on such last day. 15141

(ii) If the qualifying investee, or if the qualifying 15142  
investee and any members of the qualifying controlled group of 15143  
which the qualifying investee is a member on the last day of the 15144  
qualifying investee's fiscal or calendar year ending immediately 15145  
prior to the date on which the trust recognizes the gain or loss, 15146



separately or cumulatively own, directly or indirectly, on the 15147  
last day of the qualifying investee's fiscal or calendar year 15148  
ending immediately prior to the date on which the trust recognizes 15149  
the qualifying trust amount, more than fifty per cent of the 15150  
equity of a pass-through entity, then the qualifying investee and 15151  
the other members are deemed to own the proportionate share of the 15152  
pass-through entity's physical assets which the pass-through 15153  
entity directly or indirectly owns on the last day of the 15154  
pass-through entity's calendar or fiscal year ending within or 15155  
with the last day of the qualifying investee's fiscal or calendar 15156  
year ending immediately prior to the date on which the trust 15157  
recognizes the qualifying trust amount. 15158

(iii) For the purposes of division (BB)(5)(a)(iii) of this 15159  
section, "upper level pass-through entity" means a pass-through 15160  
entity directly or indirectly owning any equity of another 15161  
pass-through entity, and "lower level pass-through entity" means 15162  
that other pass-through entity. 15163

An upper level pass-through entity, whether or not it is also 15164  
a qualifying investee, is deemed to own, on the last day of the 15165  
upper level pass-through entity's calendar or fiscal year, the 15166  
proportionate share of the lower level pass-through entity's 15167  
physical assets that the lower level pass-through entity directly 15168  
or indirectly owns on the last day of the lower level pass-through 15169  
entity's calendar or fiscal year ending within or with the last 15170  
day of the upper level pass-through entity's fiscal or calendar 15171  
year. If the upper level pass-through entity directly and 15172  
indirectly owns less than fifty per cent of the equity of the 15173  
lower level pass-through entity on each day of the upper level 15174  
pass-through entity's calendar or fiscal year in which or with 15175  
which ends the calendar or fiscal year of the lower level 15176  
pass-through entity and if, based upon clear and convincing 15177  
evidence, complete information about the location and cost of the 15178

physical assets of the lower pass-through entity is not available 15179  
to the upper level pass-through entity, then solely for purposes 15180  
of ascertaining if a gain or loss constitutes a qualifying trust 15181  
amount, the upper level pass-through entity shall be deemed as 15182  
owning no equity of the lower level pass-through entity for each 15183  
day during the upper level pass-through entity's calendar or 15184  
fiscal year in which or with which ends the lower level 15185  
pass-through entity's calendar or fiscal year. Nothing in division 15186  
(BB)(5)(a)(iii) of this section shall be construed to provide for 15187  
any deduction or exclusion in computing any trust's Ohio taxable 15188  
income. 15189

(b) With respect to a trust that is not a resident for the 15190  
taxable year and with respect to a part of a trust that is not a 15191  
resident for the taxable year, "qualifying investee" for that 15192  
taxable year does not include a C corporation if both of the 15193  
following apply: 15194

(i) During the taxable year the trust or part of the trust 15195  
recognizes a gain or loss from the sale, exchange, or other 15196  
disposition of equity or ownership interests in, or debt 15197  
obligations of, the C corporation. 15198

(ii) Such gain or loss constitutes nonbusiness income. 15199

(6) "Available" means information is such that a person is 15200  
able to learn of the information by the due date plus extensions, 15201  
if any, for filing the return for the taxable year in which the 15202  
trust recognizes the gain or loss. 15203

(CC) "Qualifying controlled group" has the same meaning as in 15204  
section 5733.04 of the Revised Code. 15205

(DD) "Related member" has the same meaning as in section 15206  
5733.042 of the Revised Code. 15207

(EE)(1) For the purposes of division (EE) of this section: 15208

(a) "Qualifying person" means any person other than a qualifying corporation.	15209 15210
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	15211 15212 15213
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	15214 15215 15216 15217
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	15218 15219 15220 15221
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	15222 15223 15224
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	15225 15226
(1) "Trust" does not include a qualified pre-income tax trust.	15227 15228
(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.	15229 15230 15231
(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the	15232 15233 15234 15235 15236 15237 15238

election on or before April 15, 2006. The election, if timely 15239  
made, shall be effective on and after January 1, 2006, and shall 15240  
apply for all tax periods and tax years until revoked by the 15241  
trustee of the trust. 15242

(4) A "pre-income tax trust" is a trust that satisfies all of 15243  
the following requirements: 15244

(a) The document or instrument creating the trust was 15245  
executed by the grantor before January 1, 1972; 15246

(b) The trust became irrevocable upon the creation of the 15247  
trust; and 15248

(c) The grantor was domiciled in this state at the time the 15249  
trust was created. 15250

**Sec. 5747.053.** (A) As used in this section: 15251

(1) "Baseline qualifying toll rate" means the rate remitted 15252  
by an individual taxpayer to access a turnpike project in 15253  
accordance with a multi-jurisdictional electronic toll collection 15254  
agreement as fixed on the day H.B. 51 of the 130th General 15255  
Assembly becomes law. 15256

(2) "Qualifying toll" means a toll remitted in accordance 15257  
with a multi-jurisdictional electronic toll collection agreement 15258  
to access a turnpike project after the day H.B. 51 of the 130th 15259  
General Assembly becomes law but before July 1, 2022. 15260

(3) "Threshold toll rate" means the baseline qualifying toll 15261  
rate multiplied by the sum of one plus the percentage increase of 15262  
the increased consumer price index, if any. 15263

(4) "Increased consumer price index" means the percentage 15264  
increase of the consumer price index from the month in which H.B. 15265  
51 of the 130th general assembly becomes law through September of 15266  
the taxable year for which the credit is computed under this 15267  
section. 15268

(5) "Consumer price index" means the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics. 15269  
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(6) "Turnpike project" has the same meaning as in section 5537.01 of the Revised Code. 15273  
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(B) There is hereby allowed a nonrefundable credit against the tax imposed under section 5747.02 of the Revised Code equal to the excess of (1) the amount of qualifying tolls an individual taxpayer remits to access a turnpike project during the taxable year over (2) the amount of qualifying tolls the taxpayer would have remitted for the same access if the threshold toll rate had been in effect for the entirety of the taxable year. The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. 15275  
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(C) A taxpayer may not claim a credit authorized by this section for a taxable year beginning on or after July 1, 2022. 15284  
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(D) The tax commissioner may require a taxpayer claiming the credit authorized under this section to provide documents verifying the amount of qualifying tolls the taxpayer remitted for the taxable year. 15286  
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**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised 15290  
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Code. 15300

(A) If an individual is deceased, any return or notice 15301  
required of that individual under this chapter shall be made and 15302  
filed by that decedent's executor, administrator, or other person 15303  
charged with the property of that decedent. 15304

(B) If an individual is unable to make a return or notice 15305  
required by this chapter, the return or notice required of that 15306  
individual shall be made and filed by the individual's duly 15307  
authorized agent, guardian, conservator, fiduciary, or other 15308  
person charged with the care of the person or property of that 15309  
individual. 15310

(C) Returns or notices required of an estate or a trust shall 15311  
be made and filed by the fiduciary of the estate or trust. 15312

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 15313  
of this section, any pass-through entity may file a single return 15314  
on behalf of one or more of the entity's investors other than an 15315  
investor that is a person subject to the tax imposed under section 15316  
5733.06 of the Revised Code. The single return shall set forth the 15317  
name, address, and social security number or other identifying 15318  
number of each of those pass-through entity investors and shall 15319  
indicate the distributive share of each of those pass-through 15320  
entity investor's income taxable in this state in accordance with 15321  
sections 5747.20 to 5747.231 of the Revised Code. Such 15322  
pass-through entity investors for whom the pass-through entity 15323  
elects to file a single return are not entitled to the exemption 15324  
or credit provided for by sections 5747.02 and 5747.022 of the 15325  
Revised Code; shall calculate the tax before business credits at 15326  
the highest rate of tax set forth in section 5747.02 of the 15327  
Revised Code for the taxable year for which the return is filed; 15328  
and are entitled to only their distributive share of the business 15329  
credits as defined in division (D)(2) of this section. A single 15330  
check drawn by the pass-through entity shall accompany the return 15331

in full payment of the tax due, as shown on the single return, for 15332  
such investors, other than investors who are persons subject to 15333  
the tax imposed under section 5733.06 of the Revised Code. 15334

(b)(i) A pass-through entity shall not include in such a 15335  
single return any investor that is a trust to the extent that any 15336  
direct or indirect current, future, or contingent beneficiary of 15337  
the trust is a person subject to the tax imposed under section 15338  
5733.06 of the Revised Code. 15339

(ii) A pass-through entity shall not include in such a single 15340  
return any investor that is itself a pass-through entity to the 15341  
extent that any direct or indirect investor in the second 15342  
pass-through entity is a person subject to the tax imposed under 15343  
section 5733.06 of the Revised Code. 15344

(c) Nothing in division (D) of this section precludes the tax 15345  
commissioner from requiring such investors to file the return and 15346  
make the payment of taxes and related interest, penalty, and 15347  
interest penalty required by this section or section 5747.02, 15348  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 15349  
of this section shall be construed to provide to such an investor 15350  
or pass-through entity any additional deduction or credit, other 15351  
than the credit provided by division (J) of this section, solely 15352  
on account of the entity's filing a return in accordance with this 15353  
section. Such a pass-through entity also shall make the filing and 15354  
payment of estimated taxes on behalf of the pass-through entity 15355  
investors other than an investor that is a person subject to the 15356  
tax imposed under section 5733.06 of the Revised Code. 15357

(2) For the purposes of this section, "business credits" 15358  
means the credits listed in section 5747.98 of the Revised Code 15359  
excluding the following credits: 15360

(a) The retirement credit under division (B) of section 15361  
5747.055 of the Revised Code; 15362

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	15363 15364
(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	15365 15366
(d) The dependent care credit under section 5747.054 of the Revised Code;	15367 15368
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	15369 15370
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	15371 15372
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	15373 15374
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	15375 15376
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	15377 15378
(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	15379 15380
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	15381 15382
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	15383 15384
(m) The low-income credit under section 5747.056 of the Revised Code;	15385 15386
<u>(n) The credit for turnpike toll increases under section 5747.053 of the Revised Code.</u>	15387 15388
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	15389 15390 15391



provides otherwise, this election, once made, is binding and 15392  
irrevocable for the taxable year for which the election is made. 15393  
Nothing in this division shall be construed to provide for any 15394  
deduction or credit that would not be allowable if a nonresident 15395  
pass-through entity investor were to file an annual return. 15396

(4) If a pass-through entity makes the election provided for 15397  
under division (D) of this section, the pass-through entity shall 15398  
be liable for any additional taxes, interest, interest penalty, or 15399  
penalties imposed by this chapter if the tax commissioner finds 15400  
that the single return does not reflect the correct tax due by the 15401  
pass-through entity investors covered by that return. Nothing in 15402  
this division shall be construed to limit or alter the liability, 15403  
if any, imposed on pass-through entity investors for unpaid or 15404  
underpaid taxes, interest, interest penalty, or penalties as a 15405  
result of the pass-through entity's making the election provided 15406  
for under division (D) of this section. For the purposes of 15407  
division (D) of this section, "correct tax due" means the tax that 15408  
would have been paid by the pass-through entity had the single 15409  
return been filed in a manner reflecting the commissioner's 15410  
findings. Nothing in division (D) of this section shall be 15411  
construed to make or hold a pass-through entity liable for tax 15412  
attributable to a pass-through entity investor's income from a 15413  
source other than the pass-through entity electing to file the 15414  
single return. 15415

(E) If a husband and wife file a joint federal income tax 15416  
return for a taxable year, they shall file a joint return under 15417  
this section for that taxable year, and their liabilities are 15418  
joint and several, but, if the federal income tax liability of 15419  
either spouse is determined on a separate federal income tax 15420  
return, they shall file separate returns under this section. 15421

If either spouse is not required to file a federal income tax 15422  
return and either or both are required to file a return pursuant 15423

to this chapter, they may elect to file separate or joint returns, 15424  
and, pursuant to that election, their liabilities are separate or 15425  
joint and several. If a husband and wife file separate returns 15426  
pursuant to this chapter, each must claim the taxpayer's own 15427  
exemption, but not both, as authorized under section 5747.02 of 15428  
the Revised Code on the taxpayer's own return. 15429

(F) Each return or notice required to be filed under this 15430  
section shall contain the signature of the taxpayer or the 15431  
taxpayer's duly authorized agent and of the person who prepared 15432  
the return for the taxpayer, and shall include the taxpayer's 15433  
social security number. Each return shall be verified by a 15434  
declaration under the penalties of perjury. The tax commissioner 15435  
shall prescribe the form that the signature and declaration shall 15436  
take. 15437

(G) Each return or notice required to be filed under this 15438  
section shall be made and filed as required by section 5747.04 of 15439  
the Revised Code, on or before the fifteenth day of April of each 15440  
year, on forms that the tax commissioner shall prescribe, together 15441  
with remittance made payable to the treasurer of state in the 15442  
combined amount of the state and all school district income taxes 15443  
shown to be due on the form, unless the combined amount shown to 15444  
be due is one dollar or less, in which case that amount need not 15445  
be remitted. 15446

Upon good cause shown, the commissioner may extend the period 15447  
for filing any notice or return required to be filed under this 15448  
section and may adopt rules relating to extensions. If the 15449  
extension results in an extension of time for the payment of any 15450  
state or school district income tax liability with respect to 15451  
which the return is filed, the taxpayer shall pay at the time the 15452  
tax liability is paid an amount of interest computed at the rate 15453  
per annum prescribed by section 5703.47 of the Revised Code on 15454  
that liability from the time that payment is due without extension 15455

to the time of actual payment. Except as provided in section 15456  
5747.132 of the Revised Code, in addition to all other interest 15457  
charges and penalties, all taxes imposed under this chapter or 15458  
Chapter 5748. of the Revised Code and remaining unpaid after they 15459  
become due, except combined amounts due of one dollar or less, 15460  
bear interest at the rate per annum prescribed by section 5703.47 15461  
of the Revised Code until paid or until the day an assessment is 15462  
issued under section 5747.13 of the Revised Code, whichever occurs 15463  
first. 15464

If the commissioner considers it necessary in order to ensure 15465  
the payment of the tax imposed by section 5747.02 of the Revised 15466  
Code or any tax imposed under Chapter 5748. of the Revised Code, 15467  
the commissioner may require returns and payments to be made 15468  
otherwise than as provided in this section. 15469

To the extent that any provision in this division conflicts 15470  
with any provision in section 5747.026 of the Revised Code, the 15471  
provision in that section prevails. 15472

(H) If any report, claim, statement, or other document 15473  
required to be filed, or any payment required to be made, within a 15474  
prescribed period or on or before a prescribed date under this 15475  
chapter is delivered after that period or that date by United 15476  
States mail to the agency, officer, or office with which the 15477  
report, claim, statement, or other document is required to be 15478  
filed, or to which the payment is required to be made, the date of 15479  
the postmark stamped on the cover in which the report, claim, 15480  
statement, or other document, or payment is mailed shall be deemed 15481  
to be the date of delivery or the date of payment. 15482

If a payment is required to be made by electronic funds 15483  
transfer pursuant to section 5747.072 of the Revised Code, the 15484  
payment is considered to be made when the payment is received by 15485  
the treasurer of state or credited to an account designated by the 15486  
treasurer of state for the receipt of tax payments. 15487

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) If, in accordance with division (D) of this section, a pass-through entity elects to file a single return and if any investor is required to file the return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purposes of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(K) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions

accompanying the return shall indicate that by checking the box 15520  
the taxpayer authorizes the department of taxation to contact the 15521  
preparer concerning questions that arise during the processing of 15522  
the return and authorizes the preparer only to provide the 15523  
department with information that is missing from the return, to 15524  
contact the department for information about the processing of the 15525  
return or the status of the taxpayer's refund or payments, and to 15526  
respond to notices about mathematical errors, offsets, or return 15527  
preparation that the taxpayer has received from the department and 15528  
has shown to the preparer. 15529

(L) The tax commissioner shall permit individual taxpayers to 15530  
instruct the department of taxation to cause any refund of 15531  
overpaid taxes to be deposited directly into a checking account, 15532  
savings account, or an individual retirement account or individual 15533  
retirement annuity, or preexisting college savings plan or program 15534  
account offered by the Ohio tuition trust authority under Chapter 15535  
3334. of the Revised Code, as designated by the taxpayer, when the 15536  
taxpayer files the annual return required by this section 15537  
electronically. 15538

(M) The tax commissioner may adopt rules to administer this 15539  
section. 15540

**Sec. 5747.98.** (A) To provide a uniform procedure for 15541  
calculating the amount of tax due under section 5747.02 of the 15542  
Revised Code, a taxpayer shall claim any credits to which the 15543  
taxpayer is entitled in the following order: 15544

(1) The retirement income credit under division (B) of 15545  
section 5747.055 of the Revised Code; 15546

(2) The senior citizen credit under division (C) of section 15547  
5747.05 of the Revised Code; 15548

(3) The lump sum distribution credit under division (D) of 15549

section 5747.05 of the Revised Code;	15550
(4) The dependent care credit under section 5747.054 of the Revised Code;	15551 15552
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	15553 15554
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	15555 15556
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	15557 15558
(8) The low-income credit under section 5747.056 of the Revised Code;	15559 15560
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	15561 15562
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	15563 15564
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	15565 15566
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	15567 15568
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	15569 15570
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	15571 15572
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	15573 15574
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	15575 15576
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	15577 15578

(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	15579 15580
(19) <u>The nonrefundable credit for turnpike toll increases under section 5747.053 of the Revised Code.</u>	15581 15582
(20) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	15583 15584
<del>(20)</del> (21) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	15585 15586
<del>(21)</del> (22) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	15587 15588 15589
<del>(22)</del> (23) The job training credit under section 5747.39 of the Revised Code;	15590 15591
<del>(23)</del> (24) The enterprise zone credit under section 5709.66 of the Revised Code;	15592 15593
<del>(24)</del> (25) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	15594 15595
<del>(25)</del> (26) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	15596 15597
<del>(26)</del> (27) The ethanol plant investment credit under section 5747.75 of the Revised Code;	15598 15599
<del>(27)</del> (28) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	15600 15601
<del>(28)</del> (29) The small business investment credit under section 5747.81 of the Revised Code;	15602 15603
<del>(29)</del> (30) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	15604 15605 15606
<del>(30)</del> (31) The enterprise zone credits under section 5709.65 of	15607

the Revised Code;	15608
<del>(31)</del> <u>(32)</u> The research and development credit under section 5747.331 of the Revised Code;	15609 15610
<del>(32)</del> <u>(33)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	15611 15612
<del>(33)</del> <u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	15613 15614
<del>(34)</del> <u>(35)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	15615 15616
<del>(35)</del> <u>(36)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	15617 15618
<del>(36)</del> <u>(37)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	15619 15620 15621
<del>(37)</del> <u>(38)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	15622 15623 15624
<del>(38)</del> <u>(39)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code.	15625 15626
<del>(39)</del> <u>(40)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	15627 15628 15629
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to	15630 15631 15632 15633 15634 15635 15636 15637



claim, directly or indirectly, a credit more than once for a 15638  
taxable year. 15639

**Sec. 5751.01.** As used in this chapter: 15640

(A) "Person" means, but is not limited to, individuals, 15641  
combinations of individuals of any form, receivers, assignees, 15642  
trustees in bankruptcy, firms, companies, joint-stock companies, 15643  
business trusts, estates, partnerships, limited liability 15644  
partnerships, limited liability companies, associations, joint 15645  
ventures, clubs, societies, for-profit corporations, S 15646  
corporations, qualified subchapter S subsidiaries, qualified 15647  
subchapter S trusts, trusts, entities that are disregarded for 15648  
federal income tax purposes, and any other entities. 15649

(B) "Consolidated elected taxpayer" means a group of two or 15650  
more persons treated as a single taxpayer for purposes of this 15651  
chapter as the result of an election made under section 5751.011 15652  
of the Revised Code. 15653

(C) "Combined taxpayer" means a group of two or more persons 15654  
treated as a single taxpayer for purposes of this chapter under 15655  
section 5751.012 of the Revised Code. 15656

(D) "Taxpayer" means any person, or any group of persons in 15657  
the case of a consolidated elected taxpayer or combined taxpayer 15658  
treated as one taxpayer, required to register or pay tax under 15659  
this chapter. "Taxpayer" does not include excluded persons. 15660

(E) "Excluded person" means any of the following: 15661

(1) Any person with not more than one hundred fifty thousand 15662  
dollars of taxable gross receipts during the calendar year. 15663  
Division (E)(1) of this section does not apply to a person that is 15664  
a member of a consolidated elected taxpayer; 15665

(2) A public utility that paid the excise tax imposed by 15666  
section 5727.24 or 5727.30 of the Revised Code based on one or 15667

more measurement periods that include the entire tax period under 15668  
this chapter, except that a public utility that is a combined 15669  
company is a taxpayer with regard to the following gross receipts: 15670

(a) Taxable gross receipts directly attributed to a public 15671  
utility activity, but not directly attributed to an activity that 15672  
is subject to the excise tax imposed by section 5727.24 or 5727.30 15673  
of the Revised Code; 15674

(b) Taxable gross receipts that cannot be directly attributed 15675  
to any activity, multiplied by a fraction whose numerator is the 15676  
taxable gross receipts described in division (E)(2)(a) of this 15677  
section and whose denominator is the total taxable gross receipts 15678  
that can be directly attributed to any activity; 15679

(c) Except for any differences resulting from the use of an 15680  
accrual basis method of accounting for purposes of determining 15681  
gross receipts under this chapter and the use of the cash basis 15682  
method of accounting for purposes of determining gross receipts 15683  
under section 5727.24 of the Revised Code, the gross receipts 15684  
directly attributed to the activity of a natural gas company shall 15685  
be determined in a manner consistent with division (D) of section 15686  
5727.03 of the Revised Code. 15687

As used in division (E)(2) of this section, "combined 15688  
company" and "public utility" have the same meanings as in section 15689  
5727.01 of the Revised Code. 15690

(3) A financial institution, as defined in section 5726.01 of 15691  
the Revised Code, that paid the tax imposed by section 5726.02 of 15692  
the Revised Code based on one or more taxable years that include 15693  
the entire tax period under this chapter; 15694

(4) A person directly or indirectly owned by one or more 15695  
financial institutions, as defined in section 5726.01 of the 15696  
Revised Code, that paid the tax imposed by section 5726.02 of the 15697  
Revised Code based on one or more taxable years that include the 15698

entire tax period under this chapter. 15699

For the purposes of division (E)(4) of this section, a person 15700  
owns another person under the following circumstances: 15701

(a) In the case of corporations issuing capital stock, one 15702  
corporation owns another corporation if it owns fifty per cent or 15703  
more of the other corporation's capital stock with current voting 15704  
rights; 15705

(b) In the case of a limited liability company, one person 15706  
owns the company if that person's membership interest, as defined 15707  
in section 1705.01 of the Revised Code, is fifty per cent or more 15708  
of the combined membership interests of all persons owning such 15709  
interests in the company; 15710

(c) In the case of a partnership, trust, or other 15711  
unincorporated business organization other than a limited 15712  
liability company, one person owns the organization if, under the 15713  
articles of organization or other instrument governing the affairs 15714  
of the organization, that person has a beneficial interest in the 15715  
organization's profits, surpluses, losses, or distributions of 15716  
fifty per cent or more of the combined beneficial interests of all 15717  
persons having such an interest in the organization. 15718

(5) A domestic insurance company or foreign insurance 15719  
company, as defined in section 5725.01 of the Revised Code, that 15720  
paid the insurance company premiums tax imposed by section 5725.18 15721  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 15722  
company whose gross premiums are subject to tax under section 15723  
3905.36 of the Revised Code based on one or more measurement 15724  
periods that include the entire tax period under this chapter; 15725

(6) A person that solely facilitates or services one or more 15726  
securitizations of phase-in-recovery property pursuant to a final 15727  
financing order as those terms are defined in section 4928.23 of 15728  
the Revised Code. For purposes of this division, "securitization" 15729

means transferring one or more assets to one or more persons and 15730  
then issuing securities backed by the right to receive payment 15731  
from the asset or assets so transferred. 15732

(7) Except as otherwise provided in this division, a 15733  
pre-income tax trust as defined in division (FF)(4) of section 15734  
5747.01 of the Revised Code and any pass-through entity of which 15735  
such pre-income tax trust owns or controls, directly, indirectly, 15736  
or constructively through related interests, more than five per 15737  
cent of the ownership or equity interests. If the pre-income tax 15738  
trust has made a qualifying pre-income tax trust election under 15739  
division (FF)(3) of section 5747.01 of the Revised Code, then the 15740  
trust and the pass-through entities of which it owns or controls, 15741  
directly, indirectly, or constructively through related interests, 15742  
more than five per cent of the ownership or equity interests, 15743  
shall not be excluded persons for purposes of the tax imposed 15744  
under section 5751.02 of the Revised Code. 15745

(8) Nonprofit organizations or the state and its agencies, 15746  
instrumentalities, or political subdivisions. 15747

(F) Except as otherwise provided in divisions (F)(2), (3), 15748  
and (4) of this section, "gross receipts" means the total amount 15749  
realized by a person, without deduction for the cost of goods sold 15750  
or other expenses incurred, that contributes to the production of 15751  
gross income of the person, including the fair market value of any 15752  
property and any services received, and any debt transferred or 15753  
forgiven as consideration. 15754

(1) The following are examples of gross receipts: 15755

(a) Amounts realized from the sale, exchange, or other 15756  
disposition of the taxpayer's property to or with another; 15757

(b) Amounts realized from the taxpayer's performance of 15758  
services for another; 15759

(c) Amounts realized from another's use or possession of the 15760

taxpayer's property or capital;	15761
(d) Any combination of the foregoing amounts.	15762
(2) "Gross receipts" excludes the following amounts:	15763
(a) Interest income except interest on credit sales;	15764
(b) Dividends and distributions from corporations, and	15765
distributive or proportionate shares of receipts and income from a	15766
pass-through entity as defined under section 5733.04 of the	15767
Revised Code;	15768
(c) Receipts from the sale, exchange, or other disposition of	15769
an asset described in section 1221 or 1231 of the Internal Revenue	15770
Code, without regard to the length of time the person held the	15771
asset. Notwithstanding section 1221 of the Internal Revenue Code,	15772
receipts from hedging transactions also are excluded to the extent	15773
the transactions are entered into primarily to protect a financial	15774
position, such as managing the risk of exposure to (i) foreign	15775
currency fluctuations that affect assets, liabilities, profits,	15776
losses, equity, or investments in foreign operations; (ii)	15777
interest rate fluctuations; or (iii) commodity price fluctuations.	15778
As used in division (F)(2)(c) of this section, "hedging	15779
transaction" has the same meaning as used in section 1221 of the	15780
Internal Revenue Code and also includes transactions accorded	15781
hedge accounting treatment under statement of financial accounting	15782
standards number 133 of the financial accounting standards board.	15783
For the purposes of division (F)(2)(c) of this section, the actual	15784
transfer of title of real or tangible personal property to another	15785
entity is not a hedging transaction.	15786
(d) Proceeds received attributable to the repayment,	15787
maturity, or redemption of the principal of a loan, bond, mutual	15788
fund, certificate of deposit, or marketable instrument;	15789
(e) The principal amount received under a repurchase	15790
agreement or on account of any transaction properly characterized	15791

as a loan to the person;	15792
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	15793 15794 15795 15796
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	15797 15798 15799 15800 15801 15802 15803 15804 15805
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	15806 15807 15808
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	15809 15810 15811
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;	15812 15813 15814 15815 15816 15817 15818
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	15819 15820 15821
(l) Property, money, and other amounts received or acquired	15822

by an agent on behalf of another in excess of the agent's	15823
commission, fee, or other remuneration;	15824
(m) Tax refunds, other tax benefit recoveries, and	15825
reimbursements for the tax imposed under this chapter made by	15826
entities that are part of the same combined taxpayer or	15827
consolidated elected taxpayer group, and reimbursements made by	15828
entities that are not members of a combined taxpayer or	15829
consolidated elected taxpayer group that are required to be made	15830
for economic parity among multiple owners of an entity whose tax	15831
obligation under this chapter is required to be reported and paid	15832
entirely by one owner, pursuant to the requirements of sections	15833
5751.011 and 5751.012 of the Revised Code;	15834
(n) Pension reversions;	15835
(o) Contributions to capital;	15836
(p) Sales or use taxes collected as a vendor or an	15837
out-of-state seller on behalf of the taxing jurisdiction from a	15838
consumer or other taxes the taxpayer is required by law to collect	15839
directly from a purchaser and remit to a local, state, or federal	15840
tax authority;	15841
(q) In the case of receipts from the sale of cigarettes or	15842
tobacco products by a wholesale dealer, retail dealer,	15843
distributor, manufacturer, or seller, all as defined in section	15844
5743.01 of the Revised Code, an amount equal to the federal and	15845
state excise taxes paid by any person on or for such cigarettes or	15846
tobacco products under subtitle E of the Internal Revenue Code or	15847
Chapter 5743. of the Revised Code;	15848
(r) In the case of receipts from the sale of motor fuel by a	15849
licensed motor fuel dealer, licensed retail dealer, or licensed	15850
permissive motor fuel dealer, all as defined in section 5735.01 of	15851
the Revised Code, an amount equal to federal and state excise	15852
taxes paid by any person on such motor fuel under section 4081 of	15853

the Internal Revenue Code or Chapter 5735. of the Revised Code; 15854

(s) In the case of receipts from the sale of beer or 15855  
intoxicating liquor, as defined in section 4301.01 of the Revised 15856  
Code, by a person holding a permit issued under Chapter 4301. or 15857  
4303. of the Revised Code, an amount equal to federal and state 15858  
excise taxes paid by any person on or for such beer or 15859  
intoxicating liquor under subtitle E of the Internal Revenue Code 15860  
or Chapter 4301. or 4305. of the Revised Code; 15861

(t) Receipts realized by a new motor vehicle dealer or used 15862  
motor vehicle dealer, as defined in section 4517.01 of the Revised 15863  
Code, from the sale or other transfer of a motor vehicle, as 15864  
defined in that section, to another motor vehicle dealer for the 15865  
purpose of resale by the transferee motor vehicle dealer, but only 15866  
if the sale or other transfer was based upon the transferee's need 15867  
to meet a specific customer's preference for a motor vehicle; 15868

(u) Receipts from a financial institution described in 15869  
division (E)(3) of this section for services provided to the 15870  
financial institution in connection with the issuance, processing, 15871  
servicing, and management of loans or credit accounts, if such 15872  
financial institution and the recipient of such receipts have at 15873  
least fifty per cent of their ownership interests owned or 15874  
controlled, directly or constructively through related interests, 15875  
by common owners; 15876

(v) Receipts realized from administering anti-neoplastic 15877  
drugs and other cancer chemotherapy, biologicals, therapeutic 15878  
agents, and supportive drugs in a physician's office to patients 15879  
with cancer; 15880

(w) Funds received or used by a mortgage broker that is not a 15881  
dealer in intangibles, other than fees or other consideration, 15882  
pursuant to a table-funding mortgage loan or warehouse-lending 15883  
mortgage loan. Terms used in division (F)(2)(w) of this section 15884



have the same meanings as in section 1322.01 of the Revised Code, 15885  
except "mortgage broker" means a person assisting a buyer in 15886  
obtaining a mortgage loan for a fee or other consideration paid by 15887  
the buyer or a lender, or a person engaged in table-funding or 15888  
warehouse-lending mortgage loans that are first lien mortgage 15889  
loans. 15890

(x) Property, money, and other amounts received by a 15891  
professional employer organization, as defined in section 4125.01 15892  
of the Revised Code, from a client employer, as defined in that 15893  
section, in excess of the administrative fee charged by the 15894  
professional employer organization to the client employer; 15895

(y) In the case of amounts retained as commissions by a 15896  
permit holder under Chapter 3769. of the Revised Code, an amount 15897  
equal to the amounts specified under that chapter that must be 15898  
paid to or collected by the tax commissioner as a tax and the 15899  
amounts specified under that chapter to be used as purse money; 15900

(z) Qualifying distribution center receipts. 15901

(i) For purposes of division (F)(2)(z) of this section: 15902

(I) "Qualifying distribution center receipts" means receipts 15903  
of a supplier from qualified property that is delivered to a 15904  
qualified distribution center, multiplied by a quantity that 15905  
equals one minus the Ohio delivery percentage. If the qualified 15906  
distribution center is a refining facility, "supplier" includes 15907  
all dealers, brokers, processors, sellers, vendors, cosigners, and 15908  
distributors of qualified property. 15909

(II) "Qualified property" means tangible personal property 15910  
delivered to a qualified distribution center that is shipped to 15911  
that qualified distribution center solely for further shipping by 15912  
the qualified distribution center to another location in this 15913  
state or elsewhere or, in the case of gold, silver, platinum, or 15914  
palladium delivered to a refining facility solely for refining to 15915

a grade and fineness acceptable for delivery to a registered 15916  
commodities exchange. "Further shipping" includes storing and 15917  
repackaging property into smaller or larger bundles, so long as 15918  
the property is not subject to further manufacturing or 15919  
processing. "Refining" is limited to extracting impurities from 15920  
gold, silver, platinum, or palladium through smelting or some 15921  
other process at a refining facility. 15922

(III) "Qualified distribution center" means a warehouse, a 15923  
facility similar to a warehouse, or a refining facility in this 15924  
state that, for the qualifying year, is operated by a person that 15925  
is not part of a combined taxpayer group and that has a qualifying 15926  
certificate. All warehouses or facilities similar to warehouses 15927  
that are operated by persons in the same taxpayer group and that 15928  
are located within one mile of each other shall be treated as one 15929  
qualified distribution center. All refining facilities that are 15930  
operated by persons in the same taxpayer group and that are 15931  
located in the same or adjacent counties may be treated as one 15932  
qualified distribution center. 15933

(IV) "Qualifying year" means the calendar year to which the 15934  
qualifying certificate applies. 15935

(V) "Qualifying period" means the period of the first day of 15936  
July of the second year preceding the qualifying year through the 15937  
thirtieth day of June of the year preceding the qualifying year. 15938

(VI) "Qualifying certificate" means the certificate issued by 15939  
the tax commissioner after the operator of a distribution center 15940  
files an annual application with the commissioner. The application 15941  
and annual fee shall be filed and paid for each qualified 15942  
distribution center on or before the first day of September before 15943  
the qualifying year or within forty-five days after the 15944  
distribution center opens, whichever is later. 15945

The applicant must substantiate to the commissioner's 15946

satisfaction that, for the qualifying period, all persons 15947  
operating the distribution center have more than fifty per cent of 15948  
the cost of the qualified property shipped to a location such that 15949  
it would be situated outside this state under the provisions of 15950  
division (E) of section 5751.033 of the Revised Code. The 15951  
applicant must also substantiate that the distribution center 15952  
cumulatively had costs from its suppliers equal to or exceeding 15953  
five hundred million dollars during the qualifying period. (For 15954  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 15955  
excludes any person that is part of the consolidated elected 15956  
taxpayer group, if applicable, of the operator of the qualified 15957  
distribution center.) The commissioner may require the applicant 15958  
to have an independent certified public accountant certify that 15959  
the calculation of the minimum thresholds required for a qualified 15960  
distribution center by the operator of a distribution center has 15961  
been made in accordance with generally accepted accounting 15962  
principles. The commissioner shall issue or deny the issuance of a 15963  
certificate within sixty days after the receipt of the 15964  
application. A denial is subject to appeal under section 5717.02 15965  
of the Revised Code. If the operator files a timely appeal under 15966  
section 5717.02 of the Revised Code, the operator shall be granted 15967  
a qualifying certificate, provided that the operator is liable for 15968  
any tax, interest, or penalty upon amounts claimed as qualifying 15969  
distribution center receipts, other than those receipts exempt 15970  
under division (C)(1) of section 5751.011 of the Revised Code, 15971  
that would have otherwise not been owed by its suppliers if the 15972  
qualifying certificate was valid. 15973

(VII) "Ohio delivery percentage" means the proportion of the 15974  
total property delivered to a destination inside Ohio from the 15975  
qualified distribution center during the qualifying period 15976  
compared with total deliveries from such distribution center 15977  
everywhere during the qualifying period. 15978

(VIII) "Refining facility" means one or more buildings 15979  
located in a county in the Appalachian region of this state as 15980  
defined by section 107.21 of the Revised Code and utilized for 15981  
refining or smelting gold, silver, platinum, or palladium to a 15982  
grade and fineness acceptable for delivery to a registered 15983  
commodities exchange. 15984

(IX) "Registered commodities exchange" means a board of 15985  
trade, such as New York mercantile exchange, inc. or commodity 15986  
exchange, inc., designated as a contract market by the commodity 15987  
futures trading commission under the "Commodity Exchange Act," 7 15988  
U.S.C. 1 et seq., as amended. 15989

(ii) If the distribution center is new and was not open for 15990  
the entire qualifying period, the operator of the distribution 15991  
center may request that the commissioner grant a qualifying 15992  
certificate. If the certificate is granted and it is later 15993  
determined that more than fifty per cent of the qualified property 15994  
during that year was not shipped to a location such that it would 15995  
be situated outside of this state under the provisions of division 15996  
(E) of section 5751.033 of the Revised Code or if it is later 15997  
determined that the person that operates the distribution center 15998  
had average monthly costs from its suppliers of less than forty 15999  
million dollars during that year, then the operator of the 16000  
distribution center shall be liable for any tax, interest, or 16001  
penalty upon amounts claimed as qualifying distribution center 16002  
receipts, other than those receipts exempt under division (C)(1) 16003  
of section 5751.011 of the Revised Code, that would have not 16004  
otherwise been owed by its suppliers during the qualifying year if 16005  
the qualifying certificate was valid. (For purposes of division 16006  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 16007  
is part of the consolidated elected taxpayer group, if applicable, 16008  
of the operator of the qualified distribution center.) 16009

(iii) When filing an application for a qualifying certificate 16010

under division (F)(2)(z)(i)(VI) of this section, the operator of a 16011  
qualified distribution center also shall provide documentation, as 16012  
the commissioner requires, for the commissioner to ascertain the 16013  
Ohio delivery percentage. The commissioner, upon issuing the 16014  
qualifying certificate, also shall certify the Ohio delivery 16015  
percentage. The operator of the qualified distribution center may 16016  
appeal the commissioner's certification of the Ohio delivery 16017  
percentage in the same manner as an appeal is taken from the 16018  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 16019  
of this section. 16020

Within thirty days after all appeals have been exhausted, the 16021  
operator of the qualified distribution center shall notify the 16022  
affected suppliers of qualified property that such suppliers are 16023  
required to file, within sixty days after receiving notice from 16024  
the operator of the qualified distribution center, amended reports 16025  
for the impacted calendar quarter or quarters or calendar year, 16026  
whichever the case may be. Any additional tax liability or tax 16027  
overpayment shall be subject to interest but shall not be subject 16028  
to the imposition of any penalty so long as the amended returns 16029  
are timely filed. The supplier of tangible personal property 16030  
delivered to the qualified distribution center shall include in 16031  
its report of taxable gross receipts the receipts from the total 16032  
sales of property delivered to the qualified distribution center 16033  
for the calendar quarter or calendar year, whichever the case may 16034  
be, multiplied by the Ohio delivery percentage for the qualifying 16035  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 16036  
construed as imposing liability on the operator of a qualified 16037  
distribution center for the tax imposed by this chapter arising 16038  
from any change to the Ohio delivery percentage. 16039

(iv) In the case where the distribution center is new and not 16040  
open for the entire qualifying period, the operator shall make a 16041  
good faith estimate of an Ohio delivery percentage for use by 16042

suppliers in their reports of taxable gross receipts for the 16043  
remainder of the qualifying period. The operator of the facility 16044  
shall disclose to the suppliers that such Ohio delivery percentage 16045  
is an estimate and is subject to recalculation. By the due date of 16046  
the next application for a qualifying certificate, the operator 16047  
shall determine the actual Ohio delivery percentage for the 16048  
estimated qualifying period and proceed as provided in division 16049  
(F)(2)(z)(iii) of this section with respect to the calculation and 16050  
recalculation of the Ohio delivery percentage. The supplier is 16051  
required to file, within sixty days after receiving notice from 16052  
the operator of the qualified distribution center, amended reports 16053  
for the impacted calendar quarter or quarters or calendar year, 16054  
whichever the case may be. Any additional tax liability or tax 16055  
overpayment shall be subject to interest but shall not be subject 16056  
to the imposition of any penalty so long as the amended returns 16057  
are timely filed. 16058

(v) Qualifying certificates and Ohio delivery percentages 16059  
issued by the commissioner shall be open to public inspection and 16060  
shall be timely published by the commissioner. A supplier relying 16061  
in good faith on a certificate issued under this division shall 16062  
not be subject to tax on the qualifying distribution center 16063  
receipts under division (F)(2)(z) of this section. A person 16064  
receiving a qualifying certificate is responsible for paying the 16065  
tax, interest, and penalty upon amounts claimed as qualifying 16066  
distribution center receipts that would not otherwise have been 16067  
owed by the supplier if the qualifying certificate were available 16068  
when it is later determined that the qualifying certificate should 16069  
not have been issued because the statutory requirements were in 16070  
fact not met. 16071

(vi) The annual fee for a qualifying certificate shall be one 16072  
hundred thousand dollars for each qualified distribution center. 16073  
If a qualifying certificate is not issued, the annual fee is 16074

subject to refund after the exhaustion of all appeals provided for 16075  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 16076  
under this division may be assessed in the same manner as the tax 16077  
imposed under this chapter. The first one hundred thousand dollars 16078  
of the annual application fees collected each calendar year shall 16079  
be credited to the revenue enhancement fund. The remainder of the 16080  
annual application fees collected shall be distributed in the same 16081  
manner required under section 5751.20 of the Revised Code. 16082

(vii) The tax commissioner may require that adequate security 16083  
be posted by the operator of the distribution center on appeal 16084  
when the commissioner disagrees that the applicant has met the 16085  
minimum thresholds for a qualified distribution center as set 16086  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 16087  
section. 16088

(aa) Receipts of an employer from payroll deductions relating 16089  
to the reimbursement of the employer for advancing moneys to an 16090  
unrelated third party on an employee's behalf; 16091

(bb) Cash discounts allowed and taken; 16092

(cc) Returns and allowances; 16093

(dd) Bad debts from receipts on the basis of which the tax 16094  
imposed by this chapter was paid in a prior quarterly tax payment 16095  
period. For the purpose of this division, "bad debts" means any 16096  
debts that have become worthless or uncollectible between the 16097  
preceding and current quarterly tax payment periods, have been 16098  
uncollected for at least six months, and that may be claimed as a 16099  
deduction under section 166 of the Internal Revenue Code and the 16100  
regulations adopted under that section, or that could be claimed 16101  
as such if the taxpayer kept its accounts on the accrual basis. 16102  
"Bad debts" does not include repossessed property, uncollectible 16103  
amounts on property that remains in the possession of the taxpayer 16104  
until the full purchase price is paid, or expenses in attempting 16105

to collect any account receivable or for any portion of the debt 16106  
recovered; 16107

(ee) Any amount realized from the sale of an account 16108  
receivable to the extent the receipts from the underlying 16109  
transaction giving rise to the account receivable were included in 16110  
the gross receipts of the taxpayer; 16111

(ff) Any receipts directly attributed ~~to providing public~~ 16112  
~~services pursuant to sections 126.60 to 126.605 of the Revised~~ 16113  
~~Code, or any receipts directly attributed~~ to a transfer agreement 16114  
or to the enterprise transferred under that agreement under 16115  
section 4313.02 of the Revised Code. 16116

(gg)(i) As used in this division: 16117

(I) "Qualified uranium receipts" means receipts from the 16118  
sale, exchange, lease, loan, production, processing, or other 16119  
disposition of uranium within a uranium enrichment zone certified 16120  
by the tax commissioner under division (F)(2)(gg)(ii) of this 16121  
section. "Qualified uranium receipts" does not include any 16122  
receipts with a situs in this state outside a uranium enrichment 16123  
zone certified by the tax commissioner under division 16124  
(F)(2)(gg)(ii) of this section. 16125

(II) "Uranium enrichment zone" means all real property that 16126  
is part of a uranium enrichment facility licensed by the United 16127  
States nuclear regulatory commission and that was or is owned or 16128  
controlled by the United States department of energy or its 16129  
successor. 16130

(ii) Any person that owns, leases, or operates real or 16131  
tangible personal property constituting or located within a 16132  
uranium enrichment zone may apply to the tax commissioner to have 16133  
the uranium enrichment zone certified for the purpose of excluding 16134  
qualified uranium receipts under division (F)(2)(gg) of this 16135  
section. The application shall include such information that the 16136



tax commissioner prescribes. Within sixty days after receiving the 16137  
application, the tax commissioner shall certify the zone for that 16138  
purpose if the commissioner determines that the property qualifies 16139  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 16140  
this section, or, if the tax commissioner determines that the 16141  
property does not qualify, the commissioner shall deny the 16142  
application or request additional information from the applicant. 16143  
If the tax commissioner denies an application, the commissioner 16144  
shall state the reasons for the denial. The applicant may appeal 16145  
the denial of an application to the board of tax appeals pursuant 16146  
to section 5717.02 of the Revised Code. If the applicant files a 16147  
timely appeal, the tax commissioner shall conditionally certify 16148  
the applicant's property. The conditional certification shall 16149  
expire when all of the applicant's appeals are exhausted. Until 16150  
final resolution of the appeal, the applicant shall retain the 16151  
applicant's records in accordance with section 5751.12 of the 16152  
Revised Code, notwithstanding any time limit on the preservation 16153  
of records under that section. 16154

(hh) Amounts realized by licensed motor fuel dealers or 16155  
licensed permissive motor fuel dealers from the exchange of 16156  
petroleum products, including motor fuel, between such dealers, 16157  
provided that delivery of the petroleum products occurs at a 16158  
refinery, terminal, pipeline, or marine vessel and that the 16159  
exchanging dealers agree neither dealer shall require monetary 16160  
compensation from the other for the value of the exchanged 16161  
petroleum products other than such compensation for differences in 16162  
product location or grade. Division (F)(2)(hh) of this section 16163  
does not apply to amounts realized as a result of differences in 16164  
location or grade of exchanged petroleum products or from 16165  
handling, lubricity, dye, or other additive injections fees, 16166  
pipeline security fees, or similar fees. As used in this division, 16167  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 16168  
motor fuel dealer," and "terminal" have the same meanings as in 16169

section 5735.01 of the Revised Code. 16170

(ii) In the case of amounts collected by a licensed casino 16171  
operator from casino gaming, amounts in excess of the casino 16172  
operator's gross casino revenue. In this division, "casino 16173  
operator" and "casino gaming" have the meanings defined in section 16174  
3772.01 of the Revised Code, and "gross casino revenue" has the 16175  
meaning defined in section 5753.01 of the Revised Code. 16176

(jj) Any receipts for which the tax imposed by this chapter 16177  
is prohibited by the constitution or laws of the United States or 16178  
the constitution of this state. 16179

(3) In the case of a taxpayer when acting as a real estate 16180  
broker, "gross receipts" includes only the portion of any fee for 16181  
the service of a real estate broker, or service of a real estate 16182  
salesperson associated with that broker, that is retained by the 16183  
broker and not paid to an associated real estate salesperson or 16184  
another real estate broker. For the purposes of this division, 16185  
"real estate broker" and "real estate salesperson" have the same 16186  
meanings as in section 4735.01 of the Revised Code. 16187

(4) A taxpayer's method of accounting for gross receipts for 16188  
a tax period shall be the same as the taxpayer's method of 16189  
accounting for federal income tax purposes for the taxpayer's 16190  
federal taxable year that includes the tax period. If a taxpayer's 16191  
method of accounting for federal income tax purposes changes, its 16192  
method of accounting for gross receipts under this chapter shall 16193  
be changed accordingly. 16194

(G) "Taxable gross receipts" means gross receipts situated to 16195  
this state under section 5751.033 of the Revised Code. 16196

(H) A person has "substantial nexus with this state" if any 16197  
of the following applies. The person: 16198

(1) Owns or uses a part or all of its capital in this state; 16199

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	16200 16201
(3) Has bright-line presence in this state;	16202
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.	16203 16204 16205
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	16206 16207 16208
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	16209 16210 16211 16212 16213
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	16214 16215 16216
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	16217 16218
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	16219 16220 16221
(c) Any amount the person pays for services performed in this state on its behalf by another.	16222 16223
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	16224 16225
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	16226 16227 16228
(5) Is domiciled in this state as an individual or for	16229

corporate, commercial, or other business purposes. 16230

(J) "Tangible personal property" has the same meaning as in 16231  
section 5739.01 of the Revised Code. 16232

(K) "Internal Revenue Code" means the Internal Revenue Code 16233  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 16234  
this chapter that is not otherwise defined has the same meaning as 16235  
when used in a comparable context in the laws of the United States 16236  
relating to federal income taxes unless a different meaning is 16237  
clearly required. Any reference in this chapter to the Internal 16238  
Revenue Code includes other laws of the United States relating to 16239  
federal income taxes. 16240

(L) "Calendar quarter" means a three-month period ending on 16241  
the thirty-first day of March, the thirtieth day of June, the 16242  
thirtieth day of September, or the thirty-first day of December. 16243

(M) "Tax period" means the calendar quarter or calendar year 16244  
on the basis of which a taxpayer is required to pay the tax 16245  
imposed under this chapter. 16246

(N) "Calendar year taxpayer" means a taxpayer for which the 16247  
tax period is a calendar year. 16248

(O) "Calendar quarter taxpayer" means a taxpayer for which 16249  
the tax period is a calendar quarter. 16250

(P) "Agent" means a person authorized by another person to 16251  
act on its behalf to undertake a transaction for the other, 16252  
including any of the following: 16253

(1) A person receiving a fee to sell financial instruments; 16254

(2) A person retaining only a commission from a transaction 16255  
with the other proceeds from the transaction being remitted to 16256  
another person; 16257

(3) A person issuing licenses and permits under section 16258  
1533.13 of the Revised Code; 16259

(4) A lottery sales agent holding a valid license issued	16260
under section 3770.05 of the Revised Code;	16261
(5) A person acting as an agent of the division of liquor	16262
control under section 4301.17 of the Revised Code.	16263
(Q) "Received" includes amounts accrued under the accrual	16264
method of accounting.	16265
(R) "Reporting person" means a person in a consolidated	16266
elected taxpayer or combined taxpayer group that is designated by	16267
that group to legally bind the group for all filings and tax	16268
liabilities and to receive all legal notices with respect to	16269
matters under this chapter, or, for the purposes of section	16270
5751.04 of the Revised Code, a separate taxpayer that is not a	16271
member of such a group.	16272
<b>Sec. 5751.02.</b> (A) For the purpose of funding the needs of	16273
this state and its local governments <del>beginning with the tax period</del>	16274
<del>that commences July 1, 2005, and continuing for every tax period</del>	16275
<del>thereafter</del> <u>and providing revenue to the commercial activity tax</u>	16276
<u>motor fuel receipts fund</u> , there is hereby levied a commercial	16277
activity tax on each person with taxable gross receipts for the	16278
privilege of doing business in this state. For the purposes of	16279
this chapter, "doing business" means engaging in any activity,	16280
whether legal or illegal, that is conducted for, or results in,	16281
gain, profit, or income, at any time during <del>the</del> <u>a</u> calendar year.	16282
Persons on which the commercial activity tax is levied include,	16283
but are not limited to, persons with substantial nexus with this	16284
state. The tax imposed under this section is not a transactional	16285
tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The	16286
tax imposed under this section is in addition to any other taxes	16287
or fees imposed under the Revised Code. The tax levied under this	16288
section is imposed on the person receiving the gross receipts and	16289
is not a tax imposed directly on a purchaser. The tax imposed by	16290

this section is an annual privilege tax for the calendar year 16291  
that, in the case of calendar year taxpayers, is the annual tax 16292  
period and, in the case of calendar quarter taxpayers, contains 16293  
all quarterly tax periods in the calendar year. A taxpayer is 16294  
subject to the annual privilege tax for doing business during any 16295  
portion of such calendar year. 16296

(B) The tax imposed by this section is a tax on the taxpayer 16297  
and shall not be billed or invoiced to another person. Even if the 16298  
tax or any portion thereof is billed or invoiced and separately 16299  
stated, such amounts remain part of the price for purposes of the 16300  
sales and use taxes levied under Chapters 5739. and 5741. of the 16301  
Revised Code. Nothing in division (B) of this section prohibits: 16302

(1) A person from including in the price charged for a good 16303  
or service an amount sufficient to recover the tax imposed by this 16304  
section; or 16305

(2) A lessor from including an amount sufficient to recover 16306  
the tax imposed by this section in a lease payment charged, or 16307  
from including such an amount on a billing or invoice pursuant to 16308  
the terms of a written lease agreement providing for the recovery 16309  
of the lessor's tax costs. The recovery of such costs shall be 16310  
based on an estimate of the total tax cost of the lessor during 16311  
the tax period, as the tax liability of the lessor cannot be 16312  
calculated until the end of that period. 16313

**Sec. 5751.051.** (A)(1) Not later than the tenth day of the 16314  
second month after the end of each calendar quarter, every 16315  
taxpayer other than a calendar year taxpayer shall file with the 16316  
tax commissioner a tax return in such form as the commissioner 16317  
prescribes. The return shall include, but is not limited to, the 16318  
amount of the taxpayer's taxable gross receipts for the calendar 16319  
quarter and shall indicate the amount of tax due under section 16320

5751.03 of the Revised Code for the calendar quarter. The taxpayer shall indicate on the return the portion of the taxpayer's receipts attributable to motor fuel used for propelling vehicles on public highways.

(2)(a) Subject to division (C) of section 5751.05 of the Revised Code, a calendar quarter taxpayer shall report the taxable gross receipts for that calendar quarter.

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not

previously reported in the calendar year and shall adjust for any 16352  
over-reported taxable gross receipts in the calendar year. 16353

Taxpayers reporting taxable gross receipts attributable to motor 16354  
fuel used for propelling vehicles on public highways may not 16355  
utilize the statutory estimation procedure provided in divisions 16356  
(A)(2) and (3) of this section. 16357

(4) Because the tax imposed by this chapter is a privilege 16358  
tax, the tax rate with respect to taxable gross receipts for a 16359  
calendar quarter is not fixed until the end of the measurement 16360  
period for each calendar quarter. Subject to division (A)(2)(b) of 16361  
this section, the total amount of taxable gross receipts reported 16362  
for a given calendar quarter shall be subject to the tax rate in 16363  
effect in that quarter. 16364

(5) Not later than the tenth day of May following the end of 16365  
each calendar year, every calendar year taxpayer shall file with 16366  
the tax commissioner a tax return in such form as the commissioner 16367  
prescribes. The return shall include, but is not limited to, the 16368  
amount of the taxpayer's taxable gross receipts for the calendar 16369  
year and shall indicate the amount of tax due under section 16370  
5751.03 of the Revised Code for the calendar year. The taxpayer 16371  
shall indicate on the return the portion of the taxpayer's 16372  
receipts attributable to motor fuel used for propelling vehicles 16373  
on public highways. 16374

(B)(1) A person that first becomes subject to the tax imposed 16375  
under this chapter shall pay the minimum tax imposed under 16376  
division (B) of section 5751.03 of the Revised Code on or before 16377  
the day the return is required to be filed for that quarter under 16378  
division (A)(1) of this section, regardless of whether the person 16379  
registers as a calendar year taxpayer under section 5751.05 of the 16380  
Revised Code. 16381

(2) The amount of the minimum tax for a person subject to 16382  
division (B)(1) of this section shall be reduced to seventy-five 16383



dollars if the registration is timely filed after the first day of 16384  
May and before the first day of January of the following calendar 16385  
year. 16386

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 16387  
the Revised Code: 16388

(1) "School district," "joint vocational school district," 16389  
"local taxing unit," "recognized valuation," "fixed-rate levy," 16390  
and "fixed-sum levy" have the same meanings as used in section 16391  
5727.84 of the Revised Code. 16392

(2) "State education aid" for a school district means the 16393  
following: 16394

(a) For fiscal years prior to fiscal year 2010, the sum of 16395  
state aid amounts computed for the district under the following 16396  
provisions, as they existed for the applicable fiscal year: 16397  
division (A) of section 3317.022 of the Revised Code, including 16398  
the amounts calculated under sections 3317.029 and 3317.0217 of 16399  
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 16400  
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 16401  
divisions (L) and (N) of section 3317.024; section 3317.0216; and 16402  
any unit payments for gifted student services paid under sections 16403  
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 16404  
for fiscal years 2008 and 2009, the amount computed for the 16405  
district under Section 269.20.80 of H.B. 119 of the 127th general 16406  
assembly and as that section subsequently may be amended shall be 16407  
substituted for the amount computed under division (D) of section 16408  
3317.022 of the Revised Code, and the amount computed under 16409  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 16410  
that section subsequently may be amended shall be included. 16411

(b) For fiscal years 2010 and 2011, the sum of the amounts 16412  
computed under former sections 3306.052, 3306.12, 3306.13, 16413  
3306.19, 3306.191, and 3306.192 of the Revised Code; 16414

(c) For fiscal years 2012 and 2013, the sum of the amounts 16415  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 16416  
153 of the 129th general assembly. 16417

(3) "State education aid" for a joint vocational school 16418  
district means the following: 16419

(a) For fiscal years prior to fiscal year 2010, the sum of 16420  
the state aid computed for the district under division (N) of 16421  
section 3317.024 and section 3317.16 of the Revised Code, except 16422  
that, for fiscal years 2008 and 2009, the amount computed under 16423  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 16424  
that section subsequently may be amended shall be included. 16425

(b) For fiscal years 2010 and 2011, the amount paid in 16426  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 16427  
assembly. 16428

(c) For fiscal years 2012 and 2013, the amount paid in 16429  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 16430  
assembly. 16431

(4) "State education aid offset" means the amount determined 16432  
for each school district or joint vocational school district under 16433  
division (A)(1) of section 5751.21 of the Revised Code. 16434

(5) "Machinery and equipment property tax value loss" means 16435  
the amount determined under division (C)(1) of this section. 16436

(6) "Inventory property tax value loss" means the amount 16437  
determined under division (C)(2) of this section. 16438

(7) "Furniture and fixtures property tax value loss" means 16439  
the amount determined under division (C)(3) of this section. 16440

(8) "Machinery and equipment fixed-rate levy loss" means the 16441  
amount determined under division (D)(1) of this section. 16442

(9) "Inventory fixed-rate levy loss" means the amount 16443  
determined under division (D)(2) of this section. 16444

- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 16445  
16446
- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 16447  
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 16451  
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- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 16453  
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- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 16456  
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- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 16459  
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- (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 16462  
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- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. 16468  
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- (18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section. 16472  
16473
- (19) "Telephone property fixed-rate levy loss" means the 16474

amount determined under division (D)(4) of this section. 16475

(20) "Taxes charged and payable" means taxes charged and 16476  
payable after the reduction required by section 319.301 of the 16477  
Revised Code but before the reductions required by sections 16478  
319.302 and 323.152 of the Revised Code. 16479

(21) "Median estate tax collections" means, in the case of a 16480  
municipal corporation to which revenue from the taxes levied in 16481  
Chapter 5731. of the Revised Code was distributed in each of 16482  
calendar years 2006, 2007, 2008, and 2009, the median of those 16483  
distributions. In the case of a municipal corporation to which no 16484  
distributions were made in one or more of those years, "median 16485  
estate tax collections" means zero. 16486

(22) "Total resources," in the case of a school district, 16487  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 16488  
this section less any reduction required under division (A)(32) or 16489  
(33) of this section. 16490

(a) The state education aid for fiscal year 2010; 16491

(b) The sum of the payments received by the school district 16492  
in fiscal year 2010 for current expense levy losses pursuant to 16493  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 16494  
section 5751.21 of the Revised Code, excluding the portion of such 16495  
payments attributable to levies for joint vocational school 16496  
district purposes; 16497

(c) The sum of fixed-sum levy loss payments received by the 16498  
school district in fiscal year 2010 pursuant to division (E)(1) of 16499  
section 5727.85 and division (E)(1) of section 5751.21 of the 16500  
Revised Code for fixed-sum levies charged and payable for a 16501  
purpose other than paying debt charges; 16502

(d) Fifty per cent of the school district's taxes charged and 16503  
payable against all property on the tax list of real and public 16504  
utility property for current expense purposes for tax year 2008, 16505

including taxes charged and payable from emergency levies charged 16506  
and payable under section 5709.194 of the Revised Code and 16507  
excluding taxes levied for joint vocational school district 16508  
purposes; 16509

(e) Fifty per cent of the school district's taxes charged and 16510  
payable against all property on the tax list of real and public 16511  
utility property for current expenses for tax year 2009, including 16512  
taxes charged and payable from emergency levies and excluding 16513  
taxes levied for joint vocational school district purposes; 16514

(f) The school district's taxes charged and payable against 16515  
all property on the general tax list of personal property for 16516  
current expenses for tax year 2009, including taxes charged and 16517  
payable from emergency levies; 16518

(g) The amount certified for fiscal year 2010 under division 16519  
(A)(2) of section 3317.08 of the Revised Code; 16520

(h) Distributions received during calendar year 2009 from 16521  
taxes levied under section 718.09 of the Revised Code. 16522

(23) "Total resources," in the case of a joint vocational 16523  
school district, means the sum of amounts in divisions (A)(23)(a) 16524  
to (g) of this section less any reduction required under division 16525  
(A)(32) of this section. 16526

(a) The state education aid for fiscal year 2010; 16527

(b) The sum of the payments received by the joint vocational 16528  
school district in fiscal year 2010 for current expense levy 16529  
losses pursuant to division (C)(2) of section 5727.85 and 16530  
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 16531

(c) Fifty per cent of the joint vocational school district's 16532  
taxes charged and payable against all property on the tax list of 16533  
real and public utility property for current expense purposes for 16534  
tax year 2008; 16535

(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;

(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services

related functions, means the sum of the amounts in divisions 16567  
(A)(25)(a) and (b) of this section less any reduction required 16568  
under division (A)(32) of this section. 16569

(a) The sum of the payments received by the county for senior 16570  
services related functions in calendar year 2010 under division 16571  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 16572  
5751.22 of the Revised Code as they existed at that time; 16573

(b) With respect to taxes levied by the county for senior 16574  
services related purposes, the taxes charged and payable for such 16575  
purposes against all property on the tax list of real and public 16576  
utility property for tax year 2009. 16577

(26) "Total resources," in the case of county children's 16578  
services related functions, means the sum of the amounts in 16579  
divisions (A)(26)(a) and (b) of this section less any reduction 16580  
required under division (A)(32) of this section. 16581

(a) The sum of the payments received by the county for 16582  
children's services related functions in calendar year 2010 under 16583  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 16584  
section 5751.22 of the Revised Code as they existed at that time; 16585

(b) With respect to taxes levied by the county for children's 16586  
services related purposes, the taxes charged and payable for such 16587  
purposes against all property on the tax list of real and public 16588  
utility property for tax year 2009. 16589

(27) "Total resources," in the case of county public health 16590  
related functions, means the sum of the amounts in divisions 16591  
(A)(27)(a) and (b) of this section less any reduction required 16592  
under division (A)(32) of this section. 16593

(a) The sum of the payments received by the county for public 16594  
health related functions in calendar year 2010 under division 16595  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 16596  
5751.22 of the Revised Code as they existed at that time; 16597

(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 section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division



(A)(32) or (33) of this section. 16629

(a) The sum of the payments received by the municipal 16630  
corporation in calendar year 2010 for current expense levy losses 16631  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 16632  
(2) of section 5751.22 of the Revised Code as they existed at that 16633  
time; 16634

(b) The municipal corporation's percentage share of county 16635  
undivided local government fund allocations as certified to the 16636  
tax commissioner for calendar year 2010 by the county auditor 16637  
under division (J) of section 5747.51 of the Revised Code or 16638  
division (F) of section 5747.53 of the Revised Code multiplied by 16639  
the total amount actually distributed in calendar year 2010 from 16640  
the county undivided local government fund; 16641

(c) The sum of the amounts distributed to the municipal 16642  
corporation in calendar year 2010 pursuant to section 5747.50 of 16643  
the Revised Code; 16644

(d) With respect to taxes levied by the municipal 16645  
corporation, the taxes charged and payable against all property on 16646  
the tax list of real and public utility property for current 16647  
expenses, defined in division (A)(35) of this section, for tax 16648  
year 2009; 16649

(e) The amount of admissions tax collected by the municipal 16650  
corporation in calendar year 2008, or if such information has not 16651  
yet been reported to the tax commissioner, in the most recent year 16652  
before 2008 for which the municipal corporation has reported data 16653  
to the commissioner; 16654

(f) The amount of income taxes collected by the municipal 16655  
corporation in calendar year 2008, or if such information has not 16656  
yet been reported to the tax commissioner, in the most recent year 16657  
before 2008 for which the municipal corporation has reported data 16658  
to the commissioner; 16659

(g) The municipal corporation's median estate tax collections. 16660  
16661

(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) or (33) of this section. 16662  
16663  
16664  
16665

(a) The sum of the payments received by the township in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 16666  
16667  
16668  
16669  
16670

(b) The township'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; 16671  
16672  
16673  
16674  
16675  
16676  
16677

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges. 16678  
16679  
16680  
16681

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section. 16682  
16683  
16684  
16685  
16686

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 16687  
16688  
16689  
16690

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during calendar year 2010 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;

(e) For institutions of higher education receiving tax 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 16722  
a tax levied under section 5705.23 of the Revised Code, "total 16723  
resources" used to compute payments to be made under division 16724  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 16725  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 16726  
section 5751.22 of the Revised Code shall be reduced by the 16727  
amounts described in divisions (A)(34)(a) to (c) of this section 16728  
to the extent that those amounts were included in calculating the 16729  
"total resources" of the school district or local taxing unit 16730  
under division (A)(22), (28), (29), or (30) of this section. 16731

(34) "Total library resources," in the case of a county, 16732  
municipal corporation, school district, or township public library 16733  
that receives the proceeds of a tax levied under section 5705.23 16734  
of the Revised Code, means the sum of the amounts in divisions 16735  
(A)(34)(a) to (c) of this section less any reduction required 16736  
under division (A)(32) of this section. 16737

(a) The sum of the payments received by the county, municipal 16738  
corporation, school district, or township public library in 16739  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 16740  
Revised Code, as they existed at that time, for fixed-rate levy 16741  
losses attributable to a tax levied under section 5705.23 of the 16742  
Revised Code for the benefit of the public library; 16743

(b) The public library's percentage share of county undivided 16744  
local government fund allocations as certified to the tax 16745  
commissioner for calendar year 2010 by the county auditor under 16746  
division (J) of section 5747.51 of the Revised Code or division 16747  
(F) of section 5747.53 of the Revised Code multiplied by the total 16748  
amount actually distributed in calendar year 2010 from the county 16749  
undivided local government fund; 16750

(c) With respect to a tax levied pursuant to section 5705.23 16751  
of the Revised Code for the benefit of the public library, the 16752  
amount of such tax that is charged and payable against all 16753

property on the tax list of real and public utility property for 16754  
tax year 2009 excluding any tax that is charged and payable for 16755  
the purpose of paying debt charges. 16756

(35) "Municipal current expense property tax levies" means 16757  
all property tax levies of a municipality, except those with the 16758  
following levy names: airport resurfacing; bond or any levy name 16759  
including the word "bond"; capital improvement or any levy name 16760  
including the word "capital"; debt or any levy name including the 16761  
word "debt"; equipment or any levy name including the word 16762  
"equipment," unless the levy is for combined operating and 16763  
equipment; employee termination fund; fire pension or any levy 16764  
containing the word "pension," including police pensions; 16765  
fireman's fund or any practically similar name; sinking fund; road 16766  
improvements or any levy containing the word "road"; fire truck or 16767  
apparatus; flood or any levy containing the word "flood"; 16768  
conservancy district; county health; note retirement; sewage, or 16769  
any levy containing the words "sewage" or "sewer"; park 16770  
improvement; parkland acquisition; storm drain; street or any levy 16771  
name containing the word "street"; lighting, or any levy name 16772  
containing the word "lighting"; and water. 16773

(36) "Current expense TPP allocation" means, in the case of a 16774  
school district or joint vocational school district, the sum of 16775  
the payments received by the school district in fiscal year 2011 16776  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 16777  
Revised Code to the extent paid for current expense levies. In the 16778  
case of a municipal corporation, "current expense TPP allocation" 16779  
means the sum of the payments received by the municipal 16780  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 16781  
(2) of section 5751.22 of the Revised Code to the extent paid for 16782  
municipal current expense property tax levies as defined in 16783  
division (A)(35) of this section, excluding any such payments 16784  
received for current expense levy losses attributable to a tax 16785

levied under section 5705.23 of the Revised Code. If a fixed-rate 16786  
levy that is a qualifying levy is not charged and payable in any 16787  
year after tax year 2010, "current expense TPP allocation" used to 16788  
compute payments to be made under division (C)(12) of section 16789  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 16790  
Revised Code in the tax years following the last year the levy is 16791  
charged and payable shall be reduced to the extent that the 16792  
payments are attributable to the fixed-rate levy loss of that levy 16793  
as would be computed under divisions (C)(10) and (11) of section 16794  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 16795

(37) "TPP allocation" means the sum of payments received by a 16796  
local taxing unit in calendar year 2010 pursuant to divisions 16797  
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 16798  
any such payments received for fixed-rate levy losses attributable 16799  
to a tax levied under section 5705.23 of the Revised Code. If a 16800  
fixed-rate levy that is a qualifying levy is not charged and 16801  
payable in any year after tax year 2010, "TPP allocation" used to 16802  
compute payments to be made under division (A)(1)(b) or (c) of 16803  
section 5751.22 of the Revised Code in the tax years following the 16804  
last year the levy is charged and payable shall be reduced to the 16805  
extent that the payments are attributable to the fixed-rate levy 16806  
loss of that levy as would be computed under division (A)(1) of 16807  
that section. 16808

(38) "Total TPP allocation" means, in the case of a school 16809  
district or joint vocational school district, the sum of the 16810  
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 16811  
and (11) and (D) of section 5751.21 of the Revised Code. In the 16812  
case of a local taxing unit, "total TPP allocation" means the sum 16813  
of payments received by the unit in calendar year 2010 pursuant to 16814  
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 16815  
Code. If a fixed-rate levy that is a qualifying levy is not 16816  
charged and payable in any year after tax year 2010, "total TPP 16817

allocation" used to compute payments to be made under division 16818  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 16819  
5751.22 of the Revised Code in the tax years following the last 16820  
year the levy is charged and payable shall be reduced to the 16821  
extent that the payments are attributable to the fixed-rate levy 16822  
loss of that levy as would be computed under divisions (C)(10) and 16823  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 16824  
the Revised Code. 16825

(39) "Non-current expense TPP allocation" means the 16826  
difference of total TPP allocation minus the sum of current 16827  
expense TPP allocation and the portion of total TPP allocation 16828  
constituting reimbursement for debt levies, pursuant to division 16829  
(D) of section 5751.21 of the Revised Code in the case of a school 16830  
district or joint vocational school district and pursuant to 16831  
division (A)(3) of section 5751.22 of the Revised Code in the case 16832  
of a municipal corporation. 16833

(40) "TPP allocation for library purposes" means the sum of 16834  
payments received by a county, municipal corporation, school 16835  
district, or township public library in calendar year 2010 16836  
pursuant to section 5751.22 of the Revised Code for fixed-rate 16837  
levy losses attributable to a tax levied under section 5705.23 of 16838  
the Revised Code. If a fixed-rate levy authorized under section 16839  
5705.23 of the Revised Code that is a qualifying levy is not 16840  
charged and payable in any year after tax year 2010, "TPP 16841  
allocation for library purposes" used to compute payments to be 16842  
made under division (A)(1)(d) of section 5751.22 of the Revised 16843  
Code in the tax years following the last year the levy is charged 16844  
and payable shall be reduced to the extent that the payments are 16845  
attributable to the fixed-rate levy loss of that levy as would be 16846  
computed under division (A)(1) of section 5751.22 of the Revised 16847  
Code. 16848

(41) "Threshold per cent" means, in the case of a school 16849





2007	0%	70.0%	30.0%	16879
2008	0%	70.0%	30.0%	16880
2009	0%	70.0%	30.0%	16881
2010	0%	70.0%	30.0%	16882
2011	0%	70.0%	30.0%	16883
2012	25.0%	52.5%	22.5%	16884
2013 and thereafter	50.0%	35.0%	15.0%	16885

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;	16910
(d) For tax year 2009 and thereafter, one hundred per cent.	16911
(2) Inventory property tax value loss is the taxable value of	16912
inventory property as reported by taxpayers for tax year 2004	16913
multiplied by:	16914
(a) For tax year 2006, a fraction, the numerator of which is	16915
five and three-fourths and the denominator of which is	16916
twenty-three;	16917
(b) For tax year 2007, a fraction, the numerator of which is	16918
nine and one-half and the denominator of which is twenty-three;	16919
(c) For tax year 2008, a fraction, the numerator of which is	16920
thirteen and one-fourth and the denominator of which is	16921
twenty-three;	16922
(d) For tax year 2009 and thereafter a fraction, the	16923
numerator of which is seventeen and the denominator of which is	16924
twenty-three.	16925
(3) Furniture and fixtures property tax value loss is the	16926
taxable value of furniture and fixture property as reported by	16927
taxpayers for tax year 2004 multiplied by:	16928
(a) For tax year 2006, twenty-five per cent;	16929
(b) For tax year 2007, fifty per cent;	16930
(c) For tax year 2008, seventy-five per cent;	16931
(d) For tax year 2009 and thereafter, one hundred per cent.	16932
The taxable value of property reported by taxpayers used in	16933
divisions (C)(1), (2), and (3) of this section shall be such	16934
values as determined to be final by the tax commissioner as of	16935
August 31, 2005. Such determinations shall be final except for any	16936
correction of a clerical error that was made prior to August 31,	16937
2005, by the tax commissioner.	16938

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

- (a) For tax year 2006, zero per cent;
- (b) For tax year 2007, zero per cent;
- (c) For tax year 2008, zero per cent;
- (d) For tax year 2009, sixty per cent;
- (e) For tax year 2010, eighty per cent;
- (f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making

the computations under divisions (D)(1), (2), and (3) of this 16969  
section, the tax year 2000 valuation is to be allocated to 16970  
machinery and equipment, inventory, and furniture and fixtures 16971  
property in the same proportions as the tax year 2004 values. For 16972  
the purpose of the calculations in division (A) of section 5751.21 16973  
of the Revised Code, the tax year 2004 taxable values shall be 16974  
used. 16975

To facilitate the calculations required under division (C) of 16976  
this section, the county auditor, upon request from the tax 16977  
commissioner, shall provide by August 1, 2005, the values of 16978  
machinery and equipment, inventory, and furniture and fixtures for 16979  
all single-county personal property taxpayers for tax year 2004. 16980

(D) Not later than September 15, 2005, the tax commissioner 16981  
shall determine for each tax year from 2006 through 2009 for each 16982  
school district, joint vocational school district, and local 16983  
taxing unit its machinery and equipment, inventory, and furniture 16984  
and fixtures fixed-rate levy losses, and for each tax year from 16985  
2006 through 2011 its telephone property fixed-rate levy loss. 16986  
Except as provided in division (F) of this section, such losses 16987  
are the applicable amounts described in divisions (D)(1), (2), 16988  
(3), and (4) of this section: 16989

(1) The machinery and equipment fixed-rate levy loss is the 16990  
machinery and equipment property tax value loss multiplied by the 16991  
sum of the tax rates of fixed-rate qualifying levies. 16992

(2) The inventory fixed-rate loss is the inventory property 16993  
tax value loss multiplied by the sum of the tax rates of 16994  
fixed-rate qualifying levies. 16995

(3) The furniture and fixtures fixed-rate levy loss is the 16996  
furniture and fixture property tax value loss multiplied by the 16997  
sum of the tax rates of fixed-rate qualifying levies. 16998

(4) The telephone property fixed-rate levy loss is the 16999

telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies. 17000  
17001

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section: 17002  
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(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district levies charged and payable under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy charged and payable under section 5705.194 or 5705.213 of the Revised Code remains in effect in a year after 2010 only if, for that year, the board of education levies a school district levy charged and payable under section 5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006. 17008  
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(2) The total taxable value in tax year 2004 less the sum of 17031

the machinery and equipment, inventory, furniture and fixtures, 17032  
and telephone property tax value losses in each school district, 17033  
joint vocational school district, and local taxing unit multiplied 17034  
by one-half of one mill per dollar. 17035

(3) For the calculations in divisions (E)(1) and (2) of this 17036  
section, the tax value losses are those that would be calculated 17037  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 17038  
section and for tax year 2011 under division (C)(4) of this 17039  
section. 17040

(4) To facilitate the calculation under divisions (D) and (E) 17041  
of this section, not later than September 1, 2005, any school 17042  
district, joint vocational school district, or local taxing unit 17043  
that has a qualifying levy that was approved at an election 17044  
conducted during 2005 before September 1, 2005, shall certify to 17045  
the tax commissioner a copy of the county auditor's certificate of 17046  
estimated property tax millage for such levy as required under 17047  
division (B) of section 5705.03 of the Revised Code, which is the 17048  
rate that shall be used in the calculations under such divisions. 17049

If the amount determined under division (E) of this section 17050  
for any school district, joint vocational school district, or 17051  
local taxing unit is greater than zero, that amount shall equal 17052  
the reimbursement to be paid pursuant to division (E) of section 17053  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 17054  
and the one-half of one mill that is subtracted under division 17055  
(E)(2) of this section shall be apportioned among all contributing 17056  
fixed-sum levies in the proportion that each levy bears to the sum 17057  
of all fixed-sum levies within each school district, joint 17058  
vocational school district, or local taxing unit. 17059

(F) If a school district levies a tax under section 5705.219 17060  
of the Revised Code, the fixed-rate levy loss for qualifying 17061  
levies, to the extent repealed under that section, shall equal the 17062  
sum of the following amounts in lieu of the amounts computed for 17063

such levies under division (D) of this section: 17064

(1) The sum of the rates of qualifying levies to the extent 17065  
so repealed multiplied by the sum of the machinery and equipment, 17066  
inventory, and furniture and fixtures tax value losses for 2009 as 17067  
determined under that division; 17068

(2) The sum of the rates of qualifying levies to the extent 17069  
so repealed multiplied by the telephone property tax value loss 17070  
for 2011 as determined under that division. 17071

The fixed-rate levy losses for qualifying levies to the 17072  
extent not repealed under section 5705.219 of the Revised Code 17073  
shall be as determined under division (D) of this section. The 17074  
revised fixed-rate levy losses determined under this division and 17075  
division (D) of this section first apply in the year following the 17076  
first year the district levies the tax under section 5705.219 of 17077  
the Revised Code. 17078

(G) Not later than October 1, 2005, the tax commissioner 17079  
shall certify to the department of education for every school 17080  
district and joint vocational school district the machinery and 17081  
equipment, inventory, furniture and fixtures, and telephone 17082  
property tax value losses determined under division (C) of this 17083  
section, the machinery and equipment, inventory, furniture and 17084  
fixtures, and telephone fixed-rate levy losses determined under 17085  
division (D) of this section, and the fixed-sum levy losses 17086  
calculated under division (E) of this section. The calculations 17087  
under divisions (D) and (E) of this section shall separately 17088  
display the levy loss for each levy eligible for reimbursement. 17089

(H) Not later than October 1, 2005, the tax commissioner 17090  
shall certify the amount of the fixed-sum levy losses to the 17091  
county auditor of each county in which a school district, joint 17092  
vocational school district, or local taxing unit with a fixed-sum 17093  
levy loss reimbursement has territory. 17094

(I) Not later than the twenty-eighth day of February each 17095  
year beginning in 2011 and ending in 2014, the tax commissioner 17096  
shall certify to the department of education for each school 17097  
district first levying a tax under section 5705.219 of the Revised 17098  
Code in the preceding year the revised fixed-rate levy losses 17099  
determined under divisions (D) and (F) of this section. 17100

(J) There is hereby created in the state treasury the 17101  
commercial activity tax motor fuel receipts fund. 17102

**Section 101.02.** That existing sections 9.33, 123.21, 126.06, 17103  
126.503, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 17104  
505.37, 505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 17105  
2913.51, 2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 17106  
3791.13, 3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 17107  
4501.043, 4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 17108  
4503.11, 4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 17109  
4504.19, 4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 17110  
4507.23, 4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 17111  
4513.53, 4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 17112  
4561.09, 4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 17113  
4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 17114  
4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 17115  
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 17116  
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 17117  
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 17118  
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 17119  
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 17120  
4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 17121  
5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5503.31, 17122  
5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 5533.121, 17123  
5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 17124  
5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 17125  
5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 17126



5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 17127  
5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 17128  
5747.98, 5751.01, 5751.02, 5751.051, and 5751.20 and sections 17129  
126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 17130  
4766.02, 4766.20, 4981.36, 4981.361, and 5540.151 of the Revised 17131  
Code are hereby repealed. 17132

**Section 110.10.** That the versions of sections 4501.01, 17133  
4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that 17134  
are scheduled to take effect January 1, 2017, be amended to read 17135  
as follows: 17136

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 17137  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 17138  
Revised Code, and in the penal laws, except as otherwise provided: 17139

(A) "Vehicles" means everything on wheels or runners, 17140  
including motorized bicycles, but does not mean electric personal 17141  
assistive mobility devices, vehicles that are operated exclusively 17142  
on rails or tracks or from overhead electric trolley wires, and 17143  
vehicles that belong to any police department, municipal fire 17144  
department, or volunteer fire department, or that are used by such 17145  
a department in the discharge of its functions. 17146

(B) "Motor vehicle" means any vehicle, including mobile homes 17147  
and recreational vehicles, that is propelled or drawn by power 17148  
other than muscular power or power collected from overhead 17149  
electric trolley wires. "Motor vehicle" does not include utility 17150  
vehicles as defined in division (VV) of this section, under-speed 17151  
vehicles as defined in division (XX) of this section, mini-trucks 17152  
as defined in division (BBB) of this section, motorized bicycles, 17153  
road rollers, traction engines, power shovels, power cranes, and 17154  
other equipment used in construction work and not designed for or 17155  
employed in general highway transportation, well-drilling 17156

machinery, ditch-digging machinery, farm machinery, and trailers 17157  
that are designed and used exclusively to transport a boat between 17158  
a place of storage and a marina, or in and around a marina, when 17159  
drawn or towed on a public road or highway for a distance of no 17160  
more than ten miles and at a speed of twenty-five miles per hour 17161  
or less. 17162

(C) "Agricultural tractor" and "traction engine" mean any 17163  
self-propelling vehicle that is designed or used for drawing other 17164  
vehicles or wheeled machinery, but has no provisions for carrying 17165  
loads independently of such other vehicles, and that is used 17166  
principally for agricultural purposes. 17167

(D) "Commercial tractor," except as defined in division (C) 17168  
of this section, means any motor vehicle that has motive power and 17169  
either is designed or used for drawing other motor vehicles, or is 17170  
designed or used for drawing another motor vehicle while carrying 17171  
a portion of the other motor vehicle or its load, or both. 17172

(E) "Passenger car" means any motor vehicle that is designed 17173  
and used for carrying not more than nine persons and includes any 17174  
motor vehicle that is designed and used for carrying not more than 17175  
fifteen persons in a ridesharing arrangement. 17176

(F) "Collector's vehicle" means any motor vehicle or 17177  
agricultural tractor or traction engine that is of special 17178  
interest, that has a fair market value of one hundred dollars or 17179  
more, whether operable or not, and that is owned, operated, 17180  
collected, preserved, restored, maintained, or used essentially as 17181  
a collector's item, leisure pursuit, or investment, but not as the 17182  
owner's principal means of transportation. "Licensed collector's 17183  
vehicle" means a collector's vehicle, other than an agricultural 17184  
tractor or traction engine, that displays current, valid license 17185  
tags issued under section 4503.45 of the Revised Code, or a 17186  
similar type of motor vehicle that displays current, valid license 17187  
tags issued under substantially equivalent provisions in the laws 17188

of other states. 17189

(G) "Historical motor vehicle" means any motor vehicle that 17190  
is over twenty-five years old and is owned solely as a collector's 17191  
item and for participation in club activities, exhibitions, tours, 17192  
parades, and similar uses, but that in no event is used for 17193  
general transportation. 17194

(H) "Noncommercial motor vehicle" means any motor vehicle, 17195  
including a farm truck as defined in section 4503.04 of the 17196  
Revised Code, that is designed by the manufacturer to carry a load 17197  
of no more than one ton and is used exclusively for purposes other 17198  
than engaging in business for profit. 17199

(I) "Bus" means any motor vehicle that has motor power and is 17200  
designed and used for carrying more than nine passengers, except 17201  
any motor vehicle that is designed and used for carrying not more 17202  
than fifteen passengers in a ridesharing arrangement. 17203

(J) "Commercial car" or "truck" means any motor vehicle that 17204  
has motor power and is designed and used for carrying merchandise 17205  
or freight, or that is used as a commercial tractor. 17206

(K) "Bicycle" means every device, other than a ~~tricycle~~ 17207  
device that is designed solely for use as a play vehicle by a 17208  
child, that is propelled solely by human power upon which ~~any a~~ 17209  
person may ride, and that has two ~~tandem~~ or more wheels, ~~or one~~ 17210  
~~wheel in front and two wheels in the rear, or two wheels in the~~ 17211  
~~front and one wheel in the rear,~~ any of which is more than 17212  
fourteen inches in diameter. 17213

(L) "Motorized bicycle" or "moped" means any vehicle that 17214  
either has two tandem wheels or one wheel in the front and two 17215  
wheels in the rear, that may be pedaled, and that is equipped with 17216  
a helper motor of not more than fifty cubic centimeters piston 17217  
displacement that produces no more than one brake horsepower and 17218  
is capable of propelling the vehicle at a speed of no greater than 17219

twenty miles per hour on a level surface. 17220

(M) "Trailer" means any vehicle without motive power that is 17221  
designed or used for carrying property or persons wholly on its 17222  
own structure and for being drawn by a motor vehicle, and includes 17223  
any such vehicle that is formed by or operated as a combination of 17224  
a semitrailer and a vehicle of the dolly type such as that 17225  
commonly known as a trailer dolly, a vehicle used to transport 17226  
agricultural produce or agricultural production materials between 17227  
a local place of storage or supply and the farm when drawn or 17228  
towed on a public road or highway at a speed greater than 17229  
twenty-five miles per hour, and a vehicle that is designed and 17230  
used exclusively to transport a boat between a place of storage 17231  
and a marina, or in and around a marina, when drawn or towed on a 17232  
public road or highway for a distance of more than ten miles or at 17233  
a speed of more than twenty-five miles per hour. "Trailer" does 17234  
not include a manufactured home or travel trailer. 17235

(N) "Noncommercial trailer" means any trailer, except a 17236  
travel trailer or trailer that is used to transport a boat as 17237  
described in division (B) of this section, but, where applicable, 17238  
includes a vehicle that is used to transport a boat as described 17239  
in division (M) of this section, that has a gross weight of no 17240  
more than ten thousand pounds, and that is used exclusively for 17241  
purposes other than engaging in business for a profit, such as the 17242  
transportation of personal items for personal or recreational 17243  
purposes. 17244

(O) "Mobile home" means a building unit or assembly of closed 17245  
construction that is fabricated in an off-site facility, is more 17246  
than thirty-five body feet in length or, when erected on site, is 17247  
three hundred twenty or more square feet, is built on a permanent 17248  
chassis, is transportable in one or more sections, and does not 17249  
qualify as a manufactured home as defined in division (C)(4) of 17250  
section 3781.06 of the Revised Code or as an industrialized unit 17251

as defined in division (C)(3) of section 3781.06 of the Revised Code. 17252  
17253

(P) "Semitrailer" means any vehicle of the trailer type that 17254  
does not have motive power and is so designed or used with another 17255  
and separate motor vehicle that in operation a part of its own 17256  
weight or that of its load, or both, rests upon and is carried by 17257  
the other vehicle furnishing the motive power for propelling 17258  
itself and the vehicle referred to in this division, and includes, 17259  
for the purpose only of registration and taxation under those 17260  
chapters, any vehicle of the dolly type, such as a trailer dolly, 17261  
that is designed or used for the conversion of a semitrailer into 17262  
a trailer. 17263

(Q) "Recreational vehicle" means a vehicular portable 17264  
structure that meets all of the following conditions: 17265

(1) It is designed for the sole purpose of recreational 17266  
travel. 17267

(2) It is not used for the purpose of engaging in business 17268  
for profit. 17269

(3) It is not used for the purpose of engaging in intrastate 17270  
commerce. 17271

(4) It is not used for the purpose of commerce as defined in 17272  
49 C.F.R. 383.5, as amended. 17273

(5) It is not regulated by the public utilities commission 17274  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 17275

(6) It is classed as one of the following: 17276

(a) "Travel trailer" or "house vehicle" means a 17277  
nonsell-propelled recreational vehicle that does not exceed an 17278  
overall length of forty feet, exclusive of bumper and tongue or 17279  
coupling. "Travel trailer" includes a tent-type fold-out camping 17280  
trailer as defined in section 4517.01 of the Revised Code. 17281

(b) "Motor home" means a self-propelled recreational vehicle 17282  
that has no fifth wheel and is constructed with permanently 17283  
installed facilities for cold storage, cooking and consuming of 17284  
food, and for sleeping. 17285

(c) "Truck camper" means a nonself-propelled recreational 17286  
vehicle that does not have wheels for road use and is designed to 17287  
be placed upon and attached to a motor vehicle. "Truck camper" 17288  
does not include truck covers that consist of walls and a roof, 17289  
but do not have floors and facilities enabling them to be used as 17290  
a dwelling. 17291

(d) "Fifth wheel trailer" means a vehicle that is of such 17292  
size and weight as to be movable without a special highway permit, 17293  
that is constructed with a raised forward section that allows a 17294  
bi-level floor plan, and that is designed to be towed by a vehicle 17295  
equipped with a fifth-wheel hitch ordinarily installed in the bed 17296  
of a truck. 17297

(e) "Park trailer" means a vehicle that is commonly known as 17298  
a park model recreational vehicle, meets the American national 17299  
standard institute standard A119.5 (1988) for park trailers, is 17300  
built on a single chassis, has a gross trailer area of four 17301  
hundred square feet or less when set up, is designed for seasonal 17302  
or temporary living quarters, and may be connected to utilities 17303  
necessary for the operation of installed features and appliances. 17304

(R) "Pneumatic tires" means tires of rubber and fabric or 17305  
tires of similar material, that are inflated with air. 17306

(S) "Solid tires" means tires of rubber or similar elastic 17307  
material that are not dependent upon confined air for support of 17308  
the load. 17309

(T) "Solid tire vehicle" means any vehicle that is equipped 17310  
with two or more solid tires. 17311

(U) "Farm machinery" means all machines and tools that are 17312

used in the production, harvesting, and care of farm products, and 17313  
includes trailers that are used to transport agricultural produce 17314  
or agricultural production materials between a local place of 17315  
storage or supply and the farm, agricultural tractors, threshing 17316  
machinery, hay-baling machinery, corn shellers, hammermills, and 17317  
machinery used in the production of horticultural, agricultural, 17318  
and vegetable products. 17319

(V) "Owner" includes any person or firm, other than a 17320  
manufacturer or dealer, that has title to a motor vehicle, except 17321  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 17322  
includes in addition manufacturers and dealers. 17323

(W) "Manufacturer" and "dealer" include all persons and firms 17324  
that are regularly engaged in the business of manufacturing, 17325  
selling, displaying, offering for sale, or dealing in motor 17326  
vehicles, at an established place of business that is used 17327  
exclusively for the purpose of manufacturing, selling, displaying, 17328  
offering for sale, or dealing in motor vehicles. A place of 17329  
business that is used for manufacturing, selling, displaying, 17330  
offering for sale, or dealing in motor vehicles shall be deemed to 17331  
be used exclusively for those purposes even though snowmobiles or 17332  
all-purpose vehicles are sold or displayed for sale thereat, even 17333  
though farm machinery is sold or displayed for sale thereat, or 17334  
even though repair, accessory, gasoline and oil, storage, parts, 17335  
service, or paint departments are maintained thereat, or, in any 17336  
county having a population of less than seventy-five thousand at 17337  
the last federal census, even though a department in a place of 17338  
business is used to dismantle, salvage, or rebuild motor vehicles 17339  
by means of used parts, if such departments are operated for the 17340  
purpose of furthering and assisting in the business of 17341  
manufacturing, selling, displaying, offering for sale, or dealing 17342  
in motor vehicles. Places of business or departments in a place of 17343  
business used to dismantle, salvage, or rebuild motor vehicles by 17344

means of using used parts are not considered as being maintained 17345  
for the purpose of assisting or furthering the manufacturing, 17346  
selling, displaying, and offering for sale or dealing in motor 17347  
vehicles. 17348

(X) "Operator" includes any person who drives or operates a 17349  
motor vehicle upon the public highways. 17350

(Y) "Chauffeur" means any operator who operates a motor 17351  
vehicle, other than a taxicab, as an employee for hire; or any 17352  
operator whether or not the owner of a motor vehicle, other than a 17353  
taxicab, who operates such vehicle for transporting, for gain, 17354  
compensation, or profit, either persons or property owned by 17355  
another. Any operator of a motor vehicle who is voluntarily 17356  
involved in a ridesharing arrangement is not considered an 17357  
employee for hire or operating such vehicle for gain, 17358  
compensation, or profit. 17359

(Z) "State" includes the territories and federal districts of 17360  
the United States, and the provinces of Canada. 17361

(AA) "Public roads and highways" for vehicles includes all 17362  
public thoroughfares, bridges, and culverts. 17363

(BB) "Manufacturer's number" means the manufacturer's 17364  
original serial number that is affixed to or imprinted upon the 17365  
chassis or other part of the motor vehicle. 17366

(CC) "Motor number" means the manufacturer's original number 17367  
that is affixed to or imprinted upon the engine or motor of the 17368  
vehicle. 17369

(DD) "Distributor" means any person who is authorized by a 17370  
motor vehicle manufacturer to distribute new motor vehicles to 17371  
licensed motor vehicle dealers at an established place of business 17372  
that is used exclusively for the purpose of distributing new motor 17373  
vehicles to licensed motor vehicle dealers, except when the 17374  
distributor also is a new motor vehicle dealer, in which case the 17375



distributor may distribute at the location of the distributor's 17376  
licensed dealership. 17377

(EE) "Ridesharing arrangement" means the transportation of 17378  
persons in a motor vehicle where the transportation is incidental 17379  
to another purpose of a volunteer driver and includes ridesharing 17380  
arrangements known as carpools, vanpools, and buspools. 17381

(FF) "Apportionable vehicle" means any vehicle that is used 17382  
or intended for use in two or more international registration plan 17383  
member jurisdictions that allocate or proportionally register 17384  
vehicles, that is used for the transportation of persons for hire 17385  
or designed, used, or maintained primarily for the transportation 17386  
of property, and that meets any of the following qualifications: 17387

(1) Is a power unit having a gross vehicle weight in excess 17388  
of twenty-six thousand pounds; 17389

(2) Is a power unit having three or more axles, regardless of 17390  
the gross vehicle weight; 17391

(3) Is a combination vehicle with a gross vehicle weight in 17392  
excess of twenty-six thousand pounds. 17393

"Apportionable vehicle" does not include recreational 17394  
vehicles, vehicles displaying restricted plates, city pick-up and 17395  
delivery vehicles, buses used for the transportation of chartered 17396  
parties, or vehicles owned and operated by the United States, this 17397  
state, or any political subdivisions thereof. 17398

(GG) "Chartered party" means a group of persons who contract 17399  
as a group to acquire the exclusive use of a passenger-carrying 17400  
motor vehicle at a fixed charge for the vehicle in accordance with 17401  
the carrier's tariff, lawfully on file with the United States 17402  
department of transportation, for the purpose of group travel to a 17403  
specified destination or for a particular itinerary, either agreed 17404  
upon in advance or modified by the chartered group after having 17405  
left the place of origin. 17406

(HH) "International registration plan" means a reciprocal 17407  
agreement of member jurisdictions that is endorsed by the American 17408  
association of motor vehicle administrators, and that promotes and 17409  
encourages the fullest possible use of the highway system by 17410  
authorizing apportioned registration of fleets of vehicles and 17411  
recognizing registration of vehicles apportioned in member 17412  
jurisdictions. 17413

(II) "Restricted plate" means a license plate that has a 17414  
restriction of time, geographic area, mileage, or commodity, and 17415  
includes license plates issued to farm trucks under division (J) 17416  
of section 4503.04 of the Revised Code. 17417

(JJ) "Gross vehicle weight," with regard to any commercial 17418  
car, trailer, semitrailer, or bus that is taxed at the rates 17419  
established under section 4503.042 or 4503.65 of the Revised Code, 17420  
means the unladen weight of the vehicle fully equipped plus the 17421  
maximum weight of the load to be carried on the vehicle. 17422

(KK) "Combined gross vehicle weight" with regard to any 17423  
combination of a commercial car, trailer, and semitrailer, that is 17424  
taxed at the rates established under section 4503.042 or 4503.65 17425  
of the Revised Code, means the total unladen weight of the 17426  
combination of vehicles fully equipped plus the maximum weight of 17427  
the load to be carried on that combination of vehicles. 17428

(LL) "Chauffeured limousine" means a motor vehicle that is 17429  
designed to carry nine or fewer passengers and is operated for 17430  
hire on an hourly basis pursuant to a prearranged contract for the 17431  
transportation of passengers on public roads and highways along a 17432  
route under the control of the person hiring the vehicle and not 17433  
over a defined and regular route. "Prearranged contract" means an 17434  
agreement, made in advance of boarding, to provide transportation 17435  
from a specific location in a chauffeured limousine at a fixed 17436  
rate per hour or trip. "Chauffeured limousine" does not include 17437  
any vehicle that is used exclusively in the business of funeral 17438

directing. 17439

(MM) "Manufactured home" has the same meaning as in division 17440  
(C)(4) of section 3781.06 of the Revised Code. 17441

(NN) "Acquired situs," with respect to a manufactured home or 17442  
a mobile home, means to become located in this state by the 17443  
placement of the home on real property, but does not include the 17444  
placement of a manufactured home or a mobile home in the inventory 17445  
of a new motor vehicle dealer or the inventory of a manufacturer, 17446  
remanufacturer, or distributor of manufactured or mobile homes. 17447

(OO) "Electronic" includes electrical, digital, magnetic, 17448  
optical, electromagnetic, or any other form of technology that 17449  
entails capabilities similar to these technologies. 17450

(PP) "Electronic record" means a record generated, 17451  
communicated, received, or stored by electronic means for use in 17452  
an information system or for transmission from one information 17453  
system to another. 17454

(QQ) "Electronic signature" means a signature in electronic 17455  
form attached to or logically associated with an electronic 17456  
record. 17457

(RR) "Financial transaction device" has the same meaning as 17458  
in division (A) of section 113.40 of the Revised Code. 17459

(SS) "Electronic motor vehicle dealer" means a motor vehicle 17460  
dealer licensed under Chapter 4517. of the Revised Code whom the 17461  
registrar of motor vehicles determines meets the criteria 17462  
designated in section 4503.035 of the Revised Code for electronic 17463  
motor vehicle dealers and designates as an electronic motor 17464  
vehicle dealer under that section. 17465

(TT) "Electric personal assistive mobility device" means a 17466  
self-balancing two non-tandem wheeled device that is designed to 17467  
transport only one person, has an electric propulsion system of an 17468

average of seven hundred fifty watts, and when ridden on a paved 17469  
level surface by an operator who weighs one hundred seventy pounds 17470  
has a maximum speed of less than twenty miles per hour. 17471

(UU) "Limited driving privileges" means the privilege to 17472  
operate a motor vehicle that a court grants under section 4510.021 17473  
of the Revised Code to a person whose driver's or commercial 17474  
driver's license or permit or nonresident operating privilege has 17475  
been suspended. 17476

(VV) "Utility vehicle" means a self-propelled vehicle 17477  
designed with a bed, principally for the purpose of transporting 17478  
material or cargo in connection with construction, agricultural, 17479  
forestry, grounds maintenance, lawn and garden, materials 17480  
handling, or similar activities. 17481

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 17482  
vehicle with an attainable speed in one mile on a paved level 17483  
surface of more than twenty miles per hour but not more than 17484  
twenty-five miles per hour and with a gross vehicle weight rating 17485  
less than three thousand pounds. 17486

(XX) "Under-speed vehicle" means a three- or four-wheeled 17487  
vehicle, including a vehicle commonly known as a golf cart, with 17488  
an attainable speed on a paved level surface of not more than 17489  
twenty miles per hour and with a gross vehicle weight rating less 17490  
than three thousand pounds. 17491

(YY) "Motor-driven cycle or motor scooter" means any vehicle 17492  
designed to travel on not more than three wheels in contact with 17493  
the ground, with a seat for the driver and floor pad for the 17494  
driver's feet, and is equipped with a motor with a piston 17495  
displacement between fifty and one hundred fifty cubic centimeters 17496  
piston displacement that produces not more than five brake 17497  
horsepower and is capable of propelling the vehicle at a speed 17498  
greater than twenty miles per hour on a level surface. 17499

(ZZ) "Motorcycle" means a motor vehicle with motive power 17500  
having a seat or saddle for the use of the operator, designed to 17501  
travel on not more than three wheels in contact with the ground, 17502  
and having no occupant compartment top or occupant compartment top 17503  
that can be installed or removed by the user. 17504

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 17505  
motive power having a seat or saddle for the use of the operator, 17506  
designed to travel on not more than three wheels in contact with 17507  
the ground, and having an occupant compartment top or an occupant 17508  
compartment top that can be installed or removed by the user. 17509

(BBB) "Mini-truck" means a vehicle that has four wheels, is 17510  
propelled by an electric motor with a rated power of seven 17511  
thousand five hundred watts or less or an internal combustion 17512  
engine with a piston displacement capacity of six hundred sixty 17513  
cubic centimeters or less, has a total dry weight of nine hundred 17514  
to two thousand two hundred pounds, contains an enclosed cabin and 17515  
a seat for the vehicle operator, resembles a pickup truck or van 17516  
with a cargo area or bed located at the rear of the vehicle, and 17517  
was not originally manufactured to meet federal motor vehicle 17518  
safety standards. 17519

**Sec. 4503.04.** Except as provided in sections 4503.042 and 17520  
4503.65 of the Revised Code for the registration of commercial 17521  
cars, trailers, semitrailers, and certain buses, the rates of the 17522  
taxes imposed by section 4503.02 of the Revised Code shall be as 17523  
follows: 17524

(A)(1) For motor vehicles having three wheels or less, the 17525  
license tax is: 17526

(a) For each motorized bicycle or moped, ten dollars; 17527

(b) For each motorcycle, cab-enclosed motorcycle, 17528  
motor-driven cycle, or motor scooter, fourteen dollars. 17529

(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.	17530 17531
(B) For each passenger car, twenty dollars;	17532
(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;	17533 17534
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	17535 17536 17537 17538 17539 17540
(E) For each noncommercial trailer, the license tax is:	17541
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	17542 17543 17544
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	17545 17546 17547
(F) Notwithstanding its weight, twelve dollars for any:	17548
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	17549 17550 17551
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	17552 17553 17554 17555
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	17556 17557
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a	17558 17559

ridesharing arrangement. 17560

(H) For each transit bus having motor power the license tax 17561  
is twelve dollars. 17562

"Transit bus" means either a motor vehicle having a seating 17563  
capacity of more than seven persons which is operated and used by 17564  
any person in the rendition of a public mass transportation 17565  
service primarily in a municipal corporation or municipal 17566  
corporations and provided at least seventy-five per cent of the 17567  
annual mileage of such service and use is within such municipal 17568  
corporation or municipal corporations or a motor vehicle having a 17569  
seating capacity of more than seven persons which is operated 17570  
solely for the transportation of persons associated with a 17571  
charitable or nonprofit corporation, but does not mean any motor 17572  
vehicle having a seating capacity of more than seven persons when 17573  
such vehicle is used in a ridesharing capacity or any bus 17574  
described by division (F)(3) of this section. 17575

The application for registration of such transit bus shall be 17576  
accompanied by an affidavit prescribed by the registrar of motor 17577  
vehicles and signed by the person or an agent of the firm or 17578  
corporation operating such bus stating that the bus has a seating 17579  
capacity of more than seven persons, and that it is either to be 17580  
operated and used in the rendition of a public mass transportation 17581  
service and that at least seventy-five per cent of the annual 17582  
mileage of such operation and use shall be within one or more 17583  
municipal corporations or that it is to be operated solely for the 17584  
transportation of persons associated with a charitable or 17585  
nonprofit corporation. 17586

The form of the license plate, and the manner of its 17587  
attachment to the vehicle, shall be prescribed by the registrar of 17588  
motor vehicles. 17589

(I) Except as otherwise provided in division (A) or (J) of 17590

this section, the minimum tax for any vehicle having motor power 17591  
is ten dollars and eighty cents, and for each noncommercial 17592  
trailer, five dollars. 17593

(J)(1) Except as otherwise provided in division (J) of this 17594  
section, for each farm truck, except a noncommercial motor 17595  
vehicle, that is owned, controlled, or operated by one or more 17596  
farmers exclusively in farm use as defined in this section, and 17597  
not for commercial purposes, and provided that at least 17598  
seventy-five per cent of such farm use is by or for the one or 17599  
more owners, controllers, or operators of the farm in the 17600  
operation of which a farm truck is used, the license tax is five 17601  
dollars plus: 17602

(a) Fifty cents per one hundred pounds or part thereof for 17603  
the first three thousand pounds; 17604

(b) Seventy cents per one hundred pounds or part thereof in 17605  
excess of three thousand pounds up to and including four thousand 17606  
pounds; 17607

(c) Ninety cents per one hundred pounds or part thereof in 17608  
excess of four thousand pounds up to and including six thousand 17609  
pounds; 17610

(d) Two dollars for each one hundred pounds or part thereof 17611  
in excess of six thousand pounds up to and including ten thousand 17612  
pounds; 17613

(e) Two dollars and twenty-five cents for each one hundred 17614  
pounds or part thereof in excess of ten thousand pounds; 17615

(f) The minimum license tax for any farm truck shall be 17616  
twelve dollars. 17617

(2) The owner of a farm truck may register the truck for a 17618  
period of one-half year by paying one-half the registration tax 17619  
imposed on the truck under this chapter and one-half the amount of 17620



any tax imposed on the truck under Chapter 4504. of the Revised 17621  
Code. 17622

(3) A farm bus may be registered for a period of ~~ninety two~~ two 17623  
hundred ten days from the date of issue of the license plates for 17624  
the bus, for a fee of ten dollars, provided such license plates 17625  
shall not be issued for more than ~~any two ninety day periods~~ one 17626  
such period in any calendar year. Such use does not include the 17627  
operation of trucks by commercial processors of agricultural 17628  
products. 17629

(4) License plates for farm trucks and for farm buses shall 17630  
have some distinguishing marks, letters, colors, or other 17631  
characteristics to be determined by the director of public safety. 17632

(5) Every person registering a farm truck or bus under this 17633  
section shall furnish an affidavit certifying that the truck or 17634  
bus licensed to that person is to be so used as to meet the 17635  
requirements necessary for the farm truck or farm bus 17636  
classification. 17637

Any farmer may use a truck owned by the farmer for commercial 17638  
purposes by paying the difference between the commercial truck 17639  
registration fee and the farm truck registration fee for the 17640  
remaining part of the registration period for which the truck is 17641  
registered. Such remainder shall be calculated from the beginning 17642  
of the semiannual period in which application for such commercial 17643  
license is made. 17644

Taxes at the rates provided in this section are in lieu of 17645  
all taxes on or with respect to the ownership of such motor 17646  
vehicles, except as provided in section 4503.042 and section 17647  
4503.06 of the Revised Code. 17648

(K) Other than trucks registered under the international 17649  
registration plan in another jurisdiction and for which this state 17650  
has received an apportioned registration fee, the license tax for 17651

each truck which is owned, controlled, or operated by a 17652  
nonresident, and licensed in another state, and which is used 17653  
exclusively for the transportation of nonprocessed agricultural 17654  
products intrastate, from the place of production to the place of 17655  
processing, is twenty-four dollars. 17656

"Truck," as used in this division, means any pickup truck, 17657  
straight truck, semitrailer, or trailer other than a travel 17658  
trailer. Nonprocessed agricultural products, as used in this 17659  
division, does not include livestock or grain. 17660

A license issued under this division shall be issued for a 17661  
period of one hundred thirty days in the same manner in which all 17662  
other licenses are issued under this section, provided that no 17663  
truck shall be so licensed for more than one 17664  
one-hundred-thirty-day period during any calendar year. 17665

The license issued pursuant to this division shall consist of 17666  
a windshield decal to be designed by the director of public 17667  
safety. 17668

Every person registering a truck under this division shall 17669  
furnish an affidavit certifying that the truck licensed to the 17670  
person is to be used exclusively for the purposes specified in 17671  
this division. 17672

(L) Every person registering a motor vehicle as a 17673  
noncommercial motor vehicle as defined in section 4501.01 of the 17674  
Revised Code, or registering a trailer as a noncommercial trailer 17675  
as defined in that section, shall furnish an affidavit certifying 17676  
that the motor vehicle or trailer so licensed to the person is to 17677  
be so used as to meet the requirements necessary for the 17678  
noncommercial vehicle classification. 17679

(M) Every person registering a van or bus as provided in 17680  
divisions (F)(2) and (3) of this section shall furnish a notarized 17681  
statement certifying that the van or bus licensed to the person is 17682

to be used for the purposes specified in those divisions. The form 17683  
of the license plate issued for such motor vehicles shall be 17684  
prescribed by the registrar. 17685

(N) Every person registering as a passenger car a motor 17686  
vehicle designed and used for carrying more than nine but not more 17687  
than fifteen passengers, and every person registering a bus as 17688  
provided in division (G) of this section, shall furnish an 17689  
affidavit certifying that the vehicle so licensed to the person is 17690  
to be used in a ridesharing arrangement and that the person will 17691  
have in effect whenever the vehicle is used in a ridesharing 17692  
arrangement a policy of liability insurance with respect to the 17693  
motor vehicle in amounts and coverages no less than those required 17694  
by section 4509.79 of the Revised Code. The form of the license 17695  
plate issued for such a motor vehicle shall be prescribed by the 17696  
registrar. 17697

(O)(1) Commencing on October 1, 2009, if an application for 17698  
registration renewal is not applied for prior to the expiration 17699  
date of the registration or within ~~seven~~ thirty days after that 17700  
date, the registrar or deputy registrar shall collect a fee of 17701  
~~twenty~~ ten dollars for the issuance of the vehicle registration. 17702  
For any motor vehicle that is used on a seasonal basis, whether 17703  
used for general transportation or not, and that has not been used 17704  
on the public roads or highways since the expiration of the 17705  
registration, the registrar or deputy registrar shall waive the 17706  
fee established under this division if the application is 17707  
accompanied by supporting evidence of seasonal use as the 17708  
registrar may require. The registrar or deputy registrar may waive 17709  
the fee for other good cause shown if the application is 17710  
accompanied by supporting evidence as the registrar may require. 17711  
The fee shall be in addition to all other fees established by this 17712  
section. A deputy registrar shall retain fifty cents of the fee 17713  
and shall transmit the remaining amount to the registrar at the 17714

time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(2) Division (O)(1) of this section does not apply to a farm truck or farm bus registered under division (J) of this section.

(P) As used in this section:

(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat.

(2) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, or is blind, deaf, or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair.

(3) "Farm truck" means a truck used in the transportation from the farm of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm.

(4) "Farm bus" means a bus used only for the transportation of agricultural employees and used only in the transportation of such employees as are necessary in the operation of the farm.

(5) "Farm supplies" includes fuel used exclusively in the operation of a farm, including one or more homes located on and used in the operation of one or more farms, and furniture and other things used in and around such homes.

**Sec. 4503.22.** The identification license plate shall consist

of a placard upon the face of which shall appear the distinctive 17745  
number assigned to the motor vehicle as provided in section 17746  
4503.19 of the Revised Code, in Arabic numerals or letters, or 17747  
both. The dimensions of the numerals or letters and of each stroke 17748  
shall be determined by the director of public safety. The license 17749  
placard also shall contain the name of this state and the slogan 17750  
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 17751  
aluminum, plastic, or any other suitable material, and the 17752  
background shall be treated with a reflective material that shall 17753  
provide effective and dependable reflective brightness during the 17754  
service period required of the placard. Specifications for the 17755  
reflective and other materials and the design of the placard, the 17756  
county identification stickers as provided by section 4503.19 of 17757  
the Revised Code, and validation stickers as provided by section 17758  
4503.191 of the Revised Code, shall be adopted by the director as 17759  
rules under sections 119.01 to 119.13 of the Revised Code. The 17760  
identification license plate of motorized bicycles or mopeds, 17761  
motor-driven cycles or motor scooters, cab-enclosed motorcycles, 17762  
and motorcycles shall consist of a single placard, the size of 17763  
which shall be prescribed by the director. The identification 17764  
plate of a vehicle registered in accordance with the international 17765  
registration plan shall contain the word "apportioned." The 17766  
director may prescribe the type of placard, or means of fastening 17767  
the placard, or both; the placard or means of fastening may be so 17768  
designed and constructed as to render difficult the removal of the 17769  
placard after it has been fastened to a motor vehicle. 17770

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 17771  
deputy registrar, upon receiving an application for a temporary 17772  
instruction permit and a temporary instruction permit 17773  
identification card for a driver's license from any person who is 17774  
at least fifteen years six months of age, may issue such a permit 17775  
and identification card entitling the applicant to drive a motor 17776

vehicle, other than a commercial motor vehicle, upon the highways 17777  
under the following conditions: 17778

(1) If the permit is issued to a person who is at least 17779  
fifteen years six months of age, but less than sixteen years of 17780  
age: 17781

(a) The permit and identification card are in the holder's 17782  
immediate possession; 17783

(b) The holder is accompanied by an eligible adult who 17784  
actually occupies the seat beside the permit holder and does not 17785  
have a prohibited concentration of alcohol in the whole blood, 17786  
blood serum or plasma, breath, or urine as provided in division 17787  
(A) of section 4511.19 of the Revised Code; 17788

(c) The total number of occupants of the vehicle does not 17789  
exceed the total number of occupant restraining devices originally 17790  
installed in the motor vehicle by its manufacturer, and each 17791  
occupant of the vehicle is wearing all of the available elements 17792  
of a properly adjusted occupant restraining device. 17793

(2) If the permit is issued to a person who is at least 17794  
sixteen years of age: 17795

(a) The permit and identification card are in the holder's 17796  
immediate possession; 17797

(b) The holder is accompanied by a licensed operator who is 17798  
at least twenty-one years of age, is actually occupying a seat 17799  
beside the driver, and does not have a prohibited concentration of 17800  
alcohol in the whole blood, blood serum or plasma, breath, or 17801  
urine as provided in division (A) of section 4511.19 of the 17802  
Revised Code; 17803

(c) The total number of occupants of the vehicle does not 17804  
exceed the total number of occupant restraining devices originally 17805  
installed in the motor vehicle by its manufacturer, and each 17806

occupant of the vehicle is wearing all of the available elements 17807  
of a properly adjusted occupant restraining device. 17808

(B) The registrar or a deputy registrar, upon receiving from 17809  
any person an application for a temporary instruction permit and 17810  
temporary instruction permit identification card to operate a 17811  
motorcycle, motor-driven cycle or motor scooter, or motorized 17812  
bicycle, may issue such a permit and identification card entitling 17813  
the applicant, while having the permit and identification card in 17814  
the applicant's immediate possession, to drive a motorcycle or 17815  
motor-driven cycle or motor scooter, under the restrictions 17816  
prescribed in section 4511.53 of the Revised Code, or to drive a 17817  
motorized bicycle under restrictions determined by the registrar. 17818  
A temporary instruction permit and temporary instruction permit 17819  
identification card to operate a motorized bicycle may be issued 17820  
to a person fourteen or fifteen years old. 17821

(C) Any permit and identification card issued under this 17822  
section shall be issued in the same manner as a driver's license, 17823  
upon a form to be furnished by the registrar. A temporary 17824  
instruction permit to drive a motor vehicle other than a 17825  
commercial motor vehicle shall be valid for a period of one year. 17826

(D) Any person having in the person's possession a valid and 17827  
current driver's license or motorcycle operator's license or 17828  
endorsement issued to the person by another jurisdiction 17829  
recognized by this state is exempt from obtaining a temporary 17830  
instruction permit for a driver's license, ~~but shall submit and~~ 17831  
from submitting to the examination for a temporary instruction 17832  
permit and the regular examination in for obtaining a driver's 17833  
license or motorcycle operator's endorsement in this state if the 17834  
person does all of the following: 17835

(1) Submits to and passes vision screening as provided in 17836  
section 4507.12 of the Revised Code; 17837

(2) Surrenders to the registrar or deputy registrar the 17838  
person's driver's license issued by the other jurisdiction; and 17839

(3) Complies with all other applicable requirements for 17840  
issuance by this state of a driver's license, driver's license 17841  
with a motorcycle operator's endorsement, or restricted license to 17842  
operate a motorcycle. 17843

If the person does not comply with all the requirements of 17844  
this division, the person shall submit to the regular examination 17845  
for obtaining a driver's license or motorcycle operator's 17846  
endorsement in this state in order to obtain such a license or 17847  
endorsement. 17848

(E) The registrar may adopt rules governing the use of 17849  
temporary instruction permits and temporary instruction permit 17850  
identification cards. 17851

(F)(1) No holder of a permit issued under division (A) of 17852  
this section shall operate a motor vehicle upon a highway or any 17853  
public or private property used by the public for purposes of 17854  
vehicular travel or parking in violation of the conditions 17855  
established under division (A) of this section. 17856

(2) Except as provided in division (F)(2) of this section, no 17857  
holder of a permit that is issued under division (A) of this 17858  
section and that is issued on or after July 1, 1998, and who has 17859  
not attained the age of eighteen years, shall operate a motor 17860  
vehicle upon a highway or any public or private property used by 17861  
the public for purposes of vehicular travel or parking between the 17862  
hours of midnight and six a.m. 17863

The holder of a permit issued under division (A) of this 17864  
section on or after July 1, 1998, who has not attained the age of 17865  
eighteen years, may operate a motor vehicle upon a highway or any 17866  
public or private property used by the public for purposes of 17867  
vehicular travel or parking between the hours of midnight and six 17868



a.m. if, at the time of such operation, the holder is accompanied 17869  
by the holder's parent, guardian, or custodian, and the parent, 17870  
guardian, or custodian holds a current valid driver's or 17871  
commercial driver's license issued by this state, is actually 17872  
occupying a seat beside the permit holder, and does not have a 17873  
prohibited concentration of alcohol in the whole blood, blood 17874  
serum or plasma, breath, or urine as provided in division (A) of 17875  
section 4511.19 of the Revised Code. 17876

(G)(1) Notwithstanding any other provision of law to the 17877  
contrary, no law enforcement officer shall cause the operator of a 17878  
motor vehicle being operated on any street or highway to stop the 17879  
motor vehicle for the sole purpose of determining whether each 17880  
occupant of the motor vehicle is wearing all of the available 17881  
elements of a properly adjusted occupant restraining device as 17882  
required by division (A) of this section, or for the sole purpose 17883  
of issuing a ticket, citation, or summons if the requirement in 17884  
that division has been or is being violated, or for causing the 17885  
arrest of or commencing a prosecution of a person for a violation 17886  
of that requirement. 17887

(2) Notwithstanding any other provision of law to the 17888  
contrary, no law enforcement officer shall cause the operator of a 17889  
motor vehicle being operated on any street or highway to stop the 17890  
motor vehicle for the sole purpose of determining whether a 17891  
violation of division (F)(2) of this section has been or is being 17892  
committed or for the sole purpose of issuing a ticket, citation, 17893  
or summons for such a violation or for causing the arrest of or 17894  
commencing a prosecution of a person for such violation. 17895

(H) As used in this section: 17896

(1) "Eligible adult" means any of the following: 17897

(a) An instructor of a driver training course approved by the 17898  
department of public safety; 17899

(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state: 17900  
17901

(i) A parent, guardian, or custodian of the permit holder; 17902

(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder. 17903  
17904

(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code. 17905  
17906

(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor. 17907  
17908

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of the Revised Code: 17909  
17910

(A) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. 17911  
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(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per 17919  
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hour or less. 17930

(C) "Motorcycle" means every motor vehicle, other than a 17931  
tractor, having a seat or saddle for the use of the operator and 17932  
designed to travel on not more than three wheels in contact with 17933  
the ground, including, but not limited to, motor vehicles known as 17934  
"motor-driven cycle," "motor scooter," "cab-enclosed motorcycle," 17935  
or "motorcycle" without regard to weight or brake horsepower. 17936

(D) "Emergency vehicle" means emergency vehicles of 17937  
municipal, township, or county departments or public utility 17938  
corporations when identified as such as required by law, the 17939  
director of public safety, or local authorities, and motor 17940  
vehicles when commandeered by a police officer. 17941

(E) "Public safety vehicle" means any of the following: 17942

(1) Ambulances, including private ambulance companies under 17943  
contract to a municipal corporation, township, or county, and 17944  
private ambulances and nontransport vehicles bearing license 17945  
plates issued under section 4503.49 of the Revised Code; 17946

(2) Motor vehicles used by public law enforcement officers or 17947  
other persons sworn to enforce the criminal and traffic laws of 17948  
the state; 17949

(3) Any motor vehicle when properly identified as required by 17950  
the director of public safety, when used in response to fire 17951  
emergency calls or to provide emergency medical service to ill or 17952  
injured persons, and when operated by a duly qualified person who 17953  
is a member of a volunteer rescue service or a volunteer fire 17954  
department, and who is on duty pursuant to the rules or directives 17955  
of that service. The state fire marshal shall be designated by the 17956  
director of public safety as the certifying agency for all public 17957  
safety vehicles described in division (E)(3) of this section. 17958

(4) Vehicles used by fire departments, including motor 17959  
vehicles when used by volunteer fire fighters responding to 17960

emergency calls in the fire department service when identified as 17961  
required by the director of public safety. 17962

Any vehicle used to transport or provide emergency medical 17963  
service to an ill or injured person, when certified as a public 17964  
safety vehicle, shall be considered a public safety vehicle when 17965  
transporting an ill or injured person to a hospital regardless of 17966  
whether such vehicle has already passed a hospital. 17967

(5) Vehicles used by the motor carrier enforcement unit for 17968  
the enforcement of orders and rules of the public utilities 17969  
commission as specified in section 5503.34 of the Revised Code. 17970

(F) "School bus" means every bus designed for carrying more 17971  
than nine passengers that is owned by a public, private, or 17972  
governmental agency or institution of learning and operated for 17973  
the transportation of children to or from a school session or a 17974  
school function, or owned by a private person and operated for 17975  
compensation for the transportation of children to or from a 17976  
school session or a school function, provided "school bus" does 17977  
not include a bus operated by a municipally owned transportation 17978  
system, a mass transit company operating exclusively within the 17979  
territorial limits of a municipal corporation, or within such 17980  
limits and the territorial limits of municipal corporations 17981  
immediately contiguous to such municipal corporation, nor a common 17982  
passenger carrier certified by the public utilities commission 17983  
unless such bus is devoted exclusively to the transportation of 17984  
children to and from a school session or a school function, and 17985  
"school bus" does not include a van or bus used by a licensed 17986  
child day-care center or type A family day-care home to transport 17987  
children from the child day-care center or type A family day-care 17988  
home to a school if the van or bus does not have more than fifteen 17989  
children in the van or bus at any time. 17990

(G) "Bicycle" means every device, other than a ~~tricycle~~ 17991  
device that is designed solely for use as a play vehicle by a 17992

child, that is propelled solely by human power upon which ~~any a~~ 17993  
person may ride having, and that has two ~~tandem or more~~ wheels, ~~or~~ 17994  
~~one wheel in the front and two wheels in the rear, or two wheels~~ 17995  
~~in the front and one wheel in the rear,~~ any of which is more than 17996  
fourteen inches in diameter. 17997

(H) "Motorized bicycle" or "moped" means any vehicle having 17998  
either two tandem wheels or one wheel in the front and two wheels 17999  
in the rear, that may be pedaled, and that is equipped with a 18000  
helper motor of not more than fifty cubic centimeters piston 18001  
displacement that produces no more than one brake horsepower and 18002  
is capable of propelling the vehicle at a speed of no greater than 18003  
twenty miles per hour on a level surface. 18004

(I) "Commercial tractor" means every motor vehicle having 18005  
motive power designed or used for drawing other vehicles and not 18006  
so constructed as to carry any load thereon, or designed or used 18007  
for drawing other vehicles while carrying a portion of such other 18008  
vehicles, or load thereon, or both. 18009

(J) "Agricultural tractor" means every self-propelling 18010  
vehicle designed or used for drawing other vehicles or wheeled 18011  
machinery but having no provision for carrying loads independently 18012  
of such other vehicles, and used principally for agricultural 18013  
purposes. 18014

(K) "Truck" means every motor vehicle, except trailers and 18015  
semitrailers, designed and used to carry property. 18016

(L) "Bus" means every motor vehicle designed for carrying 18017  
more than nine passengers and used for the transportation of 18018  
persons other than in a ridesharing arrangement, and every motor 18019  
vehicle, automobile for hire, or funeral car, other than a taxicab 18020  
or motor vehicle used in a ridesharing arrangement, designed and 18021  
used for the transportation of persons for compensation. 18022

(M) "Trailer" means every vehicle designed or used for 18023

carrying persons or property wholly on its own structure and for 18024  
being drawn by a motor vehicle, including any such vehicle when 18025  
formed by or operated as a combination of a "semitrailer" and a 18026  
vehicle of the dolly type, such as that commonly known as a 18027  
"trailer dolly," a vehicle used to transport agricultural produce 18028  
or agricultural production materials between a local place of 18029  
storage or supply and the farm when drawn or towed on a street or 18030  
highway at a speed greater than twenty-five miles per hour, and a 18031  
vehicle designed and used exclusively to transport a boat between 18032  
a place of storage and a marina, or in and around a marina, when 18033  
drawn or towed on a street or highway for a distance of more than 18034  
ten miles or at a speed of more than twenty-five miles per hour. 18035

(N) "Semitrailer" means every vehicle designed or used for 18036  
carrying persons or property with another and separate motor 18037  
vehicle so that in operation a part of its own weight or that of 18038  
its load, or both, rests upon and is carried by another vehicle. 18039

(O) "Pole trailer" means every trailer or semitrailer 18040  
attached to the towing vehicle by means of a reach, pole, or by 18041  
being boomed or otherwise secured to the towing vehicle, and 18042  
ordinarily used for transporting long or irregular shaped loads 18043  
such as poles, pipes, or structural members capable, generally, of 18044  
sustaining themselves as beams between the supporting connections. 18045

(P) "Railroad" means a carrier of persons or property 18046  
operating upon rails placed principally on a private right-of-way. 18047

(Q) "Railroad train" means a steam engine or an electric or 18048  
other motor, with or without cars coupled thereto, operated by a 18049  
railroad. 18050

(R) "Streetcar" means a car, other than a railroad train, for 18051  
transporting persons or property, operated upon rails principally 18052  
within a street or highway. 18053

(S) "Trackless trolley" means every car that collects its 18054

power from overhead electric trolley wires and that is not 18055  
operated upon rails or tracks. 18056

(T) "Explosives" means any chemical compound or mechanical 18057  
mixture that is intended for the purpose of producing an explosion 18058  
that contains any oxidizing and combustible units or other 18059  
ingredients in such proportions, quantities, or packing that an 18060  
ignition by fire, by friction, by concussion, by percussion, or by 18061  
a detonator of any part of the compound or mixture may cause such 18062  
a sudden generation of highly heated gases that the resultant 18063  
gaseous pressures are capable of producing destructive effects on 18064  
contiguous objects, or of destroying life or limb. Manufactured 18065  
articles shall not be held to be explosives when the individual 18066  
units contain explosives in such limited quantities, of such 18067  
nature, or in such packing, that it is impossible to procure a 18068  
simultaneous or a destructive explosion of such units, to the 18069  
injury of life, limb, or property by fire, by friction, by 18070  
concussion, by percussion, or by a detonator, such as fixed 18071  
ammunition for small arms, firecrackers, or safety fuse matches. 18072

(U) "Flammable liquid" means any liquid that has a flash 18073  
point of seventy degrees fahrenheit, or less, as determined by a 18074  
tagliabue or equivalent closed cup test device. 18075

(V) "Gross weight" means the weight of a vehicle plus the 18076  
weight of any load thereon. 18077

(W) "Person" means every natural person, firm, 18078  
co-partnership, association, or corporation. 18079

(X) "Pedestrian" means any natural person afoot. 18080

(Y) "Driver or operator" means every person who drives or is 18081  
in actual physical control of a vehicle, trackless trolley, or 18082  
streetcar. 18083

(Z) "Police officer" means every officer authorized to direct 18084  
or regulate traffic, or to make arrests for violations of traffic 18085

regulations. 18086

(AA) "Local authorities" means every county, municipal, and 18087  
other local board or body having authority to adopt police 18088  
regulations under the constitution and laws of this state. 18089

(BB) "Street" or "highway" means the entire width between the 18090  
boundary lines of every way open to the use of the public as a 18091  
thoroughfare for purposes of vehicular travel. 18092

(CC) "Controlled-access highway" means every street or 18093  
highway in respect to which owners or occupants of abutting lands 18094  
and other persons have no legal right of access to or from the 18095  
same except at such points only and in such manner as may be 18096  
determined by the public authority having jurisdiction over such 18097  
street or highway. 18098

(DD) "Private road or driveway" means every way or place in 18099  
private ownership used for vehicular travel by the owner and those 18100  
having express or implied permission from the owner but not by 18101  
other persons. 18102

(EE) "Roadway" means that portion of a highway improved, 18103  
designed, or ordinarily used for vehicular travel, except the berm 18104  
or shoulder. If a highway includes two or more separate roadways 18105  
the term "roadway" means any such roadway separately but not all 18106  
such roadways collectively. 18107

(FF) "Sidewalk" means that portion of a street between the 18108  
curb lines, or the lateral lines of a roadway, and the adjacent 18109  
property lines, intended for the use of pedestrians. 18110

(GG) "Laned highway" means a highway the roadway of which is 18111  
divided into two or more clearly marked lanes for vehicular 18112  
traffic. 18113

(HH) "Through highway" means every street or highway as 18114  
provided in section 4511.65 of the Revised Code. 18115



(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

(JJ) "State route" means every highway that is designated with an official state route number and so marked.

(KK) "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (KK)(2) of this section:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median

constitute one intersection. 18147

(b) Where a stop line, yield line, or crosswalk line is 18148  
designated on the roadway on the intersection approach, the area 18149  
within the crosswalk and any area beyond the designated stop line 18150  
or yield line constitute part of the intersection. 18151

(c) Where a crosswalk is designated on a roadway on the 18152  
departure from the intersection, the intersection includes the 18153  
area that extends to the far side of the crosswalk. 18154

(LL) "Crosswalk" means: 18155

(1) That part of a roadway at intersections ordinarily 18156  
included within the real or projected prolongation of property 18157  
lines and curb lines or, in the absence of curbs, the edges of the 18158  
traversable roadway; 18159

(2) Any portion of a roadway at an intersection or elsewhere, 18160  
distinctly indicated for pedestrian crossing by lines or other 18161  
markings on the surface; 18162

(3) Notwithstanding divisions (LL)(1) and (2) of this 18163  
section, there shall not be a crosswalk where local authorities 18164  
have placed signs indicating no crossing. 18165

(MM) "Safety zone" means the area or space officially set 18166  
apart within a roadway for the exclusive use of pedestrians and 18167  
protected or marked or indicated by adequate signs as to be 18168  
plainly visible at all times. 18169

(NN) "Business district" means the territory fronting upon a 18170  
street or highway, including the street or highway, between 18171  
successive intersections within municipal corporations where fifty 18172  
per cent or more of the frontage between such successive 18173  
intersections is occupied by buildings in use for business, or 18174  
within or outside municipal corporations where fifty per cent or 18175  
more of the frontage for a distance of three hundred feet or more 18176

is occupied by buildings in use for business, and the character of 18177  
such territory is indicated by official traffic control devices. 18178

(OO) "Residence district" means the territory, not comprising 18179  
a business district, fronting on a street or highway, including 18180  
the street or highway, where, for a distance of three hundred feet 18181  
or more, the frontage is improved with residences or residences 18182  
and buildings in use for business. 18183

(PP) "Urban district" means the territory contiguous to and 18184  
including any street or highway which is built up with structures 18185  
devoted to business, industry, or dwelling houses situated at 18186  
intervals of less than one hundred feet for a distance of a 18187  
quarter of a mile or more, and the character of such territory is 18188  
indicated by official traffic control devices. 18189

(QQ) "Traffic control device" means a flagger, sign, signal, 18190  
marking, or other device used to regulate, warn, or guide traffic, 18191  
placed on, over, or adjacent to a street, highway, private road 18192  
open to public travel, pedestrian facility, or shared-use path by 18193  
authority of a public agency or official having jurisdiction, or, 18194  
in the case of a private road open to public travel, by authority 18195  
of the private owner or private official having jurisdiction. 18196

(RR) "Traffic control signal" means any highway traffic 18197  
signal by which traffic is alternately directed to stop and 18198  
permitted to proceed. 18199

(SS) "Railroad sign or signal" means any sign, signal, or 18200  
device erected by authority of a public body or official or by a 18201  
railroad and intended to give notice of the presence of railroad 18202  
tracks or the approach of a railroad train. 18203

(TT) "Traffic" means pedestrians, ridden or herded animals, 18204  
vehicles, streetcars, trackless trolleys, and other devices, 18205  
either singly or together, while using for purposes of travel any 18206  
highway or private road open to public travel. 18207

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway	18239
is reserved for through traffic and on which roadway parking is	18240
prohibited.	18241
(BBB) "Stop intersection" means any intersection at one or	18242
more entrances of which stop signs are erected.	18243
(CCC) "Arterial street" means any United States or state	18244
numbered route, controlled access highway, or other major radial	18245
or circumferential street or highway designated by local	18246
authorities within their respective jurisdictions as part of a	18247
major arterial system of streets or highways.	18248
(DDD) "Ridesharing arrangement" means the transportation of	18249
persons in a motor vehicle where such transportation is incidental	18250
to another purpose of a volunteer driver and includes ridesharing	18251
arrangements known as carpools, vanpools, and buspools.	18252
(EEE) "Motorized wheelchair" means any self-propelled vehicle	18253
designed for, and used by, a handicapped person and that is	18254
incapable of a speed in excess of eight miles per hour.	18255
(FFF) "Child day-care center" and "type A family day-care	18256
home" have the same meanings as in section 5104.01 of the Revised	18257
Code.	18258
(GGG) "Multi-wheel agricultural tractor" means a type of	18259
agricultural tractor that has two or more wheels or tires on each	18260
side of one axle at the rear of the tractor, is designed or used	18261
for drawing other vehicles or wheeled machinery, has no provision	18262
for carrying loads independently of the drawn vehicles or	18263
machinery, and is used principally for agricultural purposes.	18264
(HHH) "Operate" means to cause or have caused movement of a	18265
vehicle, streetcar, or trackless trolley.	18266
(III) "Predicate motor vehicle or traffic offense" means any	18267
of the following:	18268

(1) A violation of section 4511.03, 4511.051, 4511.12, 18269  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 18270  
4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 18271  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 18272  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 18273  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 18274  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 18275  
4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 18276  
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 18277  
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 18278  
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 18279  
Code; 18280

(2) A violation of division (A)(2) of section 4511.17, 18281  
divisions (A) to (D) of section 4511.51, or division (A) of 18282  
section 4511.74 of the Revised Code; 18283

(3) A violation of any provision of sections 4511.01 to 18284  
4511.76 of the Revised Code for which no penalty otherwise is 18285  
provided in the section that contains the provision violated; 18286

(4) A violation of a municipal ordinance that is 18287  
substantially similar to any section or provision set forth or 18288  
described in division (III)(1), (2), or (3) of this section. 18289

(JJJ) "Road service vehicle" means wreckers, utility repair 18290  
vehicles, and state, county, and municipal service vehicles 18291  
equipped with visual signals by means of flashing, rotating, or 18292  
oscillating lights. 18293

(KKK) "Beacon" means a highway traffic signal with one or 18294  
more signal sections that operate in a flashing mode. 18295

(LLL) "Hybrid beacon" means a type of beacon that is 18296  
intentionally placed in a dark mode between periods of operation 18297  
where no indications are displayed and, when in operation, 18298  
displays both steady and flashing traffic control signal 18299

indications. 18300

(MMM) "Highway traffic signal" means a power-operated traffic 18301  
control device by which traffic is warned or directed to take some 18302  
specific action. "Highway traffic signal" does not include a 18303  
power-operated sign, steadily illuminated pavement marker, warning 18304  
light, or steady burning electric lamp. 18305

(NNN) "Median" means the area between two roadways of a 18306  
divided highway, measured from edge of traveled way to edge of 18307  
traveled way, but excluding turn lanes. The width of a median may 18308  
be different between intersections, between interchanges, and at 18309  
opposite approaches of the same intersection. 18310

(OOO) "Private road open to public travel" means a private 18311  
toll road or road, including any adjacent sidewalks that generally 18312  
run parallel to the road, within a shopping center, airport, 18313  
sports arena, or other similar business or recreation facility 18314  
that is privately owned but where the public is allowed to travel 18315  
without access restrictions. "Private road open to public travel" 18316  
includes a gated toll road but does not include a road within a 18317  
private gated property where access is restricted at all times, a 18318  
parking area, a driving aisle within a parking area, or a private 18319  
grade crossing. 18320

(PPP) "Shared-use path" means a bikeway outside the traveled 18321  
way and physically separated from motorized vehicular traffic by 18322  
an open space or barrier and either within the highway 18323  
right-of-way or within an independent alignment. A shared-use path 18324  
also may be used by pedestrians, including skaters, joggers, users 18325  
of manual and motorized wheelchairs, and other authorized 18326  
motorized and non-motorized users. 18327

**Section 110.11.** That the existing versions of sections 18328  
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised 18329  
Code that are scheduled to take effect January 1, 2017, are hereby 18330

repealed. 18331

**Section 110.12.** Sections 110.10 and 110.11 of this act take 18332  
effect January 1, 2017. 18333

**Section 201.10.** Except as otherwise provided in this act, all 18334  
appropriation items in this act are appropriated out of any moneys 18335  
in the state treasury to the credit of the designated fund that 18336  
are not otherwise appropriated. For all appropriations made in 18337  
this act, the amounts in the first column are for fiscal year 2014 18338  
and the amounts in the second column are for fiscal year 2015. 18339  
18340

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 18341

FUND	TITLE	FY 2014	FY 2015	
	Highway Operating Fund Group			18342
2120 772426	Highway Infrastructure Bank - Federal	\$ 5,000,000	\$ 5,000,000	18344
2120 772427	Highway Infrastructure Bank - State	\$ 10,350,000	\$ 10,350,000	18345
2120 772430	Infrastructure Debt Reserve Title 23-49	\$ 525,000	\$ 525,000	18346
2130 772431	Roadway Infrastructure Bank - State	\$ 2,475,000	\$ 2,475,000	18347
2130 772433	Infrastructure Debt Reserve - State	\$ 650,000	\$ 650,000	18348
2130 777477	Aviation Infrastructure Bank - State	\$ 1,000,000	\$ 1,000,000	18349
7002 771411	Planning and Research	\$ 21,144,581	\$ 21,738,277	18350



		- State				
7002	771412	Planning and Research	\$	28,835,906	\$	28,959,514 18351
		- Federal				
7002	772421	Highway Construction	\$	603,246,763	\$	605,240,020 18352
		- State				
7002	772422	Highway Construction	\$	1,065,253,182	\$	1,063,145,274 18353
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 18354
		- Other				
7002	772425	Highway Construction	\$	200,000,000	\$	300,000,000 18355
		- Turnpike				
7002	772437	GARVEE Debt Service -	\$	31,139,500	\$	31,635,300 18356
		State				
7002	772438	GARVEE Debt Service -	\$	136,039,500	\$	138,027,800 18357
		Federal				
7002	773431	Highway Maintenance -	\$	457,665,521	\$	470,006,152 18358
		State				
7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748 18359
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 18360
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 18361
		Special Equipment				
7002	776462	Grade Crossings -	\$	14,136,500	\$	14,129,500 18362
		Federal				
7002	776669	Grade Crossings -	\$	7,500,000	\$	7,500,000 18363
		Maintenance				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 18364
		- Federal				
7002	777475	Aviation	\$	4,875,000	\$	4,935,000 18365
		Administration				
7002	779491	Administration -	\$	91,218,054	\$	92,543,982 18366
		State				

TOTAL HOF Highway Operating				18367
Fund Group		\$ 2,795,280,255	\$ 2,912,086,567	18368
State Special Revenue Fund Group				18369
4N40 776664 Rail Transportation -	\$	2,875,800	\$ 2,875,800	18370
Other				
5W90 777615 County Airport	\$	620,000	\$ 620,000	18371
Maintenance				
TOTAL SSR State Special Revenue				18372
Fund Group	\$	3,495,800	\$ 3,495,800	18373
Infrastructure Bank Obligations Fund Group				18374
7045 772428 Highway	\$	96,092,215	\$ 97,000,000	18375
Infrastructure Bank -				
Bonds				
TOTAL 045 Infrastructure Bank				18376
Obligations Fund Group	\$	96,092,215	\$ 97,000,000	18377
Highway Capital Improvement Fund Group				18378
7042 772723 Highway Construction	\$	100,294,652	\$ 119,617,631	18379
- Bonds				
TOTAL 042 Highway Capital				18380
Improvement Fund Group	\$	100,294,652	\$ 119,617,631	18381
TOTAL ALL BUDGET FUND GROUPS	\$	2,995,162,922	\$ 3,132,199,998	18382

**Section 203.20. PUBLIC ACCESS ROADS FOR DNR FACILITIES** 18384

Of the foregoing appropriation item 772421, Highway 18385  
Construction - State, \$5,000,000 shall be used in each fiscal year 18386  
for the construction, reconstruction, or maintenance of public 18387  
access roads, including support features, to and within state 18388  
facilities owned or operated by the Department of Natural 18389  
Resources. 18390

**Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS** 18391  
**COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES** 18392

Notwithstanding section 5511.06 of the Revised Code, of the 18393  
foregoing appropriation item 772421, Highway Construction - State, 18394  
\$2,228,000 in each fiscal year shall be used for the construction, 18395  
reconstruction, or maintenance of park drives or park roads within 18396  
the boundaries of metropolitan parks. 18397

The Department of Transportation may use the foregoing 18398  
appropriation item 772421, Highway Construction - State, to 18399  
perform related road work on behalf of the Ohio Expositions 18400  
Commission at the state fairgrounds, including reconstruction or 18401  
maintenance of public access roads and support features to and 18402  
within fairgrounds facilities, as requested by the Commission and 18403  
approved by the Director of Transportation. 18404

The Department of Transportation may use the foregoing 18405  
appropriation item 772421, Highway Construction - State, to 18406  
perform related road work on behalf of the Ohio Historical 18407  
Society, including reconstruction or maintenance of public access 18408  
roads and support features to and within Historical Society 18409  
facilities, as requested by the Society and approved by the 18410  
Director of Transportation. 18411

**Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS** 18412

(A) Of the foregoing appropriation item 772421, Highway 18413  
Construction - State, \$3,500,000 in each fiscal year shall be made 18414  
available for distribution by the Director of Transportation to 18415  
Transportation Improvement Districts that have facilitated funding 18416  
for the cost of a project or projects in conjunction with and 18417  
through other governmental agencies. 18418

(B) A Transportation Improvement District shall submit 18419  
requests for project funding to the Ohio Department of 18420  
Transportation not later than the first day of September in each 18421  
fiscal year. The Ohio Department of Transportation shall notify 18422  
the Transportation Improvement District whether the Department has 18423

approved or disapproved the project funding request within 90 days 18424  
after the day the request was submitted by the Transportation 18425  
Improvement District. 18426

(C) Any funding provided to a Transportation Improvement 18427  
District specified in this section shall not be used for the 18428  
purposes of administrative costs or administrative staffing and 18429  
must be used to fund a specific project or projects within that 18430  
District's area. The total amount of a specific project's cost 18431  
shall not be fully funded by the amount of funds provided under 18432  
this section. The total amount of funding provided for each 18433  
project is limited to 10% of total project costs or \$250,000 per 18434  
fiscal year, whichever is greater. Transportation Improvement 18435  
Districts that are co-sponsoring a specific project may 18436  
individually apply for up to \$250,000 for that project. However, 18437  
not more than 10% of a project's total costs per biennium shall be 18438  
funded through moneys provided under this section. 18439

(D) Funds provided under this section may be used for 18440  
preliminary engineering, detailed design, right-of-way 18441  
acquisition, and construction of the specific project and such 18442  
other project costs that are defined in section 5540.01 of the 18443  
Revised Code and approved by the Director of Transportation. Upon 18444  
receipt of a copy of an invoice for work performed on the specific 18445  
project, the Director of Transportation shall reimburse a 18446  
Transportation Improvement District for the expenditures described 18447  
above, subject to the requirements of this section. 18448

(E) Any Transportation Improvement District that is 18449  
requesting funds under this section shall register with the 18450  
Director of Transportation. The Director of Transportation shall 18451  
register a Transportation Improvement District only if the 18452  
district has a specific, eligible project and may cancel the 18453  
registration of a Transportation Improvement District that is not 18454  
eligible to receive funds under this section. The Director shall 18455

not provide funds to any Transportation Improvement District under 18456  
this section if the district is not registered. The Director of 18457  
Transportation shall not register a Transportation Improvement 18458  
District and shall cancel the registration of a currently 18459  
registered Transportation Improvement District unless at least one 18460  
of the following applies: 18461

(1) The Transportation Improvement District, by a resolution 18462  
or resolutions, designated a project or program of projects and 18463  
facilitated, including in conjunction with and through other 18464  
governmental agencies, funding for costs of a project or program 18465  
of projects in an aggregate amount of not less than \$10,000,000 18466  
within the eight-year period commencing January 1, 2005. 18467

(2) The Transportation Improvement District, by a resolution 18468  
or resolutions, designated a project or program of projects and 18469  
facilitated, including in conjunction with and through other 18470  
governmental agencies, funding for costs of a project or program 18471  
of projects in an aggregate amount of not less than \$15,000,000 18472  
from the commencement date of the project or program of projects. 18473

(3) The Transportation Improvement District has designated, 18474  
by a resolution or resolutions, a project or program of projects 18475  
that has estimated aggregate costs in excess of \$10,000,000 and 18476  
the County Engineer of the county in which the Transportation 18477  
Improvement District is located has attested by a sworn affidavit 18478  
that the costs of the project or program of projects exceeds 18479  
\$10,000,000 and that the Transportation Improvement District is 18480  
facilitating a portion of funding for that project or program of 18481  
projects. 18482

(F) For purposes of this section: 18483

(1) "Project" shall have the same meaning as in division (D) 18484  
of section 5540.01 of the Revised Code. 18485

(2) "Governmental agency" shall have the same meaning as in 18486

division (B) of section 5540.01 of the Revised Code. 18487

(3) "Cost" shall have the same meaning as in division (C) of 18488  
section 5540.01 of the Revised Code. 18489

**Section 203.40.10. GRADE CROSSINGS - MAINTENANCE** 18490

The foregoing appropriation item 776669, Grade Crossings - 18491  
Maintenance, shall be used for the maintenance of at-grade 18492  
railroad highway crossings. Funds shall be used to reimburse 18493  
operating railroads for grade crossing maintenance expenses in 18494  
proportion to their share of at-grade railroad highway crossings 18495  
in Ohio based on the Railroad Information System maintained by the 18496  
Public Utilities Commission. Prior to making any expenditures from 18497  
the appropriation item, the Director of Transportation, in 18498  
conjunction with the Ohio Rail Development Commission, shall adopt 18499  
rules under Chapter 119. of the Revised Code governing the use of 18500  
moneys in the appropriation item. 18501

**Section 203.50. ISSUANCE OF BONDS** 18502

The Treasurer of State, upon the request of the Director of 18503  
Transportation, is authorized to issue and sell, in accordance 18504  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 18505  
151. and particularly sections 151.01 and 151.06 of the Revised 18506  
Code, obligations, including bonds and notes, in the aggregate 18507  
amount of \$220,000,000 in addition to the original issuance of 18508  
obligations authorized by prior acts of the General Assembly. 18509

The obligations shall be issued and sold from time to time in 18510  
amounts necessary to provide sufficient moneys to the credit of 18511  
the Highway Capital Improvement Fund (Fund 7042) created by 18512  
section 5528.53 of the Revised Code to pay costs charged to the 18513  
fund when due as estimated by the Director of Transportation, 18514  
provided, however, that such obligations shall be issued and sold 18515  
at such time or times so that not more than \$220,000,000 original 18516

principal amount of obligations, plus the principal amount of 18517  
obligations that in prior fiscal years could have been, but were 18518  
not, issued within the \$220,000,000 limit, may be issued in any 18519  
fiscal year, and not more than \$1,200,000,000 original principal 18520  
amount of such obligations are outstanding at any one time. 18521

**Section 203.60.** TRANSFER OF HIGHWAY OPERATING FUND (FUND 18522  
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 18523  
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 18524  
ADMINISTRATION 18525

The Director of Budget and Management may approve requests 18526  
from the Director of Transportation for transfer of Highway 18527  
Operating Fund (Fund 7002) appropriations for planning and 18528  
research (appropriation items 771411 and 771412), highway 18529  
construction and debt service (appropriation items 772421, 772422, 18530  
772424, 772425, 772437, and 772438), highway maintenance 18531  
(appropriation item 773431), public transportation - federal 18532  
(appropriation item 775452), elderly and disabled special 18533  
equipment (appropriation item 775459), rail grade crossings 18534  
(appropriation item 776462), aviation (appropriation item 777475), 18535  
and administration (appropriation item 779491). The Director of 18536  
Budget and Management may not make transfers out of debt service 18537  
appropriation items unless the Director determines that the 18538  
appropriated amounts exceed the actual and projected debt service 18539  
requirements. Transfers of appropriations may be made upon the 18540  
written request of the Director of Transportation and with the 18541  
approval of the Director of Budget and Management. The transfers 18542  
shall be reported to the Controlling Board at the next regularly 18543  
scheduled meeting of the board. 18544

This transfer authority is intended to provide for emergency 18545  
situations and flexibility to meet unforeseen conditions that 18546  
could arise during the budget period. It also is intended to allow 18547

the department to optimize the use of available resources and 18548  
adjust to circumstances affecting the obligation and expenditure 18549  
of federal funds. 18550

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 18551  
AVIATION, AND RAIL AND LOCAL TRANSIT 18552

The Director of Budget and Management may approve written 18553  
requests from the Director of Transportation for the transfer of 18554  
appropriations between appropriation items 772422, Highway 18555  
Construction - Federal, 775452, Public Transportation - Federal, 18556  
775454, Public Transportation - Other, 775459, Elderly and 18557  
Disabled Special Equipment, 776475, Federal Rail Administration, 18558  
and 777472, Airport Improvements - Federal. The transfers shall be 18559  
reported to the Controlling Board at its next regularly scheduled 18560  
meeting. 18561

TRANSFER OF APPROPRIATIONS - ARRA 18562

The Director of Budget and Management may approve written 18563  
requests from the Director of Transportation for the transfer of 18564  
appropriations between appropriation items 771412, Planning and 18565  
Research - Federal, 772422, Highway Construction - Federal, 18566  
772424, Highway Construction - Other, 775452, Public 18567  
Transportation - Federal, 776462, Grade Crossing - Federal, and 18568  
777472, Airport Improvements - Federal, based upon the 18569  
requirements of the American Recovery and Reinvestment Act of 2009 18570  
that apply to the money appropriated. The transfers shall be 18571  
reported to the Controlling Board at its next regularly scheduled 18572  
meeting. 18573

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 18574  
BANK 18575

The Director of Budget and Management may approve requests 18576  
from the Director of Transportation for transfer of appropriations 18577  
and cash of the Infrastructure Bank funds created in section 18578



5531.09 of the Revised Code, including transfers between fiscal 18579  
years 2014 and 2015. The transfers shall be reported to the 18580  
Controlling Board at its next regularly scheduled meeting. 18581

The Director of Budget and Management may approve requests 18582  
from the Director of Transportation for transfer of appropriations 18583  
and cash from the Highway Operating Fund (Fund 7002) to the 18584  
Infrastructure Bank funds created in section 5531.09 of the 18585  
Revised Code. The Director of Budget and Management may transfer 18586  
from the Infrastructure Bank funds to the Highway Operating Fund 18587  
up to the amounts originally transferred to the Infrastructure 18588  
Bank funds under this section. However, the Director may not make 18589  
transfers between modes or transfers between different funding 18590  
sources. The transfers shall be reported to the Controlling Board 18591  
at its next regularly scheduled meeting. 18592

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 18593

The Director of Budget and Management may approve requests 18594  
from the Director of Transportation for transfer of appropriations 18595  
and cash of the Ohio Toll Fund and any subaccounts created in 18596  
section 5531.14 of the Revised Code, including transfers between 18597  
fiscal years 2014 and 2015. The transfers shall be reported to the 18598  
Controlling Board at its next regularly scheduled meeting. 18599

INCREASING APPROPRIATIONS: STATE FUNDS 18600

In the event that receipts or unexpended balances credited to 18601  
the Highway Operating Fund (Fund 7002) exceed the estimates upon 18602  
which the appropriations have been made in this act, upon the 18603  
request of the Director of Transportation, the Controlling Board 18604  
may increase those appropriations in the manner prescribed in 18605  
section 131.35 of the Revised Code. 18606

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 18607

In the event that receipts or unexpended balances credited to 18608  
the Highway Operating Fund (Fund 7002) or apportionments or 18609

allocations made available from the federal and local government 18610  
exceed the estimates upon which the appropriations have been made 18611  
in this act, upon the request of the Director of Transportation, 18612  
the Controlling Board may increase those appropriations in the 18613  
manner prescribed in section 131.35 of the Revised Code. 18614

REAPPROPRIATIONS 18615

In each fiscal year of the biennium ending June 30, 2015, the 18616  
Director of Transportation may request that the Director of Budget 18617  
and Management transfer any remaining unencumbered balances of 18618  
prior years' appropriations to the Highway Operating Fund (Fund 18619  
7002), the Highway Capital Improvement Fund (Fund 7042), and the 18620  
Infrastructure Bank funds created in section 5531.09 of the 18621  
Revised Code for the same purpose in the following fiscal year. In 18622  
the request, the Director of Transportation shall identify the 18623  
appropriate fund and appropriation item of the transfer, the 18624  
requested transfer amount. The Director of Budget and Management 18625  
may request additional information necessary for evaluating the 18626  
transfer request, and the Director of Transportation shall provide 18627  
the requested information to the Director of Budget and 18628  
Management. Based on the information provided by the Director of 18629  
Transportation, the Director of Budget and Management shall 18630  
determine the amount to be transferred by fund and appropriation 18631  
item, and those amounts are hereby reappropriated. The Director of 18632  
Transportation shall report the reappropriations to the 18633  
Controlling Board. 18634

Any balances of prior years' unencumbered appropriations to 18635  
the Highway Operating Fund (Fund 7002), the Highway Capital 18636  
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 18637  
created in section 5531.09 of the Revised Code for which the 18638  
Director of Transportation requests reappropriations, and for 18639  
which reappropriations are approved by the Director of Budget and 18640  
Management, are subject to the availability of revenue as 18641

determined by the Director of Transportation. 18642

LIQUIDATION OF UNFORESEEN LIABILITIES 18643

Any appropriation made from the Highway Operating Fund (Fund 18644

7002) not otherwise restricted by law is available to liquidate 18645

unforeseen liabilities arising from contractual agreements of 18646

prior years when the prior year encumbrance is insufficient. 18647

**Section 203.70.** MAINTENANCE OF INTERSTATE HIGHWAYS 18648

The Director of Transportation may remove snow and ice and 18649

maintain, repair, improve, or provide lighting upon interstate 18650

highways that are located within the boundaries of municipal 18651

corporations, adequate to meet the requirements of federal law. 18652

When agreed in writing by the Director of Transportation and the 18653

legislative authority of a municipal corporation and 18654

notwithstanding sections 125.01 and 125.11 of the Revised Code, 18655

the Department of Transportation may reimburse a municipal 18656

corporation for all or any part of the costs, as provided by such 18657

agreement, incurred by the municipal corporation in maintaining, 18658

repairing, lighting, and removing snow and ice from the interstate 18659

system. 18660

**Section 203.80.** PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 18661

The Director of Transportation may use revenues from the 18662

state motor vehicle fuel tax to match approved federal grants 18663

awarded to the Department of Transportation, regional transit 18664

authorities, or eligible public transportation systems, for public 18665

transportation highway purposes, or to support local or state 18666

funded projects for public transportation highway purposes. Public 18667

transportation highway purposes include: the construction or 18668

repair of high-occupancy vehicle traffic lanes, the acquisition or 18669

construction of park-and-ride facilities, the acquisition or 18670

construction of public transportation vehicle loops, the 18671

construction or repair of bridges used by public transportation 18672  
 vehicles or that are the responsibility of a regional transit 18673  
 authority or other public transportation system, or other similar 18674  
 construction that is designated as an eligible public 18675  
 transportation highway purpose. Motor vehicle fuel tax revenues 18676  
 may not be used for operating assistance or for the purchase of 18677  
 vehicles, equipment, or maintenance facilities. 18678

**Section 203.90.** The federal payments made to the state for 18679  
 highway infrastructure or for transit agencies under Title XII of 18680  
 Division A of the American Recovery and Reinvestment Act of 2009 18681  
 shall be deposited to the credit of the Highway Operating Fund 18682  
 (Fund 7002), which is created in section 5735.291 of the Revised 18683  
 Code. 18684

**Section 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 18685

State Highway Safety Fund Group 18686

4W40 762321 Operating Expense - \$ 130,559,268 \$ 130,418,957 18687  
 BMV

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 18688  
 Contribution

7036 761321 Operating Expense - \$ 7,055,066 \$ 6,999,331 18689  
 Information and  
 Education

7036 761401 Lease Rental Payments \$ 2,472,300 \$ 2,473,100 18690

7036 764033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 18691

7036 764321 Operating Expense - \$ 268,232,602 \$ 270,232,602 18692  
 Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 18693  
 Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 18694  
 Administration

8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	18695
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	18696
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	18697
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	18698
8310	765610	EMS - Federal	\$	225,000	\$	225,000	18699
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	18700
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	18701
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	18702
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	18703
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	18704
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	18705
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	18706
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	18707
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	18708
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	18709
83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	18710
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	18711
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	18712
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	18713
8400	764617	Security and	\$	8,793,865	\$	9,514,236	18714

		Investigations					
8400	764626	State Fairgrounds	\$	1,047,560	\$	1,084,559	18715
		Police Force					
8400	769632	Homeland Security -	\$	650,000	\$	630,000	18716
		Operating					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	18717
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	18718
		Education					
8490	762627	Automated Title	\$	16,675,513	\$	16,467,293	18719
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	515,450,460	\$	517,434,364	18720
		Group					
		General Services Fund Group					18721
4P60	768601	Justice Program	\$	900,000	\$	875,000	18722
		Services					
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	18723
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	18724
		Services Law					
		Enforcement Support					
TOTAL	GSF	General Services Fund	\$	6,290,946	\$	6,265,946	18725
		Group					
		Federal Special Revenue Fund Group					18726
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	18727
		Program					
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636	18728
		Relief					
3390	763647	Emergency Management	\$	70,934,765	\$	70,934,765	18729
		Assistance and					
		Training					
3CE0	768611	Justice Assistance	\$	400,000	\$	100,000	18730
		Grants - FFY09					

3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,000,000	\$	300,000	18731
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000	18732
3EU0	768614	Justice Assistance Grants - FFY10	\$	830,000	\$	500,000	18733
3FK0	768615	Justice Assistance Grants - FFY11	\$	900,000	\$	900,000	18734
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	18735
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000	18736
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000	18737
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000	18738
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	18739
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	18740
TOTAL FED	Federal Special Revenue Fund Group		\$	133,322,715	\$	133,767,715	18741
	State Special Revenue Fund Group						18742
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	18743
5390	762614	Motor Vehicle Dealers Board	\$	150,000	\$	140,000	18744
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	18745
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	18746
5BK0	768689	Family Violence	\$	750,000	\$	750,000	18747

		Shelter Programs					
5BP0	764609	DPS Wireless 911 Administration	\$	290,000	\$	290,000	18748
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000	18749
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	18750
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	18751
5FL0	769634	Investigations	\$	899,300	\$	899,300	18752
5ML0	769635	Infrastructure Protection	\$	400,000	\$	400,000	18753
6220	767615	Investigative Contraband and Forfeiture	\$	325,000	\$	325,000	18754
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	18755
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	18756
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	18757
TOTAL SSR		State Special Revenue	\$	15,049,767	\$	15,039,767	18758
		Fund Group					
		Agency Fund Group					18759
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	18760
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	18761
		Holding Account Redistribution Fund Group					18762
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	18763
R052	762623	Security Deposits	\$	350,000	\$	350,000	18764
TOTAL 090		Holding Account Redistribution Fund Group	\$	2,235,000	\$	2,235,000	18765



TOTAL ALL BUDGET FUND GROUPS	\$ 673,558,888	\$ 675,952,792	18766
MOTOR VEHICLE REGISTRATION			18767
The Registrar of Motor Vehicles may deposit revenues to meet			18768
the cash needs of the State Bureau of Motor Vehicles Fund (Fund			18769
4W40) established in section 4501.25 of the Revised Code, obtained			18770
under sections 4503.02 and 4504.02 of the Revised Code, less all			18771
other available cash. Revenue deposited pursuant to this paragraph			18772
shall support, in part, appropriations for operating expenses and			18773
defray the cost of manufacturing and distributing license plates			18774
and license plate stickers and enforcing the law relative to the			18775
operation and registration of motor vehicles. Notwithstanding			18776
section 4501.03 of the Revised Code, the revenues shall be paid			18777
into Fund 4W40 before any revenues obtained pursuant to sections			18778
4503.02 and 4504.02 of the Revised Code are paid into any other			18779
fund. The deposit of revenues to meet the aforementioned cash			18780
needs shall be in approximately equal amounts on a monthly basis			18781
or as otherwise determined by the Director of Budget and			18782
Management pursuant to a plan submitted by the Registrar of Motor			18783
Vehicles.			18784
OPERATING EXPENSE - BMV			18785
Of the foregoing appropriation item 762321, Operating Expense			18786
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for			18787
costs associated with improvements to the program to accept			18788
applications for registration transactions of apportionable			18789
vehicles electronically over the internet.			18790
OPERATING EXPENSE - INFORMATION AND EDUCATION			18791
Of the foregoing appropriation item 761321, Operating Expense			18792
- Information and Education, up to \$250,000 in each fiscal year			18793
may be used to fund state employees to staff travel information			18794
centers on the border of the state.			18795
The Department of Public Safety shall conduct a study for			18796

partnering with local travel and tourism centers, as well as a 18797  
study for the creation of the Ohio Ambassadors Volunteer Program 18798  
at rest stops. 18799

LEASE RENTAL PAYMENTS 18800

The foregoing appropriation item 761401, Lease Rental 18801  
Payments, shall be used for payments to the Treasurer of State for 18802  
the period July 1, 2013, through June 30, 2015, under the primary 18803  
leases and agreements for public safety related buildings. The 18804  
appropriations are the source of funds pledged for bond service 18805  
charges on obligations pursuant to Chapters 152. and 154. of the 18806  
Revised Code. 18807

CASH TRANSFERS BETWEEN FUNDS 18808

Notwithstanding any provision of law to the contrary, the 18809  
Director of Budget and Management, upon the written request of the 18810  
Director of Public Safety, may transfer cash between the following 18811  
six funds: the Trauma and Emergency Medical Services Fund (Fund 18812  
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations 18813  
Fund (Fund 5FL0), the Emergency Management Agency Service and 18814  
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund 18815  
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 18816  
4W40). 18817

CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE 18818  
PLATE CONTRIBUTION FUND 18819

On July 1, 2013, or as soon as possible thereafter, the 18820  
Director of Budget and Management may transfer the cash balance in 18821  
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 18822  
Contribution Fund (Fund 5V10). Upon completion of the transfer, 18823  
Fund 5JS0 is hereby abolished. 18824

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 18825  
STATE HIGHWAY SAFETY FUND 18826

Not later than January 1, 2014, the Director of Budget and Management may transfer the cash balance in the Hilltop Utility Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby abolished. The Director shall cancel any existing encumbrances against appropriation item 766661, Hilltop Utility Reimbursement, and reestablish them against appropriation item 761321, Operating Expense - Information and Education. The reestablished encumbrance amounts are hereby appropriated.

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY SAFETY FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Registrar Rental Fund (Fund 8380) to the State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, Fund 8380 is abolished.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

(C) To accept disaster related reimbursement from federal,

state, and local governments. The Director of Budget and 18858  
Management may transfer cash from reimbursements received by this 18859  
fund to other funds of the state from which transfers were 18860  
originally approved by the Controlling Board. 18861

(D) To accept transfers of cash and appropriations from 18862  
Controlling Board appropriation items to fund the State Disaster 18863  
Relief Program, for disasters that qualify for the program by 18864  
written authorization of the Governor, and the State Individual 18865  
Assistance Program for disasters that have been declared by the 18866  
federal Small Business Administration and that qualify for the 18867  
program by written authorization of the Governor. The Ohio 18868  
Emergency Management Agency shall publish and make available 18869  
application packets outlining procedures for the State Disaster 18870  
Relief Program and the State Individual Assistance Program. 18871

JUSTICE ASSISTANCE GRANT FUND 18872

The federal payments made to the state for the Byrne Justice 18873  
Assistance Grants Program under Title II of Division A of the 18874  
American Recovery and Reinvestment Act of 2009 shall be deposited 18875  
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 18876  
which is hereby created in the state treasury. All investment 18877  
earnings of the fund shall be credited to the fund. 18878

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 18879  
AGENCY SERVICE AND REIMBURSEMENT FUND 18880

On July 1 of each fiscal year, or as soon as possible 18881  
thereafter, the Director of Budget and Management shall transfer 18882  
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 18883  
Emergency Management Agency Service and Reimbursement Fund (Fund 18884  
4V30) to be distributed to the Ohio Task Force One - Urban Search 18885  
and Rescue Unit, other similar urban search and rescue units 18886  
around the state, and for the maintenance of the statewide fire 18887  
emergency response plan by an entity recognized by the Ohio 18888

Emergency Management Agency.	18889
FAMILY VIOLENCE PREVENTION FUND	18890
Notwithstanding any provision of law to the contrary, in each	18891
of fiscal years 2014 and 2015, the first \$750,000 received to the	18892
credit of the Family Violence Prevention Fund (Fund 5BK0) is	18893
appropriated to appropriation item 768689, Family Violence Shelter	18894
Programs, and the next \$400,000 received to the credit of Fund	18895
5BK0 in each of those fiscal years is appropriated to	18896
appropriation item 768687, Criminal Justice Services - Operating.	18897
Any moneys received to the credit of Fund 5BK0 in excess of the	18898
aforementioned appropriated amounts in each fiscal year shall,	18899
upon the approval of the Controlling Board, be used to provide	18900
grants to family violence shelters in Ohio.	18901
SARA TITLE III HAZMAT PLANNING	18902
The SARA Title III HAZMAT Planning Fund (Fund 6810) is	18903
entitled to receive grant funds from the Emergency Response	18904
Commission to implement the Emergency Management Agency's	18905
responsibilities under Chapter 3750. of the Revised Code.	18906
COLLECTIVE BARGAINING INCREASES	18907
Notwithstanding division (D) of section 127.14 and division	18908
(B) of section 131.35 of the Revised Code, except for the General	18909
Revenue Fund, the Controlling Board may, upon the request of	18910
either the Director of Budget and Management, or the Department of	18911
Public Safety with the approval of the Director of Budget and	18912
Management, authorize expenditures in excess of appropriations and	18913
transfer appropriations, as necessary, for any fund used by the	18914
Department of Public Safety, to assist in paying the costs of	18915
increases in employee compensation that have occurred pursuant to	18916
collective bargaining agreements under Chapter 4117. of the	18917
Revised Code and, for exempt employees, under section 124.152 of	18918
the Revised Code. Any money approved for expenditure under this	18919

paragraph is hereby appropriated.	18920
CASH BALANCE FUND REVIEW	18921
Not later than the first day of April in each fiscal year of	18922
the biennium, the Director of Budget and Management shall review	18923
the cash balances for each fund, except the State Highway Safety	18924
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund	18925
4W40), in the State Highway Safety Fund Group, and shall recommend	18926
to the Controlling Board an amount to be transferred to the credit	18927
of Fund 7036 or Fund 4W40, as appropriate.	18928
AUTO REGISTRATION DISTRIBUTION FUND	18929
Notwithstanding the amendment by this act to section 4501.03	18930
of the Revised Code and the enactment by this act of section	18931
4501.031 of the Revised Code, any license tax assessed under	18932
Chapters 4503. or 4504. of the Revised Code, and derived from	18933
registrations processed on business days prior to July 1, 2013,	18934
shall be deposited to the state treasury to the credit of the Auto	18935
Registration Distribution Fund (Fund 7051) created by section	18936
4501.03 of the Revised Code, even if such deposit does not occur	18937
until on or after July 1, 2013. All license tax assessed on	18938
registrations under Chapters 4503. or 4504. of the Revised Code	18939
prior to July 1, 2013, shall be deposited, and distributed, in	18940
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and	18941
4501.043 of the Revised Code as they existed prior to the	18942
amendments to those sections by this act.	18943
<b>Section 207.10. DEV DEVELOPMENT SERVICES AGENCY</b>	18944
State Special Revenue Fund Group	18945
4W00 195629 Roadwork Development \$ 15,199,900 \$ 15,199,900	18946
TOTAL SSR State Special Revenue	18947
Fund Group \$ 15,199,900 \$ 15,199,900	18948
TOTAL ALL BUDGET FUND GROUPS \$ 15,199,900 \$ 15,199,900	18949

ROADWORK DEVELOPMENT FUND 18950

The Roadwork Development Fund shall be used for road 18951  
improvements associated with economic development opportunities 18952  
that will retain or attract businesses for Ohio. "Road 18953  
improvements" are improvements to public roadway facilities 18954  
located on, or serving or capable of serving, a project site. 18955

The Department of Transportation, under the direction of the 18956  
Development Services Agency, shall provide these funds in 18957  
accordance with all guidelines and requirements established for 18958  
Development Services Agency appropriation item 195623, Business 18959  
Incentive Grants, including Controlling Board review and approval 18960  
as well as the requirements for usage of gas tax revenue 18961  
prescribed in Section 5a of Article XII, Ohio Constitution. Should 18962  
the Development Services Agency require the assistance of the 18963  
Department of Transportation to bring a project to completion, the 18964  
Department of Transportation shall use its authority under Title 18965  
LV of the Revised Code to provide such assistance and may enter 18966  
into contracts on behalf of the Development Services Agency. In 18967  
addition, these funds may be used in conjunction with 18968  
appropriation item 195623, Business Incentive Grants, or any other 18969  
state funds appropriated for infrastructure improvements. 18970

The Director of Budget and Management, pursuant to a plan 18971  
submitted by the Director of Development Services or as otherwise 18972  
determined by the Director of Budget and Management, shall set a 18973  
cash transfer schedule to meet the cash needs of the Development 18974  
Services Agency Roadwork Development Fund (Fund 4W00), less any 18975  
other available cash. The Director shall transfer to the Roadwork 18976  
Development Fund from the Highway Operating Fund (Fund 7002), 18977  
established in section 5735.291 of the Revised Code, such amounts 18978  
at such times as determined by the transfer schedule. 18979

**Section 209.10.** PWC PUBLIC WORKS COMMISSION 18980

Local Transportation Improvements Fund Group				18981
7052 150402 Local Transportation	\$	292,526	\$ 296,555	18982
Improvement Program -				
Operating				
7052 150701 Local Transportation	\$	52,000,000	\$ 52,000,000	18983
Improvement Program				
TOTAL 052 Local Transportation				18984
Improvements Fund Group	\$	52,292,526	\$ 52,296,555	18985
Local Infrastructure Improvements Fund Group				18986
7038 150321 State Capital	\$	902,579	\$ 909,665	18987
Improvements Program				
- Operating Expenses				
TOTAL LIF Local Infrastructure				18988
Improvements Fund Group	\$	902,579	\$ 909,665	18989
TOTAL ALL BUDGET FUND GROUPS	\$	53,195,105	\$ 53,206,220	18990
PUBLIC WORKS OPERATING EXPENSES				18991
The forgoing appropriation item 150321, State Capital				18992
Improvements Program-Operating Expenses, shall be used by the Ohio				18993
Public Works Commission to administer the State Capital				18994
Improvement Program under sections 164.01 to 164.16 of the Revised				18995
Code.				18996
DISTRICT ADMINISTRATION COSTS				18997
The Director of the Public Works Commission is authorized to				18998
create a District Administration Costs Program from interest				18999
earnings of the Capital Improvements Fund and Local Transportation				19000
Improvement Program Fund proceeds. The program shall be used to				19001
provide for the direct costs of district administration of the				19002
nineteen public works districts. Districts choosing to participate				19003
in the program shall only expend State Capital Improvements Fund				19004
moneys for State Capital Improvements Fund costs and Local				19005
Transportation Improvement Program Fund moneys for Local				19006



Transportation Improvement Program Fund costs. The account shall 19007  
not exceed \$1,235,000 per fiscal year. Each public works district 19008  
may be eligible for up to \$65,000 per fiscal year from its 19009  
district allocation as provided in sections 164.08 and 164.14 of 19010  
the Revised Code. 19011

The Director, by rule, shall define allowable and 19012  
nonallowable costs for the purpose of the District Administration 19013  
Costs Program. Nonallowable costs include indirect costs, elected 19014  
official salaries and benefits, and project-specific costs. No 19015  
district public works committee may participate in the District 19016  
Administration Costs Program without the approval of those costs 19017  
by the district public works committee under section 164.04 of the 19018  
Revised Code. 19019

REAPPROPRIATIONS 19020

All capital appropriations from the Local Transportation 19021  
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 19022  
129th General Assembly remaining unencumbered as of June 30, 2013, 19023  
are reappropriated for use during the period July 1, 2013, through 19024  
June 30, 2014, for the same purpose. 19025

Notwithstanding division (B) of section 127.14 of the Revised 19026  
Code, all capital appropriations and reappropriations from the 19027  
Local Transportation Improvement Program Fund (Fund 7052) in this 19028  
act remaining unencumbered as of June 30, 2014, are reappropriated 19029  
for use during the period July 1, 2014, through June 30, 2015, for 19030  
the same purposes, subject to the availability of revenue as 19031  
determined by the Director of the Public Works Commission. 19032

TEMPORARY TRANSFERS 19033

Notwithstanding section 127.14 of the Revised Code, the 19034  
Director of the Public Works Commission may request the Director 19035  
of Budget and Management to transfer moneys from the Local 19036  
Transportation Improvement Fund (Fund 7052) to the State Capital 19037

Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 19038  
(Fund 7056). The Director of Budget and Management may approve 19039  
temporary transfers if such transfers are needed for capital 19040  
outlays for which notes or bonds will be issued. Any transfers 19041  
executed under this section shall be reported to the Controlling 19042  
Board by June 30 of the fiscal year in which the transfer 19043  
occurred. 19044

**Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION** 19045

There is hereby appropriated, from those funds designated by 19046  
or pursuant to the applicable proceedings authorizing the issuance 19047  
of state obligations, amounts computed at the time to represent 19048  
the portion of investment income to be rebated or amounts in lieu 19049  
of or in addition to any rebate amount to be paid to the federal 19050  
government in order to maintain the exclusion from gross income 19051  
for federal income tax purposes of interest on those state 19052  
obligations under section 148(f) of the Internal Revenue Code. 19053

Rebate payments shall be approved and vouchered by the Office 19054  
of Budget and Management. 19055

**Section 503.20. DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL** 19056  
**PURPOSES** 19057

Appropriation item 725509, Parks Special Purposes, is hereby 19058  
established in the General Revenue Fund with an appropriation of 19059  
\$14,000,000 in fiscal year 2013. The appropriation item shall be 19060  
used by the Department of Natural Resources to facilitate the 19061  
mutual termination of a lease agreement between the City of 19062  
Cleveland and the Department of Natural Resources for Cleveland 19063  
Lakefront Parks and to operate and conduct necessary upgrades 19064  
solely and exclusively to (1) Edgewater Park; (2) East 55th/Gordon 19065  
Park North of Interstate 90 and including the East 55th Street 19066  
Department of Natural Resources Headquarters and the East 72nd 19067

Street Maintenance Facility; (3) Euclid Beach Park; and (4) Villa 19068  
Angela/Wildwood Park. Any unexpended and unencumbered portion of 19069  
the foregoing appropriation item remaining at the end of fiscal 19070  
year 2013 shall be reappropriated for the same purposes in fiscal 19071  
year 2014. 19072

**Section 506.10.** Notwithstanding division (A)(3) of section 19073  
4501.044 and division (A)(1) of section 4501.045 of the Revised 19074  
Code, commencing July 1, 2013, and extending through June 30, 19075  
2014, the Director of Public Safety shall deposit the money 19076  
otherwise deposited and distributed in accordance with those 19077  
divisions into the State Highway Safety Fund (Fund 7036) created 19078  
by section 4501.06 of the Revised Code until such time as the 19079  
deposits equal a cumulative total of \$35,000,000. At that point, 19080  
the Director shall cease depositing any such money into Fund 7036 19081  
and shall deposit and distribute that money as prescribed in 19082  
division (A)(3) of section 4501.044 and division (A)(1) of section 19083  
4501.045 of the Revised Code. 19084

Notwithstanding division (A)(3) of section 4501.044 and 19085  
division (A)(1) of section 4501.045 of the Revised Code, 19086  
commencing July 1, 2014, and extending through June 30, 2015, the 19087  
Director of Public Safety shall deposit the money otherwise 19088  
deposited and distributed in accordance with those divisions into 19089  
the State Highway Safety Fund (Fund 7036) created by section 19090  
4501.06 of the Revised Code until such time as the deposits equal 19091  
a cumulative total of \$35,000,000. At that point, the Director 19092  
shall cease depositing any such money into Fund 7036 and shall 19093  
deposit and distribute that money as prescribed in division (A)(3) 19094  
of section 4501.044 and division (A)(1) of section 4501.045 of the 19095  
Revised Code. 19096

**Section 509.10.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 19097  
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 19098

The Director of Budget and Management shall initiate and process payments from lease rental payment appropriation items during the period from July 1, 2013, to June 30, 2015, pursuant to the lease agreements for bonds or notes issued under Section 2i of Article VIII of the Ohio Constitution and Chapters 152. and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State of the dates and amounts due on those dates.

**Section 509.20. LEASE AND DEBT SERVICE PAYMENTS**

Certain appropriations are in this act for the purpose of lease rental and other payments under leases and agreements relating to bonds or notes issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND**

Upon the request of the Director of Transportation, the Director of Budget and Management may transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042) created in section 5528.53 of the Revised Code. The Director of Budget and Management may transfer cash from Fund 7042 to Fund 7002 up to the amount of cash previously transferred to Fund 7042 under this section.

**Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND**

The Director of Budget and Management shall transfer cash in equal monthly increments totaling \$171,724,944 in fiscal year 2014 and in equal monthly increments totaling \$173,884,776 in fiscal year 2015 from the Highway Operating Fund (Fund 7002), created in

section 5735.291 of the Revised Code, to the Gasoline Excise Tax Fund (Fund 7060) created in division (A) of section 5735.27 of the Revised Code. The monthly amounts transferred under this section shall be distributed as follows: 42.86 per cent shall be distributed among the municipal corporations within the state under division (A)(2) of section 5735.27 of the Revised Code; 37.14 per cent shall be distributed among the counties within the state under division (A)(3) of section 5735.27 of the Revised Code; and 20 per cent shall be distributed among the townships within the state under division (A)(5)(b) of section 5735.27 of the Revised Code.

**Section 512.30.** DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2013, and on January 1, 2014, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2014, and on January 1, 2015, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers.

**Section 601.10.** That Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly be amended to read as follows:

Sec. 10. ~~The~~ To the extent that sufficient cash is available, 19158  
within three months after the receipt of moneys into the Casino 19159  
Operator Settlement Fund created in section 3772.34 of the Revised 19160  
Code, the Director of Budget and Management shall pay one million 19161  
dollars ~~by December 31, 2012,~~ to the municipal corporation or 19162  
township in which each commercial racetrack is located, including 19163  
a municipal corporation or township to which a racetrack is to 19164  
relocate as specified in the memorandum of understanding of 19165  
February 17, 2012, between the Office of the Governor, State of 19166  
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 19167  
transfers, but excluding the previous municipal corporation or 19168  
township of each moved track and excluding a municipal corporation 19169  
or township in a county with a population between 1,100,000 and 19170  
1,200,000 in the most recent federal decennial census. ~~The~~ 19171  
~~Director shall transfer these payments, totaling six million~~ 19172  
~~dollars, from the Casino Operator Settlement Fund created in~~ 19173  
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 19174  
within six months after the first payments made under this 19175  
section, the Director of Budget and Management shall pay an 19176  
additional one million dollars ~~by June 30, 2013,~~ to each of these 19177  
municipal corporations and townships, ~~and shall transfer these~~ 19178  
~~payments, totaling six million dollars, from the Casino Operator~~ 19179  
~~Settlement Fund. These expenditures are hereby appropriated. Each~~ 19180  
municipal corporation or township receiving such a payment shall 19181  
use at least fifty per cent of the funds received for 19182  
infrastructure or capital improvements. If after either of the 19183  
payments referenced in this section, a municipal corporation or 19184  
township loses a racetrack as a result of the racetrack permit 19185  
holder's decision to relocate to another municipal corporation or 19186  
township, the municipal corporation or township losing the 19187  
racetrack becomes eligible for a payment from the Racetrack 19188  
Facility Community Economic Redevelopment Fund provided for in 19189

Sections 7 and 8 of H.B. 386 of the 129th General Assembly after 19190  
all of the communities that have already lost a racetrack permit 19191  
holder's racetrack at the time the first payments referenced in 19192  
this section are made have each been awarded up to \$3 million for 19193  
the initial loss of such racetracks. Such a municipal corporation 19194  
or township shall not receive more than the sum of \$3 million 19195  
minus any payments made by the Director of Budget and Management 19196  
in accordance with this section. The Director of Budget and 19197  
Management is also authorized to establish any necessary 19198  
appropriation items in the appropriate funds and agencies in order 19199  
to make any payments required under this section. Any funds in 19200  
such items are hereby appropriated. 19201

**Section 601.11.** That existing Section 10 of Am. Sub. H.B. 386 19202  
of the 129th General Assembly is hereby repealed. 19203

**Section 601.20.** That Sections 203.80 and 203.83 of Sub. H.B. 19204  
482 of the 129th General Assembly be amended to read as follows: 19205

**Sec. 203.80.** The items set forth in this section are hereby 19206  
appropriated out of any moneys in the state treasury to the credit 19207  
of the Ohio Parks and Natural Resources Fund (Fund 7031) that are 19208  
not otherwise appropriated. 19209

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				19210
C72549	ODNR Facilities Development	\$ 500,000		19211
C725B7	Underground Fuel Storage Tank	\$ 250,000		19212
	Removal/Replacement - Department			
C725E1	NatureWorks Local Park Grants	\$ 4,790,000		19213
C725E5	Project Planning	\$ 400,000		19214
C725M0	Dam Rehabilitation - Department	\$ <del>10,000,000</del>		19215
			<u>40,000,000</u>	

C725N5	Wastewater/Water Systems Upgrade - Department	\$	8,000,000	19216
Total Department of Natural Resources		\$	<del>23,940,000</del> <u>53,940,000</u>	19217
TOTAL Ohio Parks and Natural Resources Fund		\$	<del>23,940,000</del> <u>53,940,000</u>	19218

**Sec. 203.83.** The Ohio Public Facilities Commission is hereby 19220  
authorized to issue and sell, in accordance with Section 21 of 19221  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 19222  
sections 151.01 and 151.05 of the Revised Code, original 19223  
obligations in an aggregate principal amount not to exceed 19224  
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 19225  
obligations heretofore authorized by prior acts of the General 19226  
Assembly. These authorized obligations shall be issued, subject to 19227  
applicable constitutional and statutory limitations, as needed to 19228  
provide sufficient moneys to the credit of the Ohio Parks and 19229  
Natural Resources Fund (Fund 7031) to pay costs of capital 19230  
facilities as defined in sections 151.01 and 151.05 of the Revised 19231  
Code. 19232

**Section 601.21.** That existing Sections 203.80 and 203.83 of 19233  
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 19234

**Section 701.20.** To the extent permitted by federal law, 19235  
federal money received by the state for fiscal stabilization and 19236  
recovery purposes shall be used in accordance with the preferences 19237  
for products and services made or performed in the United States 19238  
and Ohio established in section 125.09 of the Revised Code. 19239

**Section 737.10.** Notwithstanding any provision of Chapter 19240  
3769. of the Revised Code and through December 31, 2013, the State 19241  
Racing Commission may issue a temporary permit to conduct live 19242  
horse-racing meetings at a location where other permits to conduct 19243



live horse-racing meetings have been issued. Such permits shall be 19244  
issued to a permit holder for a period not to aggregate more than 19245  
one year from the first date of issuance. The Commission may adopt 19246  
rules under Chapter 119. of the Revised Code to effectuate this 19247  
section and to establish the procedures and conditions to apply 19248  
for a temporary permit under this section. 19249

A holder of a temporary permit issued under this section 19250  
during calendar year 2013 that is otherwise eligible to become a 19251  
video lottery sales agent may apply to the State Lottery 19252  
Commission for a video lottery sales agent license at the location 19253  
where the temporary permit holder was previously issued a permit 19254  
to conduct live horse racing meetings. A holder of a temporary 19255  
permit issued under this section during calendar year 2013 may 19256  
electronically televise simulcasts of horse races at the location 19257  
where the temporary permit holder was previously issued a permit 19258  
to conduct live horse racing meetings. 19259

**Section 747.10.** On the effective date of the amendments made 19260  
to section 4765.02 of the Revised Code by this act, the member of 19261  
the renamed State Board of Emergency Medical, Fire, and 19262  
Transportation Services who is an administrator of an adult or 19263  
pediatric trauma center shall cease to be a member of the Board. 19264  
On the effective date of the amendments made to section 4765.02 of 19265  
the Revised Code by this act, the member of the renamed State 19266  
Board of Emergency Medical, Fire, and Transportation Services who 19267  
is a member of the Ohio Ambulance Association shall cease to be a 19268  
member of the Board. On the effective date of the amendments made 19269  
to section 4765.02 of the Revised Code by this act, the member of 19270  
the renamed State Board of Emergency Medical, Fire, and 19271  
Transportation Services who is a physician certified by the 19272  
American board of surgery, American board of osteopathic surgery, 19273  
American osteopathic board of emergency medicine, or American 19274

board of emergency medicine, is chief medical officer of an air 19275  
medical agency, and is currently active in providing emergency 19276  
medical services shall cease to be a member of the Board. On the 19277  
effective date of the amendments made to section 4765.02 of the 19278  
Revised Code by this act, of the members of the renamed State 19279  
Board of Emergency Medical, Fire, and Transportation Services who 19280  
were EMTs, AEMTs, or paramedics and were appointed to the Board in 19281  
that capacity, only the members who are designated by the Governor 19282  
to continue to be members of the Board shall continue to be so; 19283  
the other persons shall cease to be members of the Board. On the 19284  
effective date of the amendments made to section 4765.02 of the 19285  
Revised Code by this act, the member of the renamed State Board of 19286  
Emergency Medical, Fire, and Transportation Services who is a 19287  
registered nurse and is in the active practice of emergency 19288  
nursing shall cease to be a member of the Board. Not later than 19289  
sixty days after the effective date of those amendments, the 19290  
Governor shall appoint to the renamed State Board of Emergency 19291  
Medical, Fire, and Transportation Services an adult or pediatric 19292  
trauma program manager or trauma program director who is involved 19293  
in the daily management of a verified trauma center. The Governor 19294  
shall appoint this member from among three persons nominated by 19295  
the Ohio Nurses Association, three persons nominated by the Ohio 19296  
Society of Trauma Nurse Leaders, and three persons nominated by 19297  
the Ohio State Council of the Emergency Nurses Association. 19298

On the effective date of the amendments made to section 19299  
4765.02 of the Revised Code by this act, all members of the former 19300  
State Board of Emergency Medical Services who do not cease to be 19301  
members of the renamed State Board of Emergency Medical, Fire, and 19302  
Transportation Services by the terms of this act shall continue to 19303  
be members of the renamed State Board of Emergency Medical, Fire, 19304  
and Transportation Services, and the dates on which the terms of 19305  
the continuing members expire shall be the dates on which their 19306

terms as members of the former State Board of Emergency Medical 19307  
Services expired. On the effective date of the amendments made to 19308  
section 4765.02 of the Revised Code by this act, the following 19309  
members of the former Ohio Medical Transportation Board shall 19310  
become members of the State Board of Emergency Medical, Fire, and 19311  
Transportation Services, and the dates on which those members' 19312  
terms on the State Board of Emergency Medical, Fire, and 19313  
Transportation Services expire shall be as follows: 19314

The person who owns or operates a private emergency medical 19315  
service organization operating in this state, as designated by the 19316  
Governor, term ends November 12, 2014; 19317

The person who owns or operates a nonemergency medical 19318  
service organization that provides only ambulette services, term 19319  
ends November 12, 2014; 19320

The person who is a member of the Ohio Association of 19321  
Critical Care Transport and represents air-based services, term 19322  
ends November 12, 2015; 19323

The person who is a member of the Ohio Association of 19324  
Critical Care Transport and represents a ground-based mobile 19325  
intensive care unit organization, term ends November 12, 2015. 19326

All subsequent terms of office for these four positions on 19327  
the State Board of Emergency Medical, Fire, and Transportation 19328  
Services shall be for three years as provided in section 4765.02 19329  
of the Revised Code. 19330

On July 1, 2013, the Medical Transportation Board and all of 19331  
its functions are transferred to the Department of Public Safety. 19332  
As of such date, the Medical Transportation Board shall operate 19333  
under the Department of Public Safety, which shall assume all of 19334  
the Board's functions. All assets, liabilities, any capital 19335  
spending authority related thereto, and equipment and records, 19336  
regardless of form or medium, related to the Medical 19337

Transportation Board's functions are transferred to the Department 19338  
of Public Safety on July 1, 2013. 19339

No validation, cure, right, privilege, remedy, obligation, or 19340  
liability is lost or impaired by reason of the transfer. All of 19341  
the Medical Transportation Board's rules, orders, and 19342  
determinations continue in effect as rules, orders, and 19343  
determinations of the Department of Public Safety until modified 19344  
or rescinded by the Department of Public Safety. 19345

No action or proceeding pending on July 1, 2013, is affected 19346  
by the transfer and any action or proceeding pending on July 1, 19347  
2013, shall be prosecuted or defended in the name of the 19348  
Department of Public Safety or its director. In all such actions 19349  
and proceedings, the Department of Public Safety or its director, 19350  
upon application to the court, shall be substituted as a party. 19351

On or after July 1, 2013, notwithstanding any provision of 19352  
law to the contrary, the Director of Budget and Management shall 19353  
take any action with respect to budget changes made necessary by 19354  
the transfer. The Director may transfer cash balances between 19355  
funds. The Director may cancel encumbrances in 915604, Operating 19356  
Expenses, and reestablish encumbrances or parts of encumbrances in 19357  
765624, Operating - EMS, as needed in the fiscal year in the 19358  
appropriate fund and appropriation item for the same purpose and 19359  
to the same vendor. As determined by the Director, encumbrances 19360  
reestablished in the fiscal year in a different fund or 19361  
appropriation item used by an agency or between agencies are 19362  
appropriated. The Director shall reduce each year's appropriation 19363  
balances by the amount of the encumbrance canceled in their 19364  
respective funds and appropriation item. Any unencumbered or 19365  
unallocated appropriation balances from the previous fiscal year 19366  
may be transferred to the appropriate appropriation item to be 19367  
used for the same purposes, as determined by the Director. Any 19368  
such transfers are hereby appropriated. 19369

This section is exempt from the referendum under Ohio  
Constitution, Article II, Section 1d and section 1.471 of the  
Revised Code and therefore takes effect immediately when this act  
becomes law.

**Section 755.10.** The Director of Transportation may enter into  
agreements as provided in this section with the United States or  
any department or agency of the United States, including, but not  
limited to, the United States Army Corps of Engineers, the United  
States Forest Service, the United States Environmental Protection  
Agency, and the United States Fish and Wildlife Service. An  
agreement entered into pursuant to this section shall be solely  
for the purpose of dedicating staff to the expeditious and timely  
review of environmentally related documents submitted by the  
Director of Transportation, as necessary for the approval of  
federal permits. The agreements may include provisions for advance  
payment by the Director of Transportation for labor and all other  
identifiable costs of the United States or any department or  
agency of the United States providing the services, as may be  
estimated by the United States, or the department or agency of the  
United States. The Director shall submit a request to the  
Controlling Board indicating the amount of the agreement, the  
services to be performed by the United States or the department or  
agency of the United States, and the circumstances giving rise to  
the agreement.

**Section 755.20.** There is hereby created the Joint Legislative  
Task Force on Department of Transportation Funding. The Task Force  
shall consist of three members of the House Finance and  
Appropriations Committee, two of whom shall be appointed by the  
Speaker of the House of Representatives and one of whom shall be  
appointed by the Minority Leader of the House of Representatives,  
and three members of the Senate Transportation Committee, two of

whom shall be appointed by the President of the Senate and one of 19401  
whom shall be appointed by the Minority Leader of the Senate. 19402

The Task Force shall examine the funding needs of the Ohio 19403  
Department of Transportation. The Task Force also shall study 19404  
specifically the issue of the elimination of the Ohio motor fuel 19405  
tax. Not later than December 15, 2014, the Task Force shall issue 19406  
a report containing its findings and recommendations to the 19407  
President of the Senate, the Minority Leader of the Senate, the 19408  
Speaker of the House of Representatives, and the Minority Leader 19409  
of the House of Representatives. At that time, the Task Force 19410  
shall cease to exist. 19411

**Section 755.30.** On July 1, 2013, and on the first day of the 19412  
month for each month thereafter, the Treasurer of State, before 19413  
making any of the distributions specified in sections 5735.23, 19414  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 19415  
the first two per cent of the amount of motor fuel tax received 19416  
for the preceding calendar month to the credit of the Highway 19417  
Operating Fund (Fund 7002). 19418

**Section 755.40.** It is the intent of the General Assembly that 19419  
the amendments to section 4511.21 of the Revised Code contained in 19420  
Section 101.01 of this act are not to result in any decrease of 19421  
any speed limit on any freeway that is in effect on the effective 19422  
date of those amendments. 19423

**Section 755.50.** Not later than July 1, 2013, the Director of 19424  
Transportation shall establish a turnpike mitigation program to 19425  
assist political subdivisions through which a portion of the Ohio 19426  
Turnpike passes and address concerns resulting from the proximity 19427  
of the Ohio Turnpike. The program may provide monetary and other 19428  
resources, and shall address conditions including noise 19429  
mitigation, bridge embankments, drainage, bridge repair, grade 19430

separations, and other related conditions. 19431

The Director may consult with affected political subdivisions 19432  
in assessing needs and in developing the program. Upon 19433  
establishing the program, the Director shall notify affected 19434  
subdivisions in an appropriate manner of the availability of the 19435  
program. 19436

As used in this section, "Ohio turnpike" has the same meaning 19437  
as in section 5537.26 of the Revised Code. 19438

**Section 755.60.** (A) The Energy Industry Infrastructure Task 19439  
Force is hereby established to do both of the following: 19440

(1) Study and make recommendations to the Director of 19441  
Transportation on future infrastructure projects in districts 19442  
established by the Department of Transportation that are affected 19443  
by the energy industry; 19444

(2) Make recommendations to the Director on infrastructure 19445  
projects in those districts that support the economic development 19446  
activities in the districts. 19447

(B) The Governor, with the advice and consent of the Senate, 19448  
shall appoint the following members to the Task Force not later 19449  
than thirty days after the effective date of this section: 19450

(1) Three representatives of the energy industry; 19451

(2) One representative of the County Commissioners 19452  
Association of Ohio; 19453

(3) One representative of the Ohio Township Association; 19454

(4) One representative of the County Engineers Association of 19455  
Ohio; 19456

(5) One representative of the Department; 19457

(6) One representative of the public nominated by the 19458

Director; 19459

(7) At least one representative of a district established by 19460  
the Department. 19461

(C) The Task Force shall submit its recommendations to the 19462  
Director by January 31, 2015. After submitting its 19463  
recommendations, the Task Force ceases to exist. 19464

**Section 757.10.** Notwithstanding Chapter 5735. of the Revised 19465  
Code, the following shall apply for the period of July 1, 2013, 19466  
through June 30, 2015: 19467

(A) For the discount under section 5735.06 of the Revised 19468  
Code, if the monthly report is timely filed and the tax is timely 19469  
paid, one per cent of the total number of gallons of motor fuel 19470  
received by the motor fuel dealer within the state during the 19471  
preceding calendar month, less the total number of gallons 19472  
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 19473  
the Revised Code, less one-half of one per cent of the total 19474  
number of gallons of motor fuel that were sold to a retail dealer 19475  
during the preceding calendar month. 19476

(B) For the semiannual periods ending December 31, 2013, June 19477  
30, 2014, December 31, 2014, and June 30, 2015, the refund 19478  
provided to retail dealers under section 5735.141 of the Revised 19479  
Code shall be one-half of one per cent of the Ohio motor fuel 19480  
taxes paid on fuel purchased during those semiannual periods. 19481

**Section 757.20.** (A) The Department of Taxation shall notify 19482  
taxpayers of the requirement to separately identify taxable gross 19483  
receipts attributable to motor fuel used for propelling vehicles 19484  
on public highways as distinguished from other taxable gross 19485  
receipts. The Department shall collect data from taxpayers 19486  
affected by the amendments to sections 5751.02, 5751.051, and 19487  
5751.20 of the Revised Code to determine which of such taxpayers' 19488



receipts received between December 7, 2012, and June 30, 2013, 19489  
were attributable to motor fuel used for propelling vehicles on 19490  
public highways. 19491

(B)(1) On or before June 25, 2013, the Tax Commissioner shall 19492  
certify to the Director of Budget and Management an estimated 19493  
amount of commercial activity tax revenue received between 19494  
December 7, 2012, and June 30, 2013, derived from taxable gross 19495  
receipts attributable to motor fuel used for propelling vehicles 19496  
on public highways. On or before June 30, 2013, the Director shall 19497  
transfer the amount so certified from the General Revenue Fund to 19498  
the Commercial Activity Tax Motor Fuel Receipts Fund. 19499

(2) Before the Director of Budget and Management completes 19500  
the transfer required under division (B)(2) of section 5751.20 of 19501  
the Revised Code on or before November 20, 2013, the Commissioner 19502  
shall certify a reconciliation of the amount described in division 19503  
(B)(1) of this section to the Director based on information the 19504  
Commissioner receives from taxpayers affected by the amendment by 19505  
this act of sections 5751.02, 5751.051, and 5751.20 of the Revised 19506  
Code. The director shall use that certified, reconciled amount to 19507  
offset or augment the transfer required to be made by the Director 19508  
on or before November 20, 2013. 19509

(C) The Tax Commissioner shall make the first calculation and 19510  
payment required under division (B)(2) of section 5751.20 of the 19511  
Revised Code, as amended by this act, on or before November 20, 19512  
2013, using, for the purpose of that calculation, taxable gross 19513  
receipts attributed to motor fuel used for propelling vehicles on 19514  
public highways as indicated by returns due by November 10, 2013. 19515

**Section 801.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO 19516  
APPROPRIATIONS 19517

Law contained in the main operating appropriations act of the 19518

130th General Assembly that is generally applicable to the 19519  
appropriations made in the main operating appropriations act also 19520  
is generally applicable to the appropriations made in this act. 19521

**Section 801.20.** As used in the uncodified law of this act, 19522  
"American Recovery and Reinvestment Act of 2009" means the 19523  
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 19524  
111-5, 123 Stat. 115. 19525

**Section 803.10.** The repeal of section 3791.11 of the Revised 19526  
Code does not cancel or otherwise terminate a bond that is in 19527  
effect on the effective date of the repeal. Such a bond continues 19528  
in effect and expires according to its terms. Upon expiration of 19529  
the bond, the depositor is not required to renew the bond and any 19530  
amount posted shall be returned to the depositor. 19531

**Section 803.20.** The amendment or enactment by this act of 19532  
sections 5747.053, 5747.08, and 5747.98 of the Revised Code 19533  
applies to taxable years ending on or after the effective date of 19534  
this act. 19535

**Section 806.10.** The items of law contained in this act, and 19536  
their applications, are severable. If any item of law contained in 19537  
this act, or if any application of any item of law contained in 19538  
this act, is held invalid, the invalidity does not affect other 19539  
items of law contained in this act and their applications that can 19540  
be given effect without the invalid item or application. 19541

**Section 812.10.** Except as otherwise provided in this act, the 19542  
amendment, enactment, or repeal by this act of a section of law is 19543  
subject to the referendum under Ohio Constitution, Article II, 19544  
Section 1c and therefore takes effect on the ninety-first day 19545  
after this act is filed with the Secretary of State or, if a later 19546

effective date is specified below, on that date. 19547

**Section 812.20.** In this section, an "appropriation" includes 19548  
another provision of law in this act that relates to the subject 19549  
of the appropriation. 19550

An appropriation of money made in this act is not subject to 19551  
the referendum insofar as a contemplated expenditure authorized 19552  
thereby is wholly to meet a current expense within the meaning of 19553  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 19554  
Revised Code. To that extent, the appropriation takes effect 19555  
immediately when this act becomes law. Conversely, the 19556  
appropriation is subject to the referendum insofar as a 19557  
contemplated expenditure authorized thereby is wholly or partly 19558  
not to meet a current expense within the meaning of Ohio 19559  
Constitution, Article II, Section 1d and section 1.471 of the 19560  
Revised Code. To that extent, the appropriation takes effect on 19561  
the ninety-first day after this act is filed with the Secretary of 19562  
State. 19563

**Section 812.20.10.** The amendment or enactment by this act of 19564  
division (A)(3) of section 5751.051 of the Revised Code, division 19565  
(J) of section 5751.20 of the Revised Code, and Section 757.20 of 19566  
this act is exempt from the referendum under Ohio Constitution, 19567  
Article II, Section 1d and section 1.471 of the Revised Code, and 19568  
therefore takes effect immediately when this act becomes law. 19569

**Section 812.20.20.** The amendment by this act of sections 19570  
5751.02, 5751.051, except for division (A)(3) of that section, and 19571  
5751.20 of the Revised Code, except for division (J) of that 19572  
section, take effect on July 1, 2013. 19573

**Section 812.30.** The amendment by this act of Section 10 of 19574

Am. Sub. H.B. 386 of the 129th General Assembly goes into 19575  
immediate effect. 19576

**Section 815.10.** The General Assembly, applying the principle 19577  
stated in division (B) of section 1.52 of the Revised Code that 19578  
amendments are to be harmonized if reasonably capable of 19579  
simultaneous operation, finds that the following sections, 19580  
presented in this act as composites of the sections as amended by 19581  
the acts indicated, are the resulting versions of the sections in 19582  
effect prior to the effective date of the sections as presented in 19583  
this act: 19584

Section 5739.02 of the Revised Code as amended by both Am. 19585  
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly. 19586

Section 5747.01 of the Revised Code as amended by Am. H.B. 19587  
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th 19588  
General Assembly. 19589

Section 5747.98 of the Revised Code as amended by Am. Sub. 19590  
H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly. 19591

Section 5751.01 of the Revised Code as amended by both Am. 19592  
Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly. 19593

Section 5751.20 of the Revised Code as amended by both Am. 19594  
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly. 19595