

As Reported by the House Finance Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 62

Representative Oelslager

A BILL

To amend sections 119.14, 122.14, 164.04, 164.08, 1
306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 2
505.71, 1349.61, 1509.02, 1509.11, 1901.18, 3
1901.20, 1907.02, 1907.031, 3327.012, 4111.03, 4
4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 5
4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 6
4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 7
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4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 14
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 15
5735.053, 5735.142, 5735.27, 5736.01, 5739.02, 16
5739.023, 5747.51, 5747.53, and 5749.02; to enact 17
new sections 4511.099 and 5747.502 and sections 18
3.112, 306.051, 321.50, 321.51, 505.96, 3944.01, 19
3944.02, 3944.03, 3944.04, 3944.05, 3944.06, 20
3944.07, 3944.08, 3944.09, 3944.10, 4503.193, 21
4504.173, 4504.181, 4511.514, 4516.01, 4516.02, 22
4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 23
4765.302, 5501.09, and 5517.07; and to repeal 24

sections 4511.099, 4511.0915, and 5747.502 of the Revised Code and to amend Section 213.20 of H.B. 529 of the 132nd General Assembly, as subsequently amended, to increase the rate of and modify the distribution of revenue from motor fuel excise taxes, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of those programs.

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

Section 101.01. That sections 119.14, 122.14, 164.04, 164.08, 306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 505.71, 1349.61, 1509.02, 1509.11, 1901.18, 1901.20, 1907.02, 1907.031, 3327.012, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 4504.10, 4504.201, 4505.101, 4506.17, 4509.01, 4511.01, 4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 4511.0910, 4511.204, 4511.205, 4511.21, 4511.54, 4511.68, 4511.84, 4511.991, 4513.34, 4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5736.01, 5739.02, 5739.023, 5747.51, 5747.53, and 5749.02 be amended and new sections 4511.099 and 5747.502 and sections 3.112, 306.051, 321.50, 321.51, 505.96, 3944.01, 3944.02, 3944.03, 3944.04, 3944.05, 3944.06, 3944.07, 3944.08, 3944.09, 3944.10, 4503.193, 4504.173, 4504.181, 4511.514, 4516.01, 4516.02, 4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 4765.302, 5501.09, and 5517.07 of the Revised Code be enacted to read as follows:

Sec. 3.112. An elected officer or an employee of a county, township, or municipal corporation may simultaneously serve as a member or officer of the board of trustees of a transportation improvement district created under Chapter 5540. of the Revised Code. Neither the simultaneous holding of the two positions nor the financial or contractual relationship between a county, township, or municipal corporation and the transportation improvement district shall constitute the holding of incompatible offices or employment and are permissible, notwithstanding Ohio common law or any contrary provision of the Revised Code. An elected officer or an employee of a county, township, or municipal corporation who serves simultaneously as a member or officer of the board of trustees of a transportation improvement district does not have an unlawful interest in a public contract under section 2921.42 of the Revised Code by virtue of a financial or contractual relationship between the county, township, or municipal corporation and the transportation improvement district.

Sec. 119.14. (A) For any small business that engages in a paperwork violation, the state agency or regulatory authority that regulates the field of operation in which the business operates shall waive any and all administrative fines or civil penalties on that small business for the violation, if the paperwork violation is a first-time offense.

(B) When an agency or regulatory authority waives an administrative fine or civil penalty under this section, the state agency or regulatory authority shall require the small business to correct the violation within a reasonable period of time.

(C) Notwithstanding this section, a state agency or regulatory authority may impose administrative fines or civil penalties on a small business for a paperwork violation that is a first-time offense for any of the following reasons:

(1) The violation has the potential to cause serious harm to the public interest as determined by a state agency or regulatory authority director;	85 86 87
(2) The violation involves a small business knowingly or willfully engaging in conduct that may result in a felony conviction;	88 89 90
(3) Failure to impose an administrative fine or civil penalty for the violation would impede or interfere with the detection of criminal activity;	91 92 93
(4) The violation is of a law concerning the assessment or collection of any tax, debt, revenue, or receipt;	94 95
(5) The violation presents a direct danger to the public health or safety, results in a financial loss to an employee as defined in section 4111.03 of the Revised Code, or presents the risk of severe environmental harm, as determined by the head of the agency or regulatory authority;	96 97 98 99 100
(6) The violation is a failure to comply with a federal requirement for a program that has been delegated from the federal government to a state agency or regulatory authority and where the federal requirement includes a requirement to impose a fine.	101 102 103 104
(D)(1) Nothing in this section shall prohibit a state agency or regulatory authority from waiving administrative fines or civil penalties incurred by a small business for a paperwork violation that is not a first-time offense.	105 106 107 108
(2) Any administrative fine or civil penalty that is waived under this section ⁷ may be reinstated and imposed in addition to any additional fines or penalties associated with a subsequent violation for noncompliance with the same paperwork requirement.	109 110 111 112
(E) This section shall not apply to any violation by a small business of a statutory or regulatory requirement mandating the	113 114

collection of information by a state agency or regulatory body if 115
that small business previously violated any such requirement 116
mandating the collection of information. 117

(F) Nothing in this section shall be construed to diminish 118
the responsibility for any citizen or business to apply for and 119
obtain a permit, license, or authorizing document that is required 120
to engage in a regulated activity, or otherwise comply with state 121
or federal law. 122

(G) As used in this section: 123

(1) "Small business" has the same meaning as defined by the 124
Code of Federal Regulations, Title 13, Chapter 1, Part 121. 125

(2) "Paperwork violation" means the violation of any 126
statutory or regulatory requirement in the Revised Code mandating 127
the collection of information by a state agency or regulatory 128
body. 129

(3) "First-time offense" means the first instance of a 130
violation of the particular statutory or regulatory requirement 131
mandating the collection of information by a state agency or 132
regulatory body. 133

(4) "Employee" means any individual employed by an employer 134
but does not include: 135

(a) Any individual employed by the United States; 136

(b) Any individual employed as a baby-sitter in the 137
employer's home, or a live-in companion to a sick, convalescing, 138
or elderly person whose principal duties do not include 139
housekeeping; 140

(c) Any individual engaged in the delivery of newspapers to 141
the consumer; 142

(d) Any individual employed as an outside salesperson 143
compensated by commissions or employed in a bona fide executive, 144

administrative, or professional capacity as such terms are defined 145
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 146
U.S.C. 201, as amended; 147

(e) Any individual who works or provides personal services of 148
a charitable nature in a hospital or health institution for which 149
compensation is not sought or contemplated; 150

(f) A member of a police or fire protection agency or student 151
employed on a part-time or seasonal basis by a political 152
subdivision of this state; 153

(g) Any individual in the employ of a camp or recreational 154
area for children under eighteen years of age and owned and 155
operated by a nonprofit organization or group of organizations 156
described in section 501(c)(3) of the "Internal Revenue Code of 157
1954," and exempt from income tax under section 501(a) of that 158
code; 159

(h) Any individual employed directly by the house of 160
representatives or directly by the senate. 161

Sec. 122.14. (A) There is hereby created in the state 162
treasury the roadwork development fund. The fund shall consist of 163
the investment earnings of the security deposit fund created by 164
section 4509.27 of the Revised Code and revenue transferred to it 165
by the director of budget and management from the highway 166
operating fund created in section 5735.051 of the Revised Code. 167
The fund shall be used by the development services agency in 168
accordance with Section 5a of Article XII, Ohio Constitution, to 169
make road improvements associated with retaining or attracting 170
business for this state, including both of the construction 171
following: 172

(1) Construction, reconstruction, maintenance, or repair of 173
public roads that provide access to a public airport or are 174

located within a public airport;	175
<u>(2) Construction, reconstruction, maintenance, or repair of</u>	176
<u>public roads that provide or improve access to tourism</u>	177
<u>attractions. All</u>	178
<u>(B) All</u> investment earnings of the fund shall be credited to	179
the fund.	180
Sec. 164.04. (A) In each of the districts created in section	181
164.03 of the Revised Code, a district public works integrating	182
committee shall be established as follows:	183
(1) In district one, the district committee shall consist of	184
seven members appointed as follows: two members shall be appointed	185
by the board of county commissioners or the chief executive	186
officer of the county; two members shall be appointed by the chief	187
executive officer of the most populous municipal corporation in	188
the district; two members shall be appointed by a majority of the	189
chief executive officers of the other municipal corporations	190
located within the district; and one member, who shall have	191
experience in local infrastructure planning and economic	192
development and who shall represent the interests of private	193
industry within the district, shall be appointed by a majority of	194
the members of the district committee or their alternates. Except	195
with respect to the selection of the private sector member of the	196
committee, the affirmative vote of at least five committee members	197
or their alternates is required for any action taken by a vote of	198
the committee.	199
(2) In district two, the district committee shall consist of	200
nine members appointed as follows: two members shall be appointed	201
by the board of county commissioners; three members shall be	202
appointed by the chief executive officer of the most populous	203
municipal corporation in the district; two members shall be	204
appointed by a majority of the other chief executive officers of	205

municipal corporations in the district; and two members shall be 206
appointed by a majority of the boards of township trustees in the 207
district. Of the members appointed by the board of county 208
commissioners, one member shall have experience in local 209
infrastructure planning and economic development, and one member 210
shall be either a county commissioner or a county engineer of the 211
district. The affirmative vote of at least seven members of the 212
committee or their alternates is required for any action taken by 213
a vote of the committee, except that the affirmative vote of at 214
least six members of the committee or their alternates is required 215
for any vote taken under division (DD) of section 306.35 of the 216
Revised Code. 217

(3) In districts three, four, eight, twelve, and nineteen, 218
the district committee shall consist of nine members appointed as 219
follows: two members shall be appointed by the board of county 220
commissioners or by the chief executive officer of the county; two 221
members shall be appointed by the chief executive officer of the 222
most populous municipal corporation located within the district; 223
two members shall be appointed by a majority of the other chief 224
executive officers of the municipal corporations located in the 225
district; two members shall be appointed by a majority of the 226
boards of township trustees located in the district; and one 227
member, who shall have experience in local infrastructure planning 228
and economic development and who shall represent the interests of 229
private industry within the district, shall be appointed by a 230
majority of the members of the committee or their alternates. 231
Except with respect to the selection of the private sector member 232
of the committee, the affirmative vote of at least seven committee 233
members or their alternates is required for any action taken by a 234
vote of the committee. 235

(4) In district six, the district committee shall consist of 236
nine members appointed as follows: one member shall be appointed 237

by the board of county commissioners of each county in the 238
district; one member shall be appointed by the chief executive 239
officer of the most populous municipal corporation in each county 240
in the district; one member shall be appointed alternately by a 241
majority of the chief executives of the municipal corporations, 242
other than the largest municipal corporation, within one of the 243
counties of the district; and one member shall be appointed 244
alternately by a majority of the boards of township trustees 245
within one of the counties in the district. The two persons who 246
are the county engineers of the counties in the district also 247
shall be members of the committee. At least six of these members 248
or their alternates shall agree upon the appointment to the 249
committee of a private sector person who shall have experience in 250
local infrastructure planning and economic development. The 251
affirmative vote of seven committee members or their alternates is 252
required for any action taken by a vote of the committee. 253

The first appointment to the committee made by the majority 254
of the boards of township trustees of a county shall be made by 255
the boards of township trustees located in the least populous 256
county of the district, and the first appointment made by the 257
majority of the chief executives of municipal corporations, other 258
than the largest municipal corporation, of a county shall be made 259
by the chief executives of municipal corporations, other than the 260
largest municipal corporation, from the most populous county in 261
the district. 262

Notwithstanding division (C) of this section, the members of 263
the district committee appointed alternately by a majority of the 264
chief executive officers of municipal corporations, other than the 265
largest municipal corporation, of a county and a majority of 266
boards of township trustees of a county shall serve five-year 267
terms. 268

(5) In districts seven, nine, and ten, the district committee 269

shall consist of two members appointed by the board of county commissioners of each county in the district, two members appointed by a majority of the chief executive officers of all cities within each county in the district, three members appointed by a majority of the boards of township trustees of all townships in the district, three members appointed by a majority of chief executive officers of all villages in the district, one member who is appointed by a majority of the county engineers in the district and who shall be a county engineer, and one member, who shall have experience in local infrastructure planning and economic development, shall be appointed by a majority of all other committee members or their alternates. If there is a county in the district in which there are no cities, the member that is to be appointed by the chief executive officers of the cities within that county shall be appointed by the chief executive officer of the village with the largest population in that county.

(6) In districts five, eleven, and thirteen through eighteen, the members of each district committee shall be appointed as follows: one member shall be appointed by each board of county commissioners; one member shall be appointed by the majority of the chief executive officers of the cities located in each county; three members shall be appointed by a majority of the chief executive officers of villages located within the district; three members shall be appointed by a majority of the boards of township trustees located within the district; one member shall be appointed by a majority of the county engineers of the district and shall be a county engineer; and one member, who shall have experience in local infrastructure planning and economic development and who shall represent the interests of private industry within the district, shall be appointed by a majority of the members of the committee or their alternates. If there is a county in the district in which there are no cities, the member that is to be appointed by the chief executive officers of the

cities within that county shall be appointed by the chief 303
executive officer of the village with the largest population in 304
that county. 305

(7) In districts five, seven, nine, ten, eleven, thirteen, 306
fourteen, sixteen, and seventeen organized in accordance with 307
divisions (A)(5) and (6) of this section, a nine-member executive 308
committee shall be established that shall include at least one of 309
the persons appointed to the district committee by the chief 310
executive officers of the villages within the district, at least 311
one of the persons appointed to the district committee by the 312
boards of township trustees within the district, the person 313
appointed to the district committee to represent the interests of 314
private industry, and six additional district committee members 315
selected to serve on the executive committee by a majority of the 316
members of the district committee or their alternates, except that 317
not more than three persons who were appointed to the district 318
committee by a board of county commissioners and not more than 319
three persons who were appointed to the district committee by the 320
chief executives of the cities located in the district shall serve 321
on the executive committee. 322

(8) In districts fifteen and eighteen organized in accordance 323
with division (A)(6) of this section, an eleven-member executive 324
committee shall be established that shall include at least one of 325
the persons appointed to the district committee by the chief 326
executive officers of the villages within the district, at least 327
one of the persons appointed to the district committee by the 328
boards of township trustees within the district, the person 329
appointed to the district committee to represent the interests of 330
private industry, and eight additional district committee members 331
selected to serve on the executive committee by a majority of the 332
members of the district committee or their alternates, except that 333
not more than four persons who were appointed to the district 334

committee by a board of county commissioners and not more than 335
four persons who were appointed to the district committee by the 336
chief executives of the cities located in the district shall serve 337
on the executive committee. No more than two persons from each 338
county shall be on the executive committee. 339

All decisions of a district committee required to be 340
organized in accordance with divisions (A)(5) and (6) of this 341
section shall be approved by its executive committee. The 342
affirmative vote of at least seven executive committee members or 343
their alternates for executive committees formed under division 344
(A)(7) of this section and at least nine members or their 345
alternates for executive committees formed under division (A)(8) 346
of this section is required for any action taken by vote of the 347
executive committee, except that any decision of the executive 348
committee may be rejected by a vote of at least two-thirds of the 349
full membership of the district committee within thirty days of 350
the executive committee action. Only projects approved by the 351
executive committee may be submitted to the director of the Ohio 352
public works commission pursuant to section 164.05 of the Revised 353
Code. 354

(B) Appointing authorities that appoint district committee 355
members also may appoint an alternate for each committee member 356
appointed under divisions (A)(1) to (6) of this section. If a 357
district committee member is absent from a district or executive 358
committee or subcommittee meeting, the alternate has the right to 359
vote and participate in all proceedings and actions at that 360
meeting. 361

(C) Terms of office for members of district committees and 362
their alternates shall be for three years, with each term ending 363
on the same day of the same month as did the term that it 364
succeeds. Each member and that member's alternate shall hold 365
office from the date of appointment until the end of the term for 366

which the member is appointed, except that, with respect to any 367
member who was an elected or appointed official of a township, 368
county, or municipal corporation or that member's alternate, the 369
term of office for that person under this section shall not extend 370
beyond the member's term as an elected or appointed official 371
unless the member was appointed by a group of officials of more 372
than one political subdivision or the members of the district 373
committee, in which case the member's alternate shall continue to 374
serve for the full term. Members and their alternates may be 375
reappointed. Vacancies shall be filled in the same manner provided 376
for original appointments. Any member or that member's alternate 377
appointed to fill a vacancy occurring prior to the expiration date 378
of the term for which the member's or alternate's predecessor was 379
appointed shall hold office for the remainder of that term. A 380
member or that member's alternate shall continue in office 381
subsequent to the expiration date of the member's or alternate's 382
term until the member's or alternate's successor takes office or 383
until a period of sixty days has elapsed, whichever occurs first. 384
Each district public works integrating committee shall elect a 385
chairperson, vice-chairperson, and other officers it considers 386
advisable. 387

(D) For purposes of this chapter, if a subdivision is located 388
in more than one county or in more than one district, the 389
subdivision shall be deemed to be a part of the county or district 390
in which the largest number of its population is located. However, 391
if after a decennial census the change in a subdivision's 392
population would result in the subdivision becoming part of a 393
different county or district, the legislative authority of the 394
subdivision may, by resolution, choose to remain a part of the 395
county or district of which the subdivision was originally deemed 396
to be a part. Such a decision is not revocable unless similar 397
conditions arise following the next decennial census. 398

(E) Notwithstanding any provision of law to the contrary, a 399
county, municipal, or township public official may serve as a 400
member of a district public works integrating committee. 401

(F) A member of a district committee or that member's 402
alternate does not have an unlawful interest in a public contract 403
under section 2921.42 of the Revised Code solely by virtue of the 404
receipt of financial assistance under this chapter by the local 405
subdivision of which the member or that member's alternate is also 406
a public official or appointee. 407

Sec. 164.08. (A) Except as provided in sections 151.01 and 408
151.08 or section 164.09 of the Revised Code, the net proceeds of 409
obligations issued and sold by the treasurer of state pursuant to 410
section 164.09 of the Revised Code before September 30, 2000, or 411
pursuant to sections 151.01 and 151.08 of the Revised Code, for 412
the purpose of financing or assisting in the financing of the cost 413
of public infrastructure capital improvement projects of local 414
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 415
Article VIII, Ohio Constitution, and this chapter, shall be paid 416
into the state capital improvements fund, which is hereby created 417
in the state treasury. Investment earnings on moneys in the fund 418
shall be credited to the fund. 419

(B) Beginning July 1, 2016, each program year the amount of 420
obligations authorized by the general assembly in accordance with 421
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 422
excluding the proceeds of refunding or renewal obligations, shall 423
be allocated by the director of the Ohio public works commission 424
as follows: 425

(1) First, ten per cent of the amount of obligations 426
authorized shall be allocated to provide financial assistance to 427
villages and to townships with populations in the unincorporated 428
areas of the township of less than five thousand persons, for 429

capital improvements in accordance with section 164.051 and 430
division (D) of section 164.06 of the Revised Code. As used in 431
division (B)(1) of this section, "capital improvements" includes 432
resurfacing and improving roads. 433

(2) Following the allocation required by division (B)(1) of 434
this section, the director may allocate ~~two~~ six per cent of the 435
authorized obligations to provide financial assistance to local 436
subdivisions for capital improvement projects which in the 437
judgment of the director of the Ohio public works commission are 438
necessary for the immediate preservation of the health, safety, 439
and welfare of the citizens of the local subdivision requesting 440
assistance. 441

(3) For program years twelve and fourteen that obligations 442
are authorized and available for allocation under this chapter, 443
two million dollars each program year shall be allocated to the 444
small county capital improvement program for use in providing 445
financial assistance under division (F) of section 164.02 of the 446
Revised Code. 447

(4) The director shall determine the amount of the remaining 448
obligations authorized to be issued and sold that each county 449
would receive if such amounts were allocated on a per capita basis 450
each year. If a county's per capita share for the year would be 451
less than three hundred thousand dollars, the director shall 452
allocate to the district in which that county is located an amount 453
equal to the difference between three hundred thousand dollars and 454
the county's per capita share. 455

(5) After making the allocation required by division (B)(4) 456
of this section, the director shall allocate the remaining amount 457
to each district on a per capita basis. 458

(C)(1) There is hereby created in the state treasury the 459
state capital improvements revolving loan fund, into which shall 460

be deposited all repayments of loans made to local subdivisions 461
for capital improvements pursuant to this chapter. Investment 462
earnings on moneys in the fund shall be credited to the fund. 463

(2) There may also be deposited in the state capital 464
improvements revolving loan fund moneys obtained from federal or 465
private grants, or from other sources, which are to be used for 466
any of the purposes authorized by this chapter. Such moneys shall 467
be allocated each year in accordance with division (B)(5) of this 468
section. 469

(3) Moneys deposited into the state capital improvements 470
revolving loan fund shall be used to make loans for the purpose of 471
financing or assisting in the financing of the cost of capital 472
improvement projects of local subdivisions. 473

(4) Investment earnings credited to the state capital 474
improvements revolving loan fund that exceed the amounts required 475
to meet estimated federal arbitrage rebate requirements shall be 476
used to pay costs incurred by the public works commission in 477
administering this section. Investment earnings credited to the 478
state capital improvements revolving loan fund that exceed the 479
amounts required to pay for the administrative costs and estimated 480
rebate requirements shall be allocated to each district on a per 481
capita basis. 482

(5) Each program year, loan repayments received and on 483
deposit in the state capital improvements revolving loan fund 484
shall be allocated as follows: 485

(a) Each district public works integrating committee shall be 486
allocated an amount equal to the sum of all loan repayments made 487
to the state capital improvements revolving loan fund by local 488
subdivisions that are part of the district. Moneys not used in a 489
program year may be used in the next program year in the same 490
manner and for the same purpose as originally allocated. 491

(b) Loan repayments made pursuant to projects approved under 492
division (B)(1) of this section shall be used to make loans in 493
accordance with section 164.051 and division (D) of section 164.06 494
of the Revised Code. Allocations for this purpose made pursuant to 495
division (C)(5) of this section shall be in addition to the 496
allocation provided in division (B)(1) of this section. 497

(c) Loan repayments made pursuant to projects approved under 498
division (B)(2) of this section shall be used to make loans in 499
accordance with division (B)(2) of this section. Allocations for 500
this purpose made pursuant to division (C)(5) of this section 501
shall be in addition to the allocation provided in division (B)(2) 502
of this section. 503

(d) Loans made from the state capital improvements revolving 504
loan fund shall not be limited in their usage by divisions (E), 505
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 506

(D) Investment earnings credited to the state capital 507
improvements fund that exceed the amounts required to meet 508
estimated federal arbitrage rebate requirements shall be used to 509
pay costs incurred by the public works commission in administering 510
sections 164.01 to 164.12 of the Revised Code. 511

(E) The director of the Ohio public works commission shall 512
notify the director of budget and management of the amounts 513
allocated pursuant to this section and such information shall be 514
entered into the state accounting system. The director of budget 515
and management shall establish appropriation line items as needed 516
to track these allocations. 517

(F) If the amount of a district's allocation in a program 518
year exceeds the amount of financial assistance approved for the 519
district by the commission for that year, the remaining portion of 520
the district's allocation shall be added to the district's 521
allocation pursuant to division (B) of this section for the next 522

succeeding year for use in the same manner and for the same 523
purposes as it was originally allocated, except that any portion 524
of a district's allocation which was available for use on new or 525
expanded infrastructure pursuant to division (H) of section 164.05 526
of the Revised Code shall be available in succeeding years only 527
for the repair and replacement of existing infrastructure. 528

(G) When an allocation based on population is made by the 529
director pursuant to division (B) of this section, the director 530
shall use the most recent decennial census statistics, and shall 531
not make any reallocations based upon a change in a district's 532
population. 533

Sec. 306.051. (A) As used in this section, "social services" 534
includes all of the following: 535

(1) Services for senior citizens; 536

(2) Services for persons with developmental disabilities; 537

(3) Services funded in whole or in part with federal funds 538
provided for social services programs, including the community 539
development block grant program established under Title I of the 540
"Housing and Community Development Act of 1974," 42 U.S.C. 5301 et 541
seq.; 542

(4) Other services that have the purpose of assisting the 543
overall social well being of individuals, families, and 544
communities. 545

(B) Subject to division (C) of this section and regardless of 546
whether a county transit system is operated by a county transit 547
board or board of county commissioners, funds that are 548
appropriated by a board of county commissioners and expended for 549
social services in the county served by the board may be used as 550
the local match needed to obtain state or federal funds available 551
for the county transit system. 552

(C) Funds raised by a county tax levy may be used as local matching funds under division (B) of this section only to the extent that such use of the funds is consistent with the purpose for which the tax was levied. Funds may be used as local matching funds under division (B) of this section only to the extent that such use of the funds does not jeopardize the state's or county's eligibility to receive federal funds for one or more purposes.

Sec. 306.32. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these, may create a regional transit authority by the adoption of a resolution or ordinance by a majority vote of each of the following: the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which is to create or to join in the creation of the regional transit authority. The resolution or ordinance shall state:

(A) The necessity for the creation of a regional transit authority;

(B) The counties, municipal corporations, or townships which are to create or to join in the creation of the regional transit authority;

(C) The official name by which the regional transit authority shall be known;

(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected;

(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a

member, except that if compensation is provided annually it shall 583
not exceed six thousand dollars for the president of the board or 584
four thousand eight hundred dollars for each other board member. 585

(F) The manner in which vacancies on the board of trustees of 586
the regional transit authority shall be filled; 587

(G) The manner and to what extent the expenses of the 588
regional transit authority shall be apportioned among the 589
counties, municipal corporations, and townships creating it; 590

(H) The purposes, including the kinds of transit facilities, 591
for which the regional transit authority is organized. 592

The regional transit authority provided for in the resolution 593
or ordinance shall be deemed to be created upon the adoption of 594
the resolution or ordinance by a majority vote of each of the 595
following: the board of county commissioners of each county, the 596
legislative authority of each municipal corporation, and the board 597
of township trustees of each township enumerated in the resolution 598
or ordinance. 599

The resolution or ordinance creating a regional transit 600
authority may be amended to include additional counties, municipal 601
corporations, or townships or for any other purpose, by the 602
adoption of the amendment by a majority vote of each of the 603
following: the board of county commissioners of each county, the 604
legislative authority of each municipal corporation, and the board 605
of township trustees of each township which has created or joined 606
or proposes to join the regional transit authority. 607

After each county, municipal corporation, and township which 608
has created or joined or proposes to join the regional transit 609
authority has adopted its resolution or ordinance approving 610
inclusion of additional counties, municipal corporations, or 611
townships in the regional transit authority, a copy of each 612
resolution or ordinance shall be filed with the clerk of the board 613

of the county commissioners of each county, the clerk of the 614
legislative authority of each municipal corporation, and the 615
fiscal officer of the board of trustees of each township proposed 616
to be included in the regional transit authority. The inclusion is 617
effective when all such filing has been completed, unless the 618
regional transit authority to which territory is to be added has 619
authority to levy an ad valorem tax on property, or a sales tax, 620
within its territorial boundaries, in which event the inclusion 621
shall become effective on the sixtieth day after the last such 622
filing is accomplished, unless, prior to the expiration of the 623
sixty-day period, qualified electors residing in the area proposed 624
to be added to the regional transit authority, equal in number to 625
at least ten per cent of the qualified electors from the area who 626
voted for governor at the last gubernatorial election, file a 627
petition of referendum against the inclusion. Any petition of 628
referendum filed under this section shall be filed at the office 629
of the secretary of the board of trustees of the regional transit 630
authority. The person presenting the petition shall be given a 631
receipt containing on it the time of the day, the date, and the 632
purpose of the petition. The secretary of the board of trustees of 633
the regional transit authority shall cause the appropriate board 634
or boards of elections to check the sufficiency of signatures on 635
any petition of referendum filed under this section and, if found 636
to be sufficient, shall present the petition to the board of 637
trustees at a meeting of said board which occurs not later than 638
thirty days following the filing of said petition. Upon 639
presentation to the board of trustees of a petition of referendum 640
against the proposed inclusion, the board of trustees shall 641
promptly certify the proposal to the board or boards of elections 642
for the purpose of having the proposal placed on the ballot at the 643
next general or primary election which occurs not less than ninety 644
days after the date of the meeting of said board, or at a special 645
election, the date of which shall be specified in the 646

certification, which date shall be not less than ninety days after 647
the date of such meeting of the board. Signatures on a petition of 648
referendum may be withdrawn up to and including the meeting of the 649
board of trustees certifying the proposal to the appropriate board 650
or boards of elections. If territory of more than one county, 651
municipal corporation, or township is to be added to the regional 652
transit authority, the electors of the territories of the 653
counties, municipal corporations, or townships which are to be 654
added shall vote as a district, and the majority affirmative vote 655
shall be determined by the vote cast in the district as a whole. 656
Upon certification of a proposal to the appropriate board or 657
boards of elections pursuant to this section, the board or boards 658
of election shall make the necessary arrangements for the 659
submission of the question to the electors of the territory to be 660
added to the regional transit authority qualified to vote on the 661
question, and the election shall be held, canvassed, and certified 662
in the manner provided for the submission of tax levies under 663
section 5705.191 of the Revised Code, except that the question 664
appearing on the ballot shall read: 665

"Shall the territory within the 666
(Name or names of political subdivisions to be joined) be added to 667
..... (Name) regional transit 668
authority?" and shall a(n) (here insert type of tax or 669
taxes) at a rate of taxation not to exceed (here insert 670
maximum tax rate or rates) be levied for all transit purposes?" 671

If the question is approved by at least a majority of the 672
electors voting on the question, the joinder is immediately 673
effective, and the regional transit authority may extend the levy 674
of the tax against all the taxable property within the territory 675
which has been added. If the question is approved at a general 676
election or at a special election occurring prior to the general 677
election but after the fifteenth day of July, the regional transit 678

authority may amend its budget and resolution adopted pursuant to 679
section 5705.34 of the Revised Code, and the levy shall be placed 680
on the current tax list and duplicate and collected as other taxes 681
are collected from all taxable property within the territorial 682
boundaries of the regional transit authority, including the 683
territory within each political subdivision added as a result of 684
the election. 685

The territorial boundaries of a regional transit authority 686
shall be coextensive with the territorial boundaries of the 687
counties, municipal corporations, and townships included within 688
the regional transit authority, provided that the same area may be 689
included in more than one regional transit authority so long as 690
the regional transit authorities are not organized for purposes as 691
provided for in the resolutions or ordinances creating the same, 692
and any amendments to them, relating to the same kinds of transit 693
facilities; and provided further, that if a regional transit 694
authority includes only a portion of an entire county, a regional 695
transit authority for the same purposes may be created in the 696
remaining portion of the same county by resolution of the board of 697
county commissioners acting alone or in conjunction with municipal 698
corporations and townships as provided in this section. 699

No regional transit authority shall be organized after 700
January 1, 1975, to include any area already included in a 701
regional transit authority, except that any regional transit 702
authority organized after June 29, 1974, and having territorial 703
boundaries entirely within a single county shall, upon adoption by 704
the board of county commissioners of the county of a resolution 705
creating a regional transit authority including within its 706
territorial jurisdiction the existing regional transit authority 707
and for purposes including the purposes for which the existing 708
regional transit authority was created, be dissolved and its 709
territory included in such new regional transit authority. Any 710

resolution creating such a new regional transit authority shall 711
make adequate provision for satisfaction of the obligations of the 712
dissolved regional transit authority. 713

Sec. 306.321. The resolution or ordinance creating a regional 714
transit authority may be amended to include additional counties, 715
municipal corporations, or townships by the adoption of an 716
amendment by a majority vote of each of the following: the board 717
of county commissioners of each county, the legislative authority 718
of each municipal corporation, and the board of township trustees 719
of each township which has created or, prior to the adoption of 720
the amendment, joined or proposes to join the regional transit 721
authority. 722

After a majority of each county, municipal corporation, and 723
township which has created or, prior to the adoption of the 724
amendment, joined or proposes to join the regional transit 725
authority has adopted its resolution or ordinance approving 726
inclusion of additional counties, municipal corporations, or 727
townships in the regional transit authority, a copy of each 728
resolution or ordinance shall be filed with the clerk of the board 729
of the county commissioners of each county, the clerk of the 730
legislative authority of each municipal corporation, and the 731
fiscal officer of the board of trustees of each township proposed 732
to be included in the regional transit authority. 733

Any ordinances or resolutions adopted pursuant to this 734
section approving inclusion of additional counties, municipal 735
corporations, or townships in the regional transit authority shall 736
provide that the board of trustees of the regional transit 737
authority must, not later than the tenth day following the day on 738
which the filing of the ordinances or resolutions, as required by 739
the immediately preceding paragraph, is completed, adopt its 740
resolution providing for submission to the electors of the 741

regional transit authority as enlarged, of the question pursuant 742
to section 306.49 of the Revised Code, of the renewal, the renewal 743
and increase, or the increase of, or the imposition of an 744
additional, ad valorem tax, or of the question pursuant to section 745
306.70 of the Revised Code, of the renewal, the renewal and 746
increase, or the increase of, or the imposition of an additional, 747
sales and use tax. The resolution submitting the question of the 748
tax shall specify the date of the election, which shall be not 749
less than ninety days after certification of the resolution to the 750
board of elections and which shall be consistent with the 751
requirements of section 3501.01 of the Revised Code. The inclusion 752
of the territory of the additional counties, municipal 753
corporations, or townships in the regional transit authority shall 754
be effective as of the date on which the resolution of the board 755
of trustees of the regional transit authority is adopted 756
submitting the question to the electors, provided that until the 757
question is approved, existing contracts providing payment for 758
transit services within the added territory shall remain in effect 759
and transit services shall not be affected by the inclusion of the 760
additional territory. The resolution shall be certified to the 761
board of elections and the election shall be held, canvassed, and 762
certified as provided in section 306.49 of the Revised Code in the 763
case of an ad valorem tax or in section 306.70 of the Revised Code 764
in the case of a sales and use tax. 765

If the question of the tax which is submitted is not approved 766
by a majority of the electors of the enlarged regional transit 767
authority voting on the question, as of the day following the day 768
on which the results of the election become conclusive, the 769
additional counties, municipal corporations, or townships, which 770
had been included in the regional transit authority as of the date 771
of the adoption of the resolution submitting to the electors the 772
question, shall be removed from the territory of the regional 773
transit authority and shall no longer be a part of that authority 774

without any further action by either the political subdivisions 775
which were included in the authority prior to the adoption of the 776
resolution submitting the question to the electors or of the 777
political subdivisions added to the authority as a result of the 778
adoption of the resolution. The regional transit authority reduced 779
to its territory as it existed prior to the inclusion of the 780
additional counties, municipal corporations, or townships, shall 781
be entitled to levy and collect any ad valorem or sales and use 782
taxes which it was authorized to levy and collect prior to the 783
enlargement of its territory and for which authorization has not 784
expired, as if the enlargement had not occurred. 785

If the question of the tax which is submitted provides for a 786
sales and use tax to be imposed and the question is approved, and 787
the regional transit authority had previously been authorized 788
pursuant to section 306.49 of the Revised Code to levy an ad 789
valorem tax, the regional transit authority shall appropriate from 790
the first moneys received from the sales and use tax in each year, 791
the full amount required in order to pay the principal of and 792
interest on any notes of the regional transit authority issued 793
pursuant to section 306.49 of the Revised Code, in anticipation of 794
the collection of the ad valorem tax; and shall not thereafter 795
levy and collect the ad valorem tax previously approved unless the 796
levy and collection is necessary to pay the principal of and 797
interest on notes issued in anticipation of the tax in order to 798
avoid impairing the obligation of the contract between the 799
regional transit authority and the note holders. 800

If the question of the additional or renewal tax levy is 801
approved, the tax may be levied and collected as is otherwise 802
provided for an ad valorem tax or a sales and use tax imposed by a 803
regional transit authority, provided that if a question relating 804
to an ad valorem tax is approved at the general election or at a 805
special election occurring prior to a general election, but after 806

the fifteenth day of July, the regional transit authority may 807
amend its budget for its next fiscal year and its resolution 808
adopted pursuant to section 5705.34 of the Revised Code or adopt 809
such resolution, and the levy shall be placed on the current tax 810
list and duplicate and collected as all other taxes are collected 811
from all taxable property within the enlarged territory of the 812
regional transit authority including the territory within each 813
political subdivision which has been added to the regional transit 814
authority pursuant to this section, provided further that if a 815
question relating to sales and use tax is approved after the 816
fifteenth day of July in any calendar year, the regional transit 817
authority may amend its budget for the current and next fiscal 818
year and any resolution adopted pursuant to section 5705.34 of the 819
Revised Code, to reflect the imposition of the sales and use tax 820
and shall amend its budget for the next fiscal year and any 821
resolution adopted pursuant to section 5705.34 of the Revised Code 822
to comply with the immediately preceding paragraph. If the budget 823
of the regional transit authority is amended pursuant to this 824
paragraph, the county auditor shall prepare and deliver an amended 825
certificate of estimated resources to reflect the change in 826
anticipated revenues of the regional transit authority. 827

The procedures of this section are in addition to and an 828
alternative to those established in section 306.32 of the Revised 829
Code for joining to a regional transit authority additional 830
counties, municipal corporations, or townships. 831

Sec. 306.35. Upon the creation of a regional transit 832
authority as provided by section 306.32 of the Revised Code, and 833
upon the qualifying of its board of trustees and the election of a 834
president and a vice-president, the authority shall exercise in 835
its own name all the rights, powers, and duties vested in and 836
conferred upon it by sections 306.30 to 306.53 of the Revised 837
Code. Subject to any reservations, limitations, and qualifications 838

that are set forth in those sections, the regional transit	839
authority:	840
(A) May sue or be sued in its corporate name;	841
(B) May make contracts in the exercise of the rights, powers,	842
and duties conferred upon it;	843
(C) May adopt and at will alter a seal and use such seal by	844
causing it to be impressed, affixed, reproduced, or otherwise	845
used, but failure to affix the seal shall not affect the validity	846
of any instrument;	847
(D)(1) May adopt, amend, and repeal bylaws for the	848
administration of its affairs and rules for the control of the	849
administration and operation of transit facilities under its	850
jurisdiction, and for the exercise of all of its rights of	851
ownership in those transit facilities;	852
(2) The regional transit authority also may adopt bylaws and	853
rules for the following purposes:	854
(a) To prohibit selling, giving away, or using any beer or	855
intoxicating liquor on transit vehicles or transit property;	856
(b) For the preservation of good order within or on transit	857
vehicles or transit property;	858
(c) To provide for the protection and preservation of all	859
property and life within or on transit vehicles or transit	860
property;	861
(d) To regulate and enforce the collection of fares.	862
(3) Before a bylaw or rule adopted under division (D)(2) of	863
this section takes effect, the regional transit authority shall	864
provide for a notice of its adoption to be published once a week	865
for two consecutive weeks in a newspaper of general circulation	866
within the territorial boundaries of the regional transit	867
authority, or as provided in section 7.16 of the Revised Code.	868

(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section. 869
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(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision; 871
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(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it; 881
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(G)(1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate, maintain, or manage transit facilities within or without its territorial boundaries, considered necessary to accomplish the purposes of its organization and make charges for the use of transit facilities. 886
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(2) Beginning on July 1, 2011, a regional transit authority shall not extend its service or facilities into a political subdivision outside the territorial boundaries of the authority without giving prior notice to the legislative authority of the political subdivision. The legislative authority shall have thirty days after receiving the notice to comment on the proposal. 892
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(H) May levy and collect taxes as provided in sections 306.40 and 306.49 of the Revised Code; 898
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(I) May issue bonds secured by its general credit as provided 900
in section 306.40 of the Revised Code; 901

(J) May hold, encumber, control, acquire by donation, by 902
purchase for cash or by installment payments, by lease-purchase 903
agreement, by lease with option to purchase, by borrowing from any 904
federal, state, or other governmental or private source, or by 905
condemnation, and may construct, own, lease as lessee or lessor, 906
use, and sell, real and personal property, or any interest or 907
right in real and personal property, within or without its 908
territorial boundaries, for the location or protection of transit 909
facilities and improvements and access to transit facilities and 910
improvements, the relocation of buildings, structures, and 911
improvements situated on lands acquired by the regional transit 912
authority, or for any other necessary purpose, or for obtaining or 913
storing materials to be used in constructing, maintaining, and 914
improving transit facilities under its jurisdiction; 915

(K) May exercise the power of eminent domain to acquire 916
property or any interest in property, within or without its 917
territorial boundaries, that is necessary or proper for the 918
construction or efficient operation of any transit facility or 919
access to any transit facility under its jurisdiction in 920
accordance with section 306.36 of the Revised Code; 921

(L) May provide by agreement with any county, including the 922
counties within its territorial boundaries, or any municipal 923
corporation or any combination of counties or municipal 924
corporations for the making of necessary surveys, appraisals, and 925
examinations preliminary to the acquisition or construction of any 926
transit facility and the amount of the expense for the surveys, 927
appraisals, and examinations to be paid by each such county or 928
municipal corporation; 929

(M) May provide by agreement with any county, including the 930
counties within its territorial boundaries, or any municipal 931

corporation or any combination of those counties or municipal 932
corporations for the acquisition, construction, improvement, 933
extension, maintenance, or operation of any transit facility owned 934
or to be owned and operated by it or owned or to be owned and 935
operated by any such county or municipal corporation and the terms 936
on which it shall be acquired, leased, constructed, maintained, or 937
operated, and the amount of the cost and expense of the 938
acquisition, lease, construction, maintenance, or operation to be 939
paid by each such county or municipal corporation; 940

(N) May issue revenue bonds for the purpose of acquiring, 941
replacing, improving, extending, enlarging, or constructing any 942
facility or permanent improvement that it is authorized to 943
acquire, replace, improve, extend, enlarge, or construct, 944
including all costs in connection with and incidental to the 945
acquisition, replacement, improvement, extension, enlargement, or 946
construction, and their financing, as provided by section 306.37 947
of the Revised Code; 948

(O) May enter into and supervise franchise agreements for the 949
operation of a transit system; 950

(P) May accept the assignment of and supervise an existing 951
franchise agreement for the operation of a transit system; 952

(Q) May exercise a right to purchase a transit system in 953
accordance with the acquisition terms of an existing franchise 954
agreement; and in connection with the purchase the regional 955
transit authority may issue revenue bonds as provided by section 956
306.37 of the Revised Code or issue bonds secured by its general 957
credit as provided in section 306.40 of the Revised Code; 958

(R) May apply for and accept grants or loans from the United 959
States, the state, or any other public or any private source for 960
the purpose of providing for the development or improvement of 961
transit facilities, mass transportation facilities, equipment, 962

techniques, methods, or services, and grants or loans needed to 963
exercise a right to purchase a transit system pursuant to 964
agreement with the owner of those transit facilities, or for 965
providing lawful financial assistance to existing transit systems; 966
and may provide any consideration that may be required in order to 967
obtain those grants or loans from the United States, the state, or 968
other public or private source, either of which grants or loans 969
may be evidenced by the issuance of revenue bonds as provided by 970
section 306.37 of the Revised Code or general obligation bonds as 971
provided by section 306.40 of the Revised Code; 972

(S) May employ and fix the compensation of consulting 973
engineers, superintendents, managers, and such other engineering, 974
construction, accounting and financial experts, attorneys, and 975
other employees and agents necessary for the accomplishment of its 976
purposes; 977

(T) May procure insurance against loss to it by reason of 978
damages to its properties resulting from fire, theft, accident, or 979
other casualties or by reason of its liability for any damages to 980
persons or property occurring in the construction or operation of 981
transit facilities under its jurisdiction or the conduct of its 982
activities; 983

(U) May maintain funds that it considers necessary for the 984
efficient performance of its duties; 985

(V) May direct its agents or employees, when properly 986
identified in writing, after at least five days' written notice, 987
to enter upon lands within or without its territorial boundaries 988
in order to make surveys and examinations preliminary to the 989
location and construction of transit facilities, without liability 990
to it or its agents or employees except for actual damage done; 991

(W) On its own motion, may request the appropriate zoning 992
board, as defined in section 4563.03 of the Revised Code, to 993

establish and enforce zoning regulations pertaining to any transit 994
facility under its jurisdiction in the manner prescribed by 995
sections 4563.01 to 4563.21 of the Revised Code; 996

(X) If it acquires any existing transit system, shall assume 997
all the employer's obligations under any existing labor contract 998
between the employees and management of the system. If the board 999
acquires, constructs, controls, or operates any such facilities, 1000
it shall negotiate arrangements to protect the interests of 1001
employees affected by the acquisition, construction, control, or 1002
operation. The arrangements shall include, but are not limited to: 1003

(1) The preservation of rights, privileges, and benefits 1004
under existing collective bargaining agreements or otherwise, the 1005
preservation of rights and benefits under any existing pension 1006
plans covering prior service, and continued participation in 1007
social security in addition to participation in the public 1008
employees retirement system as required in Chapter 145. of the 1009
Revised Code; 1010

(2) The continuation of collective bargaining rights; 1011

(3) The protection of individual employees against a 1012
worsening of their positions with respect to their employment; 1013

(4) Assurances of employment to employees of those transit 1014
systems and priority reemployment of employees terminated or laid 1015
off; 1016

(5) Paid training or retraining programs; 1017

(6) Signed written labor agreements. 1018

The arrangements may include provisions for the submission of 1019
labor disputes to final and binding arbitration. 1020

(Y) May provide for and maintain security operations, 1021
including a transit police department, subject to section 306.352 1022
of the Revised Code. Regional transit authority police officers 1023

shall have the power and duty to act as peace officers within 1024
transit facilities owned, operated, or leased by the transit 1025
authority to protect the transit authority's property and the 1026
person and property of passengers, to preserve the peace, and to 1027
enforce all laws of the state and ordinances and regulations of 1028
political subdivisions in which the transit authority operates. 1029
Regional transit authority police officers also shall have the 1030
power and duty to act as peace officers when they render emergency 1031
assistance outside their jurisdiction to any other peace officer 1032
who is not a regional transit authority police officer and who has 1033
arrest authority under section 2935.03 of the Revised Code. 1034
Regional transit authority police officers may render emergency 1035
assistance if there is a threat of imminent physical danger to the 1036
peace officer, a threat of physical harm to another person, or any 1037
other serious emergency situation and if either the peace officer 1038
who is assisted requests emergency assistance or it appears that 1039
the peace officer who is assisted is unable to request emergency 1040
assistance and the circumstances observed by the regional transit 1041
authority police officer reasonably indicate that emergency 1042
assistance is appropriate. 1043

Before exercising powers of arrest and the other powers and 1044
duties of a peace officer, each regional transit authority police 1045
officer shall take an oath and give bond to the state in a sum 1046
that the board of trustees prescribes for the proper performance 1047
of the officer's duties. 1048

Persons employed as regional transit authority police 1049
officers shall complete training for the position to which they 1050
have been appointed as required by the Ohio peace officer training 1051
commission as authorized in section 109.77 of the Revised Code, or 1052
be otherwise qualified. The cost of the training shall be provided 1053
by the regional transit authority. 1054

(Z) May procure a policy or policies insuring members of its 1055

board of trustees against liability on account of damages or 1056
injury to persons and property resulting from any act or omission 1057
of a member in the member's official capacity as a member of the 1058
board or resulting solely out of the member's membership on the 1059
board; 1060

(AA) May enter into any agreement for the sale and leaseback 1061
or lease and leaseback of transit facilities, which agreement may 1062
contain all necessary covenants for the security and protection of 1063
any lessor or the regional transit authority including, but not 1064
limited to, indemnification of the lessor against the loss of 1065
anticipated tax benefits arising from acts, omissions, or 1066
misrepresentations of the regional transit authority. In 1067
connection with that transaction, the regional transit authority 1068
may contract for insurance and letters of credit and pay any 1069
premiums or other charges for the insurance and letters of credit. 1070
The fiscal officer shall not be required to furnish any 1071
certificate under section 5705.41 of the Revised Code in 1072
connection with the execution of any such agreement. 1073

(BB) In regard to any contract entered into on or after March 1074
19, 1993, for the rendering of services or the supplying of 1075
materials or for the construction, demolition, alteration, repair, 1076
or reconstruction of transit facilities in which a bond is 1077
required for the faithful performance of the contract, may permit 1078
the person awarded the contract to utilize a letter of credit 1079
issued by a bank or other financial institution in lieu of the 1080
bond; 1081

(CC) May enter into agreements with municipal corporations 1082
located within the territorial jurisdiction of the regional 1083
transit authority permitting regional transit authority police 1084
officers employed under division (Y) of this section to exercise 1085
full arrest powers, as provided in section 2935.03 of the Revised 1086
Code, for the purpose of preserving the peace and enforcing all 1087

laws of the state and ordinances and regulations of the municipal 1088
corporation within the areas that may be agreed to by the regional 1089
transit authority and the municipal corporation. 1090

(DD) If the regional transit authority levies a tax 1091
specifically for such purpose, shall enter into agreements with 1092
counties, municipal corporations, and townships located within the 1093
territorial boundaries of the regional transit authority to fund 1094
the general construction and maintenance of roads and bridges 1095
related to the provision of service by the regional transit 1096
system. 1097

Such agreements are subject to all of the following: 1098

(1) The regional transit authority shall submit each such 1099
agreement for approval to the appropriate public works integrating 1100
committee. 1101

(2) The integrating committee of each district designated 1102
under section 164.03 of the Revised Code shall, on at least an 1103
annual basis, review and approve or deny agreements submitted to 1104
it under division (DD)(1) of this section. 1105

(3) In district two, as described in section 164.03 of the 1106
Revised Code, approvals and denials shall be by an affirmative 1107
vote of six of the members of the integrating committee. 1108

(4) An integrating committee shall notify the authority of 1109
the approval or denial. 1110

(5) The regional transit authority shall expend funds only as 1111
authorized in an approved agreement. 1112

Sec. 306.54. Subject to making due provisions for the payment 1113
and performance of its obligations, the resolution or ordinance 1114
creating the regional transit authority may provide for its 1115
dissolution or modification in membership under circumstances 1116
described therein, or a regional transit authority may be 1117

dissolved or its membership modified by its board of trustees with 1118
the consent of the subdivision or subdivisions creating such 1119
regional transit authority by a majority vote of the legislative 1120
authorities of each such subdivision. In the event of dissolution 1121
the properties of the regional transit authority shall be 1122
transferred to the subdivision creating it, or if created by more 1123
than one subdivision, to the subdivisions creating it in such 1124
manner as may be agreed upon by such subdivisions. 1125

Sec. 306.70. A tax proposed to be levied by a board of county 1126
commissioners or by the board of trustees of a regional transit 1127
authority pursuant to sections 5739.023 and 5741.022 of the 1128
Revised Code shall not become effective until it is submitted to 1129
the electors residing within the county or within the territorial 1130
boundaries of the regional transit authority and approved by a 1131
majority of the electors voting on it. Such question shall be 1132
submitted at a general election or at a special election on a day 1133
specified in the resolution levying the tax and occurring not less 1134
than ninety days after such resolution is certified to the board 1135
of elections, in accordance with section 3505.071 of the Revised 1136
Code. 1137

The board of elections of the county or of each county in 1138
which any territory of the regional transit authority is located 1139
shall make the necessary arrangements for the submission of such 1140
question to the electors of the county or regional transit 1141
authority, and the election shall be held, canvassed, and 1142
certified in the same manner as regular elections for the election 1143
of county officers. Notice of the election shall be published in a 1144
newspaper of general circulation in the territory of the county or 1145
of the regional transit authority once a week for two consecutive 1146
weeks prior to the election or as provided in section 7.16 of the 1147
Revised Code. If the board of elections operates and maintains a 1148
web site, notice of the election also shall be posted on that web 1149

site for thirty days prior to the election. The notice shall state 1150
the type, rate, and purpose of the tax to be levied, the length of 1151
time during which the tax will be in effect, and the time and 1152
place of the election. 1153

More than one such question may be submitted at the same 1154
election. The form of the ballots cast at such election shall be: 1155

"Shall a(n) (sales and use) 1156
tax be levied ~~for all transit purposes of~~ by the 1157
..... (here insert name of the county or regional 1158
transit authority) for the purpose of (here 1159
insert the purpose or purposes of the levy) at a rate not 1160
exceeding (here insert percentage) per cent 1161
for (here insert number of years the tax is to be 1162
in effect, or that it is to be in effect for a continuing period 1163
of time)?" 1164

If the tax proposed to be levied is a continuation of an 1165
existing tax, whether at the same rate or at an increased or 1166
reduced rate, or an increase in the rate of an existing tax, the 1167
notice and ballot form shall so state. If one of the purposes of 1168
the proposed tax is to fund public infrastructure projects as 1169
described in division (DD) of section 306.35 of the Revised Code, 1170
the notice and ballot shall also so state. When specified in a 1171
resolution adopted under section 5739.023 of the Revised Code, the 1172
notice and ballot may also state the percentage of the tax 1173
proceeds to be allocated among each of the purposes of the 1174
proposed tax and, if one of the purposes is to provide general 1175
revenue for the transit authority, the percentage of the proceeds 1176
to be allocated among the specific projects, functions, or other 1177
uses to be funded by that general revenue. 1178

The board of elections to which the resolution was certified 1179
shall certify the results of the election to the county auditor of 1180
the county or secretary-treasurer of the regional transit 1181

authority levying the tax and to the tax commissioner of the 1182
state. 1183

Sec. 321.50. (A) As used in this section and section 321.51 1184
of the Revised Code: 1185

(1) "Eligible county" means a county appearing on the most 1186
recent determination certified by the chief of the division of oil 1187
and gas resources management under division (C) of section 1509.11 1188
of the Revised Code. 1189

(2) "Cost of capital improvement projects" has the same 1190
meaning as in section 164.01 of the Revised Code. 1191

(B) The county treasurer of each eligible county shall create 1192
in the county treasury an oil and gas infrastructure fund. The 1193
treasurer shall deposit any money received by the treasurer under 1194
section 1509.02 of the Revised Code into the fund. 1195

Not later than twenty days following the deposit of money 1196
into the fund, the treasurer shall distribute the money to 1197
subdivisions in proportion to the amount the subdivision would 1198
receive from the county's undivided local government fund 1199
according to the formula used by the county to distribute money 1200
from that fund under section 5747.51 or 5747.53 of the Revised 1201
Code. 1202

A subdivision shall use money received from the oil and gas 1203
infrastructure fund exclusively for the purpose of paying the cost 1204
of capital improvement projects. 1205

Sec. 321.51. The county treasurer of each eligible county 1206
shall create in the county treasury a township road maintenance 1207
fund. The treasurer shall deposit any money received by the 1208
treasurer under section 1509.02 of the Revised Code into the fund. 1209
The treasurer shall notify the chair of the county's township road 1210
maintenance committee whenever the treasurer deposits money into 1211

the fund. The treasurer shall distribute money from the fund into 1212
the township road funds of townships in the county as prescribed 1213
in an order of the township road maintenance committee under 1214
section 505.96 of the Revised Code. 1215

Sec. 505.267. (A) As used in this section: 1216

(1) "Lease-purchase agreement" has the same meaning as a 1217
lease with an option to purchase. 1218

(2) "Public obligation" has the same meaning as in section 1219
133.01 of the Revised Code. 1220

(B) For any purpose for which a board of township trustees, a 1221
joint police district board, a township fire district, a joint 1222
fire district, a joint ambulance district, or a fire and ambulance 1223
district is authorized to acquire real or personal property, that 1224
board may enter into a lease-purchase agreement in accordance with 1225
this section to acquire the property. The board's resolution 1226
authorizing the lease-purchase agreement may provide for the 1227
issuance of certificates of participation or other evidences of 1228
fractionalized interests in the lease-purchase agreement, for the 1229
purpose of financing, or refinancing or refunding, any public 1230
obligation that financed or refinanced the acquisition of the 1231
property. Sections 9.94, 133.03, and 133.30 of the Revised Code 1232
shall apply to any such fractionalized interests. 1233

The lease-purchase agreement shall provide for a series of 1234
terms in which no term extends beyond the end of the fiscal year 1235
of the township or district in which that term commences. In 1236
total, the terms provided for in the agreement shall be for not 1237
more than the useful life of the real or personal property that is 1238
the subject of the agreement. A property's useful life shall be 1239
determined either by the maximum number of installment payments 1240
permitted under the statute that authorizes the board to acquire 1241
the property or, if there is no such provision, by the maximum 1242

number of years to maturity provided for the issuance of bonds in 1243
division (B) of section 133.20 of the Revised Code for that 1244
property. If the useful life cannot be determined under either of 1245
those statutes, it shall be estimated as provided in division (C) 1246
of section 133.20 of the Revised Code. 1247

The lease-purchase agreement shall provide that, at the end 1248
of the final term in the agreement, if all obligations of the 1249
township or district have been satisfied, the title to the leased 1250
property shall vest in the township or district executing the 1251
lease-purchase agreement, if that title has not vested in the 1252
township or district before or during the lease terms; except that 1253
the lease-purchase agreement may require the township or district 1254
to pay an additional lump sum payment as a condition of obtaining 1255
that title. 1256

(C) A board of trustees that enters into a lease-purchase 1257
agreement under this section may do any of the following with the 1258
property that is the subject of the agreement: 1259

(1) If the property is personal property, assign the board's 1260
rights to that property; 1261

(2) Grant the lessor a security interest in the property; 1262

(3) If the property is real property, grant leases, 1263
easements, or licenses for underlying land or facilities under the 1264
board's control for terms not exceeding five years beyond the 1265
final term of the lease-purchase agreement. 1266

(D) The authority granted in this section is in addition to, 1267
and not in derogation of, any other financing authority provided 1268
by law. 1269

Sec. 505.71. The boards of township trustees of one or more 1270
townships and the legislative authorities of any one or more 1271
municipal corporations within or adjoining those townships, or the 1272

boards of township trustees of two or more townships, or the 1273
legislative authorities of two or more municipal corporations, 1274
may, by adoption of a joint resolution by a majority of the 1275
members of each board of township trustees and by a majority of 1276
the members of the legislative authority of each municipal 1277
corporation, create a joint ambulance district comprising the 1278
municipal corporations and all or any portions of the townships as 1279
are mutually agreed upon, except that no portion of a township or 1280
municipal corporation being served by a joint emergency medical 1281
services district shall be part of a joint ambulance district. A 1282
district so created shall be given a name different from the name 1283
of any participating township or municipal corporation. 1284

The governing body of a district shall be a board of 1285
trustees, which shall include one representative appointed by each 1286
board of township trustees and one representative appointed by the 1287
legislative authority of each municipal corporation in the 1288
district. Members of the board of trustees may be compensated at a 1289
rate not to exceed seventy-five dollars per meeting, not to exceed 1290
fifteen meetings per year, and may be reimbursed for all necessary 1291
expenses incurred. The board shall employ a clerk. Before entering 1292
upon official duties, the clerk shall execute a bond, in the 1293
amount and with surety to be approved by the board, payable to the 1294
state, and conditioned for the faithful performance of all 1295
official duties required of the clerk. The bond shall be deposited 1296
with the presiding officer of the board, and copies of it, 1297
certified by the presiding officer, shall be filed with the county 1298
auditor of each county with a subdivision included in the 1299
district. 1300

To provide the services and equipment it considers necessary 1301
for the district, the board may levy taxes, subject to Chapter 1302
5705. of the Revised Code, and issue bonds and other evidences of 1303
indebtedness, subject to Chapter 133. of the Revised Code, after 1304

submitting the question of that issuance to the electors of the 1305
district in the manner provided by Chapter 133. of the Revised 1306
Code. The district may purchase, lease, lease with an option to 1307
purchase, construct, maintain, and use all materials, equipment, 1308
vehicles, buildings, and land necessary to perform its duties. 1309

Any municipal corporation or township may join an existing 1310
district by the adoption of a resolution requesting membership and 1311
upon approval of the board of the district. Any municipal 1312
corporation or township may withdraw from a district by the 1313
adoption of a resolution ordering withdrawal. On or after the 1314
first day of January of the year following the adoption of the 1315
resolution of withdrawal, the municipal corporation or township 1316
withdrawing ceases to be a part of the district, and the power of 1317
the district to levy a tax upon taxable property in the 1318
withdrawing township or municipal corporation terminates, except 1319
that the district shall continue to levy and collect taxes for the 1320
payment of indebtedness within the territory of the district as it 1321
was comprised at the time the indebtedness was incurred. 1322

Upon the withdrawal of any township or municipal corporation 1323
from a district, the county auditor shall ascertain, apportion, 1324
and order a division of the funds on hand, moneys and taxes in the 1325
process of collection, except for taxes levied for the payment of 1326
indebtedness, credits, and real and personal property, either in 1327
money or in kind, on the basis of the valuation of the respective 1328
tax duplicates of the withdrawing municipal corporation or 1329
township and the remaining territory of the district. 1330

When the number of townships and municipal corporations 1331
constituting a district is reduced to one, the district ceases to 1332
exist by operation of law, and the funds, credits, and property 1333
remaining after apportionments to withdrawing municipal 1334
corporations or townships shall be assumed by the one remaining 1335
township or municipal corporation. When a district ceases to exist 1336

and an indebtedness remains unpaid, the board of county 1337
commissioners shall continue to levy and collect taxes for the 1338
payment of that indebtedness within the territory of the district 1339
as it was comprised at the time the indebtedness was incurred. 1340

Sec. 505.96. (A) There is hereby created in each county that 1341
is or has been an eligible county, as that term is defined in 1342
section 321.50 of the Revised Code, the township road maintenance 1343
committee, which shall consist of one trustee of each township 1344
located in the county appointed by the board of trustees of each 1345
township. A member of the committee may be removed by the member's 1346
appointing board. Members shall be appointed on or before the 1347
first day of June of each year and shall serve one-year terms. 1348
Members may be reappointed to the committee. 1349

Any member appointed to the committee under this section 1350
shall continue as a member until the later of the end of the term 1351
for which the member is appointed or the date the member's 1352
successor joins the committee. A vacancy occurring among the 1353
members shall be filled in the same manner as the original 1354
appointment. Members of the committee shall not be compensated or 1355
reimbursed for members' expenses. 1356

(B) At the first meeting of the committee, which shall occur 1357
not later than the fifteenth day of June of each year, members of 1358
the committee shall elect a chair and notify the county treasurer 1359
of the result of the committee's election. The committee shall 1360
meet at the call of the chair. A majority of the committee 1361
constitutes a quorum. The committee is a public body for the 1362
purposes of section 121.22 of the Revised Code. Records of the 1363
committee are public records for the purposes of section 149.43 of 1364
the Revised Code. 1365

(C) On or before the thirty-first day of September of each 1366
year, the committee shall issue an order and certify that order to 1367

the county treasurer distributing money in the county's township road maintenance fund to the township road funds of townships in the county in the proportions prescribed by the committee. In prescribing the proportion to be distributed to each township, the committee shall consider the following factors:

(1) The number of centerline miles within the boundaries of the township as determined under division (A)(3)(b) of section 5735.27 of the Revised Code;

(2) The amount of money received by the township from the county's oil and gas infrastructure fund in that year;

(3) The number and locations of producing oil and gas wells located in the township.

(D) A township shall use money received from the township maintenance fund exclusively for the purposes of maintaining and constructing roads and purchasing road maintenance equipment.

Sec. 1349.61. (A)(1) Subject to division (C) of this section, no person or entity shall sell a gift card to a purchaser containing an expiration date that is less than two years after the date the gift card is issued.

(2) No person or entity, within two years after a gift card is issued, shall charge service charges or fees relative to that gift card, including dormancy fees, latency fees, or administrative fees, that have the effect of reducing the total amount for which the holder of the gift card may redeem the gift card.

(B) A gift card sold without an expiration date is valid until redeemed or replaced with a new gift card.

(C) Division (A) of this section does not apply to any of the following gift cards:

(1) A gift card that is distributed by the issuer to a

consumer pursuant to an awards, loyalty, or promotional program	1398
without any money or anything of value being given in exchange for	1399
the gift card by the consumer;	1400
(2) A gift card that is sold below face value at a volume	1401
discount to employers or to nonprofit and charitable organizations	1402
for fundraising purposes, if the expiration date on that gift card	1403
is not more than thirty days after the date of sale;	1404
(3) A gift card that is sold by a nonprofit or charitable	1405
organization for fundraising purposes;	1406
(4) A gift card that an employer gives to an employee if use	1407
of the gift card is limited to the employer's business	1408
establishment, which may include a group of merchants that are	1409
affiliated with that business establishment;	1410
(5) A gift certificate issued in accordance with section	1411
1533.131 of the Revised Code that may be used to obtain hunting	1412
and fishing licenses, fur taker, special deer, and special wild	1413
turkey permits, and wetlands habitat stamps;	1414
(6) A gift card that is usable with multiple, unaffiliated	1415
sellers of goods or services;	1416
(7) A gift card that an employer issues to an employee in	1417
recognition of services performed by the employee.	1418
(D) Whoever violates division (A)(2) of this section is	1419
liable to the holder for any amount that the redemption value of	1420
the gift card was reduced, any court costs incurred, and	1421
reasonable attorney's fees.	1422
(E) As used in this section:	1423
(1) "Gift card" means a certificate, electronic card, or	1424
other medium issued by a merchant that evidences the giving of	1425
consideration in exchange for the right to redeem the certificate,	1426
electronic card, or other medium for goods, food, services,	1427

credit, or money of at least an equal value, including any 1428
electronic card issued by a merchant with a monetary value where 1429
the issuer has received payment for the full monetary value for 1430
the future purchase or delivery of goods or services and any 1431
certificate issued by a merchant where the issuer has received 1432
payment for the full monetary face value of the certificate for 1433
the future purchase or delivery of goods and services. "Gift card" 1434
does not include a prepaid calling card used to make telephone 1435
calls. 1436

(2) "Employee" ~~has the same meaning as in section 4121.01 of~~ 1437
~~the Revised Code~~ means every person who may be required or 1438
directed by any employer, in consideration of direct or indirect 1439
gain or profit, to engage in any employment, or to go, or work, or 1440
be at any time in any place of employment. 1441

(3) "Employer" means every person, firm, corporation, agent, 1442
manager, representative, or other person having control or custody 1443
of any employment, place of employment, or employee. 1444

Sec. 1509.02. (A) There is hereby created in the department 1445
of natural resources the division of oil and gas resources 1446
management, which shall be administered by the chief of the 1447
division of oil and gas resources management. The division has 1448
sole and exclusive authority to regulate the permitting, location, 1449
and spacing of oil and gas wells and production operations within 1450
the state, excepting only those activities regulated under federal 1451
laws for which oversight has been delegated to the environmental 1452
protection agency and activities regulated under sections 6111.02 1453
to 6111.028 of the Revised Code. The regulation of oil and gas 1454
activities is a matter of general statewide interest that requires 1455
uniform statewide regulation, and this chapter and rules adopted 1456
under it constitute a comprehensive plan with respect to all 1457
aspects of the locating, drilling, well stimulation, completing, 1458

and operating of oil and gas wells within this state, including 1459
site construction and restoration, permitting related to those 1460
activities, and the disposal of wastes from those wells. In order 1461
to assist the division in the furtherance of its sole and 1462
exclusive authority as established in this section, the chief may 1463
enter into cooperative agreements with other state agencies for 1464
advice and consultation, including visitations at the surface 1465
location of a well on behalf of the division. Such cooperative 1466
agreements do not confer on other state agencies any authority to 1467
administer or enforce this chapter and rules adopted under it. In 1468
addition, such cooperative agreements shall not be construed to 1469
dilute or diminish the division's sole and exclusive authority as 1470
established in this section. Nothing in this section affects the 1471
authority granted to the director of transportation and local 1472
authorities in section 723.01 or 4513.34 of the Revised Code, 1473
provided that the authority granted under those sections shall not 1474
be exercised in a manner that discriminates against, unfairly 1475
impedes, or obstructs oil and gas activities and operations 1476
regulated under this chapter. 1477

The chief shall not hold any other public office, nor shall 1478
the chief be engaged in any occupation or business that might 1479
interfere with or be inconsistent with the duties as chief. 1480

Money collected by the chief pursuant to sections 1509.06, 1481
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 1509.28, 1482
1509.34, 1509.50, and 5749.02 of the Revised Code, all civil 1483
penalties paid under section 1509.33 of the Revised Code, and, 1484
notwithstanding any section of the Revised Code relating to the 1485
distribution or crediting of fines for violations of the Revised 1486
Code, all fines imposed under divisions (A) and (B) of section 1487
1509.99 of the Revised Code and fines imposed under divisions (C) 1488
and (D) of section 1509.99 of the Revised Code for all violations 1489
prosecuted by the attorney general and for violations prosecuted 1490

by prosecuting attorneys that do not involve the transportation of 1491
brine by vehicle shall be deposited into the state treasury to the 1492
credit of the oil and gas well fund, which is hereby created. 1493
Fines imposed under divisions (C) and (D) of section 1509.99 of 1494
the Revised Code for violations prosecuted by prosecuting 1495
attorneys that involve the transportation of brine by vehicle and 1496
penalties associated with a compliance agreement entered into 1497
pursuant to this chapter shall be paid to the county treasury of 1498
the county where the violation occurred. 1499

The fund shall be used solely and exclusively for the 1500
purposes enumerated in division (B) of section 1509.071 of the 1501
Revised Code, for the expenses of the division associated with the 1502
administration of this chapter and Chapter 1571. of the Revised 1503
Code and rules adopted under them, and for expenses that are 1504
critical and necessary for the protection of human health and 1505
safety and the environment related to oil and gas production in 1506
this state. The expenses of the division in excess of the moneys 1507
available in the fund shall be paid from general revenue fund 1508
appropriations to the department. 1509

(B) The director of budget and management shall, on or before 1510
the last day of any fiscal year beginning on or after July 1, 1511
2019, in which the balance of the oil and gas well fund on the 1512
last day of that year exceeds or will exceed fifty million 1513
dollars, transfer five million dollars from the oil and gas well 1514
fund to the oil and gas infrastructure fund, which is hereby 1515
created in the state treasury. On or before the last day of the 1516
fiscal year in which that transfer occurs, the director shall pay 1517
the balance of the oil and gas infrastructure fund as follows: 1518

(1) Sixty per cent to the county treasurer of each eligible 1519
county, as that term is defined in section 321.50 of the Revised 1520
Code, in each county's proportion most recently certified to the 1521
director by the chief of the division of oil and gas resources 1522

under division (C) of section 1509.11 of the Revised Code, for 1523
deposit in the county's oil and gas infrastructure fund under 1524
section 321.50 of the Revised Code; 1525

(2) Twenty per cent to the township road maintenance fund of 1526
each eligible county in the proportion certified to the director 1527
by the chief under division (C) of section 1509.11 of the Revised 1528
Code; 1529

(3) Twenty per cent to the general fund of each municipal 1530
corporation or the general fund of each township in the municipal 1531
corporation's or township's proportion most recently certified to 1532
the director by the chief under division (D) of section 1509.11 of 1533
the Revised Code. Money received by a municipal corporation or 1534
township under division (B)(3) of this section may be used for any 1535
lawful purpose. 1536

Sec. 1509.11. (A)(1) The owner of any well, except a 1537
horizontal well, that is producing or capable of producing oil or 1538
gas shall file with the chief of the division of oil and gas 1539
resources management, on or before the thirty-first day of March, 1540
a statement of production of oil, gas, and brine for the last 1541
preceding calendar year in such form as the chief may prescribe. 1542
An owner that has more than one hundred such wells in this state 1543
shall submit electronically the statement of production in a 1544
format that is approved by the chief. 1545

(2) The owner of any horizontal well that is producing or 1546
capable of producing oil or gas shall file with the chief, on the 1547
forty-fifth day following the close of each calendar quarter, a 1548
statement of production of oil, gas, and brine for the preceding 1549
calendar quarter in a form that the chief prescribes. An owner 1550
that has more than one hundred horizontal wells in this state 1551
shall submit electronically the statement of production in a 1552
format that is approved by the chief. 1553

(B) The chief shall not disclose information received from 1554
the department of taxation under division (C)(12) of section 1555
5703.21 of the Revised Code until the related statement of 1556
production required by division (A) of this section is filed with 1557
the chief. 1558

(C) Not later than the fifteenth day of June of each year, 1559
beginning in 2020, the chief shall calculate and certify to the 1560
director of budget and management, for each county in which one or 1561
more wells producing oil or gas in the Utica or Marcellus 1562
formation were located in the preceding calendar year, the number 1563
of wells producing oil or gas in the Utica or Marcellus formation 1564
located in that county in the preceding calendar year divided by 1565
the total number of wells producing oil or gas in the Utica or 1566
Marcellus formation located in the state in that calendar year. 1567

(D) Not later than the fifteenth day of June of each year, 1568
the chief shall calculate and certify to the director of budget 1569
and management, for each municipal corporation and township in 1570
which one or more wells producing oil or gas in the Utica or 1571
Marcellus formation were located in the preceding calendar year, 1572
the number of such wells located in the municipal corporation or 1573
township in the preceding calendar year divided by the total 1574
number of such wells located in the state in that calendar year. 1575
For the purposes of division (D) of this section, a well is 1576
located in a township only if the well is located in the 1577
unincorporated territory of that township. 1578

Sec. 1901.18. (A) Except as otherwise provided in this 1579
division or section 1901.181 of the Revised Code, subject to the 1580
monetary jurisdiction of municipal courts as set forth in section 1581
1901.17 of the Revised Code, a municipal court has original 1582
jurisdiction within its territory in all of the following actions 1583
or proceedings and to perform all of the following functions: 1584

(1) In any civil action, of whatever nature or remedy, of	1585
which judges of county courts have jurisdiction;	1586
(2) In any action or proceeding at law for the recovery of	1587
money or personal property of which the court of common pleas has	1588
jurisdiction;	1589
(3) In any action at law based on contract, to determine,	1590
preserve, and enforce all legal and equitable rights involved in	1591
the contract, to decree an accounting, reformation, or	1592
cancellation of the contract, and to hear and determine all legal	1593
and equitable remedies necessary or proper for a complete	1594
determination of the rights of the parties to the contract;	1595
(4) In any action or proceeding for the sale of personal	1596
property under chattel mortgage, lien, encumbrance, or other	1597
charge, for the foreclosure and marshalling of liens on personal	1598
property of that nature, and for the rendering of personal	1599
judgment in the action or proceeding;	1600
(5) In any action or proceeding to enforce the collection of	1601
its own judgments or the judgments rendered by any court within	1602
the territory to which the municipal court has succeeded, and to	1603
subject the interest of a judgment debtor in personal property to	1604
satisfy judgments enforceable by the municipal court;	1605
(6) In any action or proceeding in the nature of	1606
interpleader;	1607
(7) In any action of replevin;	1608
(8) In any action of forcible entry and detainer;	1609
(9) In any action concerning the issuance and enforcement of	1610
temporary protection orders pursuant to section 2919.26 of the	1611
Revised Code or protection orders pursuant to section 2903.213 of	1612
the Revised Code or the enforcement of protection orders issued by	1613
courts of another state, as defined in section 2919.27 of the	1614

Revised Code; 1615

(10) If the municipal court has a housing or environmental 1616
division, in any action over which the division is given 1617
jurisdiction by section 1901.181 of the Revised Code, provided 1618
that, except as specified in division (B) of that section, no 1619
judge of the court other than the judge of the division shall hear 1620
or determine any action over which the division has jurisdiction; 1621

(11) In any action brought pursuant to division (I) of 1622
section 4781.40 of the Revised Code, if the residential premises 1623
that are the subject of the action are located within the 1624
territorial jurisdiction of the court; 1625

(12) In any civil action as described in division (B)(1) of 1626
section 3767.41 of the Revised Code that relates to a public 1627
nuisance, and, to the extent any provision of this chapter 1628
conflicts or is inconsistent with a provision of that section, the 1629
provision of that section shall control in the civil action; 1630

(13) In a proceeding brought pursuant to section 955.222 of 1631
the Revised Code by the owner of a dog that has been designated as 1632
a nuisance dog, dangerous dog, or vicious dog; 1633

(14) In every civil action concerning a violation of a state 1634
traffic law or a municipal traffic ordinance. 1635

(B) The Cleveland municipal court also shall have 1636
jurisdiction within its territory in all of the following actions 1637
or proceedings and to perform all of the following functions: 1638

(1) In all actions and proceedings for the sale of real 1639
property under lien of a judgment of the municipal court or a lien 1640
for machinery, material, or fuel furnished or labor performed, 1641
irrespective of amount, and, in those actions and proceedings, the 1642
court may proceed to foreclose and marshal all liens and all 1643
vested or contingent rights, to appoint a receiver, and to render 1644
personal judgment irrespective of amount in favor of any party. 1645

(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars and the real property is situated within the territory, and, in those actions, the court may proceed to foreclose all liens and all vested and contingent rights and may proceed to render judgments and make findings and orders between the parties in the same manner and to the same extent as in similar actions in the court of common pleas.

(3) In all actions for the recovery of real property situated within the territory to the same extent as courts of common pleas have jurisdiction;

(4) In all actions for injunction to prevent or terminate violations of the ordinances and regulations of the city of Cleveland enacted or promulgated under the police power of the city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio Constitution, over which the court of common pleas has or may have jurisdiction, and, in those actions, the court may proceed to render judgments and make findings and orders in the same manner and to the same extent as in similar actions in the court of common pleas.

(C) As used in this section, "violation of a state traffic law or a municipal traffic ordinance" has the same meaning as in section 1901.20 of the Revised Code.

Sec. 1901.20. (A)(1) The municipal court has jurisdiction to hear misdemeanor cases committed within its territory and has jurisdiction over the violation of any ordinance of any municipal corporation within its territory, ~~unless the violation is a~~ including exclusive jurisdiction over every civil action concerning a violation based upon evidence recorded by a traffic

~~law photo monitoring device and issued pursuant to division (B)(3)~~ 1677
~~of section 4511.093 of the Revised Code or the of a state traffic~~ 1678
~~law or a municipal traffic ordinance. The municipal court does not~~ 1679
~~have jurisdiction over a violation that is required to be handled~~ 1680
by a parking violations bureau or joint parking violations bureau 1681
pursuant to Chapter 4521. of the Revised Code. However, the 1682
municipal court has jurisdiction over the violation of a vehicle 1683
parking or standing resolution or regulation if a local authority, 1684
as defined in division (D) of section 4521.01 of the Revised Code, 1685
has specified that it is not to be considered a criminal offense, 1686
if the violation is committed within the limits of the court's 1687
territory, and if the violation is not required to be handled by a 1688
parking violations bureau or joint parking violations bureau 1689
pursuant to Chapter 4521. of the Revised Code. 1690

The municipal court, if it has a housing or environmental 1691
division, has jurisdiction over any criminal action over which the 1692
housing or environmental division is given jurisdiction by section 1693
1901.181 of the Revised Code, provided that, except as specified 1694
in division (B) of that section, no judge of the court other than 1695
the judge of the division shall hear or determine any action over 1696
which the division has jurisdiction. In all such prosecutions and 1697
cases, the court shall proceed to a final determination of the 1698
prosecution or case. 1699

(2) A judge of a municipal court does not have the authority 1700
to dismiss a criminal complaint, charge, information, or 1701
indictment solely at the request of the complaining witness and 1702
over the objection of the prosecuting attorney, village solicitor, 1703
city director of law, or other chief legal officer who is 1704
responsible for the prosecution of the case. 1705

(B) The municipal court has jurisdiction to hear felony cases 1706
committed within its territory. In all felony cases, the court may 1707
conduct preliminary hearings and other necessary hearings prior to 1708

the indictment of the defendant or prior to the court's finding 1709
that there is probable and reasonable cause to hold or recognize 1710
the defendant to appear before a court of common pleas and may 1711
discharge, recognize, or commit the defendant. 1712

(C)~~(1)~~ A municipal court has jurisdiction over an appeal from 1713
a judgment or default judgment entered pursuant to Chapter 4521. 1714
of the Revised Code, as authorized by division (D) of section 1715
4521.08 of the Revised Code. The appeal shall be placed on the 1716
regular docket of the court and shall be determined by a judge of 1717
the court. 1718

~~(2) A municipal court has jurisdiction over an appeal of a 1719
written decision rendered by a hearing officer under section 1720
4511.099 of the Revised Code if the hearing officer that rendered 1721
the decision was appointed by a local authority within the 1722
jurisdiction of the court. 1723~~

(D) As used in this section, "violation of a state traffic 1724
law or a municipal traffic ordinance" includes, but is not limited 1725
to, a traffic law violation recorded by a traffic law 1726
photo-monitoring device, as defined in section 4511.092 of the 1727
Revised Code. 1728

Sec. 1907.02. (A)(1) In addition to other jurisdiction 1729
granted a county court in the Revised Code, a county court has 1730
jurisdiction of all misdemeanor cases. A county court has 1731
jurisdiction to conduct preliminary hearings in felony cases, to 1732
bind over alleged felons to the court of common pleas, and to take 1733
other action in felony cases as authorized by Criminal Rule 5. 1734

(2) A judge of a county court does not have the authority to 1735
dismiss a criminal complaint, charge, information, or indictment 1736
solely at the request of the complaining witness and over the 1737
objection of the prosecuting attorney, village solicitor, city 1738
director of law, or other chief legal officer who is responsible 1739

for the prosecution of the case. 1740

(B) A county court has jurisdiction of the violation of a 1741
vehicle parking or standing ordinance, resolution, or regulation 1742
if a local authority, as defined in division (D) of section 1743
4521.01 of the Revised Code, has specified that it is not to be 1744
considered a criminal offense, if the violation is committed 1745
within the limits of the court's territory, and if the violation 1746
is not required to be handled by a parking violations bureau or 1747
joint parking violations bureau pursuant to Chapter 4521. of the 1748
Revised Code. A county court does not have jurisdiction over 1749
violations of ordinances, resolutions, or regulations that are 1750
required to be handled by a parking violations bureau or joint 1751
parking violations bureau pursuant to that chapter. 1752

A county court also has jurisdiction of an appeal from a 1753
judgment or default judgment entered pursuant to Chapter 4521. of 1754
the Revised Code, as authorized by division (D) of section 4521.08 1755
of the Revised Code. Any such appeal shall be placed on the 1756
regular docket of the court and shall be determined by a judge of 1757
the court. 1758

(C) A county court has exclusive jurisdiction over ~~an appeal~~ 1759
~~of a written decision rendered by a hearing officer under section~~ 1760
~~4511.099 of the Revised Code if the hearing officer that rendered~~ 1761
~~the decision was appointed by a local authority within the~~ 1762
~~jurisdiction of the court~~ every civil action concerning a 1763
violation of a state traffic law or a municipal traffic ordinance, 1764
if the violation is committed within the limits of the court's 1765
territory. 1766

(D) As used in this section, "violation of a state traffic 1767
law or a municipal traffic ordinance" has the same meaning as in 1768
section 1901.20 of the Revised Code. 1769

Sec. 1907.031. (A) Except as otherwise provided in section 1770

1907.03 of the Revised Code and in addition to the jurisdiction	1771
authorized in other sections of this chapter and in section	1772
1909.11 of the Revised Code, a county court has original	1773
jurisdiction within its district in all of the following actions	1774
or proceedings and to perform all of the following functions:	1775
(1) In an action or proceeding at law for the recovery of	1776
money or personal property of which the court of common pleas has	1777
jurisdiction;	1778
(2) In an action at law based on contract, to determine,	1779
preserve, and enforce all legal and equitable rights involved in	1780
the contract, to decree an accounting, reformation, or	1781
cancellation of the contract, and to hear and determine all legal	1782
and equitable remedies necessary or proper for a complete	1783
determination of the rights of the parties to the contract;	1784
(3) In an action or proceeding for the sale of personal	1785
property under chattel mortgage, lien, encumbrance, or other	1786
charge, for the foreclosure and marshalling of liens on the	1787
personal property, and for the rendering of personal judgment in	1788
the action or proceeding;	1789
(4) In an action or proceeding to enforce the collection of	1790
its own judgments and to subject the interest of a judgment debtor	1791
in personal property to satisfy judgments enforceable by the	1792
county court;	1793
(5) In an action or proceeding in the nature of interpleader;	1794
(6) In an action of forcible entry and detainer;	1795
(7) In a proceeding brought pursuant to section 955.222 of	1796
the Revised Code by the owner of a dog that has been designated as	1797
a nuisance dog, dangerous dog, or vicious dog;	1798
<u>(8) In every civil action or proceeding concerning a</u>	1799
<u>violation of a state traffic law or a municipal traffic ordinance.</u>	1800

(B) A county court has original jurisdiction in civil actions 1801
as described in division (B)(1) of section 3767.41 of the Revised 1802
Code that relate to a public nuisance. To the extent any provision 1803
of this chapter conflicts or is inconsistent with a provision of 1804
that section, the provision of that section shall control in such 1805
a civil action. 1806

(C) As used in this section, "violation of a state traffic 1807
law or a municipal traffic ordinance" has the same meaning as in 1808
section 1901.20 of the Revised Code. 1809

Sec. 3327.012. Payments to school districts for 1810
transportation of school pupils shall be made on a current basis 1811
according to an estimate which shall be filed with the state board 1812
of education by respective school districts in accordance with 1813
rules which the state board of education shall promulgate. The sum 1814
due the respective school district as calculated from approved 1815
cost in accordance with the rules of the board of education shall 1816
be adjusted annually in the quarter next following the end of the 1817
school year. The superintendent of public instruction, subject to 1818
the approval of the state board of education, may contract with 1819
any firm, person, county transit system, regional transit 1820
authority, or board of education to provide pupil transportation 1821
services authorized by this section. In no event shall the payment 1822
for such contract service exceed the average transportation cost 1823
per pupil, such average cost to be based on the cost of 1824
transportation of children by all boards of education in Ohio 1825
during the next preceding year. 1826

Sec. 3944.01. As used in this chapter, "car sharing period," 1827
"peer-to-peer car sharing," "peer-to-peer car sharing program," 1828
"peer-to-peer car sharing program agreement," "primary policy of 1829
automobile insurance," "shared vehicle," "shared vehicle driver," 1830
and "shared vehicle owner" have the same meanings as in section 1831

4516.01 of the Revised Code. 1832

Sec. 3944.02. (A) Except as provided in division (B) of this 1833
section, a peer-to-peer car sharing program shall assume liability 1834
of a shared vehicle owner for any death, bodily injury, or 1835
property damage to a third party or an uninsured or underinsured 1836
motorist that are proximately caused by the operation of the 1837
shared vehicle during the car sharing period in an amount stated 1838
in the peer-to-peer car sharing program agreement. The amount 1839
shall be not less than that specified in division (A)(1) of 1840
section 3944.03 of the Revised Code. 1841

(B) The assumption of liability under division (A) of this 1842
section shall not apply if the shared vehicle owner made an 1843
intentional or fraudulent material misrepresentation to the 1844
peer-to-peer car sharing program regarding the vehicle owner's 1845
automobile insurance policy or the type or condition of the shared 1846
vehicle before the car sharing period in which the loss occurred. 1847

Sec. 3944.03. (A)(1) A peer-to-peer car sharing program shall 1848
ensure that, during each car sharing period, the shared vehicle 1849
owner and shared vehicle driver are each covered by a primary 1850
policy of automobile insurance that recognizes their status as a 1851
shared vehicle owner or shared vehicle driver and provides 1852
coverage for the operation of the shared vehicle during the car 1853
sharing period. Each policy shall be maintained in the following 1854
amounts: 1855

(a) At least twenty-five thousand dollars because of bodily 1856
injury to or death of one person in any one accident; 1857

(b) At least fifty thousand dollars because of bodily injury 1858
or death of two or more persons in any one accident; 1859

(c) At least twenty-five thousand dollars because of injury 1860

to property of others in any one accident. 1861

(2) The insurance required by division (A)(1) of this section 1862
may be satisfied by any of the following or a combination of any 1863
of the following: 1864

(a) An automobile insurance policy that is maintained by the 1865
shared vehicle owner; 1866

(b) An automobile insurance policy that is maintained by the 1867
shared vehicle driver; 1868

(c) An automobile insurance policy that is maintained by the 1869
peer-to-peer car sharing program. 1870

(3)(a) If personal automobile insurance maintained by a 1871
shared vehicle owner or shared vehicle driver does not provide 1872
liability coverage in the amounts required by division (A)(1) of 1873
this section, insurance maintained by the peer-to-peer car sharing 1874
program shall provide the required coverage, beginning with the 1875
first dollar of the claim and shall have the duty to defend the 1876
claim. 1877

(b) An automobile insurance policy maintained by a 1878
peer-to-peer car sharing program in accordance with this section 1879
shall not require the driver's personal automobile insurer or 1880
policy to first deny a claim before providing coverage. 1881

(B) An automobile insurance policy required by this section 1882
shall be purchased from either of the following: 1883

(1) A domestic, foreign, or alien insurance company organized 1884
or admitted under Title XXXIX of the Revised Code to issue such a 1885
policy; 1886

(2) An insurer not holding a license in this state if both of 1887
the following criteria are met: 1888

(a) The insurer is an eligible surplus lines insurance 1889
company and the policy is obtained through a person or entity that 1890

holds a surplus lines broker's license in accordance with sections 1891
3905.30 to 3905.38 of the Revised Code or the insurer is an 1892
eligible risk retention group. 1893

(b) The insurer has a credit rating of not less than "A-" 1894
from an insurance rating agency. 1895

(C) A shared vehicle driver shall carry proof of insurance 1896
satisfying the coverage requirements of division (A)(1) of this 1897
section either physically or through use of an electronic wireless 1898
communications device described in section 4509.103 of the Revised 1899
Code at all times during the car sharing period. In the event of 1900
an accident, the shared vehicle driver shall provide this 1901
insurance information to all parties claiming an interest in the 1902
insurance, other insurers, and upon request of a peace officer or 1903
state highway patrol trooper in accordance with division (D)(2) of 1904
section 4509.101 of the Revised Code. Upon such a request, the 1905
driver also shall disclose to the interested parties, insurers, 1906
and officers and troopers whether the driver was driving as a 1907
shared vehicle driver at the time of the accident. 1908

(D) An automobile insurance policy that meets the 1909
requirements of this section satisfies the requirement for proof 1910
of financial responsibility for motor vehicles under Chapter 4509. 1911
of the Revised Code. 1912

(E) The automobile insurance policy described in division (A) 1913
of this section shall be the primary policy during each car 1914
sharing period. 1915

(F) Nothing in this chapter does either of the following: 1916

(1) Limits the liability of the peer-to-peer car sharing 1917
program for any act or omission of the peer-to-peer car sharing 1918
program that results in death, bodily injury, or property damage 1919
as a proximate result of the operation of a shared vehicle through 1920
the peer-to-peer car sharing program; 1921

(2) Limits the ability of the peer-to-peer car sharing program to seek, by contract, indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program proximately resulting from a breach of the terms and conditions of the car sharing program agreement. 1922
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Sec. 3944.04. At the time a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program pursuant to Chapter 4516. of the Revised Code and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program may violate the terms of the contract with the lienholder. 1928
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Sec. 3944.05. An insurer that writes automobile insurance in this state may exclude any and all coverage of, and the duty to defend or indemnify an insured against, any claim under a shared vehicle owner's personal automobile insurance policy. Nothing in this section invalidates or limits an exclusion contained in an automobile insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use. 1937
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Sec. 3944.06. (A) Except as provided in division (B) of this section, an insurer may not deny, cancel, void, terminate, rescind, or fail to renew a shared vehicle owner's automobile insurance policy solely because the covered vehicle has been made available for sharing through a peer-to-peer car sharing program. 1945
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(B) An insurer may deny, cancel, void, terminate, rescind, or fail to renew a shared vehicle owner's automobile insurance policy 1950
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covering a shared vehicle if the shared vehicle owner fails to 1952
provide complete and accurate information about the use of the 1953
shared vehicle as requested by the insurer during the application 1954
or renewal process. 1955

(C) An insurer may limit the number of vehicles made 1956
available for sharing through a peer-to-peer car sharing program 1957
that it will insure on a single policy. 1958

Sec. 3944.07. (A) A peer-to-peer car sharing program shall 1959
collect and verify records pertaining to the use of a vehicle, 1960
including all of the following: 1961

(1) The number of times a shared vehicle was used through the 1962
program; 1963

(2) Fees paid by the shared vehicle driver; 1964

(3) Revenues received by the shared vehicle owner. 1965

(B) The program shall provide the information contained in 1966
the records upon request to the shared vehicle owner, the shared 1967
vehicle owner's insurer, or the shared vehicle driver's insurer to 1968
facilitate the investigation of a claim. The program shall retain 1969
the records for not less than two years. 1970

Sec. 3944.08. A peer-to-peer car sharing program and a shared 1971
vehicle owner shall be exempt from vicarious liability in 1972
accordance with 49 U.S.C. 30106 and under any state or local law 1973
that imposes liability solely based on vehicle ownership. 1974

Sec. 3944.09. An insurer that defends or indemnifies a claim 1975
against a shared vehicle that is excluded under the terms of its 1976
policy shall have the right to seek contribution against the 1977
insurer of the peer-to-peer car sharing program if the claim meets 1978
both of the following conditions: 1979

(A) The claim was made against the shared vehicle owner or the shared vehicle driver for death, bodily injury, or property damage that occurred during the car sharing period. 1980
1981
1982

(B) Coverage was excluded under the terms of the insurer's policy. 1983
1984

Sec. 3944.10. A peer-to-peer car sharing program has an insurable interest in a shared vehicle during the car sharing period. Nothing in this section shall be construed to require a peer-to-peer car sharing program to provide insurance to a shared vehicle owner or shared vehicle driver. 1985
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Sec. 4111.03. (A) An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours worked in excess of forty hours in one workweek, in the manner and methods provided in and subject to the exemptions of section 7 and section 13 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 1990
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Any employee employed in agriculture shall not be covered by the overtime provision of this section. 1997
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A motor carrier may elect to apply the overtime provision of this section to an individual who is excluded from the provision under division (D)(3)(i) of this section. 1999
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2001

(B) If a county employee elects to take compensatory time off in lieu of overtime pay, for any overtime worked, compensatory time may be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior within one hundred eighty days after the overtime is worked. 2002
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(C) A county appointing authority with the exception of the county department of job and family services may, by rule or 2008
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resolution as is appropriate, indicate the authority's intention 2010
not to be bound by division (B) of this section, and to adopt a 2011
different policy for the calculation and payment of overtime than 2012
that established by that division. Upon adoption, the alternative 2013
overtime policy prevails. Prior to the adoption of an alternative 2014
overtime policy, a county appointing authority with the exception 2015
of the county department of job and family services shall give a 2016
written notice of the alternative policy to each employee at least 2017
ten days prior to its effective date. 2018

(D) As used in this section: 2019

(1) "Employ" means to suffer or to permit to work. 2020

(2) "Employer" means the state of Ohio, its 2021
instrumentalities, and its political subdivisions and their 2022
instrumentalities, any individual, partnership, association, 2023
corporation, business trust, or any person or group of persons, 2024
acting in the interest of an employer in relation to an employee, 2025
but does not include either of the following: 2026

(a) An employer whose annual gross volume of sales made for 2027
business done is less than one hundred fifty thousand dollars, 2028
exclusive of excise taxes at the retail level which are separately 2029
stated; 2030

(b) A franchisor with respect to the franchisor's 2031
relationship with a franchisee or an employee of a franchisee, 2032
unless the franchisor agrees to assume that role in writing or a 2033
court of competent jurisdiction determines that the franchisor 2034
exercises a type or degree of control over the franchisee or the 2035
franchisee's employees that is not customarily exercised by a 2036
franchisor for the purpose of protecting the franchisor's 2037
trademark, brand, or both. For purposes of this division, 2038
"franchisor" and "franchisee" have the same meanings as in 16 2039
C.F.R. 436.1. 2040

(3) "Employee" means any individual employed by an employer	2041
but does not include:	2042
(a) Any individual employed by the United States;	2043
(b) Any individual employed as a baby-sitter in the	2044
employer's home, or a live-in companion to a sick, convalescing,	2045
or elderly person whose principal duties do not include	2046
housekeeping;	2047
(c) Any individual engaged in the delivery of newspapers to	2048
the consumer;	2049
(d) Any individual employed as an outside salesperson	2050
compensated by commissions or employed in a bona fide executive,	2051
administrative, or professional capacity as such terms are defined	2052
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	2053
U.S.C.A. 201, as amended;	2054
(e) Any individual who works or provides personal services of	2055
a charitable nature in a hospital or health institution for which	2056
compensation is not sought or contemplated;	2057
(f) A member of a police or fire protection agency or student	2058
employed on a part-time or seasonal basis by a political	2059
subdivision of this state;	2060
(g) Any individual in the employ of a camp or recreational	2061
area for children under eighteen years of age and owned and	2062
operated by a nonprofit organization or group of organizations	2063
described in Section 501(c)(3) of the "Internal Revenue Code of	2064
1954," and exempt from income tax under Section 501(a) of that	2065
code;	2066
(h) Any individual employed directly by the house of	2067
representatives or directly by the senate;	2068
<u>(i) An individual who provides services for or on behalf of a</u>	2069
<u>motor carrier transporting property, who is an operator of a</u>	2070

vehicle or vessel, and to whom all of the following factors apply: 2071

(i) The individual owns the equipment that is used in 2072
performing the services for or on behalf of the carrier, or the 2073
individual leases the equipment under a bona fide lease agreement 2074
that is not a temporary replacement lease agreement. 2075

(ii) The individual is responsible for supplying the 2076
necessary personal services to operate the equipment used to 2077
provide the service. 2078

(iii) The compensation paid to the individual is based on 2079
factors related to work performed, including on a mileage-based 2080
rate or a percentage of any schedule of rates, and not solely on 2081
the basis of the hours or time expended. 2082

(iv) The individual substantially controls the means and 2083
manner of performing the services, in conformance with regulatory 2084
requirements and specifications of the shipper. 2085

(v) The individual enters into a written contract with the 2086
carrier for whom the individual is performing the services that 2087
describes the relationship between the individual and the carrier 2088
to be that of an independent contractor and not that of an 2089
employee. 2090

(vi) The individual is responsible for substantially all of 2091
the principal operating costs of the vehicle or vessel and 2092
equipment used to provide the services, including maintenance, 2093
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2094
expenses, except that the individual may be paid by the carrier 2095
the carrier's fuel surcharge and incidental costs, including 2096
tolls, permits, and lumper fees. 2097

(vii) The individual is responsible for any economic loss or 2098
economic gain from the arrangement with the carrier. 2099

(4) "Motor carrier" has the same meaning as in section 2100

4923.01 of the Revised Code. 2101

Sec. 4111.14. (A) Pursuant to the general assembly's 2102
authority to establish a minimum wage under Section 34 of Article 2103
II, Ohio Constitution, this section is in implementation of 2104
Section 34a of Article II, Ohio Constitution. In implementing 2105
Section 34a of Article II, Ohio Constitution, the general assembly 2106
hereby finds that the purpose of Section 34a of Article II, Ohio 2107
Constitution, is to: 2108

(1) Ensure that Ohio employees, as defined in division (B)(1) 2109
of this section, are paid the wage rate required by Section 34a of 2110
Article II, Ohio Constitution; 2111

(2) Ensure that covered Ohio employers maintain certain 2112
records that are directly related to the enforcement of the wage 2113
rate requirements in Section 34a of Article II, Ohio Constitution; 2114

(3) Ensure that Ohio employees who are paid the wage rate 2115
required by Section 34a of Article II, Ohio Constitution, may 2116
enforce their right to receive that wage rate in the manner set 2117
forth in Section 34a of Article II, Ohio Constitution; and 2118

(4) Protect the privacy of Ohio employees' pay and personal 2119
information specified in Section 34a of Article II, Ohio 2120
Constitution, by restricting an employee's access, and access by a 2121
person acting on behalf of that employee, to the employee's own 2122
pay and personal information. 2123

(B) In accordance with Section 34a of Article II, Ohio 2124
Constitution, the terms "employer," "employee," "employ," 2125
"person," and "independent contractor" have the same meanings as 2126
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 2127
U.S.C. 203, as amended. In construing the meaning of these terms, 2128
due consideration and great weight shall be given to the United 2129
States department of labor's and federal courts' interpretations 2130

of those terms under the Fair Labor Standards Act and its 2131
regulations. As used in division (B) of this section: 2132

(1) "Employee" means individuals employed in Ohio, but does 2133
not mean individuals who are excluded from the definition of 2134
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 2135
from the minimum wage requirements in 29 U.S.C. 213 and from the 2136
definition of "employee" in this chapter. 2137

(2) "Employ" and "employee" do not include any person acting 2138
as a volunteer. In construing who is a volunteer, "volunteer" 2139
shall have the same meaning as in sections 553.101 to 553.106 of 2140
Title 29 of the Code of Federal Regulations, as amended, and due 2141
consideration and great weight shall be given to the United States 2142
department of labor's and federal courts' interpretations of the 2143
term "volunteer" under the Fair Labor Standards Act and its 2144
regulations. 2145

(3) "Employer" does not include a franchisor with respect to 2146
the franchisor's relationship with a franchisee or an employee of 2147
a franchisee, unless the franchisor agrees to assume that role in 2148
writing or a court of competent jurisdiction determines that the 2149
franchisor exercises a type or degree of control over the 2150
franchisee or the franchisee's employees that is not customarily 2151
exercised by a franchisor for the purpose of protecting the 2152
franchisor's trademark, brand, or both. For purposes of this 2153
division, "franchisor" and "franchisee" have the same meanings as 2154
in 16 C.F.R. 436.1. 2155

(4) Subject to division (B)(5) of this section, "employee" 2156
does not include an individual who provides services for or on 2157
behalf of a motor carrier transporting property, who is an 2158
operator of a vehicle or vessel, and to whom all of the following 2159
factors apply: 2160

(a) The individual owns the equipment that is used in 2161

performing the services for or on behalf of the carrier, or the 2162
individual leases the equipment under a bona fide lease agreement 2163
that is not a temporary replacement lease agreement. 2164

(b) The individual is responsible for supplying the necessary 2165
personal services to operate the equipment used to provide the 2166
service. 2167

(c) The compensation paid to the individual is based on 2168
factors related to work performed, including on a mileage-based 2169
rate or a percentage of any schedule of rates, and not solely on 2170
the basis of the hours or time expended. 2171

(d) The individual substantially controls the means and 2172
manner of performing the services, in conformance with regulatory 2173
requirements and specifications of the shipper. 2174

(e) The individual enters into a written contract with the 2175
carrier for whom the individual is performing the services that 2176
describes the relationship between the individual and the carrier 2177
to be that of an independent contractor and not that of an 2178
employee. 2179

(f) The individual is responsible for substantially all of 2180
the principal operating costs of the vehicle or vessel and 2181
equipment used to provide the services, including maintenance, 2182
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2183
expenses, except that the individual may be paid by the carrier 2184
the carrier's fuel surcharge and incidental costs, including 2185
tolls, permits, and lumper fees. 2186

(g) The individual is responsible for any economic loss or 2187
economic gain from the arrangement with the carrier. 2188

(5) A motor carrier may elect to consider an individual 2189
described in division (B)(4) of this section as an employee for 2190
purposes of this section. 2191

<u>(6) "Motor carrier" has the same meaning as in section</u>	2192
<u>4923.01 of the Revised Code.</u>	2193
(C) In accordance with Section 34a of Article II, Ohio	2194
Constitution, the state may issue licenses to employers	2195
authorizing payment of a wage below that required by Section 34a	2196
of Article II, Ohio Constitution, to individuals with mental or	2197
physical disabilities that may otherwise adversely affect their	2198
opportunity for employment. In issuing such licenses, the state	2199
shall abide by the rules adopted pursuant to section 4111.06 of	2200
the Revised Code.	2201
(D)(1) In accordance with Section 34a of Article II, Ohio	2202
Constitution, individuals employed in or about the property of an	2203
employer or an individual's residence on a casual basis are not	2204
included within the coverage of Section 34a of Article II, Ohio	2205
Constitution. As used in division (D) of this section:	2206
(a) "Casual basis" means employment that is irregular or	2207
intermittent and that is not performed by an individual whose	2208
vocation is to be employed in or about the property of the	2209
employer or individual's residence. In construing who is employed	2210
on a "casual basis," due consideration and great weight shall be	2211
given to the United States department of labor's and federal	2212
courts' interpretations of the term "casual basis" under the Fair	2213
Labor Standards Act and its regulations.	2214
(b) "An individual employed in or about the property of an	2215
employer or individual's residence" means an individual employed	2216
on a casual basis or an individual employed in or about a	2217
residence on a casual basis, respectively.	2218
(2) In accordance with Section 34a of Article II, Ohio	2219
Constitution, employees of a solely family-owned and operated	2220
business who are family members of an owner are not included	2221
within the coverage of Section 34a of Article II, Ohio	2222

Constitution. As used in division (D)(2) of this section, "family member" means a parent, spouse, child, stepchild, sibling, grandparent, grandchild, or other member of an owner's immediate family.

(E) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall at the time of hire provide an employee with the employer's name, address, telephone number, and other contact information and update such information when it changes. As used in division (E) of this section:

(1) "Other contact information" may include, where applicable, the address of the employer's internet site on the world wide web, the employer's electronic mail address, fax number, or the name, address, and telephone number of the employer's statutory agent. "Other contact information" does not include the name, address, telephone number, fax number, internet site address, or electronic mail address of any employee, shareholder, officer, director, supervisor, manager, or other individual employed by or associated with an employer.

(2) "When it changes" means that the employer shall provide its employees with the change in its name, address, telephone number, or other contact information within sixty business days after the change occurs. The employer shall provide the changed information by using any of its usual methods of communicating with its employees, including, but not limited to, listing the change on the employer's internet site on the world wide web, internal computer network, or a bulletin board where it commonly posts employee communications or by insertion or inclusion with employees' paychecks or pay stubs.

(F) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee for a period of not less than

three years following the last date the employee was employed by 2255
that employer. As used in division (F) of this section: 2256

(1) "Address" means an employee's home address as maintained 2257
in the employer's personnel file or personnel database for that 2258
employee. 2259

(2)(a) With respect to employees who are not exempt from the 2260
overtime pay requirements of the Fair Labor Standards Act or this 2261
chapter, "pay rate" means an employee's base rate of pay. 2262

(b) With respect to employees who are exempt from the 2263
overtime pay requirements of the Fair Labor Standards Act or this 2264
chapter, "pay rate" means an employee's annual base salary or 2265
other rate of pay by which the particular employee qualifies for 2266
that exemption under the Fair Labor Standards Act or this chapter, 2267
but does not include bonuses, stock options, incentives, deferred 2268
compensation, or any other similar form of compensation. 2269

(3) "Record" means the name, address, occupation, pay rate, 2270
hours worked for each day worked, and each amount paid an employee 2271
in one or more documents, databases, or other paper or electronic 2272
forms of record-keeping maintained by an employer. No one 2273
particular method or form of maintaining such a record or records 2274
is required under this division. An employer is not required to 2275
create or maintain a single record containing only the employee's 2276
name, address, occupation, pay rate, hours worked for each day 2277
worked, and each amount paid an employee. An employer shall 2278
maintain a record or records from which the employee or person 2279
acting on behalf of that employee could reasonably review the 2280
information requested by the employee or person. 2281

An employer is not required to maintain the records specified 2282
in division (F)(3) of this section for any period before January 2283
1, 2007. On and after January 1, 2007, the employer shall maintain 2284
the records required by division (F)(3) of this section for three 2285

years from the date the hours were worked by the employee and for 2286
three years after the date the employee's employment ends. 2287

(4)(a) Except for individuals specified in division (F)(4)(b) 2288
of this section, "hours worked for each day worked" means the 2289
total amount of time worked by an employee in whatever increments 2290
the employer uses for its payroll purposes during a day worked by 2291
the employee. An employer is not required to keep a record of the 2292
time of day an employee begins and ends work on any given day. As 2293
used in division (F)(4) of this section, "day" means a fixed 2294
period of twenty-four consecutive hours during which an employee 2295
performs work for an employer. 2296

(b) An employer is not required to keep records of "hours 2297
worked for each day worked" for individuals for whom the employer 2298
is not required to keep those records under the Fair Labor 2299
Standards Act and its regulations or individuals who are not 2300
subject to the overtime pay requirements specified in section 2301
4111.03 of the Revised Code. 2302

(5) "Each amount paid an employee" means the total gross 2303
wages paid to an employee for each pay period. As used in division 2304
(F)(5) of this section, "pay period" means the period of time 2305
designated by an employer to pay an employee the employee's gross 2306
wages in accordance with the employer's payroll practices under 2307
section 4113.15 of the Revised Code. 2308

(G) In accordance with Section 34a of Article II, Ohio 2309
Constitution, an employer must provide such information without 2310
charge to an employee or person acting on behalf of an employee 2311
upon request. As used in division (G) of this section: 2312

(1) "Such information" means the name, address, occupation, 2313
pay rate, hours worked for each day worked, and each amount paid 2314
for the specific employee who has requested that specific 2315
employee's own information and does not include the name, address, 2316

occupation, pay rate, hours worked for each day worked, or each 2317
amount paid of any other employee of the employer. "Such 2318
information" does not include hours worked for each day worked by 2319
individuals for whom an employer is not required to keep that 2320
information under the Fair Labor Standards Act and its regulations 2321
or individuals who are not subject to the overtime pay 2322
requirements specified in section 4111.03 of the Revised Code. 2323

(2) "Acting on behalf of an employee" means a person acting 2324
on behalf of an employee as any of the following: 2325

(a) The certified or legally recognized collective bargaining 2326
representative for that employee under the applicable federal law 2327
or Chapter 4117. of the Revised Code; 2328

(b) The employee's attorney; 2329

(c) The employee's parent, guardian, or legal custodian. 2330

A person "acting on behalf of an employee" must be 2331
specifically authorized by an employee in order to make a request 2332
for that employee's own name, address, occupation, pay rate, hours 2333
worked for each day worked, and each amount paid to that employee. 2334

(3) "Provide" means that an employer shall provide the 2335
requested information within thirty business days after the date 2336
the employer receives the request, unless either of the following 2337
occurs: 2338

(a) The employer and the employee or person acting on behalf 2339
of the employee agree to some alternative time period for 2340
providing the information. 2341

(b) The thirty-day period would cause a hardship on the 2342
employer under the circumstances, in which case the employer must 2343
provide the requested information as soon as practicable. 2344

(4) A "request" made by an employee or a person acting on 2345
behalf of an employee means a request by an employee or a person 2346

acting on behalf of an employee for the employee's own 2347
information. The employer may require that the employee provide 2348
the employer with a written request that has been signed by the 2349
employee and notarized and that reasonably specifies the 2350
particular information being requested. The employer may require 2351
that the person acting on behalf of an employee provide the 2352
employer with a written request that has been signed by the 2353
employee whose information is being requested and notarized and 2354
that reasonably specifies the particular information being 2355
requested. 2356

(H) In accordance with Section 34a of Article II, Ohio 2357
Constitution, an employee, person acting on behalf of one or more 2358
employees, and any other interested party may file a complaint 2359
with the state for a violation of any provision of Section 34a of 2360
Article II, Ohio Constitution, or any law or regulation 2361
implementing its provisions. Such complaint shall be promptly 2362
investigated and resolved by the state. The employee's name shall 2363
be kept confidential unless disclosure is necessary to resolution 2364
of a complaint and the employee consents to disclosure. As used in 2365
division (H) of this section: 2366

(1) "Complaint" means a complaint of an alleged violation 2367
pertaining to harm suffered by the employee filing the complaint, 2368
by a person acting on behalf of one or more employees, or by an 2369
interested party. 2370

(2) "Acting on behalf of one or more employees" has the same 2371
meaning as "acting on behalf of an employee" in division (G)(2) of 2372
this section. Each employee must provide a separate written and 2373
notarized authorization before the person acting on that 2374
employee's or those employees' behalf may request the name, 2375
address, occupation, pay rate, hours worked for each day worked, 2376
and each amount paid for the particular employee. 2377

(3) "Interested party" means a party who alleges to be 2378

injured by the alleged violation and who has standing to file a 2379
complaint under common law principles of standing. 2380

(4) "Resolved by the state" means that the complaint has been 2381
resolved to the satisfaction of the state. 2382

(5) "Shall be kept confidential" means that the state shall 2383
keep the name of the employee confidential as required by division 2384
(H) of this section. 2385

(I) In accordance with Section 34a of Article II, Ohio 2386
Constitution, the state may on its own initiative investigate an 2387
employer's compliance with Section 34a of Article II, Ohio 2388
Constitution, and any law or regulation implementing Section 34a 2389
of Article II, Ohio Constitution. The employer shall make 2390
available to the state any records related to such investigation 2391
and other information required for enforcement of Section 34a of 2392
Article II, Ohio Constitution or any law or regulation 2393
implementing Section 34a of Article II, Ohio Constitution. The 2394
state shall investigate an employer's compliance with this section 2395
in accordance with the procedures described in section 4111.04 of 2396
the Revised Code. All records and information related to 2397
investigations by the state are confidential and are not a public 2398
record subject to section 149.43 of the Revised Code. This 2399
division does not prevent the state from releasing to or 2400
exchanging with other state and federal wage and hour regulatory 2401
authorities information related to investigations. 2402

(J) In accordance with Section 34a of Article II, Ohio 2403
Constitution, damages shall be calculated as an additional two 2404
times the amount of the back wages and in the case of a violation 2405
of an anti-retaliation provision an amount set by the state or 2406
court sufficient to compensate the employee and deter future 2407
violations, but not less than one hundred fifty dollars for each 2408
day that the violation continued. The "not less than one hundred 2409
fifty dollar" penalty specified in division (J) of this section 2410

shall be imposed only for violations of the anti-retaliation 2411
provision in Section 34a of Article II, Ohio Constitution. 2412

(K) In accordance with Section 34a of Article II, Ohio 2413
Constitution, an action for equitable and monetary relief may be 2414
brought against an employer by the attorney general and/or an 2415
employee or person acting on behalf of an employee or all 2416
similarly situated employees in any court of competent 2417
jurisdiction, including the court of common pleas of an employee's 2418
county of residence, for any violation of Section 34a of Article 2419
II, Ohio Constitution, or any law or regulation implementing its 2420
provisions within three years of the violation or of when the 2421
violation ceased if it was of a continuing nature, or within one 2422
year after notification to the employee of final disposition by 2423
the state of a complaint for the same violation, whichever is 2424
later. 2425

(1) As used in division (K) of this section, "notification" 2426
means the date on which the notice was sent to the employee by the 2427
state. 2428

(2) No employee shall join as a party plaintiff in any civil 2429
action that is brought under division (K) of this section by an 2430
employee, person acting on behalf of an employee, or person acting 2431
on behalf of all similarly situated employees unless that employee 2432
first gives written consent to become such a party plaintiff and 2433
that consent is filed with the court in which the action is 2434
brought. 2435

(3) A civil action regarding an alleged violation of this 2436
section shall be maintained only under division (K) of this 2437
section. This division does not preclude the joinder in a single 2438
civil action of an action under this division and an action under 2439
section 4111.10 of the Revised Code. 2440

(4) Any agreement between an employee and employer to work 2441

for less than the wage rate specified in Section 34a of Article 2442
II, Ohio Constitution, is no defense to an action under this 2443
section. 2444

(L) In accordance with Section 34a of Article II, Ohio 2445
Constitution, there shall be no exhaustion requirement, no 2446
procedural, pleading, or burden of proof requirements beyond those 2447
that apply generally to civil suits in order to maintain such 2448
action and no liability for costs or attorney's fees on an 2449
employee except upon a finding that such action was frivolous in 2450
accordance with the same standards that apply generally in civil 2451
suits. Nothing in division (L) of this section affects the right 2452
of an employer and employee to agree to submit a dispute under 2453
this section to alternative dispute resolution, including, but not 2454
limited to, arbitration, in lieu of maintaining the civil suit 2455
specified in division (K) of this section. Nothing in this 2456
division limits the state's ability to investigate or enforce this 2457
section. 2458

(M) An employer who provides such information specified in 2459
Section 34a of Article II, Ohio Constitution, shall be immune from 2460
any civil liability for injury, death, or loss to person or 2461
property that otherwise might be incurred or imposed as a result 2462
of providing that information to an employee or person acting on 2463
behalf of an employee in response to a request by the employee or 2464
person, and the employer shall not be subject to the provisions of 2465
Chapters 1347. and 1349. of the Revised Code to the extent that 2466
such provisions would otherwise apply. As used in division (M) of 2467
this section, "such information," "acting on behalf of an 2468
employee," and "request" have the same meanings as in division (G) 2469
of this section. 2470

(N) As used in this section, "the state" means the director 2471
of commerce. 2472

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 2473
the Revised Code: 2474

(1) "Place of employment" means every place, whether indoors 2475
or out, or underground, and the premises appurtenant thereto, 2476
where either temporarily or permanently any industry, trade, or 2477
business is carried on, or where any process or operation, 2478
directly or indirectly related to any industry, trade, or 2479
business, is carried on and where any person is directly or 2480
indirectly employed by another for direct or indirect gain or 2481
profit, but does not include any place where persons are employed 2482
in private domestic service or agricultural pursuits which do not 2483
involve the use of mechanical power. 2484

(2) "Employment" means any trade, occupation, or process of 2485
manufacture or any method of carrying on such trade, occupation, 2486
or process of manufacture in which any person may be engaged, 2487
except in such private domestic service or agricultural pursuits 2488
as do not involve the use of mechanical power. 2489

(3) "Employer" means every person, firm, corporation, agent, 2490
manager, representative, or other person having control or custody 2491
of any employment, place of employment, or employee. "Employer" 2492
does not include a franchisor with respect to the franchisor's 2493
relationship with a franchisee or an employee of a franchisee, 2494
unless the franchisor agrees to assume that role in writing or a 2495
court of competent jurisdiction determines that the franchisor 2496
exercises a type or degree of control over the franchisee or the 2497
franchisee's employees that is not customarily exercised by a 2498
franchisor for the purpose of protecting the franchisor's 2499
trademark, brand, or both. For purposes of this division, 2500
"franchisor" and "franchisee" have the same meanings as in 16 2501
C.F.R. 436.1. 2502

(4)(a) "Employee" means ~~every~~ a person who may be required or 2503

directed by any employer, in consideration of direct or indirect 2504
gain or profit, to engage in any employment, or to go, or work, or 2505
be at any time in any place of employment, including a person 2506
described in division (A)(4)(b) of this section if a motor carrier 2507
elects to consider the individual to be an employee. 2508

(b) "Employee" does not include a person who provides 2509
services for or on behalf of a motor carrier transporting 2510
property, who is an operator of a vehicle or vessel, and to whom 2511
all of the following factors apply: 2512

(i) The person owns the equipment that is used in performing 2513
the services for or on behalf of the carrier, or the person leases 2514
the equipment under a bona fide lease agreement that is not a 2515
temporary replacement lease agreement. 2516

(ii) The person is responsible for supplying the necessary 2517
personal services to operate the equipment used to provide the 2518
service. 2519

(iii) The compensation paid to the person is based on factors 2520
related to work performed, including on a mileage-based rate or a 2521
percentage of any schedule of rates, and not solely on the basis 2522
of the hours or time expended. 2523

(iv) The person substantially controls the means and manner 2524
of performing the services, in conformance with regulatory 2525
requirements and specifications of the shipper. 2526

(v) The person enters into a written contract with the 2527
carrier for whom the person is performing the services that 2528
describes the relationship between the person and the carrier to 2529
be that of an independent contractor and not that of an employee. 2530

(vi) The person is responsible for substantially all of the 2531
principal operating costs of the vehicle or vessel and equipment 2532
used to provide the services, including maintenance, fuel, 2533
repairs, supplies, vehicle or vessel insurance, and personal 2534

expenses, except that the person may be paid by the carrier the 2535
carrier's fuel surcharge and incidental costs, including tolls, 2536
permits, and lumper fees. 2537

(vii) The person is responsible for any economic loss or 2538
economic gain from the arrangement with the carrier. 2539

(5) "Frequenter" means every person, other than an employee, 2540
who may go in or be in a place of employment under circumstances 2541
which render the person other than a trespasser. 2542

(6) "Deputy" means any person employed by the industrial 2543
commission or the bureau of workers' compensation, designated as a 2544
deputy by the commission or the administrator of workers' 2545
compensation, who possesses special, technical, scientific, 2546
managerial, professional, or personal abilities or qualities in 2547
matters within the jurisdiction of the commission or the bureau, 2548
and who may be engaged in the performance of duties under the 2549
direction of the commission or the bureau calling for the exercise 2550
of such abilities or qualities. 2551

(7) "Order" means any decision, rule, regulation, direction, 2552
requirement, or standard, or any other determination or decision 2553
that the bureau is empowered to and does make. 2554

(8) "General order" means an order that applies generally 2555
throughout the state to all persons, employments, or places of 2556
employment, or all persons, employments, or places of employment 2557
of a class under the jurisdiction of the bureau. All other orders 2558
shall be considered special orders. 2559

(9) "Local order" means any ordinance, order, rule, or 2560
determination of the legislative authority of any municipal 2561
corporation, or any trustees, or board or officers of any 2562
municipal corporation upon any matter over which the bureau has 2563
jurisdiction. 2564

(10) "Welfare" means comfort, decency, and moral well-being. 2565

(11) "Safe" or "safety," as applied to any employment or a place of employment, means such freedom from danger to the life, health, safety, or welfare of employees or frequenters as the nature of the employment will reasonably permit, including requirements as to the hours of labor with relation to the health and welfare of employees.

(12) "Employee organization" means any labor or bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(13) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

(B) As used in the Revised Code:

(1) "Industrial commission" means the chairperson of the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the chairperson as the chief executive officer of the three-member industrial commission pursuant to divisions (A), (B), (C), and (D) of section 4121.03 of the Revised Code.

(2) "Industrial commission" means the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the three-member industrial commission pursuant to division (E) of section 4121.03 of the Revised Code.

(3) "Industrial commission" means the industrial commission as a state agency when the context refers to the authority vested in the industrial commission as a state agency.

Sec. 4123.01. As used in this chapter:

(A)(1) "Employee" means:

(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers of boards of education, under any appointment or contract of hire, express or implied, oral or written, including any elected official of the state, or of any county, municipal corporation, or township, or members of boards of education.

As used in division (A)(1)(a) of this section, the term "employee" includes the following persons when responding to an inherently dangerous situation that calls for an immediate response on the part of the person, regardless of whether the person is within the limits of the jurisdiction of the person's regular employment or voluntary service when responding, on the condition that the person responds to the situation as the person otherwise would if the person were on duty in the person's jurisdiction:

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) of this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(ii) Off-duty firefighters, whether paid or volunteer, of a lawfully constituted fire department.

(iii) Off-duty first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic, whether paid or volunteer, of an ambulance service organization or emergency medical service organization pursuant to Chapter 4765. of the Revised Code.

(b) Every person in the service of any person, firm, or

private corporation, including any public service corporation, 2627
that (i) employs one or more persons regularly in the same 2628
business or in or about the same establishment under any contract 2629
of hire, express or implied, oral or written, including aliens and 2630
minors, household workers who earn one hundred sixty dollars or 2631
more in cash in any calendar quarter from a single household and 2632
casual workers who earn one hundred sixty dollars or more in cash 2633
in any calendar quarter from a single employer, or (ii) is bound 2634
by any such contract of hire or by any other written contract, to 2635
pay into the state insurance fund the premiums provided by this 2636
chapter. 2637

(c) Every person who performs labor or provides services 2638
pursuant to a construction contract, as defined in section 4123.79 2639
of the Revised Code, if at least ten of the following criteria 2640
apply: 2641

(i) The person is required to comply with instructions from 2642
the other contracting party regarding the manner or method of 2643
performing services; 2644

(ii) The person is required by the other contracting party to 2645
have particular training; 2646

(iii) The person's services are integrated into the regular 2647
functioning of the other contracting party; 2648

(iv) The person is required to perform the work personally; 2649

(v) The person is hired, supervised, or paid by the other 2650
contracting party; 2651

(vi) A continuing relationship exists between the person and 2652
the other contracting party that contemplates continuing or 2653
recurring work even if the work is not full time; 2654

(vii) The person's hours of work are established by the other 2655
contracting party; 2656

(viii) The person is required to devote full time to the business of the other contracting party;	2657 2658
(ix) The person is required to perform the work on the premises of the other contracting party;	2659 2660
(x) The person is required to follow the order of work set by the other contracting party;	2661 2662
(xi) The person is required to make oral or written reports of progress to the other contracting party;	2663 2664
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	2665 2666
(xiii) The person's expenses are paid for by the other contracting party;	2667 2668
(xiv) The person's tools and materials are furnished by the other contracting party;	2669 2670
(xv) The person is provided with the facilities used to perform services;	2671 2672
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	2673 2674
(xvii) The person is not performing services for a number of employers at the same time;	2675 2676
(xviii) The person does not make the same services available to the general public;	2677 2678
(xix) The other contracting party has a right to discharge the person;	2679 2680
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	2681 2682 2683
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund	2684 2685

the amount of premium determined and fixed by the administrator of
workers' compensation for the person's employment or occupation or
who is a self-insuring employer and who has failed to pay
compensation and benefits directly to the employer's injured and
to the dependents of the employer's killed employees as required
by section 4123.35 of the Revised Code, shall be considered as the
employee of the person who has entered into a contract, whether
written or verbal, with such independent contractor unless such
employees or their legal representatives or beneficiaries elect,
after injury or death, to regard such independent contractor as
the employer.

(d) Every person who provides services for or on behalf of a
motor carrier transporting property and who is an operator of a
vehicle or vessel, unless all of the following factors apply to
the person:

(i) The person owns the equipment that is used in performing
the services for or on behalf of the carrier, or the person leases
the equipment under a bona fide lease agreement that is not a
temporary replacement lease agreement.

(ii) The person is responsible for supplying the necessary
personal services to operate the equipment used to provide the
service.

(iii) The compensation paid to the person is based on factors
related to work performed, including on a mileage-based rate or a
percentage of any schedule of rates, and not solely on the basis
of the hours or time expended.

(iv) The person substantially controls the means and manner
of performing the services, in conformance with regulatory
requirements and specifications of the shipper.

(v) The person enters into a written contract with the
carrier for whom the person is performing the services that

describes the relationship between the person and the carrier to 2717
be that of an independent contractor and not that of an employee. 2718

(vi) The person is responsible for substantially all of the 2719
principal operating costs of the vehicle or vessel and equipment 2720
used to provide the services, including maintenance, fuel, 2721
repairs, supplies, vehicle or vessel insurance, and personal 2722
expenses, except that the person may be paid by the carrier the 2723
carrier's fuel surcharge and incidental costs, including tolls, 2724
permits, and lumper fees. 2725

(vii) The person is responsible for any economic loss or 2726
economic gain from the arrangement with the carrier. 2727

(2) "Employee" does not mean any of the following: 2728

(a) A duly ordained, commissioned, or licensed minister or 2729
assistant or associate minister of a church in the exercise of 2730
ministry; 2731

(b) Any officer of a family farm corporation; 2732

(c) An individual incorporated as a corporation; 2733

(d) An officer of a nonprofit corporation, as defined in 2734
section 1702.01 of the Revised Code, who volunteers the person's 2735
services as an officer; 2736

(e) An individual who otherwise is an employee of an employer 2737
but who signs the waiver and affidavit specified in section 2738
4123.15 of the Revised Code on the condition that the 2739
administrator has granted a waiver and exception to the 2740
individual's employer under section 4123.15 of the Revised Code; 2741

(f)(i) A qualifying employee described in division (A)(14)(a) 2742
of section 5703.94 of the Revised Code when the qualifying 2743
employee is performing disaster work in this state during a 2744
disaster response period pursuant to a qualifying solicitation 2745
received by the employee's employer; 2746

(ii) A qualifying employee described in division (A)(14)(b) 2747
of section 5703.94 of the Revised Code when the qualifying 2748
employee is performing disaster work in this state during a 2749
disaster response period on critical infrastructure owned or used 2750
by the employee's employer; 2751

(iii) As used in division (A)(2)(f) of this section, 2752
"critical infrastructure," "disaster response period," "disaster 2753
work," and "qualifying employee" have the same meanings as in 2754
section 5703.94 of the Revised Code. 2755

Any employer may elect to include as an "employee" within 2756
this chapter, any person excluded from the definition of 2757
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 2758
or (e) of this section in accordance with rules adopted by the 2759
administrator, with the advice and consent of the bureau of 2760
workers' compensation board of directors. If an employer is a 2761
partnership, sole proprietorship, individual incorporated as a 2762
corporation, or family farm corporation, such employer may elect 2763
to include as an "employee" within this chapter, any member of 2764
such partnership, the owner of the sole proprietorship, the 2765
individual incorporated as a corporation, or the officers of the 2766
family farm corporation. Nothing in this section shall prohibit a 2767
partner, sole proprietor, or any person excluded from the 2768
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 2769
or (e) of this section from electing to be included as an 2770
"employee" under this chapter in accordance with rules adopted by 2771
the administrator, with the advice and consent of the board. 2772

In the event of an election, the employer or person electing 2773
coverage shall serve upon the bureau of workers' compensation 2774
written notice naming the person to be covered and include the 2775
person's remuneration for premium purposes in all future payroll 2776
reports. No partner, sole proprietor, or person excluded from the 2777
definition of "employee" pursuant to division (A)(1)(d) or 2778

(A)(2)(a), (b), (c), or (e) of this section, shall receive 2779
benefits or compensation under this chapter until the bureau 2780
receives written notice of the election permitted by this section. 2781

For informational purposes only, the bureau shall prescribe 2782
such language as it considers appropriate, on such of its forms as 2783
it considers appropriate, to advise employers of their right to 2784
elect to include as an "employee" within this chapter a sole 2785
proprietor, any member of a partnership, or a person excluded from 2786
the definition of "employee" under division (A)(1)(d) or 2787
(A)(2)(a), (b), (c), or (e) of this section, that they should 2788
check any health and disability insurance policy, or other form of 2789
health and disability plan or contract, presently covering them, 2790
or the purchase of which they may be considering, to determine 2791
whether such policy, plan, or contract excludes benefits for 2792
illness or injury that they might have elected to have covered by 2793
workers' compensation. 2794

(B)(1) "Employer" means: 2795

(a) The state, including state hospitals, each county, 2796
municipal corporation, township, school district, and hospital 2797
owned by a political subdivision or subdivisions other than the 2798
state; 2799

(b) Every person, firm, professional employer organization, 2800
and private corporation, including any public service corporation, 2801
that (i) has in service one or more employees or shared employees 2802
regularly in the same business or in or about the same 2803
establishment under any contract of hire, express or implied, oral 2804
or written, or (ii) is bound by any such contract of hire or by 2805
any other written contract, to pay into the insurance fund the 2806
premiums provided by this chapter. 2807

All such employers are subject to this chapter. Any member of 2808
a firm or association, who regularly performs manual labor in or 2809

about a mine, factory, or other establishment, including a 2810
household establishment, shall be considered an employee in 2811
determining whether such person, firm, or private corporation, or 2812
public service corporation, has in its service, one or more 2813
employees and the employer shall report the income derived from 2814
such labor to the bureau as part of the payroll of such employer, 2815
and such member shall thereupon be entitled to all the benefits of 2816
an employee. 2817

(2) "Employer" does not include a franchisor with respect to 2818
the franchisor's relationship with a franchisee or an employee of 2819
a franchisee, unless the franchisor agrees to assume that role in 2820
writing or a court of competent jurisdiction determines that the 2821
franchisor exercises a type or degree of control over the 2822
franchisee or the franchisee's employees that is not customarily 2823
exercised by a franchisor for the purpose of protecting the 2824
franchisor's trademark, brand, or both. For purposes of this 2825
division, "franchisor" and "franchisee" have the same meanings as 2826
in 16 C.F.R. 436.1. 2827

(C) "Injury" includes any injury, whether caused by external 2828
accidental means or accidental in character and result, received 2829
in the course of, and arising out of, the injured employee's 2830
employment. "Injury" does not include: 2831

(1) Psychiatric conditions except where the claimant's 2832
psychiatric conditions have arisen from an injury or occupational 2833
disease sustained by that claimant or where the claimant's 2834
psychiatric conditions have arisen from sexual conduct in which 2835
the claimant was forced by threat of physical harm to engage or 2836
participate; 2837

(2) Injury or disability caused primarily by the natural 2838
deterioration of tissue, an organ, or part of the body; 2839

(3) Injury or disability incurred in voluntary participation 2840

in an employer-sponsored recreation or fitness activity if the 2841
employee signs a waiver of the employee's right to compensation or 2842
benefits under this chapter prior to engaging in the recreation or 2843
fitness activity; 2844

(4) A condition that pre-existed an injury unless that 2845
pre-existing condition is substantially aggravated by the injury. 2846
Such a substantial aggravation must be documented by objective 2847
diagnostic findings, objective clinical findings, or objective 2848
test results. Subjective complaints may be evidence of such a 2849
substantial aggravation. However, subjective complaints without 2850
objective diagnostic findings, objective clinical findings, or 2851
objective test results are insufficient to substantiate a 2852
substantial aggravation. 2853

(D) "Child" includes a posthumous child and a child legally 2854
adopted prior to the injury. 2855

(E) "Family farm corporation" means a corporation founded for 2856
the purpose of farming agricultural land in which the majority of 2857
the voting stock is held by and the majority of the stockholders 2858
are persons or the spouse of persons related to each other within 2859
the fourth degree of kinship, according to the rules of the civil 2860
law, and at least one of the related persons is residing on or 2861
actively operating the farm, and none of whose stockholders are a 2862
corporation. A family farm corporation does not cease to qualify 2863
under this division where, by reason of any devise, bequest, or 2864
the operation of the laws of descent or distribution, the 2865
ownership of shares of voting stock is transferred to another 2866
person, as long as that person is within the degree of kinship 2867
stipulated in this division. 2868

(F) "Occupational disease" means a disease contracted in the 2869
course of employment, which by its causes and the characteristics 2870
of its manifestation or the condition of the employment results in 2871
a hazard which distinguishes the employment in character from 2872

employment generally, and the employment creates a risk of 2873
contracting the disease in greater degree and in a different 2874
manner from the public in general. 2875

(G) "Self-insuring employer" means an employer who is granted 2876
the privilege of paying compensation and benefits directly under 2877
section 4123.35 of the Revised Code, including a board of county 2878
commissioners for the sole purpose of constructing a sports 2879
facility as defined in section 307.696 of the Revised Code, 2880
provided that the electors of the county in which the sports 2881
facility is to be built have approved construction of a sports 2882
facility by ballot election no later than November 6, 1997. 2883

(H) "Private employer" means an employer as defined in 2884
division (B)(1)(b) of this section. 2885

(I) "Professional employer organization" has the same meaning 2886
as in section 4125.01 of the Revised Code. 2887

(J) "Public employer" means an employer as defined in 2888
division (B)(1)(a) of this section. 2889

(K) "Sexual conduct" means vaginal intercourse between a male 2890
and female; anal intercourse, fellatio, and cunnilingus between 2891
persons regardless of gender; and, without privilege to do so, the 2892
insertion, however slight, of any part of the body or any 2893
instrument, apparatus, or other object into the vaginal or anal 2894
cavity of another. Penetration, however slight, is sufficient to 2895
complete vaginal or anal intercourse. 2896

(L) "Other-states' insurer" means an insurance company that 2897
is authorized to provide workers' compensation insurance coverage 2898
in any of the states that permit employers to obtain insurance for 2899
workers' compensation claims through insurance companies. 2900

(M) "Other-states' coverage" means both of the following: 2901

(1) Insurance coverage secured by an eligible employer for 2902

workers' compensation claims of employees who are in employment 2903
relationships localized in a state other than this state or those 2904
employees' dependents; 2905

(2) Insurance coverage secured by an eligible employer for 2906
workers' compensation claims that arise in a state other than this 2907
state where an employer elects to obtain coverage through either 2908
the administrator or an other-states' insurer. 2909

(N) "Limited other-states coverage" means insurance coverage 2910
provided by the administrator to an eligible employer for workers' 2911
compensation claims of employees who are in an employment 2912
relationship localized in this state but are temporarily working 2913
in a state other than this state, or those employees' dependents. 2914

(O) "Motor carrier" has the same meaning as in section 2915
4923.01 of the Revised Code. 2916

Sec. 4141.01. As used in this chapter, unless the context 2917
otherwise requires: 2918

(A)(1) "Employer" means the state, its instrumentalities, its 2919
political subdivisions and their instrumentalities, Indian tribes, 2920
and any individual or type of organization including any 2921
partnership, limited liability company, association, trust, 2922
estate, joint-stock company, insurance company, or corporation, 2923
whether domestic or foreign, or the receiver, trustee in 2924
bankruptcy, trustee, or the successor thereof, or the legal 2925
representative of a deceased person who subsequent to December 31, 2926
1971, or in the case of political subdivisions or their 2927
instrumentalities, subsequent to December 31, 1973: 2928

(a) Had in employment at least one individual, or in the case 2929
of a nonprofit organization, subsequent to December 31, 1973, had 2930
not less than four individuals in employment for some portion of a 2931
day in each of twenty different calendar weeks, in either the 2932

current or the preceding calendar year whether or not the same 2933
individual was in employment in each such day; or 2934

(b) Except for a nonprofit organization, had paid for service 2935
in employment wages of fifteen hundred dollars or more in any 2936
calendar quarter in either the current or preceding calendar year; 2937
or 2938

(c) Had paid, subsequent to December 31, 1977, for employment 2939
in domestic service in a local college club, or local chapter of a 2940
college fraternity or sorority, cash remuneration of one thousand 2941
dollars or more in any calendar quarter in the current calendar 2942
year or the preceding calendar year, or had paid subsequent to 2943
December 31, 1977, for employment in domestic service in a private 2944
home cash remuneration of one thousand dollars in any calendar 2945
quarter in the current calendar year or the preceding calendar 2946
year: 2947

(i) For the purposes of divisions (A)(1)(a) and (b) of this 2948
section, there shall not be taken into account any wages paid to, 2949
or employment of, an individual performing domestic service as 2950
described in this division. 2951

(ii) An employer under this division shall not be an employer 2952
with respect to wages paid for any services other than domestic 2953
service unless the employer is also found to be an employer under 2954
division (A)(1)(a), (b), or (d) of this section. 2955

(d) As a farm operator or a crew leader subsequent to 2956
December 31, 1977, had in employment individuals in agricultural 2957
labor; and 2958

(i) During any calendar quarter in the current calendar year 2959
or the preceding calendar year, paid cash remuneration of twenty 2960
thousand dollars or more for the agricultural labor; or 2961

(ii) Had at least ten individuals in employment in 2962
agricultural labor, not including agricultural workers who are 2963

aliens admitted to the United States to perform agricultural labor 2964
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 2965
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 2966
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 2967
of the twenty different calendar weeks, in either the current or 2968
preceding calendar year whether or not the same individual was in 2969
employment in each day; or 2970

(e) Is not otherwise an employer as defined under division 2971
(A)(1)(a) or (b) of this section; and 2972

(i) For which, within either the current or preceding 2973
calendar year, service, except for domestic service in a private 2974
home not covered under division (A)(1)(c) of this section, is or 2975
was performed with respect to which such employer is liable for 2976
any federal tax against which credit may be taken for 2977
contributions required to be paid into a state unemployment fund; 2978

(ii) Which, as a condition for approval of this chapter for 2979
full tax credit against the tax imposed by the "Federal 2980
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 2981
required, pursuant to such act to be an employer under this 2982
chapter; or 2983

(iii) Who became an employer by election under division 2984
(A)(4) or (5) of this section and for the duration of such 2985
election; or 2986

(f) In the case of the state, its instrumentalities, its 2987
political subdivisions, and their instrumentalities, and Indian 2988
tribes, had in employment, as defined in divisions (B)(2)(a) and 2989
(B)(2)(1) of this section, at least one individual; 2990

(g) For the purposes of division (A)(1)(a) of this section, 2991
if any week includes both the thirty-first day of December and the 2992
first day of January, the days of that week before the first day 2993
of January shall be considered one calendar week and the days 2994

beginning the first day of January another week. 2995

(2) Each individual employed to perform or to assist in 2996
performing the work of any agent or employee of an employer is 2997
employed by such employer for all the purposes of this chapter, 2998
whether such individual was hired or paid directly by such 2999
employer or by such agent or employee, provided the employer had 3000
actual or constructive knowledge of the work. All individuals 3001
performing services for an employer of any person in this state 3002
who maintains two or more establishments within this state are 3003
employed by a single employer for the purposes of this chapter. 3004

(3) An employer subject to this chapter within any calendar 3005
year is subject to this chapter during the whole of such year and 3006
during the next succeeding calendar year. 3007

(4) An employer not otherwise subject to this chapter who 3008
files with the director of job and family services a written 3009
election to become an employer subject to this chapter for not 3010
less than two calendar years shall, with the written approval of 3011
such election by the director, become an employer subject to this 3012
chapter to the same extent as all other employers as of the date 3013
stated in such approval, and shall cease to be subject to this 3014
chapter as of the first day of January of any calendar year 3015
subsequent to such two calendar years only if at least thirty days 3016
prior to such first day of January the employer has filed with the 3017
director a written notice to that effect. 3018

(5) Any employer for whom services that do not constitute 3019
employment are performed may file with the director a written 3020
election that all such services performed by individuals in the 3021
employer's employ in one or more distinct establishments or places 3022
of business shall be deemed to constitute employment for all the 3023
purposes of this chapter, for not less than two calendar years. 3024
Upon written approval of the election by the director, such 3025
services shall be deemed to constitute employment subject to this 3026

chapter from and after the date stated in such approval. Such 3027
services shall cease to be employment subject to this chapter as 3028
of the first day of January of any calendar year subsequent to 3029
such two calendar years only if at least thirty days prior to such 3030
first day of January such employer has filed with the director a 3031
written notice to that effect. 3032

(6) "Employer" does not include a franchisor with respect to 3033
the franchisor's relationship with a franchisee or an employee of 3034
a franchisee, unless the franchisor agrees to assume that role in 3035
writing or a court of competent jurisdiction determines that the 3036
franchisor exercises a type or degree of control over the 3037
franchisee or the franchisee's employees that is not customarily 3038
exercised by a franchisor for the purpose of protecting the 3039
franchisor's trademark, brand, or both. For purposes of this 3040
division, "franchisor" and "franchisee" have the same meanings as 3041
in 16 C.F.R. 436.1. 3042

(B)(1) "Employment" means service performed by an individual 3043
for remuneration under any contract of hire, written or oral, 3044
express or implied, including service performed in interstate 3045
commerce and service performed by an officer of a corporation, 3046
without regard to whether such service is executive, managerial, 3047
or manual in nature, and without regard to whether such officer is 3048
a stockholder or a member of the board of directors of the 3049
corporation, unless it is shown to the satisfaction of the 3050
director that such individual has been and will continue to be 3051
free from direction or control over the performance of such 3052
service, both under a contract of service and in fact. The 3053
director shall adopt rules to define "direction or control." 3054

(2) "Employment" includes: 3055

(a) Service performed after December 31, 1977, by an 3056
individual in the employ of the state or any of its 3057
instrumentalities, or any political subdivision thereof or any of 3058

its instrumentalities or any instrumentality of more than one of 3059
the foregoing or any instrumentality of any of the foregoing and 3060
one or more other states or political subdivisions and without 3061
regard to divisions (A)(1)(a) and (b) of this section, provided 3062
that such service is excluded from employment as defined in the 3063
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3064
3306(c)(7) and is not excluded under division (B)(3) of this 3065
section; or the services of employees covered by voluntary 3066
election, as provided under divisions (A)(4) and (5) of this 3067
section; 3068

(b) Service performed after December 31, 1971, by an 3069
individual in the employ of a religious, charitable, educational, 3070
or other organization which is excluded from the term "employment" 3071
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 3072
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3073
3306(c)(8) of that act and is not excluded under division (B)(3) 3074
of this section; 3075

(c) Domestic service performed after December 31, 1977, for 3076
an employer, as provided in division (A)(1)(c) of this section; 3077

(d) Agricultural labor performed after December 31, 1977, for 3078
a farm operator or a crew leader, as provided in division 3079
(A)(1)(d) of this section; 3080

(e) ~~Service~~ Subject to division (B)(2)(m) of this section, 3081
service not covered under division (B)(1) of this section which is 3082
performed after December 31, 1971: 3083

(i) As an agent-driver or commission-driver engaged in 3084
distributing meat products, vegetable products, fruit products, 3085
bakery products, beverages other than milk, laundry, or 3086
dry-cleaning services, for the individual's employer or principal; 3087

(ii) As a traveling or city salesperson, other than as an 3088
agent-driver or commission-driver, engaged on a full-time basis in 3089

the solicitation on behalf of and in the transmission to the 3090
salesperson's employer or principal except for sideline sales 3091
activities on behalf of some other person of orders from 3092
wholesalers, retailers, contractors, or operators of hotels, 3093
restaurants, or other similar establishments for merchandise for 3094
resale, or supplies for use in their business operations, provided 3095
that for the purposes of division (B)(2)(e)(ii) of this section, 3096
the services shall be deemed employment if the contract of service 3097
contemplates that substantially all of the services are to be 3098
performed personally by the individual and that the individual 3099
does not have a substantial investment in facilities used in 3100
connection with the performance of the services other than in 3101
facilities for transportation, and the services are not in the 3102
nature of a single transaction that is not a part of a continuing 3103
relationship with the person for whom the services are performed. 3104

(f) An individual's entire service performed within or both 3105
within and without the state if: 3106

(i) The service is localized in this state. 3107

(ii) The service is not localized in any state, but some of 3108
the service is performed in this state and either the base of 3109
operations, or if there is no base of operations then the place 3110
from which such service is directed or controlled, is in this 3111
state or the base of operations or place from which such service 3112
is directed or controlled is not in any state in which some part 3113
of the service is performed but the individual's residence is in 3114
this state. 3115

(g) Service not covered under division (B)(2)(f)(ii) of this 3116
section and performed entirely without this state, with respect to 3117
no part of which contributions are required and paid under an 3118
unemployment compensation law of any other state, the Virgin 3119
Islands, Canada, or of the United States, if the individual 3120
performing such service is a resident of this state and the 3121

director approves the election of the employer for whom such 3122
services are performed; or, if the individual is not a resident of 3123
this state but the place from which the service is directed or 3124
controlled is in this state, the entire services of such 3125
individual shall be deemed to be employment subject to this 3126
chapter, provided service is deemed to be localized within this 3127
state if the service is performed entirely within this state or if 3128
the service is performed both within and without this state but 3129
the service performed without this state is incidental to the 3130
individual's service within the state, for example, is temporary 3131
or transitory in nature or consists of isolated transactions; 3132

(h) Service of an individual who is a citizen of the United 3133
States, performed outside the United States except in Canada after 3134
December 31, 1971, or the Virgin Islands, after December 31, 1971, 3135
and before the first day of January of the year following that in 3136
which the United States secretary of labor approves the Virgin 3137
Islands law for the first time, in the employ of an American 3138
employer, other than service which is "employment" under divisions 3139
(B)(2)(f) and (g) of this section or similar provisions of another 3140
state's law, if: 3141

(i) The employer's principal place of business in the United 3142
States is located in this state; 3143

(ii) The employer has no place of business in the United 3144
States, but the employer is an individual who is a resident of 3145
this state; or the employer is a corporation which is organized 3146
under the laws of this state, or the employer is a partnership or 3147
a trust and the number of partners or trustees who are residents 3148
of this state is greater than the number who are residents of any 3149
other state; or 3150

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 3151
of this section is met but the employer has elected coverage in 3152
this state or the employer having failed to elect coverage in any 3153

state, the individual has filed a claim for benefits, based on 3154
such service, under this chapter. 3155

(i) For the purposes of division (B)(2)(h) of this section, 3156
the term "American employer" means an employer who is an 3157
individual who is a resident of the United States; or a 3158
partnership, if two-thirds or more of the partners are residents 3159
of the United States; or a trust, if all of the trustees are 3160
residents of the United States; or a corporation organized under 3161
the laws of the United States or of any state, provided the term 3162
"United States" includes the states, the District of Columbia, the 3163
Commonwealth of Puerto Rico, and the Virgin Islands. 3164

(j) Notwithstanding any other provisions of divisions (B)(1) 3165
and (2) of this section, service, except for domestic service in a 3166
private home not covered under division (A)(1)(c) of this section, 3167
with respect to which a tax is required to be paid under any 3168
federal law imposing a tax against which credit may be taken for 3169
contributions required to be paid into a state unemployment fund, 3170
or service, except for domestic service in a private home not 3171
covered under division (A)(1)(c) of this section, which, as a 3172
condition for full tax credit against the tax imposed by the 3173
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3174
3311, is required to be covered under this chapter. 3175

(k) Construction services performed by any individual under a 3176
construction contract, as defined in section 4141.39 of the 3177
Revised Code, if the director determines that the employer for 3178
whom services are performed has the right to direct or control the 3179
performance of the services and that the individuals who perform 3180
the services receive remuneration for the services performed. The 3181
director shall presume that the employer for whom services are 3182
performed has the right to direct or control the performance of 3183
the services if ten or more of the following criteria apply: 3184

(i) The employer directs or controls the manner or method by 3185

which instructions are given to the individual performing services;	3186 3187
(ii) The employer requires particular training for the individual performing services;	3188 3189
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	3190 3191
(iv) The employer requires that services be provided by a particular individual;	3192 3193
(v) The employer hires, supervises, or pays the wages of the individual performing services;	3194 3195
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	3196 3197 3198
(vii) The employer requires the individual to perform services during established hours;	3199 3200
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	3201 3202 3203
(ix) The employer requires the individual to perform services on the employer's premises;	3204 3205
(x) The employer requires the individual performing services to follow the order of work established by the employer;	3206 3207
(xi) The employer requires the individual performing services to make oral or written reports of progress;	3208 3209
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	3210 3211
(xiii) The employer pays expenses for the individual performing services;	3212 3213
(xiv) The employer furnishes the tools and materials for use	3214

by the individual to perform services;	3215
(xv) The individual performing services has not invested in the facilities used to perform services;	3216 3217
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	3218 3219 3220
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	3221 3222
(xviii) The individual performing services does not make the services available to the general public;	3223 3224
(xix) The employer has a right to discharge the individual performing services;	3225 3226
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	3227 3228 3229
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	3230 3231 3232 3233 3234 3235 3236 3237 3238
<u>(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:</u>	3239 3240 3241 3242 3243
<u>(i) The individual owns the equipment that is used in</u>	3244

performing the services for or on behalf of the carrier, or the 3245
individual leases the equipment under a bona fide lease agreement 3246
that is not a temporary replacement lease agreement. 3247

(ii) The individual is responsible for supplying the 3248
necessary personal services to operate the equipment used to 3249
provide the service. 3250

(iii) The compensation paid to the individual is based on 3251
factors related to work performed, including on a mileage-based 3252
rate or a percentage of any schedule of rates, and not solely on 3253
the basis of the hours or time expended. 3254

(iv) The individual substantially controls the means and 3255
manner of performing the services, in conformance with regulatory 3256
requirements and specifications of the shipper. 3257

(v) The individual enters into a written contract with the 3258
carrier for whom the individual is performing the services that 3259
describes the relationship between the individual and the carrier 3260
to be that of an independent contractor and not that of an 3261
employee. 3262

(vi) The individual is responsible for substantially all of 3263
the principal operating costs of the vehicle or vessel and 3264
equipment used to provide the services, including maintenance, 3265
fuel, repairs, supplies, vehicle or vessel insurance, and personal 3266
expenses, except that the individual may be paid by the carrier 3267
the carrier's fuel surcharge and incidental costs, including 3268
tolls, permits, and lumper fees. 3269

(vii) The individual is responsible for any economic loss or 3270
economic gain from the arrangement with the carrier. 3271

(3) "Employment" does not include the following services if 3272
they are found not subject to the "Federal Unemployment Tax Act," 3273
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 3274
are not required to be included under division (B)(2)(j) of this 3275

section:	3276
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	3277 3278 3279
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	3280 3281 3282 3283
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	3284 3285 3286
(i) As a publicly elected official;	3287
(ii) As a member of a legislative body, or a member of the judiciary;	3288 3289
(iii) As a military member of the Ohio national guard;	3290
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	3291 3292 3293 3294
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	3295 3296 3297 3298 3299
(d) In the employ of any governmental unit or instrumentality of the United States;	3300 3301
(e) Service performed after December 31, 1971:	3302
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by	3303 3304 3305

a student who is enrolled and is regularly attending classes at 3306
the educational institution or institution of higher education; or 3307

(ii) By an individual who is enrolled at a nonprofit or 3308
public educational institution which normally maintains a regular 3309
faculty and curriculum and normally has a regularly organized body 3310
of students in attendance at the place where its educational 3311
activities are carried on as a student in a full-time program, 3312
taken for credit at the institution, which combines academic 3313
instruction with work experience, if the service is an integral 3314
part of the program, and the institution has so certified to the 3315
employer, provided that this subdivision shall not apply to 3316
service performed in a program established for or on behalf of an 3317
employer or group of employers. 3318

(f) Service performed by an individual in the employ of the 3319
individual's son, daughter, or spouse and service performed by a 3320
child under the age of eighteen in the employ of the child's 3321
father or mother; 3322

(g) Service performed for one or more principals by an 3323
individual who is compensated on a commission basis, who in the 3324
performance of the work is master of the individual's own time and 3325
efforts, and whose remuneration is wholly dependent on the amount 3326
of effort the individual chooses to expend, and which service is 3327
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 3328
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 3329
31, 1971: 3330

(i) By an individual for an employer as an insurance agent or 3331
as an insurance solicitor, if all this service is performed for 3332
remuneration solely by way of commission; 3333

(ii) As a home worker performing work, according to 3334
specifications furnished by the employer for whom the services are 3335
performed, on materials or goods furnished by such employer which 3336

are required to be returned to the employer or to a person 3337
designated for that purpose. 3338

(h) Service performed after December 31, 1971: 3339

(i) In the employ of a church or convention or association of 3340
churches, or in an organization which is operated primarily for 3341
religious purposes and which is operated, supervised, controlled, 3342
or principally supported by a church or convention or association 3343
of churches; 3344

(ii) By a duly ordained, commissioned, or licensed minister 3345
of a church in the exercise of the individual's ministry or by a 3346
member of a religious order in the exercise of duties required by 3347
such order; or 3348

(iii) In a facility conducted for the purpose of carrying out 3349
a program of rehabilitation for individuals whose earning capacity 3350
is impaired by age or physical or mental deficiency or injury, or 3351
providing remunerative work for individuals who because of their 3352
impaired physical or mental capacity cannot be readily absorbed in 3353
the competitive labor market, by an individual receiving such 3354
rehabilitation or remunerative work. 3355

(i) Service performed after June 30, 1939, with respect to 3356
which unemployment compensation is payable under the "Railroad 3357
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 3358

(j) Service performed by an individual in the employ of any 3359
organization exempt from income tax under section 501 of the 3360
"Internal Revenue Code of 1954," if the remuneration for such 3361
service does not exceed fifty dollars in any calendar quarter, or 3362
if such service is in connection with the collection of dues or 3363
premiums for a fraternal beneficial society, order, or association 3364
and is performed away from the home office or is ritualistic 3365
service in connection with any such society, order, or 3366
association; 3367

(k) Casual labor not in the course of an employer's trade or 3368
business; incidental service performed by an officer, appraiser, 3369
or member of a finance committee of a bank, building and loan 3370
association, savings and loan association, or savings association 3371
when the remuneration for such incidental service exclusive of the 3372
amount paid or allotted for directors' fees does not exceed sixty 3373
dollars per calendar quarter is casual labor; 3374

(l) Service performed in the employ of a voluntary employees' 3375
beneficial association providing for the payment of life, 3376
sickness, accident, or other benefits to the members of such 3377
association or their dependents or their designated beneficiaries, 3378
if admission to a membership in such association is limited to 3379
individuals who are officers or employees of a municipal or public 3380
corporation, of a political subdivision of the state, or of the 3381
United States and no part of the net earnings of such association 3382
inures, other than through such payments, to the benefit of any 3383
private shareholder or individual; 3384

(m) Service performed by an individual in the employ of a 3385
foreign government, including service as a consular or other 3386
officer or employee or of a nondiplomatic representative; 3387

(n) Service performed in the employ of an instrumentality 3388
wholly owned by a foreign government if the service is of a 3389
character similar to that performed in foreign countries by 3390
employees of the United States or of an instrumentality thereof 3391
and if the director finds that the secretary of state of the 3392
United States has certified to the secretary of the treasury of 3393
the United States that the foreign government, with respect to 3394
whose instrumentality exemption is claimed, grants an equivalent 3395
exemption with respect to similar service performed in the foreign 3396
country by employees of the United States and of instrumentalities 3397
thereof; 3398

(o) Service with respect to which unemployment compensation 3399

is payable under an unemployment compensation system established 3400
by an act of congress; 3401

(p) Service performed as a student nurse in the employ of a 3402
hospital or a nurses' training school by an individual who is 3403
enrolled and is regularly attending classes in a nurses' training 3404
school chartered or approved pursuant to state law, and service 3405
performed as an intern in the employ of a hospital by an 3406
individual who has completed a four years' course in a medical 3407
school chartered or approved pursuant to state law; 3408

(q) Service performed by an individual under the age of 3409
eighteen in the delivery or distribution of newspapers or shopping 3410
news, not including delivery or distribution to any point for 3411
subsequent delivery or distribution; 3412

(r) Service performed in the employ of the United States or 3413
an instrumentality of the United States immune under the 3414
Constitution of the United States from the contributions imposed 3415
by this chapter, except that to the extent that congress permits 3416
states to require any instrumentalities of the United States to 3417
make payments into an unemployment fund under a state unemployment 3418
compensation act, this chapter shall be applicable to such 3419
instrumentalities and to services performed for such 3420
instrumentalities in the same manner, to the same extent, and on 3421
the same terms as to all other employers, individuals, and 3422
services, provided that if this state is not certified for any 3423
year by the proper agency of the United States under section 3304 3424
of the "Internal Revenue Code of 1954," the payments required of 3425
such instrumentalities with respect to such year shall be refunded 3426
by the director from the fund in the same manner and within the 3427
same period as is provided in division (E) of section 4141.09 of 3428
the Revised Code with respect to contributions erroneously 3429
collected; 3430

(s) Service performed by an individual as a member of a band 3431

or orchestra, provided such service does not represent the 3432
principal occupation of such individual, and which service is not 3433
subject to or required to be covered for full tax credit against 3434
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 3435
183 (1939), 26 U.S.C.A. 3301 to 3311. 3436

(t) Service performed in the employ of a day camp whose 3437
camping season does not exceed twelve weeks in any calendar year, 3438
and which service is not subject to the "Federal Unemployment Tax 3439
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 3440
performed after December 31, 1971: 3441

(i) In the employ of a hospital, if the service is performed 3442
by a patient of the hospital, as defined in division (W) of this 3443
section; 3444

(ii) For a prison or other correctional institution by an 3445
inmate of the prison or correctional institution; 3446

(iii) Service performed after December 31, 1977, by an inmate 3447
of a custodial institution operated by the state, a political 3448
subdivision, or a nonprofit organization. 3449

(u) Service that is performed by a nonresident alien 3450
individual for the period the individual temporarily is present in 3451
the United States as a nonimmigrant under division (F), (J), (M), 3452
or (Q) of section 101(a)(15) of the "Immigration and Nationality 3453
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 3454
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 3455
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 3456

(v) Notwithstanding any other provisions of division (B)(3) 3457
of this section, services that are excluded under divisions 3458
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 3459
from employment when performed for a nonprofit organization, as 3460
defined in division (X) of this section, or for this state or its 3461
instrumentalities, or for a political subdivision or its 3462

instrumentalities or for Indian tribes;	3463
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	3464 3465 3466 3467 3468
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	3469 3470 3471 3472 3473
(y) Service performed by a person committed to a penal institution.	3474 3475
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	3476 3477 3478
(i) As a publicly elected official;	3479
(ii) As a member of an Indian tribal council;	3480
(iii) As a member of a legislative or judiciary body;	3481
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	3482 3483 3484 3485 3486
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	3487 3488
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program	3489 3490 3491 3492

assisted or financed in whole or in part by any federal agency or 3493
an agency of a state or political subdivision, thereof, by an 3494
individual receiving the work-relief or work-training. 3495

(bb) Participation in a learn to earn program as defined in 3496
section 4141.293 of the Revised Code. 3497

(4) If the services performed during one half or more of any 3498
pay period by an employee for the person employing that employee 3499
constitute employment, all the services of such employee for such 3500
period shall be deemed to be employment; but if the services 3501
performed during more than one half of any such pay period by an 3502
employee for the person employing that employee do not constitute 3503
employment, then none of the services of such employee for such 3504
period shall be deemed to be employment. As used in division 3505
(B)(4) of this section, "pay period" means a period, of not more 3506
than thirty-one consecutive days, for which payment of 3507
remuneration is ordinarily made to the employee by the person 3508
employing that employee. Division (B)(4) of this section does not 3509
apply to services performed in a pay period by an employee for the 3510
person employing that employee, if any of such service is excepted 3511
by division (B)(3)(o) of this section. 3512

(C) "Benefits" means money payments payable to an individual 3513
who has established benefit rights, as provided in this chapter, 3514
for loss of remuneration due to the individual's unemployment. 3515

(D) "Benefit rights" means the weekly benefit amount and the 3516
maximum benefit amount that may become payable to an individual 3517
within the individual's benefit year as determined by the 3518
director. 3519

(E) "Claim for benefits" means a claim for waiting period or 3520
benefits for a designated week. 3521

(F) "Additional claim" means the first claim for benefits 3522
filed following any separation from employment during a benefit 3523

year; "continued claim" means any claim other than the first claim 3524
for benefits and other than an additional claim. 3525

(G) "Wages" means remuneration paid to an employee by each of 3526
the employee's employers with respect to employment; except that 3527
wages shall not include that part of remuneration paid during any 3528
calendar year to an individual by an employer or such employer's 3529
predecessor in interest in the same business or enterprise, which 3530
in any calendar year is in excess of nine thousand dollars on and 3531
after January 1, 1995; nine thousand five hundred dollars on and 3532
after January 1, 2018; and nine thousand dollars on and after 3533
January 1, 2020. Remuneration in excess of such amounts shall be 3534
deemed wages subject to contribution to the same extent that such 3535
remuneration is defined as wages under the "Federal Unemployment 3536
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 3537
amended. The remuneration paid an employee by an employer with 3538
respect to employment in another state, upon which contributions 3539
were required and paid by such employer under the unemployment 3540
compensation act of such other state, shall be included as a part 3541
of remuneration in computing the amount specified in this 3542
division. 3543

(H)(1) "Remuneration" means all compensation for personal 3544
services, including commissions and bonuses and the cash value of 3545
all compensation in any medium other than cash, except that in the 3546
case of agricultural or domestic service, "remuneration" includes 3547
only cash remuneration. Gratuities customarily received by an 3548
individual in the course of the individual's employment from 3549
persons other than the individual's employer and which are 3550
accounted for by such individual to the individual's employer are 3551
taxable wages. 3552

The reasonable cash value of compensation paid in any medium 3553
other than cash shall be estimated and determined in accordance 3554
with rules prescribed by the director, provided that 3555

"remuneration" does not include: 3556

(a) Payments as provided in divisions (b)(2) to (b)(20) of 3557
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 3558
26 U.S.C.A. 3301 to 3311, as amended; 3559

(b) The payment by an employer, without deduction from the 3560
remuneration of the individual in the employer's employ, of the 3561
tax imposed upon an individual in the employer's employ under 3562
section 3101 of the "Internal Revenue Code of 1954," with respect 3563
to services performed after October 1, 1941. 3564

(2) "Cash remuneration" means all remuneration paid in cash, 3565
including commissions and bonuses, but not including the cash 3566
value of all compensation in any medium other than cash. 3567

(I) "Interested party" means the director and any party to 3568
whom notice of a determination of an application for benefit 3569
rights or a claim for benefits is required to be given under 3570
section 4141.28 of the Revised Code. 3571

(J) "Annual payroll" means the total amount of wages subject 3572
to contributions during a twelve-month period ending with the last 3573
day of the second calendar quarter of any calendar year. 3574

(K) "Average annual payroll" means the average of the last 3575
three annual payrolls of an employer, provided that if, as of any 3576
computation date, the employer has had less than three annual 3577
payrolls in such three-year period, such average shall be based on 3578
the annual payrolls which the employer has had as of such date. 3579

(L)(1) "Contributions" means the money payments to the state 3580
unemployment compensation fund required of employers by section 3581
4141.25 of the Revised Code and of the state and any of its 3582
political subdivisions electing to pay contributions under section 3583
4141.242 of the Revised Code. Employers paying contributions shall 3584
be described as "contributory employers." 3585

(2) "Payments in lieu of contributions" means the money 3586
payments to the state unemployment compensation fund required of 3587
reimbursing employers under sections 4141.241 and 4141.242 of the 3588
Revised Code. 3589

(M) An individual is "totally unemployed" in any week during 3590
which the individual performs no services and with respect to such 3591
week no remuneration is payable to the individual. 3592

(N) An individual is "partially unemployed" in any week if, 3593
due to involuntary loss of work, the total remuneration payable to 3594
the individual for such week is less than the individual's weekly 3595
benefit amount. 3596

(O) "Week" means the calendar week ending at midnight 3597
Saturday unless an equivalent week of seven consecutive calendar 3598
days is prescribed by the director. 3599

(1) "Qualifying week" means any calendar week in an 3600
individual's base period with respect to which the individual 3601
earns or is paid remuneration in employment subject to this 3602
chapter. A calendar week with respect to which an individual earns 3603
remuneration but for which payment was not made within the base 3604
period, when necessary to qualify for benefit rights, may be 3605
considered to be a qualifying week. The number of qualifying weeks 3606
which may be established in a calendar quarter shall not exceed 3607
the number of calendar weeks in the quarter. 3608

(2) "Average weekly wage" means the amount obtained by 3609
dividing an individual's total remuneration for all qualifying 3610
weeks during the base period by the number of such qualifying 3611
weeks, provided that if the computation results in an amount that 3612
is not a multiple of one dollar, such amount shall be rounded to 3613
the next lower multiple of one dollar. 3614

(P) "Weekly benefit amount" means the amount of benefits an 3615
individual would be entitled to receive for one week of total 3616

unemployment. 3617

(Q)(1) "Base period" means the first four of the last five 3618
completed calendar quarters immediately preceding the first day of 3619
an individual's benefit year, except as provided in division 3620
(Q)(2) of this section. 3621

(2) If an individual does not have sufficient qualifying 3622
weeks and wages in the base period to qualify for benefit rights, 3623
the individual's base period shall be the four most recently 3624
completed calendar quarters preceding the first day of the 3625
individual's benefit year. Such base period shall be known as the 3626
"alternate base period." If information as to weeks and wages for 3627
the most recent quarter of the alternate base period is not 3628
available to the director from the regular quarterly reports of 3629
wage information, which are systematically accessible, the 3630
director may, consistent with the provisions of section 4141.28 of 3631
the Revised Code, base the determination of eligibility for 3632
benefits on the affidavit of the claimant with respect to weeks 3633
and wages for that calendar quarter. The claimant shall furnish 3634
payroll documentation, where available, in support of the 3635
affidavit. The determination based upon the alternate base period 3636
as it relates to the claimant's benefit rights, shall be amended 3637
when the quarterly report of wage information from the employer is 3638
timely received and that information causes a change in the 3639
determination. As provided in division (B) of section 4141.28 of 3640
the Revised Code, any benefits paid and charged to an employer's 3641
account, based upon a claimant's affidavit, shall be adjusted 3642
effective as of the beginning of the claimant's benefit year. No 3643
calendar quarter in a base period or alternate base period shall 3644
be used to establish a subsequent benefit year. 3645

(3) The "base period" of a combined wage claim, as described 3646
in division (H) of section 4141.43 of the Revised Code, shall be 3647
the base period prescribed by the law of the state in which the 3648

claim is allowed. 3649

(4) For purposes of determining the weeks that comprise a 3650
completed calendar quarter under this division, only those weeks 3651
ending at midnight Saturday within the calendar quarter shall be 3652
utilized. 3653

(R)(1) "Benefit year" with respect to an individual means the 3654
fifty-two week period beginning with the first day of that week 3655
with respect to which the individual first files a valid 3656
application for determination of benefit rights, and thereafter 3657
the fifty-two week period beginning with the first day of that 3658
week with respect to which the individual next files a valid 3659
application for determination of benefit rights after the 3660
termination of the individual's last preceding benefit year, 3661
except that the application shall not be considered valid unless 3662
the individual has had employment in six weeks that is subject to 3663
this chapter or the unemployment compensation act of another 3664
state, or the United States, and has, since the beginning of the 3665
individual's previous benefit year, in the employment earned three 3666
times the average weekly wage determined for the previous benefit 3667
year. The "benefit year" of a combined wage claim, as described in 3668
division (H) of section 4141.43 of the Revised Code, shall be the 3669
benefit year prescribed by the law of the state in which the claim 3670
is allowed. Any application for determination of benefit rights 3671
made in accordance with section 4141.28 of the Revised Code is 3672
valid if the individual filing such application is unemployed, has 3673
been employed by an employer or employers subject to this chapter 3674
in at least twenty qualifying weeks within the individual's base 3675
period, and has earned or been paid remuneration at an average 3676
weekly wage of not less than twenty-seven and one-half per cent of 3677
the statewide average weekly wage for such weeks. For purposes of 3678
determining whether an individual has had sufficient employment 3679
since the beginning of the individual's previous benefit year to 3680

file a valid application, "employment" means the performance of 3681
services for which remuneration is payable. 3682

(2) Effective for benefit years beginning on and after 3683
December 26, 2004, any application for determination of benefit 3684
rights made in accordance with section 4141.28 of the Revised Code 3685
is valid if the individual satisfies the criteria described in 3686
division (R)(1) of this section, and if the reason for the 3687
individual's separation from employment is not disqualifying 3688
pursuant to division (D)(2) of section 4141.29 or section 4141.291 3689
of the Revised Code. A disqualification imposed pursuant to 3690
division (D)(2) of section 4141.29 or section 4141.291 of the 3691
Revised Code must be removed as provided in those sections as a 3692
requirement of establishing a valid application for benefit years 3693
beginning on and after December 26, 2004. 3694

(3) The statewide average weekly wage shall be calculated by 3695
the director once a year based on the twelve-month period ending 3696
the thirtieth day of June, as set forth in division (B)(3) of 3697
section 4141.30 of the Revised Code, rounded down to the nearest 3698
dollar. Increases or decreases in the amount of remuneration 3699
required to have been earned or paid in order for individuals to 3700
have filed valid applications shall become effective on Sunday of 3701
the calendar week in which the first day of January occurs that 3702
follows the twelve-month period ending the thirtieth day of June 3703
upon which the calculation of the statewide average weekly wage 3704
was based. 3705

(4) As used in this division, an individual is "unemployed" 3706
if, with respect to the calendar week in which such application is 3707
filed, the individual is "partially unemployed" or "totally 3708
unemployed" as defined in this section or if, prior to filing the 3709
application, the individual was separated from the individual's 3710
most recent work for any reason which terminated the individual's 3711
employee-employer relationship, or was laid off indefinitely or 3712

for a definite period of seven or more days. 3713

(S) "Calendar quarter" means the period of three consecutive 3714
calendar months ending on the thirty-first day of March, the 3715
thirtieth day of June, the thirtieth day of September, and the 3716
thirty-first day of December, or the equivalent thereof as the 3717
director prescribes by rule. 3718

(T) "Computation date" means the first day of the third 3719
calendar quarter of any calendar year. 3720

(U) "Contribution period" means the calendar year beginning 3721
on the first day of January of any year. 3722

(V) "Agricultural labor," for the purpose of this division, 3723
means any service performed prior to January 1, 1972, which was 3724
agricultural labor as defined in this division prior to that date, 3725
and service performed after December 31, 1971: 3726

(1) On a farm, in the employ of any person, in connection 3727
with cultivating the soil, or in connection with raising or 3728
harvesting any agricultural or horticultural commodity, including 3729
the raising, shearing, feeding, caring for, training, and 3730
management of livestock, bees, poultry, and fur-bearing animals 3731
and wildlife; 3732

(2) In the employ of the owner or tenant or other operator of 3733
a farm in connection with the operation, management, conservation, 3734
improvement, or maintenance of such farm and its tools and 3735
equipment, or in salvaging timber or clearing land of brush and 3736
other debris left by hurricane, if the major part of such service 3737
is performed on a farm; 3738

(3) In connection with the production or harvesting of any 3739
commodity defined as an agricultural commodity in section 15 (g) 3740
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 3741
U.S.C. 1141j, as amended, or in connection with the ginning of 3742
cotton, or in connection with the operation or maintenance of 3743

ditches, canals, reservoirs, or waterways, not owned or operated 3744
for profit, used exclusively for supplying and storing water for 3745
farming purposes; 3746

(4) In the employ of the operator of a farm in handling, 3747
planting, drying, packing, packaging, processing, freezing, 3748
grading, storing, or delivering to storage or to market or to a 3749
carrier for transportation to market, in its unmanufactured state, 3750
any agricultural or horticultural commodity, but only if the 3751
operator produced more than one half of the commodity with respect 3752
to which such service is performed; 3753

(5) In the employ of a group of operators of farms, or a 3754
cooperative organization of which the operators are members, in 3755
the performance of service described in division (V)(4) of this 3756
section, but only if the operators produced more than one-half of 3757
the commodity with respect to which the service is performed; 3758

(6) Divisions (V)(4) and (5) of this section shall not be 3759
deemed to be applicable with respect to service performed: 3760

(a) In connection with commercial canning or commercial 3761
freezing or in connection with any agricultural or horticultural 3762
commodity after its delivery to a terminal market for distribution 3763
for consumption; or 3764

(b) On a farm operated for profit if the service is not in 3765
the course of the employer's trade or business. 3766

As used in division (V) of this section, "farm" includes 3767
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 3768
plantations, ranches, nurseries, ranges, greenhouses, or other 3769
similar structures used primarily for the raising of agricultural 3770
or horticultural commodities and orchards. 3771

(W) "Hospital" means an institution which has been registered 3772
or licensed by the Ohio department of health as a hospital. 3773

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A)(1)(d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer

or farm operator, and: 3804

(a) Pays, either on the individual's own behalf or on behalf 3805
of the other employer or farm operator, the individuals so 3806
furnished by the individual for the service in agricultural labor 3807
performed by them; 3808

(b) Has not entered into a written agreement with the other 3809
employer or farm operator under which the agricultural worker is 3810
designated as in the employ of the other employer or farm 3811
operator. 3812

(2) For the purposes of this chapter, any individual who is a 3813
member of a crew furnished by a crew leader to perform service in 3814
agricultural labor for any other employer or farm operator shall 3815
be treated as an employee of the crew leader if: 3816

(a) The crew leader holds a valid certificate of registration 3817
under the "Farm Labor Contractor Registration Act of 1963," 90 3818
Stat. 2668, 7 U.S.C. 2041; or 3819

(b) Substantially all the members of the crew operate or 3820
maintain tractors, mechanized harvesting or crop-dusting 3821
equipment, or any other mechanized equipment, which is provided by 3822
the crew leader; and 3823

(c) If the individual is not in the employment of the other 3824
employer or farm operator within the meaning of division (B)(1) of 3825
this section. 3826

(3) For the purposes of this division, any individual who is 3827
furnished by a crew leader to perform service in agricultural 3828
labor for any other employer or farm operator and who is not 3829
treated as in the employment of the crew leader under division 3830
(BB)(2) of this section shall be treated as the employee of the 3831
other employer or farm operator and not of the crew leader. The 3832
other employer or farm operator shall be treated as having paid 3833
cash remuneration to the individual in an amount equal to the 3834

amount of cash remuneration paid to the individual by the crew 3835
leader, either on the crew leader's own behalf or on behalf of the 3836
other employer or farm operator, for the service in agricultural 3837
labor performed for the other employer or farm operator. 3838

(CC) "Educational institution" means an institution other 3839
than an institution of higher education as defined in division (Y) 3840
of this section, including an educational institution operated by 3841
an Indian tribe, which: 3842

(1) Offers participants, trainees, or students an organized 3843
course of study or training designed to transfer to them 3844
knowledge, skills, information, doctrines, attitudes, or abilities 3845
from, by, or under the guidance of an instructor or teacher; and 3846

(2) Is approved, chartered, or issued a permit to operate as 3847
a school by the state board of education, other government agency, 3848
or Indian tribe that is authorized within the state to approve, 3849
charter, or issue a permit for the operation of a school. 3850

For the purposes of this division, the courses of study or 3851
training which the institution offers may be academic, technical, 3852
trade, or preparation for gainful employment in a recognized 3853
occupation. 3854

(DD) "Cost savings day" means any unpaid day off from work in 3855
which employees continue to accrue employee benefits which have a 3856
determinable value including, but not limited to, vacation, 3857
pension contribution, sick time, and life and health insurance. 3858

(EE) "Motor carrier" has the same meaning as in section 3859
4923.01 of the Revised Code. 3860

Sec. 4301.62. (A) As used in this section: 3861

(1) "Chauffeured limousine" means a vehicle registered under 3862
section 4503.24 of the Revised Code. 3863

(2) "Street," "highway," and "motor vehicle" have the same 3864

meanings as in section 4511.01 of the Revised Code. 3865

(B) No person shall have in the person's possession an opened 3866
container of beer or intoxicating liquor in any of the following 3867
circumstances: 3868

(1) Except as provided in division (C)(1)(e) of this section, 3869
in an agency store; 3870

(2) Except as provided in division (C) of this section, on 3871
the premises of the holder of any permit issued by the division of 3872
liquor control; 3873

(3) In any other public place; 3874

(4) Except as provided in division (D) or (E) of this 3875
section, while operating or being a passenger in or on a motor 3876
vehicle on any street, highway, or other public or private 3877
property open to the public for purposes of vehicular travel or 3878
parking; 3879

(5) Except as provided in division (D) or (E) of this 3880
section, while being in or on a stationary motor vehicle on any 3881
street, highway, or other public or private property open to the 3882
public for purposes of vehicular travel or parking. 3883

(C)(1) A person may have in the person's possession an opened 3884
container of any of the following: 3885

(a) Beer or intoxicating liquor that has been lawfully 3886
purchased for consumption on the premises where bought from the 3887
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 3888
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 3889
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 3890
or F-8 permit; 3891

(b) Beer, wine, or mixed beverages served for consumption on 3892
the premises by the holder of an F-3 permit, wine served as a 3893
tasting sample by an A-2 permit holder or S permit holder for 3894

consumption on the premises of a farmers market for which an F-10 3895
permit has been issued, or wine served for consumption on the 3896
premises by the holder of an F-4 or F-6 permit; 3897

(c) Beer or intoxicating liquor consumed on the premises of a 3898
convention facility as provided in section 4303.201 of the Revised 3899
Code; 3900

(d) Beer or intoxicating liquor to be consumed during 3901
tastings and samplings approved by rule of the liquor control 3902
commission; 3903

(e) Spirituous liquor to be consumed for purposes of a 3904
tasting sample, as defined in section 4301.171 of the Revised 3905
Code. 3906

(2) A person may have in the person's possession on an F 3907
liquor permit premises an opened container of beer or intoxicating 3908
liquor that was not purchased from the holder of the F permit if 3909
the premises for which the F permit is issued is a music festival 3910
and the holder of the F permit grants permission for that 3911
possession on the premises during the period for which the F 3912
permit is issued. As used in this division, "music festival" means 3913
a series of outdoor live musical performances, extending for a 3914
period of at least three consecutive days and located on an area 3915
of land of at least forty acres. 3916

(3)(a) A person may have in the person's possession on a D-2 3917
liquor permit premises an opened or unopened container of wine 3918
that was not purchased from the holder of the D-2 permit if the 3919
premises for which the D-2 permit is issued is an outdoor 3920
performing arts center, the person is attending an orchestral 3921
performance, and the holder of the D-2 permit grants permission 3922
for the possession and consumption of wine in certain 3923
predesignated areas of the premises during the period for which 3924
the D-2 permit is issued. 3925

(b) As used in division (C)(3)(a) of this section:	3926
(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.	3927 3928 3929
(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.	3930 3931 3932 3933
(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.	3934 3935 3936 3937 3938 3939 3940 3941
(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:	3942 3943 3944 3945
(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;	3946 3947 3948 3949
(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.	3950 3951 3952 3953
As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.	3954 3955 3956

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:	3957 3958 3959 3960
(i) The person is attending a racing event at the facility;	3961
and	3962
(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.	3963 3964 3965
(b) As used in division (C)(6)(a) of this section:	3966
(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.	3967 3968
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	3969 3970
(I) It is two and four-tenths miles or more in length.	3971
(II) It is located on two hundred acres or more of land.	3972
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	3973 3974
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	3975 3976
(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:	3977 3978 3979 3980 3981 3982
(i) The permit holder's premises is located within the outdoor refreshment area.	3983 3984
(ii) The permit held by the permit holder has an outdoor	3985

refreshment area designation. 3986

(b) Division (C)(7) of this section does not authorize a 3987
person to do either of the following: 3988

(i) Enter the premises of an establishment within an outdoor 3989
refreshment area while possessing an opened container of beer or 3990
intoxicating liquor acquired elsewhere; 3991

(ii) Possess an opened container of beer or intoxicating 3992
liquor while being in or on a motor vehicle within an outdoor 3993
refreshment area, ~~unless the motor vehicle is stationary and is~~ 3994
~~not being operated in a lane of vehicular travel or~~ unless the 3995
possession is otherwise authorized under division (D) or (E) of 3996
this section. 3997

(8)(a) A person may have in the person's possession on the 3998
property of a market, within a defined F-8 permit premises, an 3999
opened container of beer or intoxicating liquor that was purchased 4000
from a D permit premises that is located immediately adjacent to 4001
the market if both of the following apply: 4002

(i) The market grants permission for the possession and 4003
consumption of beer and intoxicating liquor within the defined F-8 4004
permit premises; 4005

(ii) The market is hosting an event pursuant to an F-8 permit 4006
and the market has notified the division of liquor control about 4007
the event in accordance with division (A)(3) of section 4303.208 4008
of the Revised Code. 4009

(b) As used in division (C)(8) of this section, "market" 4010
means a market, for which an F-8 permit is held, that has been in 4011
operation since 1860. 4012

(D) This section does not apply to a person who pays all or a 4013
portion of the fee imposed for the use of a chauffeured limousine 4014
pursuant to a prearranged contract, or the guest of the person, 4015

when all of the following apply: 4016

(1) The person or guest is a passenger in the limousine. 4017

(2) The person or guest is located in the limousine, but is 4018
not occupying a seat in the front compartment of the limousine 4019
where the operator of the limousine is located. 4020

(3) The limousine is located on any street, highway, or other 4021
public or private property open to the public for purposes of 4022
vehicular travel or parking. 4023

(E) An opened bottle of wine that was purchased from the 4024
holder of a permit that authorizes the sale of wine for 4025
consumption on the premises where sold is not an opened container 4026
for the purposes of this section if both of the following apply: 4027

(1) The opened bottle of wine is securely resealed by the 4028
permit holder or an employee of the permit holder before the 4029
bottle is removed from the premises. The bottle shall be secured 4030
in such a manner that it is visibly apparent if the bottle has 4031
been subsequently opened or tampered with. 4032

(2) The opened bottle of wine that is resealed in accordance 4033
with division (E)(1) of this section is stored in the trunk of a 4034
motor vehicle or, if the motor vehicle does not have a trunk, 4035
behind the last upright seat or in an area not normally occupied 4036
by the driver or passengers and not easily accessible by the 4037
driver. 4038

(F)(1) Except if an ordinance or resolution is enacted or 4039
adopted under division (F)(2) of this section, this section does 4040
not apply to a person who, pursuant to a prearranged contract, is 4041
a passenger riding on a commercial quadricycle when all of the 4042
following apply: 4043

(a) The person is not occupying a seat in the front of the 4044
commercial quadricycle where the operator is steering or braking. 4045

(b) The commercial quadricycle is being operated on a street, 4046
highway, or other public or private property open to the public 4047
for purposes of vehicular travel or parking. 4048

(c) The person has in their possession on the commercial 4049
quadricycle an opened container of beer or wine. 4050

(d) The person has in their possession on the commercial 4051
quadricycle not more than either thirty-six ounces of beer or 4052
eighteen ounces of wine. 4053

(2) The legislative authority of a municipal corporation or 4054
township may enact an ordinance or adopt a resolution, as 4055
applicable, that prohibits a passenger riding on a commercial 4056
quadricycle from possessing an opened container of beer or wine. 4057

(3) As used in this section, "commercial quadricycle" means a 4058
vehicle that has fully-operative pedals for propulsion entirely by 4059
human power and that meets all of the following requirements: 4060

(a) It has four wheels and is operated in a manner similar to 4061
a bicycle. 4062

(b) It has at least five seats for passengers. 4063

(c) It is designed to be powered by the pedaling of the 4064
operator and the passengers. 4065

(d) It is used for commercial purposes. 4066

(e) It is operated by the vehicle owner or an employee of the 4067
owner. 4068

(G) This section does not apply to a person that has in the 4069
person's possession an opened container of beer or intoxicating 4070
liquor on the premises of a market if the beer or intoxicating 4071
liquor has been purchased from a D liquor permit holder that is 4072
located in the market. 4073

As used in division (G) of this section, "market" means an 4074
establishment that: 4075

(1) Leases space in the market to individual vendors, not 4076
less than fifty per cent of which are retail food establishments 4077
or food service operations licensed under Chapter 3717. of the 4078
Revised Code; 4079

(2) Has an indoor sales floor area of not less than 4080
twenty-two thousand square feet; 4081

(3) Hosts a farmer's market on each Saturday from April 4082
through December. 4083

Sec. 4501.01. As used in this chapter and Chapters 4503., 4084
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 4085
Revised Code, and in the penal laws, except as otherwise provided: 4086

(A) "Vehicles" means everything on wheels or runners, 4087
including motorized bicycles, but does not mean electric personal 4088
assistive mobility devices, low-speed electric scooters, vehicles 4089
that are operated exclusively on rails or tracks or from overhead 4090
electric trolley wires, and vehicles that belong to any police 4091
department, municipal fire department, or volunteer fire 4092
department, or that are used by such a department in the discharge 4093
of its functions. 4094

(B) "Motor vehicle" means any vehicle, including mobile homes 4095
and recreational vehicles, that is propelled or drawn by power 4096
other than muscular power or power collected from overhead 4097
electric trolley wires. "Motor vehicle" does not include utility 4098
vehicles as defined in division (VV) of this section, under-speed 4099
vehicles as defined in division (XX) of this section, mini-trucks 4100
as defined in division (BBB) of this section, motorized bicycles, 4101
electric bicycles, road rollers, traction engines, power shovels, 4102
power cranes, and other equipment used in construction work and 4103
not designed for or employed in general highway transportation, 4104
well-drilling machinery, ditch-digging machinery, farm machinery, 4105
and trailers that are designed and used exclusively to transport a 4106

boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

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

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

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

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

(G) "Historical motor vehicle" means any motor vehicle that 4138
is over twenty-five years old and is owned solely as a collector's 4139
item and for participation in club activities, exhibitions, tours, 4140
parades, and similar uses, but that in no event is used for 4141
general transportation. 4142

(H) "Noncommercial motor vehicle" means any motor vehicle, 4143
including a farm truck as defined in section 4503.04 of the 4144
Revised Code, that is designed by the manufacturer to carry a load 4145
of no more than one ton and is used exclusively for purposes other 4146
than engaging in business for profit. 4147

(I) "Bus" means any motor vehicle that has motor power and is 4148
designed and used for carrying more than nine passengers, except 4149
any motor vehicle that is designed and used for carrying not more 4150
than fifteen passengers in a ridesharing arrangement. 4151

(J) "Commercial car" or "truck" means any motor vehicle that 4152
has motor power and is designed and used for carrying merchandise 4153
or freight, or that is used as a commercial tractor. 4154

(K) "Bicycle" means every device, other than a device that is 4155
designed solely for use as a play vehicle by a child, that is 4156
propelled solely by human power upon which a person may ride, and 4157
that has two or more wheels, any of which is more than fourteen 4158
inches in diameter. 4159

(L) "Motorized bicycle" or "moped" means any vehicle that 4160
either has two tandem wheels or one wheel in the front and two 4161
wheels in the rear, that may be pedaled, and that is equipped with 4162
a helper motor of not more than fifty cubic centimeters piston 4163
displacement that produces no more than one brake horsepower and 4164
is capable of propelling the vehicle at a speed of no greater than 4165
twenty miles per hour on a level surface. "Motorized bicycle" or 4166
"moped" does not include an electric bicycle. 4167

(M) "Trailer" means any vehicle without motive power that is 4168

designed or used for carrying property or persons wholly on its 4169
own structure and for being drawn by a motor vehicle, and includes 4170
any such vehicle that is formed by or operated as a combination of 4171
a semitrailer and a vehicle of the dolly type such as that 4172
commonly known as a trailer dolly, a vehicle used to transport 4173
agricultural produce or agricultural production materials between 4174
a local place of storage or supply and the farm when drawn or 4175
towed on a public road or highway at a speed greater than 4176
twenty-five miles per hour, and a vehicle that is designed and 4177
used exclusively to transport a boat between a place of storage 4178
and a marina, or in and around a marina, when drawn or towed on a 4179
public road or highway for a distance of more than ten miles or at 4180
a speed of more than twenty-five miles per hour. "Trailer" does 4181
not include a manufactured home or travel trailer. 4182

(N) "Noncommercial trailer" means any trailer, except a 4183
travel trailer or trailer that is used to transport a boat as 4184
described in division (B) of this section, but, where applicable, 4185
includes a vehicle that is used to transport a boat as described 4186
in division (M) of this section, that has a gross weight of no 4187
more than ten thousand pounds, and that is used exclusively for 4188
purposes other than engaging in business for a profit, such as the 4189
transportation of personal items for personal or recreational 4190
purposes. 4191

(O) "Mobile home" means a building unit or assembly of closed 4192
construction that is fabricated in an off-site facility, is more 4193
than thirty-five body feet in length or, when erected on site, is 4194
three hundred twenty or more square feet, is built on a permanent 4195
chassis, is transportable in one or more sections, and does not 4196
qualify as a manufactured home as defined in division (C)(4) of 4197
section 3781.06 of the Revised Code or as an industrialized unit 4198
as defined in division (C)(3) of section 3781.06 of the Revised 4199
Code. 4200

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

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

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

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

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

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

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

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

(a) "Travel trailer" or "house vehicle" means a
nonself-propelled recreational vehicle that does not exceed an
overall length of forty feet, exclusive of bumper and tongue or
coupling. "Travel trailer" includes a tent-type fold-out camping
trailer as defined in section 4517.01 of the Revised Code.

(b) "Motor home" means a self-propelled recreational vehicle
that has no fifth wheel and is constructed with permanently

installed facilities for cold storage, cooking and consuming of 4231
food, and for sleeping. 4232

(c) "Truck camper" means a nonself-propelled recreational 4233
vehicle that does not have wheels for road use and is designed to 4234
be placed upon and attached to a motor vehicle. "Truck camper" 4235
does not include truck covers that consist of walls and a roof, 4236
but do not have floors and facilities enabling them to be used as 4237
a dwelling. 4238

(d) "Fifth wheel trailer" means a vehicle that is of such 4239
size and weight as to be movable without a special highway permit, 4240
that is constructed with a raised forward section that allows a 4241
bi-level floor plan, and that is designed to be towed by a vehicle 4242
equipped with a fifth-wheel hitch ordinarily installed in the bed 4243
of a truck. 4244

(e) "Park trailer" means a vehicle that is commonly known as 4245
a park model recreational vehicle, meets the American national 4246
standard institute standard A119.5 (1988) for park trailers, is 4247
built on a single chassis, has a gross trailer area of four 4248
hundred square feet or less when set up, is designed for seasonal 4249
or temporary living quarters, and may be connected to utilities 4250
necessary for the operation of installed features and appliances. 4251

(R) "Pneumatic tires" means tires of rubber and fabric or 4252
tires of similar material, that are inflated with air. 4253

(S) "Solid tires" means tires of rubber or similar elastic 4254
material that are not dependent upon confined air for support of 4255
the load. 4256

(T) "Solid tire vehicle" means any vehicle that is equipped 4257
with two or more solid tires. 4258

(U) "Farm machinery" means all machines and tools that are 4259
used in the production, harvesting, and care of farm products, and 4260
includes trailers that are used to transport agricultural produce 4261

or agricultural production materials between a local place of 4262
storage or supply and the farm, agricultural tractors, threshing 4263
machinery, hay-baling machinery, corn shellers, hammermills, and 4264
machinery used in the production of horticultural, agricultural, 4265
and vegetable products. 4266

(V) "Owner" includes any person or firm, other than a 4267
manufacturer or dealer, that has title to a motor vehicle, except 4268
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 4269
includes in addition manufacturers and dealers. 4270

(W) "Manufacturer" and "dealer" include all persons and firms 4271
that are regularly engaged in the business of manufacturing, 4272
selling, displaying, offering for sale, or dealing in motor 4273
vehicles, at an established place of business that is used 4274
exclusively for the purpose of manufacturing, selling, displaying, 4275
offering for sale, or dealing in motor vehicles. A place of 4276
business that is used for manufacturing, selling, displaying, 4277
offering for sale, or dealing in motor vehicles shall be deemed to 4278
be used exclusively for those purposes even though snowmobiles or 4279
all-purpose vehicles are sold or displayed for sale thereat, even 4280
though farm machinery is sold or displayed for sale thereat, or 4281
even though repair, accessory, gasoline and oil, storage, parts, 4282
service, or paint departments are maintained thereat, or, in any 4283
county having a population of less than seventy-five thousand at 4284
the last federal census, even though a department in a place of 4285
business is used to dismantle, salvage, or rebuild motor vehicles 4286
by means of used parts, if such departments are operated for the 4287
purpose of furthering and assisting in the business of 4288
manufacturing, selling, displaying, offering for sale, or dealing 4289
in motor vehicles. Places of business or departments in a place of 4290
business used to dismantle, salvage, or rebuild motor vehicles by 4291
means of using used parts are not considered as being maintained 4292
for the purpose of assisting or furthering the manufacturing, 4293

selling, displaying, and offering for sale or dealing in motor vehicles. 4294
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(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways. 4296
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(Y) "Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit. 4298
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(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada. 4307
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(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts. 4309
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(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle. 4311
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(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle. 4314
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(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership. 4317
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(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

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

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

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

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

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.

(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and

encourages the fullest possible use of the highway system by 4356
authorizing apportioned registration of fleets of vehicles and 4357
recognizing registration of vehicles apportioned in member 4358
jurisdictions. 4359

(II) "Restricted plate" means a license plate that has a 4360
restriction of time, geographic area, mileage, or commodity, and 4361
includes license plates issued to farm trucks under division (J) 4362
of section 4503.04 of the Revised Code. 4363

(JJ) "Gross vehicle weight," with regard to any commercial 4364
car, trailer, semitrailer, or bus that is taxed at the rates 4365
established under section 4503.042 or 4503.65 of the Revised Code, 4366
means the unladen weight of the vehicle fully equipped plus the 4367
maximum weight of the load to be carried on the vehicle. 4368

(KK) "Combined gross vehicle weight" with regard to any 4369
combination of a commercial car, trailer, and semitrailer, that is 4370
taxed at the rates established under section 4503.042 or 4503.65 4371
of the Revised Code, means the total unladen weight of the 4372
combination of vehicles fully equipped plus the maximum weight of 4373
the load to be carried on that combination of vehicles. 4374

(LL) "Chauffeured limousine" means a motor vehicle that is 4375
designed to carry nine or fewer passengers and is operated for 4376
hire pursuant to a prearranged contract for the transportation of 4377
passengers on public roads and highways along a route under the 4378
control of the person hiring the vehicle and not over a defined 4379
and regular route. "Prearranged contract" means an agreement, made 4380
in advance of boarding, to provide transportation from a specific 4381
location in a chauffeured limousine. "Chauffeured limousine" does 4382
not include any vehicle that is used exclusively in the business 4383
of funeral directing. 4384

(MM) "Manufactured home" has the same meaning as in division 4385
(C)(4) of section 3781.06 of the Revised Code. 4386

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

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

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

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

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

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

(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 4418
of the Revised Code to a person whose driver's or commercial 4419
driver's license or permit or nonresident operating privilege has 4420
been suspended. 4421

(VV) "Utility vehicle" means a self-propelled vehicle 4422
designed with a bed, principally for the purpose of transporting 4423
material or cargo in connection with construction, agricultural, 4424
forestry, grounds maintenance, lawn and garden, materials 4425
handling, or similar activities. 4426

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 4427
vehicle with an attainable speed in one mile on a paved level 4428
surface of more than twenty miles per hour but not more than 4429
twenty-five miles per hour and with a gross vehicle weight rating 4430
less than three thousand pounds. 4431

(XX) "Under-speed vehicle" means a three- or four-wheeled 4432
vehicle, including a vehicle commonly known as a golf cart, with 4433
an attainable speed on a paved level surface of not more than 4434
twenty miles per hour and with a gross vehicle weight rating less 4435
than three thousand pounds. 4436

(YY) "Motor-driven cycle or motor scooter" means any vehicle 4437
designed to travel on not more than three wheels in contact with 4438
the ground, with a seat for the driver and floor pad for the 4439
driver's feet, and is equipped with a motor with a piston 4440
displacement between fifty and one hundred cubic centimeters 4441
piston displacement that produces not more than five brake 4442
horsepower and is capable of propelling the vehicle at a speed 4443
greater than twenty miles per hour on a level surface. 4444

(ZZ) "Motorcycle" means a motor vehicle with motive power 4445
having a seat or saddle for the use of the operator, designed to 4446
travel on not more than three wheels in contact with the ground, 4447
and having no occupant compartment top or occupant compartment top 4448

that can be installed or removed by the user. 4449

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 4450
motive power having a seat or saddle for the use of the operator, 4451
designed to travel on not more than three wheels in contact with 4452
the ground, and having an occupant compartment top or an occupant 4453
compartment top that is installed. 4454

(BBB) "Mini-truck" means a vehicle that has four wheels, is 4455
propelled by an electric motor with a rated power of seven 4456
thousand five hundred watts or less or an internal combustion 4457
engine with a piston displacement capacity of six hundred sixty 4458
cubic centimeters or less, has a total dry weight of nine hundred 4459
to two thousand two hundred pounds, contains an enclosed cabin and 4460
a seat for the vehicle operator, resembles a pickup truck or van 4461
with a cargo area or bed located at the rear of the vehicle, and 4462
was not originally manufactured to meet federal motor vehicle 4463
safety standards. 4464

(CCC) "Autocycle" means a three-wheeled motorcycle that is 4465
manufactured to comply with federal safety requirements for 4466
motorcycles and that is equipped with safety belts, a steering 4467
wheel, and seating that does not require the operator to straddle 4468
or sit astride to ride the motorcycle. 4469

(DDD) "Plug-in electric motor vehicle" means a passenger car 4470
powered wholly by a battery cell energy system that can be 4471
recharged by plugging the vehicle into any external source of 4472
electricity. 4473

(EEE) "Hybrid motor vehicle" means a passenger car powered by 4474
an internal propulsion system consisting of both of the following: 4475

(1) A combustion engine; 4476

(2) A battery cell energy system that cannot be recharged by 4477
plugging into an external source of electricity but can be 4478
recharged by other vehicle mechanisms that capture and store 4479

electric energy. 4480

(FFF) "Low-speed electric scooter" means a device weighing 4481
less than one hundred pounds that has handlebars, is propelled by 4482
an electric motor or human power, and has an attainable speed on a 4483
paved level surface of not more than twenty miles per hour when 4484
propelled by the electric motor. 4485

Sec. 4501.031. All moneys received under section 4504.09 of 4486
the Revised Code shall be paid into the state treasury to the 4487
credit of the local motor vehicle license tax fund, which is 4488
hereby created, for distribution in the manner provided for in 4489
this chapter. The treasurer of state may invest any portion of the 4490
moneys credited to the fund in the same manner and subject to all 4491
the laws governing the investment of state funds by the treasurer 4492
of state. All investment earnings of the fund shall be credited to 4493
the fund. 4494

The registrar of motor vehicles shall open an account with 4495
each county and district of registration in the state, and may 4496
assign each county and district a code for identification 4497
purposes. The code for a county or district may be the same as the 4498
code assigned to the county or district by the registrar under 4499
section 4501.03 of the Revised Code. 4500

Once each month the registrar shall prepare vouchers in favor 4501
of the county auditor of each county levying a county motor 4502
vehicle license tax pursuant to section 4504.02, 4504.15, 4504.16, 4503
or 4504.24 of the Revised Code and of each county in which is 4504
located one or more townships levying a township motor vehicle 4505
license tax pursuant to section 4504.18 or 4504.181 of the Revised 4506
Code for the amount of the tax due the county or townships in the 4507
county. 4508

All moneys received by the registrar under section 4504.09 of 4509
the Revised Code shall be distributed to counties, townships, and 4510

municipal corporations within thirty days of the expiration of the 4511
registration year. Necessary adjustments shall be made immediately 4512
out of funds available for distribution for the following two 4513
registration years. 4514

Sec. 4501.042. All moneys received under section 4504.09 of 4515
the Revised Code from municipal motor vehicle license taxes levied 4516
pursuant to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4517
4504.173 of the Revised Code, and any part of the moneys received 4518
from county motor vehicle license taxes levied pursuant to section 4519
4504.15 of the Revised Code which is to be distributed to 4520
municipal corporations, shall be paid into the state treasury to 4521
the credit of the local motor vehicle license tax fund created 4522
under section 4501.031 of the Revised Code and shall be 4523
distributed to the treasuries of the municipal corporations 4524
levying or entitled to such tax moneys. 4525

Sec. 4501.043. All moneys received under section 4504.09 of 4526
the Revised Code with respect to townships levying township 4527
license taxes pursuant to ~~section~~ sections 4504.18 and 4504.181 of 4528
the Revised Code and paid into the state treasury under section 4529
4501.031 of the Revised Code shall be distributed to the 4530
respective townships levying such taxes for allocation and 4531
distribution as provided in section 4504.19 of the Revised Code. 4532

Sec. 4503.038. (A) Not later than ~~nine months~~ ninety days 4533
after ~~June 30, 2017~~ the effective date of this amendment, the 4534
registrar of motor vehicles shall adopt rules in accordance with 4535
Chapter 119. of the Revised Code establishing a service fee that 4536
applies for purposes of sections 4503.03, 4503.036, 4503.042, 4537
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4538
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4539
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 4540

shall be ~~not more than five dollars and twenty five cents~~. When 4541
establishing the fee, the registrar shall ~~consider inflation and~~ 4542
~~any other factors the registrar considers to be relevant to the~~ 4543
~~determination.~~ 4544

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 4545
~~2017~~ the effective date of this amendment, the registrar shall 4546
adopt rules in accordance with Chapter 119. of the Revised Code 4547
establishing prorated service fees that apply for purposes of 4548
multi-year registrations authorized under section 4503.103 of the 4549
Revised Code. ~~When establishing the fee, the registrar shall~~ 4550
~~consider inflation and any other factors the registrar considers~~ 4551
~~to be relevant to the determination.~~ 4552

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 4553
motorcycle, and all-purpose vehicle required to be registered 4554
under section 4519.02 of the Revised Code shall file an 4555
application for registration under section 4519.03 of the Revised 4556
Code. The owner of a motor vehicle, other than a snowmobile, 4557
off-highway motorcycle, or all-purpose vehicle, that is not 4558
designed and constructed by the manufacturer for operation on a 4559
street or highway may not register it under this chapter except 4560
upon certification of inspection pursuant to section 4513.02 of 4561
the Revised Code by the sheriff, or the chief of police of the 4562
municipal corporation or township, with jurisdiction over the 4563
political subdivision in which the owner of the motor vehicle 4564
resides. Except as provided in section 4503.103 of the Revised 4565
Code, every owner of every other motor vehicle not previously 4566
described in this section and every person mentioned as owner in 4567
the last certificate of title of a motor vehicle that is operated 4568
or driven upon the public roads or highways shall cause to be 4569
filed each year, by mail or otherwise, in the office of the 4570
registrar of motor vehicles or a deputy registrar, a written or 4571
electronic application or a preprinted registration renewal notice 4572

issued under section 4503.102 of the Revised Code, the form of 4573
which shall be prescribed by the registrar, for registration for 4574
the following registration year, which shall begin on the first 4575
day of January of every calendar year and end on the thirty-first 4576
day of December in the same year. Applications for registration 4577
and registration renewal notices shall be filed at the times 4578
established by the registrar pursuant to section 4503.101 of the 4579
Revised Code. A motor vehicle owner also may elect to apply for or 4580
renew a motor vehicle registration by electronic means using 4581
electronic signature in accordance with rules adopted by the 4582
registrar. Except as provided in division (J) of this section, 4583
applications for registration shall be made on blanks furnished by 4584
the registrar for that purpose, containing the following 4585
information: 4586

(1) A brief description of the motor vehicle to be 4587
registered, including the year, make, model, and vehicle 4588
identification number, and, in the case of commercial cars, the 4589
gross weight of the vehicle fully equipped computed in the manner 4590
prescribed in section 4503.08 of the Revised Code; 4591

(2) The name and residence address of the owner, and the 4592
township and municipal corporation in which the owner resides; 4593

(3) The district of registration, which shall be determined 4594
as follows: 4595

(a) In case the motor vehicle to be registered is used for 4596
hire or principally in connection with any established business or 4597
branch business, conducted at a particular place, the district of 4598
registration is the municipal corporation in which that place is 4599
located or, if not located in any municipal corporation, the 4600
county and township in which that place is located. 4601

(b) In case the vehicle is not so used, the district of 4602
registration is the municipal corporation or county in which the 4603

owner resides at the time of making the application. 4604

(4) Whether the motor vehicle is a new or used motor vehicle; 4605

(5) The date of purchase of the motor vehicle; 4606

(6) Whether the fees required to be paid for the registration 4607
or transfer of the motor vehicle, during the preceding 4608
registration year and during the preceding period of the current 4609
registration year, have been paid. Each application for 4610
registration shall be signed by the owner, either manually or by 4611
electronic signature, or pursuant to obtaining a limited power of 4612
attorney authorized by the registrar for registration, or other 4613
document authorizing such signature. If the owner elects to apply 4614
for or renew the motor vehicle registration with the registrar by 4615
electronic means, the owner's manual signature is not required. 4616

(7) The owner's social security number, driver's license 4617
number, or state identification number, or, where a motor vehicle 4618
to be registered is used for hire or principally in connection 4619
with any established business, the owner's federal taxpayer 4620
identification number. The bureau of motor vehicles shall retain 4621
in its records all social security numbers provided under this 4622
section, but the bureau shall not place social security numbers on 4623
motor vehicle certificates of registration. 4624

(B) Except as otherwise provided in this division, each time 4625
an applicant first registers a motor vehicle in the applicant's 4626
name, the applicant shall present for inspection a physical 4627
certificate of title or memorandum certificate showing title to 4628
the motor vehicle to be registered in the name of the applicant if 4629
a physical certificate of title or memorandum certificate has been 4630
issued by a clerk of a court of common pleas. If, under sections 4631
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 4632
instead has issued an electronic certificate of title for the 4633
applicant's motor vehicle, that certificate may be presented for 4634

inspection at the time of first registration in a manner 4635
prescribed by rules adopted by the registrar. An applicant is not 4636
required to present a certificate of title to an electronic motor 4637
vehicle dealer acting as a limited authority deputy registrar in 4638
accordance with rules adopted by the registrar. When a motor 4639
vehicle inspection and maintenance program is in effect under 4640
section 3704.14 of the Revised Code and rules adopted under it, 4641
each application for registration for a vehicle required to be 4642
inspected under that section and those rules shall be accompanied 4643
by an inspection certificate for the motor vehicle issued in 4644
accordance with that section. The application shall be refused if 4645
any of the following applies: 4646

(1) The application is not in proper form. 4647

(2) The application is prohibited from being accepted by 4648
division (D) of section 2935.27, division (A) of section 2937.221, 4649
division (A) of section 4503.13, division (B) of section 4510.22, 4650
or division (B)(1) of section 4521.10 of the Revised Code. 4651

(3) A certificate of title or memorandum certificate of title 4652
is required but does not accompany the application or, in the case 4653
of an electronic certificate of title, is required but is not 4654
presented in a manner prescribed by the registrar's rules. 4655

(4) All registration and transfer fees for the motor vehicle, 4656
for the preceding year or the preceding period of the current 4657
registration year, have not been paid. 4658

(5) The owner or lessee does not have an inspection 4659
certificate for the motor vehicle as provided in section 3704.14 4660
of the Revised Code, and rules adopted under it, if that section 4661
is applicable. 4662

This section does not require the payment of license or 4663
registration taxes on a motor vehicle for any preceding year, or 4664
for any preceding period of a year, if the motor vehicle was not 4665

taxable for that preceding year or period under sections 4503.02, 4666
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 4667
Revised Code. When a certificate of registration is issued upon 4668
the first registration of a motor vehicle by or on behalf of the 4669
owner, the official issuing the certificate shall indicate the 4670
issuance with a stamp on the certificate of title or memorandum 4671
certificate or, in the case of an electronic certificate of title, 4672
an electronic stamp or other notation as specified in rules 4673
adopted by the registrar, and with a stamp on the inspection 4674
certificate for the motor vehicle, if any. The official also shall 4675
indicate, by a stamp or by other means the registrar prescribes, 4676
on the registration certificate issued upon the first registration 4677
of a motor vehicle by or on behalf of the owner the odometer 4678
reading of the motor vehicle as shown in the odometer statement 4679
included in or attached to the certificate of title. Upon each 4680
subsequent registration of the motor vehicle by or on behalf of 4681
the same owner, the official also shall so indicate the odometer 4682
reading of the motor vehicle as shown on the immediately preceding 4683
certificate of registration. 4684

The registrar shall include in the permanent registration 4685
record of any vehicle required to be inspected under section 4686
3704.14 of the Revised Code the inspection certificate number from 4687
the inspection certificate that is presented at the time of 4688
registration of the vehicle as required under this division. 4689

(C)(1) Except as otherwise provided in division (C)(1) of 4690
this section, the registrar and each deputy registrar shall 4691
collect an additional fee of eleven dollars for each application 4692
for registration and registration renewal received. For vehicles 4693
specified in divisions (A)(1) to (21) of section 4503.042 of the 4694
Revised Code, the registrar and deputy registrar shall collect an 4695
additional fee of thirty dollars for each application for 4696
registration and registration renewal received. No additional fee 4697

shall be charged for vehicles registered under section 4503.65 of 4698
the Revised Code. The additional fee is for the purpose of 4699
defraying the department of public safety's costs associated with 4700
the administration and enforcement of the motor vehicle and 4701
traffic laws of Ohio. Each deputy registrar shall transmit the 4702
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 4703
this section in the time and manner provided in this section. The 4704
registrar shall deposit all moneys received under division (C)(1) 4705
of this section into the public safety - highway purposes fund 4706
established in section 4501.06 of the Revised Code. 4707

(2) In addition, a charge of twenty-five cents shall be made 4708
for each reflectorized safety license plate issued, and a single 4709
charge of twenty-five cents shall be made for each county 4710
identification sticker or each set of county identification 4711
stickers issued, as the case may be, to cover the cost of 4712
producing the license plates and stickers, including material, 4713
manufacturing, and administrative costs. Those fees shall be in 4714
addition to the license tax. If the total cost of producing the 4715
plates is less than twenty-five cents per plate, or if the total 4716
cost of producing the stickers is less than twenty-five cents per 4717
sticker or per set issued, any excess moneys accruing from the 4718
fees shall be distributed in the same manner as provided by 4719
section 4501.04 of the Revised Code for the distribution of 4720
license tax moneys. If the total cost of producing the plates 4721
exceeds twenty-five cents per plate, or if the total cost of 4722
producing the stickers exceeds twenty-five cents per sticker or 4723
per set issued, the difference shall be paid from the license tax 4724
moneys collected pursuant to section 4503.02 of the Revised Code. 4725

(3) The registrar and each deputy registrar shall collect an 4726
additional fee of two hundred dollars for each application for 4727
registration or registration renewal received for any plug-in 4728
electric motor vehicle. The registrar shall transmit all money 4729

arising from the fee imposed by division (C)(3) of this section to 4730
the treasurer of state for distribution in accordance with 4731
division (E) of section 5735.051 of the Revised Code. 4732

(4) The registrar and each deputy registrar shall collect an 4733
additional fee of one hundred dollars for each application for 4734
registration or registration renewal received for any hybrid motor 4735
vehicle. The registrar shall transmit all money arising from the 4736
fee imposed by division (C)(4) of this section to the treasurer of 4737
state for distribution in accordance with division (E) of section 4738
5735.051 of the Revised Code. 4739

(D) Each deputy registrar shall be allowed a fee equal to the 4740
amount established under section 4503.038 of the Revised Code for 4741
each application for registration and registration renewal notice 4742
the deputy registrar receives, which shall be for the purpose of 4743
compensating the deputy registrar for the deputy registrar's 4744
services, and such office and rental expenses, as may be necessary 4745
for the proper discharge of the deputy registrar's duties in the 4746
receiving of applications and renewal notices and the issuing of 4747
registrations. 4748

(E) Upon the certification of the registrar, the county 4749
sheriff or local police officials shall recover license plates 4750
erroneously or fraudulently issued. 4751

(F) Each deputy registrar, upon receipt of any application 4752
for registration or registration renewal notice, together with the 4753
license fee and any local motor vehicle license tax levied 4754
pursuant to Chapter 4504. of the Revised Code, shall transmit that 4755
fee and tax, if any, in the manner provided in this section, 4756
together with the original and duplicate copy of the application, 4757
to the registrar. The registrar, subject to the approval of the 4758
director of public safety, may deposit the funds collected by 4759
those deputies in a local bank or depository to the credit of the 4760
"state of Ohio, bureau of motor vehicles." Where a local bank or 4761

depository has been designated by the registrar, each deputy 4762
registrar shall deposit all moneys collected by the deputy 4763
registrar into that bank or depository not more than one business 4764
day after their collection and shall make reports to the registrar 4765
of the amounts so deposited, together with any other information, 4766
some of which may be prescribed by the treasurer of state, as the 4767
registrar may require and as prescribed by the registrar by rule. 4768
The registrar, within three days after receipt of notification of 4769
the deposit of funds by a deputy registrar in a local bank or 4770
depository, shall draw on that account in favor of the treasurer 4771
of state. The registrar, subject to the approval of the director 4772
and the treasurer of state, may make reasonable rules necessary 4773
for the prompt transmittal of fees and for safeguarding the 4774
interests of the state and of counties, townships, municipal 4775
corporations, and transportation improvement districts levying 4776
local motor vehicle license taxes. The registrar may pay service 4777
charges usually collected by banks and depositories for such 4778
service. If deputy registrars are located in communities where 4779
banking facilities are not available, they shall transmit the fees 4780
forthwith, by money order or otherwise, as the registrar, by rule 4781
approved by the director and the treasurer of state, may 4782
prescribe. The registrar may pay the usual and customary fees for 4783
such service. 4784

(G) This section does not prevent any person from making an 4785
application for a motor vehicle license directly to the registrar 4786
by mail, by electronic means, or in person at any of the 4787
registrar's offices, upon payment of a service fee equal to the 4788
amount established under section 4503.038 of the Revised Code for 4789
each application. 4790

(H) No person shall make a false statement as to the district 4791
of registration in an application required by division (A) of this 4792
section. Violation of this division is falsification under section 4793

2921.13 of the Revised Code and punishable as specified in that 4794
section. 4795

(I)(1) Where applicable, the requirements of division (B) of 4796
this section relating to the presentation of an inspection 4797
certificate issued under section 3704.14 of the Revised Code and 4798
rules adopted under it for a motor vehicle, the refusal of a 4799
license for failure to present an inspection certificate, and the 4800
stamping of the inspection certificate by the official issuing the 4801
certificate of registration apply to the registration of and 4802
issuance of license plates for a motor vehicle under sections 4803
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4804
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4805
4503.47, and 4503.51 of the Revised Code. 4806

(2)(a) The registrar shall adopt rules ensuring that each 4807
owner registering a motor vehicle in a county where a motor 4808
vehicle inspection and maintenance program is in effect under 4809
section 3704.14 of the Revised Code and rules adopted under it 4810
receives information about the requirements established in that 4811
section and those rules and about the need in those counties to 4812
present an inspection certificate with an application for 4813
registration or preregistration. 4814

(b) Upon request, the registrar shall provide the director of 4815
environmental protection, or any person that has been awarded a 4816
contract under section 3704.14 of the Revised Code, an on-line 4817
computer data link to registration information for all passenger 4818
cars, noncommercial motor vehicles, and commercial cars that are 4819
subject to that section. The registrar also shall provide to the 4820
director of environmental protection a magnetic data tape 4821
containing registration information regarding passenger cars, 4822
noncommercial motor vehicles, and commercial cars for which a 4823
multi-year registration is in effect under section 4503.103 of the 4824
Revised Code or rules adopted under it, including, without 4825

limitation, the date of issuance of the multi-year registration, 4826
the registration deadline established under rules adopted under 4827
section 4503.101 of the Revised Code that was applicable in the 4828
year in which the multi-year registration was issued, and the 4829
registration deadline for renewal of the multi-year registration. 4830

(J) Subject to division (K) of this section, application for 4831
registration under the international registration plan, as set 4832
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 4833
made to the registrar on forms furnished by the registrar. In 4834
accordance with international registration plan guidelines and 4835
pursuant to rules adopted by the registrar, the forms shall 4836
include the following: 4837

(1) A uniform mileage schedule; 4838

(2) The gross vehicle weight of the vehicle or combined gross 4839
vehicle weight of the combination vehicle as declared by the 4840
registrant; 4841

(3) Any other information the registrar requires by rule. 4842

(K) The registrar shall determine the feasibility of 4843
implementing an electronic commercial fleet licensing and 4844
management program that will enable the owners of commercial 4845
tractors, commercial trailers, and commercial semitrailers to 4846
conduct electronic transactions by July 1, 2010, or sooner. If the 4847
registrar determines that implementing such a program is feasible, 4848
the registrar shall adopt new rules under this division or amend 4849
existing rules adopted under this division as necessary in order 4850
to respond to advances in technology. 4851

If international registration plan guidelines and provisions 4852
allow member jurisdictions to permit applications for 4853
registrations under the international registration plan to be made 4854
via the internet, the rules the registrar adopts under this 4855
division shall permit such action. 4856

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 4857
adopt rules to permit any person or lessee, other than a person 4858
receiving an apportioned license plate under the international 4859
registration plan, who owns or leases one or more motor vehicles 4860
to file a written application for registration for no more than 4861
five succeeding registration years. The rules adopted by the 4862
registrar may designate the classes of motor vehicles that are 4863
eligible for such registration. At the time of application, all 4864
annual taxes and fees shall be paid for each year for which the 4865
person is registering. 4866

(2)(a) The registrar shall adopt rules to permit any person 4867
or lessee who owns or leases a trailer or semitrailer that is 4868
subject to the tax rates prescribed in section 4503.042 of the 4869
Revised Code for such trailers or semitrailers to file a written 4870
application for registration for any number of succeeding 4871
registration years, including a permanent registration. At the 4872
time of application, all annual taxes and fees shall be paid for 4873
each year for which the person is registering, provided that the 4874
annual taxes due, regardless of the number of years for which the 4875
person is registering, shall not exceed two hundred dollars. A 4876
person who registers a vehicle under division (A)(2) of this 4877
section shall pay for each year of registration the additional fee 4878
established under division (C)(1) of section 4503.10 of the 4879
Revised Code, provided that the additional fee due, regardless of 4880
the number of years for which the person is registering, shall not 4881
exceed eighty-eight dollars. The person also shall pay one single 4882
deputy registrar service fee in the amount specified in division 4883
(D) of section 4503.10 of the Revised Code or one single bureau of 4884
motor vehicles service fee in the amount specified in division (G) 4885
of that section, as applicable, regardless of the number of years 4886
for which the person is registering. 4887

(b) In addition, each person registering a trailer or 4888

semitrailer under division (A)(2)(a) of this section shall pay any 4889
applicable local motor vehicle license tax levied under Chapter 4890
4504. of the Revised Code for each year for which the person is 4891
registering, provided that not more than eight times any such 4892
annual local taxes shall be due upon registration. 4893

(c) The period of registration for a trailer or semitrailer 4894
registered under division (A)(2)(a) of this section is exclusive 4895
to the trailer or semitrailer for which that certificate of 4896
registration is issued and is not transferable to any other 4897
trailer or semitrailer if the registration is a permanent 4898
registration. 4899

(3) Except as provided in division (A)(4) of this section, 4900
the registrar shall adopt rules to permit any person who owns a 4901
motor vehicle to file an application for registration for not more 4902
than five succeeding registration years. At the time of 4903
application, the person shall pay the annual taxes and fees for 4904
each registration year, calculated in accordance with division (C) 4905
of section 4503.11 of the Revised Code. A person who is 4906
registering a vehicle under division (A)(3) of this section shall 4907
pay for each year of registration the additional fee established 4908
under division (C)(1), (3), or (4) of section 4503.10 of the 4909
Revised Code, as applicable. The person shall also pay the deputy 4910
registrar service fee or the bureau of motor vehicles service fee 4911
equal to the amount established under section 4503.038 of the 4912
Revised Code. 4913

(4) Division (A)(3) of this section does not apply to a 4914
person receiving an apportioned license plate under the 4915
international registration plan, or the owner of a commercial car 4916
used solely in intrastate commerce, or the owner of a bus as 4917
defined in section 4513.50 of the Revised Code. 4918

(B) No person applying for a multi-year registration under 4919
division (A) of this section is entitled to a refund of any taxes 4920

or fees paid. 4921

(C) The registrar shall not issue to any applicant who has 4922
been issued a final, nonappealable order under division (D) of 4923
this section a multi-year registration or renewal thereof under 4924
this division or rules adopted under it for any motor vehicle that 4925
is required to be inspected under section 3704.14 of the Revised 4926
Code the district of registration of which, as determined under 4927
section 4503.10 of the Revised Code, is or is located in the 4928
county named in the order. 4929

(D) Upon receipt from the director of environmental 4930
protection of a notice issued under rules adopted under section 4931
3704.14 of the Revised Code indicating that an owner of a motor 4932
vehicle that is required to be inspected under that section who 4933
obtained a multi-year registration for the vehicle under division 4934
(A) of this section or rules adopted under that division has not 4935
obtained a required inspection certificate for the vehicle, the 4936
registrar in accordance with Chapter 119. of the Revised Code 4937
shall issue an order to the owner impounding the certificate of 4938
registration and identification license plates for the vehicle. 4939
The order also shall prohibit the owner from obtaining or renewing 4940
a multi-year registration for any vehicle that is required to be 4941
inspected under that section, the district of registration of 4942
which is or is located in the same county as the county named in 4943
the order during the number of years after expiration of the 4944
current multi-year registration that equals the number of years 4945
for which the current multi-year registration was issued. 4946

An order issued under this division shall require the owner 4947
to surrender to the registrar the certificate of registration and 4948
license plates for the vehicle named in the order within five days 4949
after its issuance. If the owner fails to do so within that time, 4950
the registrar shall certify that fact to the county sheriff or 4951
local police officials who shall recover the certificate of 4952

registration and license plates for the vehicle. 4953

(E) Upon the occurrence of either of the following 4954
circumstances, the registrar in accordance with Chapter 119. of 4955
the Revised Code shall issue to the owner a modified order 4956
rescinding the provisions of the order issued under division (D) 4957
of this section impounding the certificate of registration and 4958
license plates for the vehicle named in that original order: 4959

(1) Receipt from the director of environmental protection of 4960
a subsequent notice under rules adopted under section 3704.14 of 4961
the Revised Code that the owner has obtained the inspection 4962
certificate for the vehicle as required under those rules; 4963

(2) Presentation to the registrar by the owner of the 4964
required inspection certificate for the vehicle. 4965

(F) The owner of a motor vehicle for which the certificate of 4966
registration and license plates have been impounded pursuant to an 4967
order issued under division (D) of this section, upon issuance of 4968
a modified order under division (E) of this section, may apply to 4969
the registrar for their return. A fee of two dollars and fifty 4970
cents shall be charged for the return of the certificate of 4971
registration and license plates for each vehicle named in the 4972
application. 4973

Sec. 4503.19. (A)(1) Upon the filing of an application for 4974
registration and the payment of the tax for registration, the 4975
registrar of motor vehicles or a deputy registrar shall determine 4976
whether the owner previously has been issued a license plates 4977
plate for the motor vehicle described in the application. If no 4978
license ~~plates~~ plate previously ~~have~~ has been issued to the owner 4979
for that motor vehicle, the registrar or deputy registrar shall 4980
assign to the motor vehicle a distinctive number and issue and 4981
deliver to the owner in the manner that the registrar may select a 4982
certificate of registration, in the form that the registrar shall 4983

prescribe. The registrar or deputy registrar also shall charge the owner any fees required under division (C) of section 4503.10 of the Revised Code.

(2) The registrar or deputy registrar then shall deliver the following:

~~(a) Except as otherwise provided in this section and in division (A)(2) of section 4503.191 of the Revised Code, two a license plates, duplicates of each other, plate and a validation sticker, or a validation sticker alone, to be attached to the number plates plate as provided in section 4503.191 of the Revised Code.~~

~~(b) For trailers, manufactured homes, mobile homes, and semitrailers, one license plate only and one validation sticker, or a validation sticker alone. The manufacturer thereof, the dealer, or in transit companies therein, The owner shall display the license plate and validation sticker only on the rear of such vehicles the vehicle. However,~~

~~(c) For a commercial tractor that does not receive an apportioned license plate under the international registration plan, two license plates and one validation sticker. The shall display the license plate and validation sticker shall be displayed on the front of the commercial tractor.~~

~~(d) For an apportioned vehicle receiving an apportioned license plate under the international registration plan, one license plate only and one validation sticker, or a validation sticker alone. The license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles.~~

~~(e) For and a chauffeured limousine, two license plates and validation stickers, or validation stickers alone, and shall display a livery sticker along with a validation sticker as~~

provided in section 4503.24 of the Revised Code. 5014

(3) The registrar or deputy registrar shall not issue a 5015
license ~~plates~~ plate for a school bus. A school bus shall ~~bear~~ 5016
display identifying numbers in the manner prescribed by section 5017
4511.764 of the Revised Code. 5018

(4) The certificate of registration and license ~~plates~~ plate 5019
and validation ~~stickers~~ sticker, or validation ~~stickers~~ sticker 5020
alone, shall be issued and delivered to the owner in person or by 5021
mail. 5022

(5) In the event of the loss, mutilation, or destruction of 5023
any certificate of registration, or of any license ~~plates~~ plate or 5024
validation ~~stickers~~ sticker, or if the owner chooses to replace a 5025
license ~~plates~~ plate previously issued for a motor vehicle, or if 5026
the registration certificate and license ~~plates~~ plate have been 5027
impounded as provided by division (B)(1) of section 4507.02 and 5028
section 4507.16 of the Revised Code, the owner of a motor vehicle, 5029
or manufacturer or dealer, may obtain from the registrar, or from 5030
a deputy registrar if authorized by the registrar, a duplicate 5031
thereof or a new license ~~plates~~ plate bearing a different number, 5032
if the registrar considers it advisable, upon filing an 5033
application prescribed by the registrar, and upon paying a fee of 5034
one dollar for such certificate of registration. The registrar 5035
shall deposit the one dollar fee into the state treasury to the 5036
credit of the public safety - highway purposes fund created in 5037
section 4501.06 of the Revised Code. The registrar or deputy 5038
registrar shall charge a fee of ~~seven dollars and fifty cents for~~ 5039
~~each set of two license plates or~~ six dollars and fifty cents for 5040
each single license plate or validation sticker issued, which the 5041
registrar shall deposit into the state treasury to the credit of 5042
the public safety - highway purposes fund. 5043

(6) Each applicant for a replacement certificate of 5044
registration, license plate, or validation sticker also shall pay 5045

the fees provided in divisions (C) and (D) of section 4503.10 of 5046
the Revised Code and any applicable fee under section 4503.192 of 5047
the Revised Code. 5048

Additionally, the registrar and each deputy registrar who 5049
either issues a license plates plate and a validation sticker for 5050
use on any vehicle other than a commercial tractor, semitrailer, 5051
or apportioned vehicle, or who issues a validation sticker alone 5052
for use on such a vehicle and the owner has changed the owner's 5053
county of residence since the owner last was issued a county 5054
identification ~~stickers~~ sticker, also shall issue and deliver to 5055
the owner ~~either one or two a county identification stickers, as~~ 5056
~~appropriate~~ sticker, which shall be attached to the license ~~plates~~ 5057
plate in a manner prescribed by the director of public safety. The 5058
county identification ~~stickers~~ sticker shall identify prominently 5059
by name the county in which the owner of the vehicle resides at 5060
the time of registration, except that the county identification 5061
sticker for a nonstandard license plate, as defined in section 5062
4503.77 of the Revised Code, shall identify prominently by name or 5063
number the county in which the owner of the vehicle resides at the 5064
time of registration. 5065

(B) A certificate of registration issued under this section 5066
shall have a portion that contains all the information contained 5067
in the main portion of the certificate except for the address of 5068
the person to whom the certificate is issued. Except as provided 5069
in this division, whenever a reference is made in the Revised Code 5070
to a motor vehicle certificate of registration that is issued 5071
under this section, the reference shall be deemed to refer to 5072
either the main portion of the certificate or the portion 5073
containing all information in the main portion except the address 5074
of the person to whom the certificate is issued. If a reference is 5075
made in the Revised Code to the seizure or surrender of a motor 5076
vehicle certificate of registration that is issued under this 5077

section, the reference shall be deemed to refer to both the main 5078
portion of the certificate and the portion containing all 5079
information in the main portion except the address of the person 5080
to whom the certificate is issued. 5081

(C) Whoever violates this section is guilty of a minor 5082
misdemeanor. 5083

Sec. 4503.193. The display of a single current license plate 5084
and validation sticker on a motor vehicle as required under 5085
section 4503.19 of the Revised Code sufficiently indicates that 5086
the vehicle is registered in this state. Any reference in the 5087
Revised Code to license plates, a set of license plates, 5088
registration plates, or validation stickers is deemed to be a 5089
reference to the single license plate and validation sticker 5090
required by that section. 5091

Sec. 4503.21. (A)(1) No person who is the owner or operator 5092
of a motor vehicle shall fail to display in plain view on the 5093
~~front and~~ rear of the motor vehicle a license plate that ~~bears~~ 5094
displays the distinctive number and registration mark assigned to 5095
the motor vehicle by the director of public safety, including any 5096
county identification sticker and any validation sticker issued 5097
under sections 4503.19 and 4503.191 of the Revised Code, ~~except as~~ 5098
~~follows:~~ 5099

~~(a) A manufacturer of motor vehicles or dealer therein, the 5100~~
~~holder of an in transit permit, and the owner or operator of a 5101~~
~~motorcycle, motorized bicycle or moped, motor driven cycle or 5102~~
~~motor scooter, autocycle, cab enclosed motorcycle, manufactured 5103~~
~~home, mobile home, trailer, or semitrailer shall display a license 5104~~
~~plate on the rear only.~~ 5105

~~(b) A motor vehicle that is issued two license plates shall 5106~~
~~display the validation sticker only on the rear license plate,~~ 5107

except that a commercial tractor ~~that does not receive an~~ 5108
~~apportioned license plate under the international registration~~ 5109
~~plan~~ shall display the license plate and validation sticker on the 5110
front of the commercial tractor. 5111

~~(c) An apportioned vehicle receiving an apportioned license~~ 5112
~~plate under the international registration plan shall display the~~ 5113
~~license plate only on the front of a commercial tractor and on the~~ 5114
~~rear of all other vehicles.~~ 5115

(2) ~~All~~ The license ~~plates~~ plate shall be securely fastened 5116
so as not to swing, and shall not be covered by any material that 5117
obstructs ~~their~~ its visibility. 5118

(3) No person to whom a temporary license placard or 5119
windshield sticker has been issued for the use of a motor vehicle 5120
under section 4503.182 of the Revised Code, and no operator of 5121
that motor vehicle, shall fail to display the temporary license 5122
placard in plain view from the rear of the vehicle either in the 5123
rear window or on an external rear surface of the motor vehicle, 5124
or fail to display the windshield sticker in plain view on the 5125
rear window of the motor vehicle. No temporary license placard or 5126
windshield sticker shall be covered by any material that obstructs 5127
its visibility. 5128

~~(B) A law enforcement officer shall only issue a ticket,~~ 5129
~~citation, or summons, or cause the arrest or commence a~~ 5130
~~prosecution, for the failure to display a license plate in plain~~ 5131
~~view on the front of a parked motor vehicle if the officer first~~ 5132
~~determines that another offense has occurred and either places the~~ 5133
~~operator or vehicle owner under arrest or issues a ticket,~~ 5134
~~citation, or summons to the operator or vehicle owner for the~~ 5135
~~other offense.~~ 5136

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 5137
~~whoever~~ Whoever violates ~~division (A) of this section~~ is guilty of 5138

a minor misdemeanor. 5139

~~(2) Whoever violates division (A) of this section by failing to display a license plate in plain view on the front of a motor vehicle as required under division (A) of this section while the motor vehicle is otherwise legally parked is guilty of a minor misdemeanor and may be fined not more than one hundred dollars.~~ 5140
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~~A person who is subject to the penalty prescribed in division (C)(2) of this section is not subject to the charging of points under section 4510.036 of the Revised Code.~~ 5145
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~~(3)(C)~~ The offense established under division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 5148
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Sec. 4503.23. No motor vehicle designed to carry passengers, owned or leased by the state, or any of its departments, bureaus, commissions, or institutions supported in whole or in part by funds provided by the state, shall be operated or driven by any person unless it has displayed, in a prominent position on ~~both the front and rear of the vehicle, identification plates which a~~ license plate that shall be the same size, shape, and treated for increased visibility in the same manner as those issued by the registrar of motor vehicles for private vehicles. ~~Such identification plates~~ The license plate shall be attached to the vehicle in the same manner as provided by statute for the illumination and attachment of ~~a license plates~~ plate on private vehicles. The registrar shall designate the colors of the license ~~tags which~~ plate that shall be used on state-owned cars; ~~such the~~ colors shall be other than those used on privately owned motor vehicles, and shall apply only to license plates used on 5154
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state-owned motor vehicles. ~~Said plates~~ The plate shall bear 5170
display a special serial number, and the words "Ohio State Car." 5171

Sec. 4504.10. Except as otherwise provided in this chapter, 5172
the levy of any excise, license, income, or property tax by the 5173
state or by any political subdivision thereof shall not be 5174
construed as preempting the power of a county to levy a county 5175
motor vehicle license tax pursuant to section 4504.02, 4504.15, 5176
4504.16, or 4504.24 of the Revised Code, of a township to levy a 5177
township motor vehicle license tax pursuant to ~~section~~ sections 5178
4504.18 and 4504.181 of the Revised Code, or of a municipal 5179
corporation to levy a municipal motor vehicle license tax pursuant 5180
to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4504.173 of 5181
the Revised Code. 5182

Sec. 4504.173. (A)(1) The legislative authority of a 5183
municipal corporation may levy an annual license tax upon the 5184
operation of motor vehicles on the public roads and highways in 5185
that municipal corporation for any authorized purpose. A tax 5186
levied under this section is in addition to the tax levied by 5187
sections 4503.02 and 4503.07 of the Revised Code and any other tax 5188
levied under this chapter. The tax shall be at the rate of five 5189
dollars per motor vehicle on all motor vehicles the district of 5190
registration of which is located in the municipal corporation 5191
levying the tax, as defined in section 4503.10 of the Revised 5192
Code. The rate of the tax is in addition to the tax rates 5193
prescribed in sections 4503.04 and 4503.042 of the Revised Code 5194
and is subject to both of the following: 5195

(a) The reductions in the manner provided in section 4503.11 5196
of the Revised Code; 5197

(b) The exemptions provided in sections 4503.16, 4503.17, 5198
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 5199

<u>4503.571 of the Revised Code.</u>	5200
<u>(2) As used in division (A)(1) of this section, "authorized purpose" means any of the following:</u>	5201
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5202
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5203
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5204
<u>(b) Planning, constructing, improving, maintaining, and repairing public roads, highways, and streets;</u>	5205
<u>(b) Planning, constructing, improving, maintaining, and repairing public roads, highways, and streets;</u>	5206
<u>(c) Maintaining and repairing bridges and viaducts;</u>	5207
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5208
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5209
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5210
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5211
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5212
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5213
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5214
<u>(f) Paying any costs apportioned to the municipal corporation under section 4907.47 of the Revised Code;</u>	5215
<u>(f) Paying any costs apportioned to the municipal corporation under section 4907.47 of the Revised Code;</u>	5216
<u>(g) Paying debt service charges on notes or bonds of the municipal corporation issued for such purposes;</u>	5217
<u>(g) Paying debt service charges on notes or bonds of the municipal corporation issued for such purposes;</u>	5218
<u>(h) Purchasing, erecting, and maintaining street and traffic signs and markers;</u>	5219
<u>(h) Purchasing, erecting, and maintaining street and traffic signs and markers;</u>	5220
<u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u>	5221
<u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u>	5222
<u>(j) Supplementing revenue already available for the aforementioned purposes.</u>	5223
<u>(j) Supplementing revenue already available for the aforementioned purposes.</u>	5224
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5225
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5226
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corporation. 5229

(2) An ordinance, resolution, or other measure levying a 5230
municipal motor vehicle license tax pursuant to this section is 5231
subject to a referendum as provided in sections 731.29 to 731.41 5232
of the Revised Code or by the charter of the municipal 5233
corporation. 5234

(C) A municipal motor vehicle license tax levied under this 5235
section continues in effect until repealed. 5236

Sec. 4504.181. (A)(1) The board of township trustees of a 5237
township may, by resolution, levy an annual license tax upon the 5238
operation of motor vehicles on the public roads and highways in 5239
the unincorporated territory of the township for any authorized 5240
purpose. A tax levied under this section is in addition to the tax 5241
levied by sections 4503.02 and 4503.07 of the Revised Code and any 5242
other tax levied under this chapter. The tax shall be at the rate 5243
of five dollars per motor vehicle on all motor vehicles the 5244
district of registration of which is located in the unincorporated 5245
area of the township levying the tax, as defined in section 5246
4503.10 of the Revised Code. The rate of the tax is in addition to 5247
the tax rates prescribed in sections 4503.04 and 4503.042 of the 5248
Revised Code and is subject to both of the following: 5249

(a) The reductions in the manner provided in section 4503.11 5250
of the Revised Code; 5251

(b) The exemptions provided in sections 4503.16, 4503.17, 5252
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 5253
4503.571 of the Revised Code. 5254

(2) As used in division (A)(1) of this section, "authorized 5255
purpose" means any of the following: 5256

(a) Paying the costs and expenses of enforcing and 5257
administering the tax provided for in this section; 5258

<u>(b) Paying for construction, reconstruction, improvement,</u>	5259
<u>maintenance, and repair of township roads, bridges, and culverts;</u>	5260
<u>(c) Purchasing, erecting, and maintaining traffic signs,</u>	5261
<u>markers, lights, and signals;</u>	5262
<u>(d) Purchasing road machinery and equipment, and planning,</u>	5263
<u>constructing, and maintaining suitable buildings to house such</u>	5264
<u>equipment;</u>	5265
<u>(e) Paying any costs apportioned to the township under</u>	5266
<u>section 4907.47 of the Revised Code;</u>	5267
<u>(f) Supplementing revenue already available for the</u>	5268
<u>aforementioned purposes.</u>	5269
<u>(B) Prior to the adoption of any resolution under this</u>	5270
<u>section, the board of township trustees shall conduct two public</u>	5271
<u>hearings on the resolution, the second hearing to be not less than</u>	5272
<u>three but not more than ten days after the first hearing. The</u>	5273
<u>board shall provide notice of the date, time, and place of both</u>	5274
<u>hearings by publication in a newspaper of general circulation in</u>	5275
<u>the township, or as provided in section 7.16 of the Revised Code,</u>	5276
<u>once a week on the same day of the week for two consecutive weeks.</u>	5277
<u>The second publication shall be not less than ten but not more</u>	5278
<u>than thirty days prior to the first hearing.</u>	5279
<u>(C) No resolution adopted under this section shall become</u>	5280
<u>effective sooner than thirty days following its adoption. A</u>	5281
<u>resolution under this section is subject to a referendum in the</u>	5282
<u>same manner, except as to the form of the petition, as provided in</u>	5283
<u>division (H) of section 519.12 of the Revised Code for a proposed</u>	5284
<u>amendment to a township zoning resolution. In addition, a petition</u>	5285
<u>under this section shall be governed by the rules specified in</u>	5286
<u>section 3501.38 of the Revised Code.</u>	5287
<u>No resolution levying a tax under this section for which a</u>	5288
<u>referendum vote has been requested shall go into effect unless</u>	5289

approved by a majority of those voting upon it. 5290

(D) A township license tax levied under this section 5291

continues in effect until repealed. 5292

Sec. 4504.201. No commercial car that is taxed under division 5293
(A) of section 4503.65 of the Revised Code, and no commercial bus 5294
that is taxed under division (B) of section 4503.65 of the Revised 5295
Code, is subject to a tax established under section 4504.02, 5296
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.173, 5297
4504.18, 4504.181, or 4504.24 of the Revised Code. 5298

Sec. 4505.101. (A)(1) Any repair garage or place of storage 5299
in which a motor vehicle with a value of less than three thousand 5300
five hundred dollars has been left unclaimed for fifteen days or 5301
more following completion of the requested repair or the agreed 5302
term of storage shall send by certified mail, return receipt 5303
requested, to the last known address of any owner and any 5304
lienholder of the motor vehicle a notice to remove the motor 5305
vehicle. In order to identify any owner or lienholder, prior to 5306
sending a notice, the repair garage or place of storage shall 5307
cause a search to be made of the records of the bureau of motor 5308
vehicles. Any notice to a lienholder shall state where the motor 5309
vehicle is located and the value of the vehicle. If the person who 5310
requested the repair or who agreed to the storage of the motor 5311
vehicle is not the owner or a lienholder of the motor vehicle as 5312
indicated in the records of the bureau, the repair garage or place 5313
of storage also shall notify the sheriff of the county or the 5314
police department of the municipal corporation, township, port 5315
authority, or township or joint police district in which the 5316
repair garage or place of storage is located that the repair 5317
garage or place of storage is in possession of the vehicle. 5318

(2) The repair garage or place of storage may obtain a 5319

certificate of title to the motor vehicle if all of the following 5320
apply: 5321

(a) The motor vehicle remains unclaimed by any owner or 5322
lienholder of the vehicle for fifteen days after the mailing of 5323
all required notices. 5324

(b) For each notice, the repair garage or place of storage 5325
has either received the signed receipt from the certified mail or 5326
has been notified that the delivery was not possible. Unless the 5327
lienholder claims the motor vehicle within fifteen days from the 5328
mailing of the notice, the lienholder's lien is invalid. 5329

(c) An agent of the repair garage or place of storage that 5330
mailed the notice executes an affidavit, in a form established by 5331
the registrar of motor vehicles by rule, affirming that all of the 5332
requirements of this section necessary to authorize the issuance 5333
of a certificate of title for the motor vehicle have been met. The 5334
affidavit shall set forth an itemized statement of the value of 5335
the motor vehicle; the length of time that the motor vehicle has 5336
remained unclaimed; that a notice to remove the vehicle has been 5337
mailed to any titled owner or lienholder by certified mail, return 5338
receipt requested; and that a search of the records of the bureau 5339
of motor vehicles has been made in accordance with division (A)(1) 5340
of this section. 5341

(B) A towing service or storage facility that is in 5342
possession of a vehicle may obtain a certificate of title to the 5343
vehicle as provided in division (C) of this section if all of the 5344
following apply: 5345

(1) The vehicle was towed under division (B) of section 5346
4513.601 of the Revised Code. 5347

(2) The vehicle has a value of less than three thousand five 5348
hundred dollars. 5349

(3) The vehicle has been left unclaimed for sixty days after 5350

the date the earliest notice required by division (F)(1) of 5351
section 4513.601 of the Revised Code is received, as evidenced by 5352
a receipt signed by any person, or the towing service or storage 5353
facility has been notified that the delivery was not possible. 5354

(4) An agent of the towing service or storage facility 5355
executes an affidavit, in a form established by the registrar of 5356
motor vehicles by rule, affirming that all of the requirements of 5357
this section necessary to authorize the issuance of a certificate 5358
of title for the motor vehicle have been met. The affidavit shall 5359
set forth an itemized statement of the value of the motor vehicle; 5360
that notices to remove the vehicle have been mailed to the owner 5361
and any lienholder as required under division (F) of section 5362
4513.601 of the Revised Code; the length of time that the motor 5363
vehicle has remained unclaimed after the date the earliest notice 5364
required under division (F) of section 4513.601 of the Revised 5365
Code was received or the towing service or storage facility was 5366
notified that delivery was not possible; and that a search of the 5367
records of the bureau of motor vehicles has been made for 5368
outstanding liens on the motor vehicle. 5369

(C)(1) The clerk of courts shall issue a certificate of 5370
title, free and clear of all liens and encumbrances as follows: 5371

(a) To a repair garage or place of storage that presents an 5372
affidavit that complies with all of the requirements of division 5373
(A) of this section; 5374

(b) To a towing service or storage facility that presents an 5375
affidavit in compliance with division (B) of this section. 5376

(2) A repair garage or place of storage may use the process 5377
established under division (A) of this section in order to take 5378
title to a motor vehicle even if the person who requested the 5379
repair or who agreed to the storage of the motor vehicle is not 5380
the owner or a lienholder of the motor vehicle as indicated in the 5381

records of the bureau of motor vehicles. 5382

(3) Upon receipt of the certificate of title, a repair garage 5383
or place of storage, or a towing service or storage facility, 5384
shall pay to the clerk of courts the value of the motor vehicle 5385
minus both of the following: 5386

(a) If the motor vehicle was towed by the party seeking title 5387
to the motor vehicle under this section, a towing fee; 5388

(b) Storage fees for the period of time the vehicle was 5389
stored without payment. 5390

The clerk of courts shall deposit any money received under 5391
this section into the county general fund. 5392

(D) Whoever violates this section shall be fined not more 5393
than two hundred dollars, imprisoned not more than ninety days, or 5394
both. 5395

(E) As used in this section: 5396

(1) "Repair garage or place of storage" means any business 5397
with which a person entered into an agreement for the repair of a 5398
motor vehicle or any business with which a person entered into an 5399
agreement for the storage of a motor vehicle. 5400

(2) "Towing service or storage facility" means any for-hire 5401
motor carrier that removes a motor vehicle under the authority of 5402
section 4513.601 of the Revised Code and any place to which such a 5403
for-hire motor carrier delivers a motor vehicle towed under that 5404
section. 5405

(3) "Value" means the wholesale value for that make and model 5406
of motor vehicle at the time an affidavit is submitted under 5407
division (C) of this section, as provided in a vehicle valuation 5408
guide that is generally available and recognized by the motor 5409
vehicle industry, minus both of the following: 5410

(a) The estimated cost of repairs to restore the motor 5411

vehicle to the wholesale value for that make and model of motor 5412
vehicle; 5413

(b) The cost of any agreed-upon repairs. 5414

Sec. 4506.17. (A) ~~Any person who holds a commercial driver's~~ 5415
~~license or commercial driver's license temporary instruction~~ 5416
~~permit, or who operates a commercial motor vehicle requiring a~~ 5417
~~commercial driver's license or permit within this state, shall be~~ 5418
Both of the following are deemed to have given consent to a test 5419
or tests of the person's whole blood, blood serum or plasma, 5420
breath, or urine for the purpose of determining the person's 5421
alcohol concentration or the presence of any controlled substance 5422
or a metabolite of a controlled substance: 5423

(1) A person while operating a commercial motor vehicle that 5424
requires a commercial driver's license or commercial driver's 5425
license temporary instruction permit; 5426

(2) A person who holds a commercial driver's license or 5427
commercial driver's license temporary instruction permit while 5428
operating a motor vehicle, including a commercial motor vehicle. 5429

(B) A test or tests as provided in division (A) of this 5430
section may be administered at the direction of a peace officer 5431
having reasonable ground to stop or detain the person and, after 5432
investigating the circumstances surrounding the operation of the 5433
~~commercial~~ motor vehicle, also having reasonable ground to believe 5434
the person was driving the ~~commercial~~ motor vehicle while having a 5435
measurable or detectable amount of alcohol or of a controlled 5436
substance or a metabolite of a controlled substance in the 5437
person's whole blood, blood serum or plasma, breath, or urine. Any 5438
such test shall be given within two hours of the time of the 5439
alleged violation. 5440

(C) A person requested by a peace officer to submit to a test 5441

under division (A) of this section shall be advised by the peace officer that a refusal to submit to the test will result in the person immediately being placed out-of-service for a period of twenty-four hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year, and that the person is required to surrender the person's commercial driver's license or permit to the peace officer.

(D) If a person refuses to submit to a test after being warned as provided in division (C) of this section or submits to a test that discloses the presence of an amount of alcohol or a controlled substance prohibited by divisions (A)(1) to (5) of section 4506.15 of the Revised Code or a metabolite of a controlled substance, the person immediately shall surrender the person's commercial driver's license or permit to the peace officer. The peace officer shall forward the license or permit, together with a sworn report, to the registrar of motor vehicles certifying that the test was requested pursuant to division (A) of this section and that the person either refused to submit to testing or submitted to a test that disclosed the presence of one of the prohibited concentrations of a substance listed in divisions (A)(1) to (5) of section 4506.15 of the Revised Code or a metabolite of a controlled substance. The form and contents of the report required by this section shall be established by the registrar by rule, but shall contain the advice to be read to the driver and a statement to be signed by the driver acknowledging that the driver has been read the advice and that the form was shown to the driver.

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, or upon receipt of notification that a person has been disqualified under a similar law of another state or foreign jurisdiction, the registrar shall disqualify the person named in the report from driving a

commercial motor vehicle for the period described below: 5474

(1) Upon a first incident, one year; 5475

(2) Upon an incident of refusal or of a prohibited 5476
concentration of alcohol, a controlled substance, or a metabolite 5477
of a controlled substance after one or more previous incidents of 5478
either refusal or of a prohibited concentration of alcohol, a 5479
controlled substance, or a metabolite of a controlled substance, 5480
the person shall be disqualified for life or such lesser period as 5481
prescribed by rule by the registrar. 5482

(F) A test of a person's whole blood or a person's blood 5483
serum or plasma given under this section shall comply with the 5484
applicable provisions of division (D) of section 4511.19 of the 5485
Revised Code and any physician, registered nurse, emergency 5486
medical technician-intermediate, emergency medical 5487
technician-paramedic, or qualified technician, chemist, or 5488
phlebotomist who withdraws whole blood or blood serum or plasma 5489
from a person under this section, and any hospital, first-aid 5490
station, clinic, or other facility at which whole blood or blood 5491
serum or plasma is withdrawn from a person pursuant to this 5492
section, is immune from criminal liability, and from civil 5493
liability that is based upon a claim of assault and battery or 5494
based upon any other claim of malpractice, for any act performed 5495
in withdrawing whole blood or blood serum or plasma from the 5496
person. The immunity provided in this division also extends to an 5497
emergency medical service organization that employs an emergency 5498
medical technician-intermediate or emergency medical 5499
technician-paramedic who withdraws blood under this section. 5500

(G) When a person submits to a test under this section, the 5501
results of the test, at the person's request, shall be made 5502
available to the person, the person's attorney, or the person's 5503
agent, immediately upon completion of the chemical test analysis. 5504
The person also may have an additional test administered by a 5505

physician, a registered nurse, or a qualified technician, chemist, 5506
or phlebotomist of the person's own choosing as provided in 5507
division (D) of section 4511.19 of the Revised Code for tests 5508
administered under that section, and the failure to obtain such a 5509
test has the same effect as in that division. 5510

(H) No person shall refuse to immediately surrender the 5511
person's commercial driver's license or permit to a peace officer 5512
when required to do so by this section. 5513

(I) A peace officer issuing an out-of-service order or 5514
receiving a commercial driver's license or permit surrendered 5515
under this section may remove or arrange for the removal of any 5516
commercial motor vehicle affected by the issuance of that order or 5517
the surrender of that license. 5518

(J)(1) Except for civil actions arising out of the operation 5519
of a motor vehicle and civil actions in which the state is a 5520
plaintiff, no peace officer of any law enforcement agency within 5521
this state is liable in compensatory damages in any civil action 5522
that arises under the Revised Code or common law of this state for 5523
an injury, death, or loss to person or property caused in the 5524
performance of official duties under this section and rules 5525
adopted under this section, unless the officer's actions were 5526
manifestly outside the scope of the officer's employment or 5527
official responsibilities, or unless the officer acted with 5528
malicious purpose, in bad faith, or in a wanton or reckless 5529
manner. 5530

(2) Except for civil actions that arise out of the operation 5531
of a motor vehicle and civil actions in which the state is a 5532
plaintiff, no peace officer of any law enforcement agency within 5533
this state is liable in punitive or exemplary damages in any civil 5534
action that arises under the Revised Code or common law of this 5535
state for any injury, death, or loss to person or property caused 5536
in the performance of official duties under this section of the 5537

Revised Code and rules adopted under this section, unless the 5538
officer's actions were manifestly outside the scope of the 5539
officer's employment or official responsibilities, or unless the 5540
officer acted with malicious purpose, in bad faith, or in a wanton 5541
or reckless manner. 5542

(K) When disqualifying a driver, the registrar shall cause 5543
the records of the bureau of motor vehicles to be updated to 5544
reflect the disqualification within ten days after it occurs. 5545

(L) The registrar immediately shall notify a driver who is 5546
subject to disqualification of the disqualification, of the length 5547
of the disqualification, and that the driver may request a hearing 5548
within thirty days of the mailing of the notice to show cause why 5549
the driver should not be disqualified from operating a commercial 5550
motor vehicle. If a request for such a hearing is not made within 5551
thirty days of the mailing of the notice, the order of 5552
disqualification is final. The registrar may designate hearing 5553
examiners who, after affording all parties reasonable notice, 5554
shall conduct a hearing to determine whether the disqualification 5555
order is supported by reliable evidence. The registrar shall adopt 5556
rules to implement this division. 5557

(M) Any person who is disqualified from operating a 5558
commercial motor vehicle under this section may apply to the 5559
registrar for a driver's license to operate a motor vehicle other 5560
than a commercial motor vehicle, provided the person's commercial 5561
driver's license or permit is not otherwise suspended. A person 5562
whose commercial driver's license or permit is suspended shall not 5563
apply to the registrar for or receive a driver's license under 5564
Chapter 4507. of the Revised Code during the period of suspension. 5565

(N) Whoever violates division (H) of this section is guilty 5566
of a misdemeanor of the first degree. 5567

(O) As used in this section, "emergency medical 5568

technician-intermediate" and "emergency medical 5569
technician-paramedic" have the same meanings as in section 4765.01 5570
of the Revised Code. 5571

Sec. 4509.01. As used in sections 4509.01 to 4509.78 of the 5572
Revised Code: 5573

(A) "Person" includes every natural person, firm, 5574
partnership, association, or corporation. 5575

(B) "Driver" means every person who drives or is in actual 5576
physical control of a motor vehicle. 5577

(C) "License" includes any license, permit, or privilege to 5578
operate a motor vehicle issued under the laws of this state 5579
including: 5580

(1) Any temporary instruction permit or examiner's driving 5581
permit; 5582

(2) The privilege of any person to drive a motor vehicle 5583
whether or not such person holds a valid license; 5584

(3) Any nonresident's operating privilege. 5585

(D) "Owner" means a person who holds the legal title of a 5586
motor vehicle. If a motor vehicle is the subject of a lease with 5587
an immediate right of possession vested in the lessee, the lessee 5588
is the owner. A person listed as the owner on a certificate of 5589
title on which there is a notation of a security interest is the 5590
owner. A buyer or other transferee of a motor vehicle who receives 5591
the certificate of title from the seller or transferor listing the 5592
seller or transferor thereon as the owner with an assignment of 5593
title to the buyer or transferee nonetheless is the owner even 5594
though a subsequent certificate of title has not been issued 5595
listing the buyer or transferee as the owner. 5596

(E) "Registration" means registration certificates and 5597
registration plates issued under the laws of this state pertaining 5598

to the registration of motor vehicles. 5599

(F) "Nonresident" means every person who is not a resident of 5600
this state. 5601

(G) "Nonresident's operating privilege" means the privilege 5602
conferred upon a nonresident by the laws of this state pertaining 5603
to the operation by such person of a motor vehicle, or the use of 5604
a motor vehicle owned by such person, in this state. 5605

(H) "Vehicle" means every device by which any person or 5606
property may be transported upon a highway, except electric 5607
personal assistive mobility devices, low-speed electric scooters, 5608
devices moved by power collected from overhead electric trolley 5609
wires, or used exclusively upon stationary rails or tracks, and 5610
except devices other than bicycles moved by human power. 5611

(I) "Motor vehicle" means every vehicle propelled by power 5612
other than muscular power or power collected from overhead 5613
electric trolley wires, except motorized bicycles, electric 5614
bicycles, road rollers, traction engines, power shovels, power 5615
cranes and other equipment used in construction work and not 5616
designed for or employed in general highway transportation, 5617
hole-digging machinery, well-drilling machinery, ditch-digging 5618
machinery, farm machinery, threshing machinery, hay baling 5619
machinery, and agricultural tractors and machinery used in the 5620
production of horticultural, floricultural, agricultural, and 5621
vegetable products. 5622

(J) "Accident" or "motor vehicle accident" means any accident 5623
involving a motor vehicle which results in bodily injury to or 5624
death of any person, or damage to the property of any person in 5625
excess of four hundred dollars. 5626

(K) "Proof of financial responsibility" means proof of 5627
ability to respond in damages for liability, on account of 5628
accidents occurring subsequent to the effective date of such 5629

proof, arising out of the ownership, maintenance, or use of a 5630
motor vehicle in the amount of twenty-five thousand dollars 5631
because of bodily injury to or death of one person in any one 5632
accident, in the amount of fifty thousand dollars because of 5633
bodily injury to or death of two or more persons in any one 5634
accident, and in the amount of twenty-five thousand dollars 5635
because of injury to property of others in any one accident. 5636

(L) "Motor-vehicle liability policy" means an "owner's 5637
policy" or an "operator's policy" of liability insurance, 5638
certified as provided in section 4509.46 or 4509.47 of the Revised 5639
Code as proof of financial responsibility, and issued, except as 5640
provided in section 4509.47 of the Revised Code, by an insurance 5641
carrier authorized to do business in this state, to or for the 5642
benefit of the person named therein as insured. 5643

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 5644
the Revised Code: 5645

(A) "Vehicle" means every device, including a motorized 5646
bicycle and an electric bicycle, in, upon, or by which any person 5647
or property may be transported or drawn upon a highway, except 5648
that "vehicle" does not include any motorized wheelchair, any 5649
electric personal assistive mobility device, any low-speed 5650
electric scooter, any personal delivery device as defined in 5651
section 4511.513 of the Revised Code, any device that is moved by 5652
power collected from overhead electric trolley wires or that is 5653
used exclusively upon stationary rails or tracks, or any device, 5654
other than a bicycle, that is moved by human power. 5655

(B) "Motor vehicle" means every vehicle propelled or drawn by 5656
power other than muscular power or power collected from overhead 5657
electric trolley wires, except motorized bicycles, electric 5658
bicycles, road rollers, traction engines, power shovels, power 5659
cranes, and other equipment used in construction work and not 5660

designed for or employed in general highway transportation, 5661
hole-digging machinery, well-drilling machinery, ditch-digging 5662
machinery, farm machinery, and trailers designed and used 5663
exclusively to transport a boat between a place of storage and a 5664
marina, or in and around a marina, when drawn or towed on a street 5665
or highway for a distance of no more than ten miles and at a speed 5666
of twenty-five miles per hour or less. 5667

(C) "Motorcycle" means every motor vehicle, other than a 5668
tractor, having a seat or saddle for the use of the operator and 5669
designed to travel on not more than three wheels in contact with 5670
the ground, including, but not limited to, motor vehicles known as 5671
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 5672
motorcycle," or "motorcycle" without regard to weight or brake 5673
horsepower. 5674

(D) "Emergency vehicle" means emergency vehicles of 5675
municipal, township, or county departments or public utility 5676
corporations when identified as such as required by law, the 5677
director of public safety, or local authorities, and motor 5678
vehicles when commandeered by a police officer. 5679

(E) "Public safety vehicle" means any of the following: 5680

(1) Ambulances, including private ambulance companies under 5681
contract to a municipal corporation, township, or county, and 5682
private ambulances and nontransport vehicles bearing license 5683
plates issued under section 4503.49 of the Revised Code; 5684

(2) Motor vehicles used by public law enforcement officers or 5685
other persons sworn to enforce the criminal and traffic laws of 5686
the state; 5687

(3) Any motor vehicle when properly identified as required by 5688
the director of public safety, when used in response to fire 5689
emergency calls or to provide emergency medical service to ill or 5690
injured persons, and when operated by a duly qualified person who 5691

is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the director of public safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and

"school bus" does not include a van or bus used by a licensed 5724
child day-care center or type A family day-care home to transport 5725
children from the child day-care center or type A family day-care 5726
home to a school if the van or bus does not have more than fifteen 5727
children in the van or bus at any time. 5728

(G) "Bicycle" means every device, other than a device that is 5729
designed solely for use as a play vehicle by a child, that is 5730
propelled solely by human power upon which a person may ride, and 5731
that has two or more wheels, any of which is more than fourteen 5732
inches in diameter. 5733

(H) "Motorized bicycle" or "moped" means any vehicle having 5734
either two tandem wheels or one wheel in the front and two wheels 5735
in the rear, that may be pedaled, and that is equipped with a 5736
helper motor of not more than fifty cubic centimeters piston 5737
displacement that produces not more than one brake horsepower and 5738
is capable of propelling the vehicle at a speed of not greater 5739
than twenty miles per hour on a level surface. "Motorized bicycle" 5740
or "moped" does not include an electric bicycle. 5741

(I) "Commercial tractor" means every motor vehicle having 5742
motive power designed or used for drawing other vehicles and not 5743
so constructed as to carry any load thereon, or designed or used 5744
for drawing other vehicles while carrying a portion of such other 5745
vehicles, or load thereon, or both. 5746

(J) "Agricultural tractor" means every self-propelling 5747
vehicle designed or used for drawing other vehicles or wheeled 5748
machinery but having no provision for carrying loads independently 5749
of such other vehicles, and used principally for agricultural 5750
purposes. 5751

(K) "Truck" means every motor vehicle, except trailers and 5752
semitrailers, designed and used to carry property. 5753

(L) "Bus" means every motor vehicle designed for carrying 5754

more than nine passengers and used for the transportation of 5755
persons other than in a ridesharing arrangement, and every motor 5756
vehicle, automobile for hire, or funeral car, other than a taxicab 5757
or motor vehicle used in a ridesharing arrangement, designed and 5758
used for the transportation of persons for compensation. 5759

(M) "Trailer" means every vehicle designed or used for 5760
carrying persons or property wholly on its own structure and for 5761
being drawn by a motor vehicle, including any such vehicle when 5762
formed by or operated as a combination of a "semitrailer" and a 5763
vehicle of the dolly type, such as that commonly known as a 5764
"trailer dolly," a vehicle used to transport agricultural produce 5765
or agricultural production materials between a local place of 5766
storage or supply and the farm when drawn or towed on a street or 5767
highway at a speed greater than twenty-five miles per hour, and a 5768
vehicle designed and used exclusively to transport a boat between 5769
a place of storage and a marina, or in and around a marina, when 5770
drawn or towed on a street or highway for a distance of more than 5771
ten miles or at a speed of more than twenty-five miles per hour. 5772

(N) "Semitrailer" means every vehicle designed or used for 5773
carrying persons or property with another and separate motor 5774
vehicle so that in operation a part of its own weight or that of 5775
its load, or both, rests upon and is carried by another vehicle. 5776

(O) "Pole trailer" means every trailer or semitrailer 5777
attached to the towing vehicle by means of a reach, pole, or by 5778
being boomed or otherwise secured to the towing vehicle, and 5779
ordinarily used for transporting long or irregular shaped loads 5780
such as poles, pipes, or structural members capable, generally, of 5781
sustaining themselves as beams between the supporting connections. 5782

(P) "Railroad" means a carrier of persons or property 5783
operating upon rails placed principally on a private right-of-way. 5784

(Q) "Railroad train" means a steam engine or an electric or 5785

other motor, with or without cars coupled thereto, operated by a 5786
railroad. 5787

(R) "Streetcar" means a car, other than a railroad train, for 5788
transporting persons or property, operated upon rails principally 5789
within a street or highway. 5790

(S) "Trackless trolley" means every car that collects its 5791
power from overhead electric trolley wires and that is not 5792
operated upon rails or tracks. 5793

(T) "Explosives" means any chemical compound or mechanical 5794
mixture that is intended for the purpose of producing an explosion 5795
that contains any oxidizing and combustible units or other 5796
ingredients in such proportions, quantities, or packing that an 5797
ignition by fire, by friction, by concussion, by percussion, or by 5798
a detonator of any part of the compound or mixture may cause such 5799
a sudden generation of highly heated gases that the resultant 5800
gaseous pressures are capable of producing destructive effects on 5801
contiguous objects, or of destroying life or limb. Manufactured 5802
articles shall not be held to be explosives when the individual 5803
units contain explosives in such limited quantities, of such 5804
nature, or in such packing, that it is impossible to procure a 5805
simultaneous or a destructive explosion of such units, to the 5806
injury of life, limb, or property by fire, by friction, by 5807
concussion, by percussion, or by a detonator, such as fixed 5808
ammunition for small arms, firecrackers, or safety fuse matches. 5809

(U) "Flammable liquid" means any liquid that has a flash 5810
point of seventy degrees fahrenheit, or less, as determined by a 5811
tagliabue or equivalent closed cup test device. 5812

(V) "Gross weight" means the weight of a vehicle plus the 5813
weight of any load thereon. 5814

(W) "Person" means every natural person, firm, 5815
co-partnership, association, or corporation. 5816

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 5817
includes a personal delivery device as defined in section 4511.513 5818
of the Revised Code unless the context clearly suggests otherwise. 5819

(Y) "Driver or operator" means every person who drives or is 5820
in actual physical control of a vehicle, trackless trolley, or 5821
streetcar. 5822

(Z) "Police officer" means every officer authorized to direct 5823
or regulate traffic, or to make arrests for violations of traffic 5824
regulations. 5825

(AA) "Local authorities" means every county, municipal, and 5826
other local board or body having authority to adopt police 5827
regulations under the constitution and laws of this state. 5828

(BB) "Street" or "highway" means the entire width between the 5829
boundary lines of every way open to the use of the public as a 5830
thoroughfare for purposes of vehicular travel. 5831

(CC) "Controlled-access highway" means every street or 5832
highway in respect to which owners or occupants of abutting lands 5833
and other persons have no legal right of access to or from the 5834
same except at such points only and in such manner as may be 5835
determined by the public authority having jurisdiction over such 5836
street or highway. 5837

(DD) "Private road or driveway" means every way or place in 5838
private ownership used for vehicular travel by the owner and those 5839
having express or implied permission from the owner but not by 5840
other persons. 5841

(EE) "Roadway" means that portion of a highway improved, 5842
designed, or ordinarily used for vehicular travel, except the berm 5843
or shoulder. If a highway includes two or more separate roadways 5844
the term "roadway" means any such roadway separately but not all 5845
such roadways collectively. 5846

(FF) "Sidewalk" means that portion of a street between the 5847
curb lines, or the lateral lines of a roadway, and the adjacent 5848
property lines, intended for the use of pedestrians. 5849

(GG) "Laned highway" means a highway the roadway of which is 5850
divided into two or more clearly marked lanes for vehicular 5851
traffic. 5852

(HH) "Through highway" means every street or highway as 5853
provided in section 4511.65 of the Revised Code. 5854

(II) "State highway" means a highway under the jurisdiction 5855
of the department of transportation, outside the limits of 5856
municipal corporations, provided that the authority conferred upon 5857
the director of transportation in section 5511.01 of the Revised 5858
Code to erect state highway route markers and signs directing 5859
traffic shall not be modified by sections 4511.01 to 4511.79 and 5860
4511.99 of the Revised Code. 5861

(JJ) "State route" means every highway that is designated 5862
with an official state route number and so marked. 5863

(KK) "Intersection" means: 5864

(1) The area embraced within the prolongation or connection 5865
of the lateral curb lines, or, if none, the lateral boundary lines 5866
of the roadways of two highways that join one another at, or 5867
approximately at, right angles, or the area within which vehicles 5868
traveling upon different highways that join at any other angle 5869
might come into conflict. The junction of an alley or driveway 5870
with a roadway or highway does not constitute an intersection 5871
unless the roadway or highway at the junction is controlled by a 5872
traffic control device. 5873

(2) If a highway includes two roadways that are thirty feet 5874
or more apart, then every crossing of each roadway of such divided 5875
highway by an intersecting highway constitutes a separate 5876
intersection. If both intersecting highways include two roadways 5877

thirty feet or more apart, then every crossing of any two roadways 5878
of such highways constitutes a separate intersection. 5879

(3) At a location controlled by a traffic control signal, 5880
regardless of the distance between the separate intersections as 5881
described in division (KK)(2) of this section: 5882

(a) If a stop line, yield line, or crosswalk has not been 5883
designated on the roadway within the median between the separate 5884
intersections, the two intersections and the roadway and median 5885
constitute one intersection. 5886

(b) Where a stop line, yield line, or crosswalk line is 5887
designated on the roadway on the intersection approach, the area 5888
within the crosswalk and any area beyond the designated stop line 5889
or yield line constitute part of the intersection. 5890

(c) Where a crosswalk is designated on a roadway on the 5891
departure from the intersection, the intersection includes the 5892
area that extends to the far side of the crosswalk. 5893

(LL) "Crosswalk" means: 5894

(1) That part of a roadway at intersections ordinarily 5895
included within the real or projected prolongation of property 5896
lines and curb lines or, in the absence of curbs, the edges of the 5897
traversable roadway; 5898

(2) Any portion of a roadway at an intersection or elsewhere, 5899
distinctly indicated for pedestrian crossing by lines or other 5900
markings on the surface; 5901

(3) Notwithstanding divisions (LL)(1) and (2) of this 5902
section, there shall not be a crosswalk where local authorities 5903
have placed signs indicating no crossing. 5904

(MM) "Safety zone" means the area or space officially set 5905
apart within a roadway for the exclusive use of pedestrians and 5906
protected or marked or indicated by adequate signs as to be 5907

plainly visible at all times. 5908

(NN) "Business district" means the territory fronting upon a 5909
street or highway, including the street or highway, between 5910
successive intersections within municipal corporations where fifty 5911
per cent or more of the frontage between such successive 5912
intersections is occupied by buildings in use for business, or 5913
within or outside municipal corporations where fifty per cent or 5914
more of the frontage for a distance of three hundred feet or more 5915
is occupied by buildings in use for business, and the character of 5916
such territory is indicated by official traffic control devices. 5917

(OO) "Residence district" means the territory, not comprising 5918
a business district, fronting on a street or highway, including 5919
the street or highway, where, for a distance of three hundred feet 5920
or more, the frontage is improved with residences or residences 5921
and buildings in use for business. 5922

(PP) "Urban district" means the territory contiguous to and 5923
including any street or highway which is built up with structures 5924
devoted to business, industry, or dwelling houses situated at 5925
intervals of less than one hundred feet for a distance of a 5926
quarter of a mile or more, and the character of such territory is 5927
indicated by official traffic control devices. 5928

(QQ) "Traffic control device" means a flagger, sign, signal, 5929
marking, or other device used to regulate, warn, or guide traffic, 5930
placed on, over, or adjacent to a street, highway, private road 5931
open to public travel, pedestrian facility, or shared-use path by 5932
authority of a public agency or official having jurisdiction, or, 5933
in the case of a private road open to public travel, by authority 5934
of the private owner or private official having jurisdiction. 5935

(RR) "Traffic control signal" means any highway traffic 5936
signal by which traffic is alternately directed to stop and 5937
permitted to proceed. 5938

(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 5970
such street or highway is located. 5971

(YY) "Freeway" means a divided multi-lane highway for through 5972
traffic with all crossroads separated in grade and with full 5973
control of access. 5974

(ZZ) "Expressway" means a divided arterial highway for 5975
through traffic with full or partial control of access with an 5976
excess of fifty per cent of all crossroads separated in grade. 5977

(AAA) "Thruway" means a through highway whose entire roadway 5978
is reserved for through traffic and on which roadway parking is 5979
prohibited. 5980

(BBB) "Stop intersection" means any intersection at one or 5981
more entrances of which stop signs are erected. 5982

(CCC) "Arterial street" means any United States or state 5983
numbered route, controlled access highway, or other major radial 5984
or circumferential street or highway designated by local 5985
authorities within their respective jurisdictions as part of a 5986
major arterial system of streets or highways. 5987

(DDD) "Ridesharing arrangement" means the transportation of 5988
persons in a motor vehicle where such transportation is incidental 5989
to another purpose of a volunteer driver and includes ridesharing 5990
arrangements known as carpools, vanpools, and buspools. 5991

(EEE) "Motorized wheelchair" means any self-propelled vehicle 5992
designed for, and used by, a handicapped person and that is 5993
incapable of a speed in excess of eight miles per hour. 5994

(FFF) "Child day-care center" and "type A family day-care 5995
home" have the same meanings as in section 5104.01 of the Revised 5996
Code. 5997

(GGG) "Multi-wheel agricultural tractor" means a type of 5998
agricultural tractor that has two or more wheels or tires on each 5999

side of one axle at the rear of the tractor, is designed or used 6000
for drawing other vehicles or wheeled machinery, has no provision 6001
for carrying loads independently of the drawn vehicles or 6002
machinery, and is used principally for agricultural purposes. 6003

(HHH) "Operate" means to cause or have caused movement of a 6004
vehicle, streetcar, or trackless trolley. 6005

(III) "Predicate motor vehicle or traffic offense" means any 6006
of the following: 6007

(1) A violation of section 4511.03, 4511.051, 4511.12, 6008
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 6009
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 6010
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 6011
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 6012
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 6013
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 6014
4511.514, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 6015
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 6016
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 6017
4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the 6018
Revised Code; 6019

(2) A violation of division (A)(2) of section 4511.17, 6020
divisions (A) to (D) of section 4511.51, or division (A) of 6021
section 4511.74 of the Revised Code; 6022

(3) A violation of any provision of sections 4511.01 to 6023
4511.76 of the Revised Code for which no penalty otherwise is 6024
provided in the section that contains the provision violated; 6025

(4) A violation of section 4511.214 of the Revised Code; 6026

(5) A violation of a municipal ordinance that is 6027
substantially similar to any section or provision set forth or 6028
described in division (III)(1), (2), (3), or (4) of this section. 6029

(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(UUU) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty

miles per hour. 6092

(VVV) "Class 3 electric bicycle" means a bicycle that is 6093
equipped with fully operable pedals and an electric motor of less 6094
than seven hundred fifty watts that provides assistance only when 6095
the rider is pedaling and ceases to provide assistance when the 6096
bicycle reaches the speed of twenty-eight miles per hour. 6097

(WWW) "Low-speed electric scooter" means a device weighing 6098
less than one hundred pounds that has handlebars, is propelled by 6099
an electric motor or human power, and has an attainable speed on a 6100
paved level surface of not more than twenty miles per hour when 6101
propelled by the electric motor. 6102

Sec. 4511.092. As used in sections 4511.092 to 4511.0914 of 6103
the Revised Code: 6104

(A) "Designated party" means the person whom the registered 6105
owner of a motor vehicle, upon receipt of a ticket based upon 6106
images recorded by a traffic law photo-monitoring device that 6107
indicate a traffic law violation, identifies as the person who was 6108
operating the vehicle of the registered owner at the time of the 6109
violation. 6110

~~(B) "Hearing officer" means any person appointed by the 6111
mayor, board of county commissioners, or board of township 6112
trustees of a local authority, as applicable, to conduct 6113
administrative hearings on violations recorded by traffic law 6114
photo-monitoring devices, other than a person who is employed by a 6115
law enforcement agency as defined in section 109.573 of the 6116
Revised Code.~~ 6117

~~(C)~~ "Law enforcement officer" means a sheriff, deputy 6118
sheriff, marshal, deputy marshal, police officer of a police 6119
department of any municipal corporation, police constable of any 6120
township, or police officer of a township or joint police 6121

district, who is employed on a permanent, full-time basis by the 6122
law enforcement agency of a local authority that assigns such 6123
person to the location of a traffic law photo-monitoring device. 6124

~~(D)~~(C) "Local authority" means a municipal corporation, 6125
county, or township. 6126

~~(E)~~(D) "Motor vehicle leasing dealer" has the same meaning as 6127
in section 4517.01 of the Revised Code. 6128

~~(F)~~(E) "Motor vehicle renting dealer" has the same meaning as 6129
in section 4549.65 of the Revised Code. 6130

~~(G)~~(F) "Recorded images" means any of the following images 6131
recorded by a traffic law photo-monitoring device that show, on at 6132
least one image or on a portion of the videotape, the rear of a 6133
motor vehicle and the letters and numerals on the rear license 6134
plate of the vehicle: 6135

(1) Two or more photographs, microphotographs, electronic 6136
images, or digital images; 6137

(2) Videotape. 6138

~~(H)~~(G) "Registered owner" means all of the following: 6139

(1) Any person or entity identified by the bureau of motor 6140
vehicles or any other state motor vehicle registration bureau, 6141
department, or office as the owner of a motor vehicle; 6142

(2) The lessee of a motor vehicle under a lease of six months 6143
or longer; 6144

(3) The renter of a motor vehicle pursuant to a written 6145
rental agreement with a motor vehicle renting dealer. 6146

~~(I)~~(H) "System location" means the approach to an 6147
intersection or area of roadway toward which a traffic law 6148
photo-monitoring device is directed and is in operation. 6149

~~(J)~~(I) "Ticket" means any traffic ticket, citation, summons, 6150

or other ticket issued in response to an alleged traffic law 6151
violation detected by a traffic law photo-monitoring device, that 6152
represents a civil violation. 6153

~~(K)~~(J) "Traffic law photo-monitoring device" means an 6154
electronic system consisting of a photographic, video, or 6155
electronic camera and a means of sensing the presence of a motor 6156
vehicle that automatically produces recorded images. 6157

~~(L)~~(K) "Traffic law violation" means either of the following: 6158

(1) A violation of section 4511.12 of the Revised Code based 6159
on the failure to comply with section 4511.13 of the Revised Code 6160
or a substantially equivalent municipal ordinance that occurs at 6161
an intersection due to failure to obey a traffic control signal; 6162

(2) A violation of section 4511.21 or 4511.211 of the Revised 6163
Code or a substantially equivalent municipal ordinance due to 6164
failure to observe the applicable speed limit. 6165

Sec. 4511.093. (A) A local authority may utilize a traffic 6166
law photo-monitoring device for the purpose of detecting traffic 6167
law violations. If the local authority is a county or township, 6168
the board of county commissioners or the board of township 6169
trustees may adopt such resolutions as may be necessary to enable 6170
the county or township to utilize traffic law photo-monitoring 6171
devices. 6172

(B) The use of a traffic law photo-monitoring device is 6173
subject to the following conditions: 6174

(1) A local authority shall use a traffic law 6175
photo-monitoring device to detect and enforce traffic law 6176
violations only if a law enforcement officer is present at the 6177
location of the device at all times during the operation of the 6178
device and if the local authority complies with sections 4511.094 6179
and 4511.095 of the Revised Code. 6180

(2) A law enforcement officer who is present at the location of any traffic law photo-monitoring device and who personally witnesses a traffic law violation may issue a ticket for the violation. Such a ticket shall be issued in accordance with section ~~2935.25~~ 2935.26 of the Revised Code and is not subject to sections 4511.096 to 4511.0910 and section 4511.912 of the Revised Code.

(3) If a traffic law photo-monitoring device records a traffic law violation and the law enforcement officer who was present at the location of the traffic law photo-monitoring device does not issue a ticket as provided under division (B)(2) of this section, the local authority may only issue a ticket in accordance with sections 4511.096 to 4511.0912 of the Revised Code.

(C) No township constable appointed under section 509.01 of the Revised Code, member of a police force of a township or joint police district created under section 505.48 or 505.482 of the Revised Code, or other representative of a township shall utilize a traffic law photo-monitoring device to detect and enforce traffic law violations on an interstate highway.

Sec. 4511.096. (A) A law enforcement officer employed by a local authority utilizing a traffic law photo-monitoring device shall examine evidence of alleged traffic law violations recorded by the device to determine whether such a violation has occurred. If the image recorded by the traffic law photo-monitoring device shows such a violation, contains the date and time of the violation, and shows the letter and numerals on the license plate of the vehicle involved as well as the state that issued the license plate, the officer may use any lawful means to identify the registered owner.

(B) The fact that a person or entity is the registered owner of a motor vehicle is prima facie evidence that that person or

entity is the person who was operating the vehicle at the time of 6212
the traffic law violation. 6213

(C) Within thirty days of the traffic law violation, the 6214
local authority or its designee may issue and send by regular mail 6215
a ticket charging the registered owner with the violation. The 6216
ticket shall comply with section 4511.097 of the Revised Code. If 6217
the local authority mails a ticket charging the registered owner 6218
with the violation, the local authority shall file a certified 6219
copy of the ticket with the municipal court or county court with 6220
jurisdiction over the civil action. 6221

(D) A certified copy of the ticket alleging a traffic law 6222
violation, sworn to or affirmed by a law enforcement officer 6223
employed by the local authority, including by electronic means, 6224
and the recorded images produced by the traffic law 6225
photo-monitoring device, is prima facie evidence of the facts 6226
contained therein and is admissible in a civil action or 6227
proceeding ~~for review of~~ concerning the ticket issued under this 6228
section. 6229

Sec. 4511.097. (A) A traffic law violation for which a ticket 6230
is issued by a local authority ~~pursuant to division (B)(3) of~~ 6231
~~section 4511.093 of the Revised Code~~ based on evidence recorded by 6232
a traffic law photo-monitoring device is a civil violation. If a 6233
local authority issues a ticket for such a violation, the ticket 6234
shall comply with the requirements of this section and the fine 6235
for such a ticket shall not exceed the amount of the fine that may 6236
be imposed for a substantially equivalent criminal traffic law 6237
violation. 6238

(B) A local authority or its designee shall process such a 6239
ticket for a civil violation and shall send the ticket by ordinary 6240
mail to any registered owner of the motor vehicle that is the 6241
subject of the traffic law violation. The local authority or 6242

designee shall ensure that the ticket contains all of the 6243
following: 6244

- (1) The name and address of the registered owner; 6245
- (2) The letters and numerals appearing on the license plate 6246
issued to the motor vehicle; 6247
- (3) The traffic law violation charged; 6248
- (4) The system location; 6249
- (5) The date and time of the violation; 6250
- (6) A copy of the recorded images; 6251
- (7) The name and badge number of the law enforcement officer 6252
who was present at the system location at the time of the 6253
violation, if applicable; 6254
- (8) The amount of the civil penalty imposed, the date by 6255
which the civil penalty is required to be paid, and the address of 6256
the municipal court or county court with jurisdiction over the 6257
civil action to which the payment is to be sent; 6258
- (9) A statement signed by a law enforcement officer employed 6259
by the local authority indicating that, based on an inspection of 6260
recorded images, the motor vehicle was involved in a traffic law 6261
violation, and a statement indicating that the recorded images are 6262
prima facie evidence of that traffic law violation both of which 6263
may be signed electronically; 6264
- (10) Information advising the person or entity alleged to be 6265
liable of the options prescribed in section 4511.098 of the 6266
Revised Code, specifically to include the time, place, and manner 6267
in which ~~an administrative appeal may be initiated~~ the person or 6268
entity may appear in court to contest the violation and ticket and 6269
the procedure for disclaiming liability by submitting an affidavit 6270
to the municipal court or county court as prescribed in that 6271
section; 6272

(11) A warning that failure to exercise one of the options 6273
prescribed in section 4511.098 of the Revised Code is deemed to be 6274
an admission of liability and waiver of the opportunity to contest 6275
the violation. 6276

(C) A local authority or its designee shall send a ticket not 6277
later than thirty days after the date of the alleged traffic law 6278
violation. 6279

(D) The local authority or its designee may elect to send by 6280
ordinary mail a warning notice in lieu of a ticket under this 6281
section. 6282

Sec. 4511.098. (A) A person or entity who receives a ticket 6283
for a civil violation sent in compliance with section 4511.097 of 6284
the Revised Code shall elect to do one of the following: 6285

(1) In accordance with instructions on the ticket, pay the 6286
civil penalty, thereby ~~failing to contest~~ admitting liability and 6287
waiving the opportunity to contest the violation; 6288

(2)(a) Within thirty days after receipt of the ticket, 6289
provide the ~~law enforcement agency of the local authority~~ 6290
municipal court or county court with jurisdiction over the civil 6291
action with either of the following affidavits: 6292

(i) An affidavit executed by the registered owner stating 6293
that another person was operating the vehicle of the registered 6294
owner at the time of the violation, identifying that person as a 6295
designated party who may be held liable for the violation, and 6296
containing at a minimum the name and address of the designated 6297
party; 6298

(ii) An affidavit executed by the registered owner stating 6299
that at the time of the violation, the motor vehicle or the 6300
license plates issued to the motor vehicle were stolen and 6301
therefore were in the care, custody, or control of some person or 6302

entity to whom the registered owner did not grant permission to 6303
use the motor vehicle. In order to demonstrate that the motor 6304
vehicle or the license plates were stolen prior to the traffic law 6305
violation and therefore were not under the control or possession 6306
of the registered owner at the time of the violation, the 6307
registered owner shall submit proof that a report about the stolen 6308
motor vehicle or license plates was filed with the appropriate law 6309
enforcement agency prior to the violation or within forty-eight 6310
hours after the violation occurred. 6311

(b) A registered owner is not responsible for a traffic law 6312
violation if, within thirty days after the date of mailing of the 6313
ticket, the registered owner furnishes an affidavit specified in 6314
division (A)(2)(a)(i) or (ii) of this section to the ~~local~~ 6315
~~authority~~ court with jurisdiction in a form established by the 6316
~~local authority~~ court and the following conditions are met: 6317

(i) If the registered owner submits an affidavit as specified 6318
in division (A)(2)(a)(i) of this section, the designated party 6319
either accepts liability for the violation by paying the civil 6320
penalty or by failing to request an administrative a court hearing 6321
within thirty days or is determined liable in ~~an administrative a~~ 6322
court hearing; 6323

(ii) If the registered owner submits an affidavit as 6324
specified in division (A)(2)(a)(ii) of this section, the affidavit 6325
is supported by a stolen vehicle or stolen license plate report as 6326
required in that division. 6327

(3) If the registered owner is a motor vehicle leasing dealer 6328
or a motor vehicle renting dealer, notify the ~~law enforcement~~ 6329
~~agency of the local authority~~ court with jurisdiction of the name 6330
and address of the lessee or renter of the motor vehicle at the 6331
time of the traffic law violation. The court shall establish the 6332
form of the notice. A motor vehicle leasing dealer or motor 6333
vehicle renting dealer who receives a ticket for an alleged 6334

traffic law violation detected by a traffic law photo-monitoring 6335
device is not liable for a ticket issued for a motor vehicle that 6336
was in the care, custody, or control of a lessee or renter at the 6337
time of the alleged violation. The dealer shall not pay such a 6338
ticket and subsequently attempt to collect a fee or assess the 6339
lessee or renter a charge for any payment of such a ticket made on 6340
behalf of the lessee or renter. 6341

(4) If the vehicle involved in the traffic law violation is a 6342
commercial motor vehicle and the ticket is issued to a corporate 6343
entity, provide to the ~~law enforcement agency of the local~~ 6344
~~authority~~ court with jurisdiction an affidavit in a form 6345
established by the court, sworn to or affirmed by an agent of the 6346
corporate entity, that provides the name and address of the 6347
employee who was operating the motor vehicle at the time of the 6348
alleged violation and who is the designated party. 6349

(5) Contest the ticket by filing a written request for ~~an~~ 6350
~~administrative~~ a court hearing to review the ticket in a form 6351
established by the court. The person or entity shall file the 6352
written request not later than thirty days after receipt of the 6353
ticket. The failure to request a hearing within this time period 6354
constitutes a waiver of the right to contest the violation and 6355
ticket, and is deemed to constitute an admission of liability and 6356
waiver of the opportunity to contest the violation. 6357

(B) A ~~local authority~~ court with jurisdiction that receives 6358
an affidavit described in division (A)(2)(a)(i) or (A)(4) of this 6359
section or a notification under division (A)(3) of this section 6360
from a registered owner may proceed to notify the local authority 6361
to send a ticket that conforms with division (B) of section 6362
4511.097 of the Revised Code to the designated party. The local 6363
authority shall send the ticket to the designated party by 6364
ordinary mail not later than twenty-one days after receipt of the 6365
~~affidavit or~~ notification. 6366

Sec. 4511.099. (A) Subject to division (B) of this section 6367
and notwithstanding any other provision in the Revised Code to the 6368
contrary, when a certified copy of a ticket issued by a local 6369
authority based on evidence recorded by a traffic law 6370
photo-monitoring device is filed with the municipal court or 6371
county court with jurisdiction over the civil action, the court 6372
shall require the local authority to provide an advance deposit 6373
for the filing of the civil action. The advance deposit shall 6374
consist of all applicable court costs and fees for the civil 6375
action. The court shall retain the advance deposit regardless of 6376
which party prevails in the civil action and shall not charge to 6377
the registered owner or designated party any court costs and fees 6378
for the civil action. 6379

(B) Division (A) of this section does not apply to any civil 6380
action related to a ticket issued by a local authority based on 6381
evidence recorded by a traffic law photo-monitoring device when 6382
the traffic law photo-monitoring device was located in a school 6383
zone. The court shall charge the applicable court costs and fees 6384
for such a civil action to the party that does not prevail in the 6385
action. 6386

As used in this division, "school zone" has the same meaning 6387
as in section 4511.21 of the Revised Code. 6388

Sec. 4511.0910. A traffic law violation for which a civil 6389
penalty is imposed under sections 4511.097 ~~to 4511.099~~ and 6390
4511.098 of the Revised Code is not a moving violation and points 6391
shall not be assessed against a person's driver's license under 6392
section 4510.036 of the Revised Code. In no case shall such a 6393
violation be reported to the bureau of motor vehicles or motor 6394
vehicle registration bureau, department, or office of any other 6395
state, nor shall such a violation be recorded on the driving 6396
record of the owner or operator of the vehicle involved in the 6397

violation. 6398

Sec. 4511.204. (A) No person shall drive a motor vehicle, 6399
trackless trolley, or streetcar on any street, highway, or 6400
property open to the public for vehicular traffic while using a 6401
handheld electronic wireless communications device to write, send, 6402
or read a text-based communication. 6403

(B) Division (A) of this section does not apply to any of the 6404
following: 6405

(1) A person using a handheld electronic wireless 6406
communications device in that manner for emergency purposes, 6407
including an emergency contact with a law enforcement agency, 6408
hospital or health care provider, fire department, or other 6409
similar emergency agency or entity; 6410

(2) A person driving a public safety vehicle who uses a 6411
handheld electronic wireless communications device in that manner 6412
in the course of the person's duties; 6413

(3) A person using a handheld electronic wireless 6414
communications device in that manner whose motor vehicle is in a 6415
stationary position and who is outside a lane of travel; 6416

(4) A person reading, selecting, or entering a name or 6417
telephone number in a handheld electronic wireless communications 6418
device for the purpose of making or receiving a telephone call; 6419

(5) A person receiving wireless messages on a device 6420
regarding the operation or navigation of a motor vehicle; 6421
safety-related information, including emergency, traffic, or 6422
weather alerts; or data used primarily by the motor vehicle; 6423

(6) A person receiving wireless messages via radio waves; 6424

(7) A person using a device for navigation purposes; 6425

(8) A person conducting wireless interpersonal communication 6426

with a device that does not require manually entering letters, 6427
numbers, or symbols or reading text messages, except to activate, 6428
deactivate, or initiate the device or a feature or function of the 6429
device; 6430

(9) A person operating a commercial truck while using a 6431
mobile data terminal that transmits and receives data; 6432

(10) A person using a handheld electronic wireless 6433
communications device in conjunction with a voice-operated or 6434
hands-free device feature or function of the vehicle. 6435

(C)(1) Notwithstanding any provision of law to the contrary, 6436
no law enforcement officer shall cause an operator of an 6437
automobile being operated on any street or highway to stop the 6438
automobile for the sole purpose of determining whether a violation 6439
of division (A) of this section has been or is being committed or 6440
for the sole purpose of issuing a ticket, citation, or summons for 6441
a violation of that nature or causing the arrest of or commencing 6442
a prosecution of a person for a violation of that nature, and no 6443
law enforcement officer shall view the interior or visually 6444
inspect any automobile being operated on any street or highway for 6445
the sole purpose of determining whether a violation of that nature 6446
has been or is being committed. 6447

(2) On January 31 of each year, the department of public 6448
safety shall issue a report to the general assembly that specifies 6449
the number of citations issued for violations of this section 6450
during the previous calendar year. 6451

(D) Whoever violates division (A) of this section is guilty 6452
of a minor misdemeanor. 6453

(E) This section shall not be construed as invalidating, 6454
preempting, or superseding a substantially equivalent municipal 6455
ordinance that prescribes penalties for violations of that 6456
ordinance that are greater than the penalties prescribed in this 6457

section for violations of this section. 6458

(F) A prosecution for a an offense in violation of this 6459
section does not preclude a prosecution for a an offense in 6460
violation of a substantially equivalent municipal ordinance based 6461
on the same conduct. However, ~~if an offender is convicted of or~~ 6462
~~pleads guilty to a violation of this section and is also convicted~~ 6463
~~of or pleads guilty to a violation of a substantially equivalent~~ 6464
~~municipal ordinance based on the same conduct~~, the two offenses 6465
are allied offenses of similar import under section 2941.25 of the 6466
Revised Code. 6467

(G) As used in this section: 6468

(1) "Electronic wireless communications device" includes any 6469
of the following: 6470

(a) A wireless telephone; 6471

(b) A text-messaging device; 6472

(c) A personal digital assistant; 6473

(d) A computer, including a laptop computer and a computer 6474
tablet; 6475

(e) Any other substantially similar wireless device that is 6476
designed or used to communicate text. 6477

(2) "Voice-operated or hands-free device" means a device that 6478
allows the user to vocally compose or send, or to listen to a 6479
text-based communication without the use of either hand except to 6480
activate or deactivate a feature or function. 6481

(3) "Write, send, or read a text-based communication" means 6482
to manually write or send, or read a text-based communication 6483
using an electronic wireless communications device, including 6484
manually writing or sending, or reading communications referred to 6485
as text messages, instant messages, or electronic mail. 6486

Sec. 4511.205. (A) No holder of a temporary instruction 6487
permit who has not attained the age of eighteen years and no 6488
holder of a probationary driver's license shall drive a motor 6489
vehicle on any street, highway, or property used by the public for 6490
purposes of vehicular traffic or parking while using in any manner 6491
an electronic wireless communications device. 6492

(B) Division (A) of this section does not apply to either of 6493
the following: 6494

(1) A person using an electronic wireless communications 6495
device for emergency purposes, including an emergency contact with 6496
a law enforcement agency, hospital or health care provider, fire 6497
department, or other similar emergency agency or entity; 6498

(2) A person using an electronic wireless communications 6499
device whose motor vehicle is in a stationary position and the 6500
motor vehicle is outside a lane of travel; 6501

(3) A person using a navigation device in a voice-operated or 6502
hands-free manner who does not manipulate the device while 6503
driving. 6504

(C)(1) Except as provided in division (C)(2) of this section, 6505
whoever violates division (A) of this section shall be fined one 6506
hundred fifty dollars. In addition, the court shall impose a class 6507
seven suspension of the offender's driver's license or permit for 6508
a definite period of sixty days. 6509

(2) If the person previously has been adjudicated a 6510
delinquent child or a juvenile traffic offender for a violation of 6511
this section, whoever violates this section shall be fined three 6512
hundred dollars. In addition, the court shall impose a class seven 6513
suspension of the person's driver's license or permit for a 6514
definite period of one year. 6515

(D) The filing of a sworn complaint against a person for a 6516

juvenile offense in violation of this section does not preclude 6517
the filing of a sworn complaint for a juvenile offense in 6518
violation of a substantially equivalent municipal ordinance for 6519
the same conduct. However, ~~if a person is adjudicated a delinquent~~ 6520
~~child or a juvenile traffic offender for a violation of this~~ 6521
~~section and is also adjudicated a delinquent child or a juvenile~~ 6522
~~traffic offender for a violation of a substantially equivalent~~ 6523
~~municipal ordinance for the same conduct,~~ the two offenses are 6524
allied offenses of similar import under section 2941.25 of the 6525
Revised Code. 6526

(E) As used in this section, "electronic wireless 6527
communications device" includes any of the following: 6528

(1) A wireless telephone; 6529

(2) A personal digital assistant; 6530

(3) A computer, including a laptop computer and a computer 6531
tablet; 6532

(4) A text-messaging device; 6533

(5) Any other substantially similar electronic wireless 6534
device that is designed or used to communicate via voice, image, 6535
or written word. 6536

Sec. 4511.21. (A) No person shall operate a motor vehicle, 6537
trackless trolley, or streetcar at a speed greater or less than is 6538
reasonable or proper, having due regard to the traffic, surface, 6539
and width of the street or highway and any other conditions, and 6540
no person shall drive any motor vehicle, trackless trolley, or 6541
streetcar in and upon any street or highway at a greater speed 6542
than will permit the person to bring it to a stop within the 6543
assured clear distance ahead. 6544

(B) It is prima-facie lawful, in the absence of a lower limit 6545
declared or established pursuant to this section by the director 6546

of transportation or local authorities, for the operator of a 6547
motor vehicle, trackless trolley, or streetcar to operate the same 6548
at a speed not exceeding the following: 6549

(1)(a) Twenty miles per hour in school zones during school 6550
recess and while children are going to or leaving school during 6551
the opening or closing hours, and when twenty miles per hour 6552
school speed limit signs are erected; except that, on 6553
controlled-access highways and expressways, if the right-of-way 6554
line fence has been erected without pedestrian opening, the speed 6555
shall be governed by division (B)(4) of this section and on 6556
freeways, if the right-of-way line fence has been erected without 6557
pedestrian opening, the speed shall be governed by divisions 6558
(B)(10) and (11) of this section. The end of every school zone may 6559
be marked by a sign indicating the end of the zone. Nothing in 6560
this section or in the manual and specifications for a uniform 6561
system of traffic control devices shall be construed to require 6562
school zones to be indicated by signs equipped with flashing or 6563
other lights, or giving other special notice of the hours in which 6564
the school zone speed limit is in effect. 6565

(b) As used in this section and in section 4511.212 of the 6566
Revised Code, "school" means any school chartered under section 6567
3301.16 of the Revised Code and any nonchartered school that 6568
during the preceding year filed with the department of education 6569
in compliance with rule 3301-35-08 of the Ohio Administrative 6570
Code, a copy of the school's report for the parents of the 6571
school's pupils certifying that the school meets Ohio minimum 6572
standards for nonchartered, nontax-supported schools and presents 6573
evidence of this filing to the jurisdiction from which it is 6574
requesting the establishment of a school zone. "School" also 6575
includes a special elementary school that in writing requests the 6576
county engineer of the county in which the special elementary 6577
school is located to create a school zone at the location of that 6578

school. Upon receipt of such a written request, the county 6579
engineer shall create a school zone at that location by erecting 6580
the appropriate signs. 6581

(c) As used in this section, "school zone" means that portion 6582
of a street or highway passing a school fronting upon the street 6583
or highway that is encompassed by projecting the school property 6584
lines to the fronting street or highway, and also includes that 6585
portion of a state highway. Upon request from local authorities 6586
for streets and highways under their jurisdiction and that portion 6587
of a state highway under the jurisdiction of the director of 6588
transportation or a request from a county engineer in the case of 6589
a school zone for a special elementary school, the director may 6590
extend the traditional school zone boundaries. The distances in 6591
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 6592
exceed three hundred feet per approach per direction and are 6593
bounded by whichever of the following distances or combinations 6594
thereof the director approves as most appropriate: 6595

(i) The distance encompassed by projecting the school 6596
building lines normal to the fronting highway and extending a 6597
distance of three hundred feet on each approach direction; 6598

(ii) The distance encompassed by projecting the school 6599
property lines intersecting the fronting highway and extending a 6600
distance of three hundred feet on each approach direction; 6601

(iii) The distance encompassed by the special marking of the 6602
pavement for a principal school pupil crosswalk plus a distance of 6603
three hundred feet on each approach direction of the highway. 6604

Nothing in this section shall be construed to invalidate the 6605
director's initial action on August 9, 1976, establishing all 6606
school zones at the traditional school zone boundaries defined by 6607
projecting school property lines, except when those boundaries are 6608
extended as provided in divisions (B)(1)(a) and (c) of this 6609

section. 6610

(d) As used in this division, "crosswalk" has the meaning 6611
given that term in division (LL)(2) of section 4511.01 of the 6612
Revised Code. 6613

The director may, upon request by resolution of the 6614
legislative authority of a municipal corporation, the board of 6615
trustees of a township, or a county board of developmental 6616
disabilities created pursuant to Chapter 5126. of the Revised 6617
Code, and upon submission by the municipal corporation, township, 6618
or county board of such engineering, traffic, and other 6619
information as the director considers necessary, designate a 6620
school zone on any portion of a state route lying within the 6621
municipal corporation, lying within the unincorporated territory 6622
of the township, or lying adjacent to the property of a school 6623
that is operated by such county board, that includes a crosswalk 6624
customarily used by children going to or leaving a school during 6625
recess and opening and closing hours, whenever the distance, as 6626
measured in a straight line, from the school property line nearest 6627
the crosswalk to the nearest point of the crosswalk is no more 6628
than one thousand three hundred twenty feet. Such a school zone 6629
shall include the distance encompassed by the crosswalk and 6630
extending three hundred feet on each approach direction of the 6631
state route. 6632

(e) As used in this section, "special elementary school" 6633
means a school that meets all of the following criteria: 6634

(i) It is not chartered and does not receive tax revenue from 6635
any source. 6636

(ii) It does not educate children beyond the eighth grade. 6637

(iii) It is located outside the limits of a municipal 6638
corporation. 6639

(iv) A majority of the total number of students enrolled at 6640

the school are not related by blood. 6641

(v) The principal or other person in charge of the special 6642
elementary school annually sends a report to the superintendent of 6643
the school district in which the special elementary school is 6644
located indicating the total number of students enrolled at the 6645
school, but otherwise the principal or other person in charge does 6646
not report any other information or data to the superintendent. 6647

(2) Twenty-five miles per hour in all other portions of a 6648
municipal corporation, except on state routes outside business 6649
districts, through highways outside business districts, and 6650
alleys; 6651

(3) Thirty-five miles per hour on all state routes or through 6652
highways within municipal corporations outside business districts, 6653
except as provided in divisions (B)(4) and (6) of this section; 6654

(4) Fifty miles per hour on controlled-access highways and 6655
expressways within municipal corporations, except as provided in 6656
divisions (B)(12), (13), (14), (15), and (16) of this section; 6657

(5) Fifty-five miles per hour on highways outside municipal 6658
corporations, other than highways within island jurisdictions as 6659
provided in division (B)(8) of this section, highways as provided 6660
in divisions (B)(9) and (10) of this section, and highways, 6661
expressways, and freeways as provided in divisions (B)(12), (13), 6662
(14), ~~(15)~~, and ~~(17)~~(16) of this section; 6663

(6) Fifty miles per hour on state routes within municipal 6664
corporations outside urban districts unless a lower prima-facie 6665
speed is established as further provided in this section; 6666

(7) Fifteen miles per hour on all alleys within the municipal 6667
corporation; 6668

(8) Thirty-five miles per hour on highways outside municipal 6669
corporations that are within an island jurisdiction; 6670

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section;

(11) Fifty-five miles per hour ~~at all times~~ on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(15)~~(14) and ~~(17)~~(16) of this section;

~~(12) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(15) and (17) of this section;~~

~~(13)~~ Sixty miles per hour ~~for operators of any motor vehicle at all times~~ on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (14) of this section;

~~(14)~~(13) Sixty-five miles per hour ~~for operators of any motor vehicle at all times~~ on all rural expressways without traffic control signals;

~~(15)~~(14) Seventy miles per hour ~~for operators of any motor vehicle at all times~~ on all rural freeways;

~~(16)~~(15) Fifty-five miles per hour ~~for operators of any motor vehicle at all times~~ on all portions of freeways or expressways in congested areas as determined by the director ~~and that are part of the interstate system~~ and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)(16) of this section;

~~(17)~~(16) Sixty-five miles per hour ~~for operators of any motor vehicle at all times~~ on all portions of freeways or expressways

~~without traffic control signals in urban urbanized areas as~~ 6701
~~determined by the director and that are part of the interstate~~ 6702
~~system and are part of an interstate freeway outerbelt.~~ 6703

(C) It is prima-facie unlawful for any person to exceed any 6704
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 6705
(6), (7), (8), and (9) of this section, or any declared or 6706
established pursuant to this section by the director or local 6707
authorities and it is unlawful for any person to exceed any of the 6708
speed limitations in division (D) of this section. No person shall 6709
be convicted of more than one violation of this section for the 6710
same conduct, although violations of more than one provision of 6711
this section may be charged in the alternative in a single 6712
affidavit. 6713

(D) No person shall operate a motor vehicle, trackless 6714
trolley, or streetcar upon a street or highway as follows: 6715

(1) At a speed exceeding fifty-five miles per hour, except 6716
upon a two-lane state route as provided in division (B)(10) of 6717
this section and upon a highway, expressway, or freeway as 6718
provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of 6719
this section; 6720

(2) At a speed exceeding sixty miles per hour upon a two-lane 6721
state route as provided in division (B)(10) of this section and 6722
upon a highway as provided in division (B)~~(13)~~(12) of this 6723
section; 6724

(3) At a speed exceeding sixty-five miles per hour upon an 6725
expressway as provided in division (B)~~(14)~~(13) or upon a freeway 6726
as provided in division (B)~~(17)~~(16) of this section, except upon a 6727
freeway as provided in division (B)~~(15)~~(14) of this section; 6728

(4) At a speed exceeding seventy miles per hour upon a 6729
freeway as provided in division (B)~~(15)~~(14) of this section; 6730

(5) At a speed exceeding the posted speed limit upon a 6731

highway, expressway, or freeway for which the director has 6732
determined and declared a speed limit pursuant to division (I)(2) 6733
or (L)(2) of this section. 6734

(E) In every charge of violation of this section the 6735
affidavit and warrant shall specify the time, place, and speed at 6736
which the defendant is alleged to have driven, and in charges made 6737
in reliance upon division (C) of this section also the speed which 6738
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 6739
limit declared or established pursuant to, this section declares 6740
is prima-facie lawful at the time and place of such alleged 6741
violation, except that in affidavits where a person is alleged to 6742
have driven at a greater speed than will permit the person to 6743
bring the vehicle to a stop within the assured clear distance 6744
ahead the affidavit and warrant need not specify the speed at 6745
which the defendant is alleged to have driven. 6746

(F) When a speed in excess of both a prima-facie limitation 6747
and a limitation in division (D) of this section is alleged, the 6748
defendant shall be charged in a single affidavit, alleging a 6749
single act, with a violation indicated of both division (B)(1)(a), 6750
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 6751
limit declared or established pursuant to this section by the 6752
director or local authorities, and of the limitation in division 6753
(D) of this section. If the court finds a violation of division 6754
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 6755
declared or established pursuant to, this section has occurred, it 6756
shall enter a judgment of conviction under such division and 6757
dismiss the charge under division (D) of this section. If it finds 6758
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 6759
or (9) of, or a limit declared or established pursuant to, this 6760
section, it shall then consider whether the evidence supports a 6761
conviction under division (D) of this section. 6762

(G) Points shall be assessed for violation of a limitation 6763

under division (D) of this section in accordance with section 6764
4510.036 of the Revised Code. 6765

(H)(1) Whenever the director determines upon the basis of a 6766
~~geometric and traffic characteristic~~ criteria established by an 6767
engineering study, as defined by the director, that any speed 6768
limit set forth in divisions (B)(1)(a) to (D) of this section is 6769
greater or less than is reasonable or safe under the conditions 6770
found to exist at any portion of a street or highway under the 6771
jurisdiction of the director, the director shall determine and 6772
declare a reasonable and safe prima-facie speed limit or variable 6773
speed limit for the location, which shall be effective when 6774
appropriate signs giving notice of it are erected at the location. 6775

(2) Whenever the director determines upon the basis of a 6776
~~geometric and traffic characteristic~~ criteria established by an 6777
engineering study, as defined by the director, that the speed 6778
limit of fifty-five miles per hour on a two-lane state route 6779
outside a municipal corporation is less than is reasonable or safe 6780
under the conditions found to exist at that portion of the state 6781
route, the director may determine and declare a speed limit of 6782
sixty miles per hour for that portion of the state route, which 6783
shall be effective when appropriate signs giving notice of it are 6784
erected at the location. 6785

(3)(a) For purposes of the safe and orderly movement of 6786
traffic upon any portion of a street or highway under the 6787
jurisdiction of the director, the director may establish a 6788
variable speed limit that is different than the speed limit 6789
established by or under this section on all or portions of 6790
interstate six hundred seventy, interstate two hundred 6791
seventy-five, and interstate ninety commencing at the intersection 6792
of that interstate with interstate seventy-one and continuing to 6793
the border of the state of Ohio with the state of Pennsylvania. 6794
The director shall establish criteria for determining the 6795

appropriate use of variable speed limits and shall establish 6796
variable speed limits in accordance with the criteria. The 6797
director may establish variable speed limits based upon the time 6798
of day, weather conditions, traffic incidents, or other factors 6799
that affect the safe speed on a street or highway. The director 6800
shall not establish a variable speed limit that is based on a 6801
particular type or class of vehicle. A variable speed limit 6802
established by the director under this section is effective when 6803
appropriate signs giving notice of the speed limit are displayed 6804
at the location. 6805

(b) Except for variable speed limits established under 6806
division (H)(3)(a) of this section, the director shall establish a 6807
variable speed limit under the authority granted to the director 6808
by this section only pursuant to criteria established in rules 6809
adopted in accordance with Chapter 119. of the Revised Code. The 6810
rules shall be based on the criteria described in division 6811
(H)(3)(a) of this section. The rules also shall establish the 6812
parameters of any engineering study necessary for determining when 6813
variable speed limits are appropriate. 6814

(4) Nothing in this section shall be construed to limit the 6815
authority of the director to establish speed limits within a 6816
construction zone as authorized under section 4511.98 of the 6817
Revised Code. 6818

(I)(1) Except as provided in divisions (I)(2) ~~and~~, (J), (K), 6819
~~and~~ (N) of this section, whenever local authorities determine upon 6820
the basis of criteria established by an engineering ~~and traffic~~ 6821
investigation study, as defined by the director, that the speed 6822
permitted by divisions (B)(1)(a) to (D) of this section, on any 6823
part of a highway under their jurisdiction, is greater than is 6824
reasonable and safe under the conditions found to exist at such 6825
location, the local authorities may by resolution request the 6826
director to determine and declare a reasonable and safe 6827

prima-facie speed limit or variable speed limit for the location. 6828
Upon receipt of such request the director may determine and 6829
declare a reasonable and safe prima-facie speed limit or variable 6830
speed limit at such location, and if the director does so, then 6831
such declared speed limit shall become effective only when 6832
appropriate signs giving notice thereof are erected at such 6833
location by the local authorities. The director may withdraw the 6834
declaration of a prima-facie speed limit or variable speed limit 6835
whenever in the director's opinion the altered prima-facie speed 6836
limit or variable speed limit becomes unreasonable. Upon such 6837
withdrawal, the declared prima-facie speed limit or variable speed 6838
limit shall become ineffective and the signs relating thereto 6839
shall be immediately removed by the local authorities. 6840

(2) A local authority may determine on the basis of a 6841
~~geometric and traffic characteristic~~ criteria established by an 6842
engineering study, as defined by the director, that the speed 6843
limit of sixty-five or seventy miles per hour on a portion of a 6844
freeway under its jurisdiction ~~that was established through the~~ 6845
~~operation of division (L)(3) of this section~~ is greater than is 6846
reasonable or safe under the conditions found to exist at that 6847
portion of the freeway. If the local authority makes such a 6848
determination, the local authority by resolution may request the 6849
director to determine and declare a reasonable and safe speed 6850
limit of not less than fifty-five miles per hour for that portion 6851
of the freeway. If the director takes such action, the declared 6852
speed limit becomes effective only when appropriate signs giving 6853
notice of it are erected at such location by the local authority. 6854

(J) Local authorities in their respective jurisdictions may 6855
authorize by ordinance higher prima-facie speeds than those stated 6856
in this section upon through highways, or upon highways or 6857
portions thereof where there are no intersections, or between 6858
widely spaced intersections, provided signs are erected giving 6859

notice of the authorized speed, but local authorities shall not 6860
modify or alter the basic rule set forth in division (A) of this 6861
section or in any event authorize by ordinance a speed in excess 6862
of ~~fifty miles per hour~~ the maximum speed permitted by division 6863
(D) of this section for the specified type of highway. 6864

Alteration of prima-facie limits on state routes by local 6865
authorities shall not be effective until the alteration has been 6866
approved by the director. The director may withdraw approval of 6867
any altered prima-facie speed limits whenever in the director's 6868
opinion any altered prima-facie speed becomes unreasonable, and 6869
upon such withdrawal, the altered prima-facie speed shall become 6870
ineffective and the signs relating thereto shall be immediately 6871
removed by the local authorities. 6872

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6873
section, "unimproved highway" means a highway consisting of any of 6874
the following: 6875

(a) Unimproved earth; 6876

(b) Unimproved graded and drained earth; 6877

(c) Gravel. 6878

(2) Except as otherwise provided in divisions (K)(4) and (5) 6879
of this section, whenever a board of township trustees determines 6880
upon the basis of criteria established by an engineering and 6881
traffic investigation study, as defined by the director, that the 6882
speed permitted by division (B)(5) of this section on any part of 6883
an unimproved highway under its jurisdiction and in the 6884
unincorporated territory of the township is greater than is 6885
reasonable or safe under the conditions found to exist at the 6886
location, the board may by resolution declare a reasonable and 6887
safe prima-facie speed limit of fifty-five but not less than 6888
twenty-five miles per hour. An altered speed limit adopted by a 6889
board of township trustees under this division becomes effective 6890

when appropriate traffic control devices, as prescribed in section 6891
4511.11 of the Revised Code, giving notice thereof are erected at 6892
the location, which shall be no sooner than sixty days after 6893
adoption of the resolution. 6894

(3)(a) Whenever, in the opinion of a board of township 6895
trustees, any altered prima-facie speed limit established by the 6896
board under this division becomes unreasonable, the board may 6897
adopt a resolution withdrawing the altered prima-facie speed 6898
limit. Upon the adoption of such a resolution, the altered 6899
prima-facie speed limit becomes ineffective and the traffic 6900
control devices relating thereto shall be immediately removed. 6901

(b) Whenever a highway ceases to be an unimproved highway and 6902
the board has adopted an altered prima-facie speed limit pursuant 6903
to division (K)(2) of this section, the board shall, by 6904
resolution, withdraw the altered prima-facie speed limit as soon 6905
as the highway ceases to be unimproved. Upon the adoption of such 6906
a resolution, the altered prima-facie speed limit becomes 6907
ineffective and the traffic control devices relating thereto shall 6908
be immediately removed. 6909

(4)(a) If the boundary of two townships rests on the 6910
centerline of an unimproved highway in unincorporated territory 6911
and both townships have jurisdiction over the highway, neither of 6912
the boards of township trustees of such townships may declare an 6913
altered prima-facie speed limit pursuant to division (K)(2) of 6914
this section on the part of the highway under their joint 6915
jurisdiction unless the boards of township trustees of both of the 6916
townships determine, upon the basis of criteria established by an 6917
engineering and traffic investigation study, as defined by the 6918
director, that the speed permitted by division (B)(5) of this 6919
section is greater than is reasonable or safe under the conditions 6920
found to exist at the location and both boards agree upon a 6921
reasonable and safe prima-facie speed limit of less than 6922

fifty-five but not less than twenty-five miles per hour for that 6923
location. If both boards so agree, each shall follow the procedure 6924
specified in division (K)(2) of this section for altering the 6925
prima-facie speed limit on the highway. Except as otherwise 6926
provided in division (K)(4)(b) of this section, no speed limit 6927
altered pursuant to division (K)(4)(a) of this section may be 6928
withdrawn unless the boards of township trustees of both townships 6929
determine that the altered prima-facie speed limit previously 6930
adopted becomes unreasonable and each board adopts a resolution 6931
withdrawing the altered prima-facie speed limit pursuant to the 6932
procedure specified in division (K)(3)(a) of this section. 6933

(b) Whenever a highway described in division (K)(4)(a) of 6934
this section ceases to be an unimproved highway and two boards of 6935
township trustees have adopted an altered prima-facie speed limit 6936
pursuant to division (K)(4)(a) of this section, both boards shall, 6937
by resolution, withdraw the altered prima-facie speed limit as 6938
soon as the highway ceases to be unimproved. Upon the adoption of 6939
the resolution, the altered prima-facie speed limit becomes 6940
ineffective and the traffic control devices relating thereto shall 6941
be immediately removed. 6942

(5) As used in division (K)(5) of this section: 6943

(a) "Commercial subdivision" means any platted territory 6944
outside the limits of a municipal corporation and fronting a 6945
highway where, for a distance of three hundred feet or more, the 6946
frontage is improved with buildings in use for commercial 6947
purposes, or where the entire length of the highway is less than 6948
three hundred feet long and the frontage is improved with 6949
buildings in use for commercial purposes. 6950

(b) "Residential subdivision" means any platted territory 6951
outside the limits of a municipal corporation and fronting a 6952
highway, where, for a distance of three hundred feet or more, the 6953
frontage is improved with residences or residences and buildings 6954

in use for business, or where the entire length of the highway is 6955
less than three hundred feet long and the frontage is improved 6956
with residences or residences and buildings in use for business. 6957

Whenever a board of township trustees finds upon the basis of 6958
criteria established by an engineering and traffic investigation 6959
study, as defined by the director, that the prima-facie speed 6960
permitted by division (B)(5) of this section on any part of a 6961
highway under its jurisdiction that is located in a commercial or 6962
residential subdivision, except on highways or portions thereof at 6963
the entrances to which vehicular traffic from the majority of 6964
intersecting highways is required to yield the right-of-way to 6965
vehicles on such highways in obedience to stop or yield signs or 6966
traffic control signals, is greater than is reasonable and safe 6967
under the conditions found to exist at the location, the board may 6968
by resolution declare a reasonable and safe prima-facie speed 6969
limit of less than fifty-five but not less than twenty-five miles 6970
per hour at the location. An altered speed limit adopted by a 6971
board of township trustees under this division shall become 6972
effective when appropriate signs giving notice thereof are erected 6973
at the location by the township. Whenever, in the opinion of a 6974
board of township trustees, any altered prima-facie speed limit 6975
established by it under this division becomes unreasonable, it may 6976
adopt a resolution withdrawing the altered prima-facie speed, and 6977
upon such withdrawal, the altered prima-facie speed shall become 6978
ineffective, and the signs relating thereto shall be immediately 6979
removed by the township. 6980

(L)(1) ~~On September 29, 2013, the~~ The director of 6981
transportation, based upon an engineering study, as defined by the 6982
director, of a highway, expressway, or freeway described in 6983
division (B)(12), (13), (14), (15), or (16), ~~or (17)~~ of this 6984
section, in consultation with the director of public safety and, 6985
if applicable, the local authority having jurisdiction over the 6986

studied highway, expressway, or freeway, may determine and declare 6987
that the speed limit established on such highway, expressway, or 6988
freeway under division (B)~~(12)~~, (13), (14), (15), or (16), ~~or (17)~~ 6989
of this section either is reasonable and safe or is more or less 6990
than that which is reasonable and safe. 6991

(2) If the established speed limit for a highway, expressway, 6992
or freeway studied pursuant to division (L)(1) of this section is 6993
determined to be more or less than that which is reasonable and 6994
safe, the director of transportation, in consultation with the 6995
director of public safety and, if applicable, the local authority 6996
having jurisdiction over the studied highway, expressway, or 6997
freeway, shall determine and declare a reasonable and safe speed 6998
limit for that highway, expressway, or freeway. 6999

(M)(1)(a) If the boundary of two local authorities rests on 7000
the centerline of a highway and both authorities have jurisdiction 7001
over the highway, the speed limit for the part of the highway 7002
within their joint jurisdiction shall be either one of the 7003
following as agreed to by both authorities: 7004

(i) Either prima-facie speed limit permitted by division (B) 7005
of this section; 7006

(ii) An altered speed limit determined and posted in 7007
accordance with this section. 7008

(b) If the local authorities are unable to reach an 7009
agreement, the speed limit shall remain as established and posted 7010
under this section. 7011

(2) Neither local authority may declare an altered 7012
prima-facie speed limit pursuant to this section on the part of 7013
the highway under their joint jurisdiction unless both of the 7014
local authorities determine, upon the basis of criteria 7015
established by an engineering and traffic investigation study, as 7016
defined by the director, that the speed permitted by this section 7017

is greater than is reasonable or safe under the conditions found 7018
to exist at the location and both authorities agree upon a uniform 7019
reasonable and safe prima-facie speed limit of less than 7020
fifty-five but not less than twenty-five miles per hour for that 7021
location. If both authorities so agree, each shall follow the 7022
procedure specified in this section for altering the prima-facie 7023
speed limit on the highway, and the speed limit for the part of 7024
the highway within their joint jurisdiction shall be uniformly 7025
altered. No altered speed limit may be withdrawn unless both local 7026
authorities determine that the altered prima-facie speed limit 7027
previously adopted becomes unreasonable and each adopts a 7028
resolution withdrawing the altered prima-facie speed limit 7029
pursuant to the procedure specified in this section. 7030

(N) The legislative authority of a municipal corporation or 7031
township in which a boarding school is located, by resolution or 7032
ordinance, may establish a boarding school zone. The legislative 7033
authority may alter the speed limit on any street or highway 7034
within the boarding school zone and shall specify the hours during 7035
which the altered speed limit is in effect. For purposes of 7036
determining the boundaries of the boarding school zone, the 7037
altered speed limit within the boarding school zone, and the hours 7038
the altered speed limit is in effect, the legislative authority 7039
shall consult with the administration of the boarding school and 7040
with the county engineer or other appropriate engineer, as 7041
applicable. A boarding school zone speed limit becomes effective 7042
only when appropriate signs giving notice thereof are erected at 7043
the appropriate locations. 7044

(O) As used in this section: 7045

(1) "Interstate system" has the same meaning as in 23 7046
U.S.C.A. 101. 7047

(2) "Commercial bus" means a motor vehicle designed for 7048
carrying more than nine passengers and used for the transportation 7049

of persons for compensation. 7050

(3) "Noncommercial bus" includes but is not limited to a 7051
school bus or a motor vehicle operated solely for the 7052
transportation of persons associated with a charitable or 7053
nonprofit organization. 7054

(4) "Outerbelt" means a portion of a freeway that is part of 7055
the interstate system and is located in the outer vicinity of a 7056
major municipal corporation or group of municipal corporations, as 7057
designated by the director. 7058

(5) "Rural" means an area outside urbanized areas, ~~as~~ 7059
~~designated in accordance with 23 U.S.C. 101,~~ and outside of a 7060
business or urban district, and areas that extend within urbanized 7061
areas where the roadway characteristics remain mostly unchanged 7062
from those outside the urbanized areas. 7063

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 7064
101. 7065

(7) "Divided" means a roadway having two or more travel lanes 7066
for vehicles moving in opposite directions and that is separated 7067
by a median of more than four feet, excluding turn lanes. 7068

(P)(1) A violation of any provision of this section is one of 7069
the following: 7070

(a) Except as otherwise provided in divisions (P)(1)(b), 7071
(1)(c), (2), and (3) of this section, a minor misdemeanor; 7072

(b) If, within one year of the offense, the offender 7073
previously has been convicted of or pleaded guilty to two 7074
violations of any provision of this section or of any provision of 7075
a municipal ordinance that is substantially similar to any 7076
provision of this section, a misdemeanor of the fourth degree; 7077

(c) If, within one year of the offense, the offender 7078
previously has been convicted of or pleaded guilty to three or 7079

more violations of any provision of this section or of any 7080
provision of a municipal ordinance that is substantially similar 7081
to any provision of this section, a misdemeanor of the third 7082
degree. 7083

(2) If the offender has not previously been convicted of or 7084
pleaded guilty to a violation of any provision of this section or 7085
of any provision of a municipal ordinance that is substantially 7086
similar to this section and operated a motor vehicle faster than 7087
thirty-five miles an hour in a business district of a municipal 7088
corporation, faster than fifty miles an hour in other portions of 7089
a municipal corporation, or faster than thirty-five miles an hour 7090
in a school zone during recess or while children are going to or 7091
leaving school during the school's opening or closing hours, a 7092
misdemeanor of the fourth degree. 7093

(3) Notwithstanding division (P)(1) of this section, if the 7094
offender operated a motor vehicle in a construction zone where a 7095
sign was then posted in accordance with section 4511.98 of the 7096
Revised Code, the court, in addition to all other penalties 7097
provided by law, shall impose upon the offender a fine of two 7098
times the usual amount imposed for the violation. No court shall 7099
impose a fine of two times the usual amount imposed for the 7100
violation upon an offender if the offender alleges, in an 7101
affidavit filed with the court prior to the offender's sentencing, 7102
that the offender is indigent and is unable to pay the fine 7103
imposed pursuant to this division and if the court determines that 7104
the offender is an indigent person and unable to pay the fine. 7105

(4) If the offender commits the offense while distracted and 7106
the distracting activity is a contributing factor to the 7107
commission of the offense, the offender is subject to the 7108
additional fine established under section 4511.991 of the Revised 7109
Code. 7110

Sec. 4511.514. (A)(1) A low-speed electric scooter may be 7111
operated on the public streets, highways, sidewalks, and paths, 7112
and may be operated on any portions of roadways set aside for the 7113
exclusive use of bicycles in accordance with this section. 7114

(2) Except as otherwise provided in this section, those 7115
sections of this chapter that by their nature could apply to a 7116
low-speed electric scooter do apply to the scooter and the person 7117
operating it whenever it is operated upon any public street, 7118
highway, sidewalk, or path, or upon any portion of a roadway set 7119
aside for the exclusive use of bicycles. 7120

(B) No operator of a low-speed electric scooter shall do any 7121
of the following: 7122

(1) Fail to yield the right-of-way to all pedestrians at all 7123
times; 7124

(2) Fail to give an audible signal before overtaking or 7125
passing a pedestrian; 7126

(3) Operate the device at night unless the device or its 7127
operator is equipped with or wearing both of the following: 7128

(a) A lamp pointing to the front that emits a white light 7129
visible from a distance of not less than five hundred feet; 7130

(b) A red reflector facing the rear that is visible from all 7131
distances from one hundred feet to six hundred feet when directly 7132
in front of lawful lower beams of head lamps on a motor vehicle. 7133

(C) No person who is under sixteen years of age shall operate 7134
a low-speed electric scooter. 7135

(D) No person shall operate a low-speed electric scooter at a 7136
speed greater than fifteen miles per hour. 7137

(E)(1) Except as otherwise provided in this division, whoever 7138
violates this section is guilty of a minor misdemeanor. If, within 7139

one year of the offense, the offender previously has been 7140
convicted of or pleaded guilty to one predicate motor vehicle or 7141
traffic offense, whoever violates this section is guilty of a 7142
misdemeanor of the fourth degree. If, within one year of the 7143
offense, the offender previously has been convicted of two or more 7144
predicate motor vehicle or traffic offenses, whoever violates this 7145
section is guilty of a misdemeanor of the third degree. 7146

(2) The offense established under this section is a strict 7147
liability offense and section 2901.20 of the Revised Code does not 7148
apply. The designation of this offense as a strict liability 7149
offense shall not be construed to imply that any other offense, 7150
for which there is no specified degree of culpability, is not a 7151
strict liability offense. 7152

Sec. 4511.54. (A) No person riding upon any bicycle, electric 7153
bicycle, coaster, roller skates, sled, skateboard, or toy vehicle 7154
shall attach the same or self to any streetcar, trackless trolley, 7155
or vehicle upon a roadway. 7156

No operator shall knowingly permit any person riding upon any 7157
bicycle, electric bicycle, coaster, roller skates, sled, 7158
skateboard, or toy vehicle to attach the same or self to any 7159
streetcar, trackless trolley, or vehicle while it is moving upon a 7160
roadway. 7161

This section does not apply to the towing of a disabled 7162
vehicle. 7163

(B) Except as otherwise provided in this division, whoever 7164
violates this section is guilty of a minor misdemeanor. If, within 7165
one year of the offense, the offender previously has been 7166
convicted of or pleaded guilty to one predicate motor vehicle or 7167
traffic offense, whoever violates this section is guilty of a 7168
misdemeanor of the fourth degree. If, within one year of the 7169
offense, the offender previously has been convicted of two or more 7170

predicate motor vehicle or traffic offenses, whoever violates this 7171
section is guilty of a misdemeanor of the third degree. 7172

If the offender commits the offense while distracted and the 7173
distracting activity is a contributing factor to the commission of 7174
the offense, the offender is subject to the additional fine 7175
established under section 4511.991 of the Revised Code. 7176

Sec. 4511.68. (A) No person shall stand or park a trackless 7177
trolley or vehicle, except when necessary to avoid conflict with 7178
other traffic or to comply with sections 4511.01 to 4511.78, 7179
4511.99, and 4513.01 to 4513.37 of the Revised Code, or while 7180
obeying the directions of a police officer or a traffic control 7181
device, in any of the following places: 7182

(1) On a sidewalk, except as provided in division (B) of this 7183
section; 7184

(2) In front of a public or private driveway; 7185

(3) Within an intersection; 7186

(4) Within ten feet of a fire hydrant; 7187

(5) On a crosswalk; 7188

(6) Within twenty feet of a crosswalk at an intersection; 7189

(7) Within thirty feet of, and upon the approach to, any 7190
flashing beacon, stop sign, or traffic control device; 7191

(8) Between a safety zone and the adjacent curb or within 7192
thirty feet of points on the curb immediately opposite the ends of 7193
a safety zone, unless a different length is indicated by a traffic 7194
control device; 7195

(9) Within fifty feet of the nearest rail of a railroad 7196
crossing; 7197

(10) Within twenty feet of a driveway entrance to any fire 7198
station and, on the side of the street opposite the entrance to 7199

any fire station, within seventy-five feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway, or thruway.

(B) A person ~~shall be~~ is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty cubic centimeters, a low-speed electric scooter, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed electric scooter, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of section 4511.711 of the Revised Code.

(C) Except as otherwise provided in this division, whoever violates division (A) 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. 7230

Sec. 4511.84. (A) ~~No person shall operate a motor vehicle~~ 7231
~~while wearing earphones over, or earplugs in, both ears.~~ As used 7232
in this section, "earphones": 7233

(1) "Earphones" means any headset, radio, tape player, or 7234
other similar device that covers all or a portion of both ears and 7235
that does either of the following: 7236

(a) Through either a physical connection to another device or 7237
a wireless connection, provides the listener with radio programs, 7238
music, or other ~~recorded~~ information ~~through a device attached to~~ 7239
~~the head and that covers all or a portion of both ears;~~ 7240

(b) Provides hearing protection. "Earphones" 7241

"Earphones" does not include speakers or other listening 7242
devices that are built into protective headgear. 7243

(2) "Earplugs" means any device that can be inserted into one 7244
or both ears and that does either of the following: 7245

(a) Through either a physical connection to another device or 7246
a wireless connection, provides the listener with radio programs, 7247
music, or other information; 7248

(b) Provides hearing protection. 7249

(B) No person shall operate a motor vehicle while wearing 7250
earphones over, or earplugs in, both ears. 7251

(C) This section does not apply to: 7252

(1) Any person wearing a hearing aid; 7253

(2) Law enforcement personnel while on duty; 7254

(3) Fire department personnel and emergency medical service 7255
personnel while on duty; 7256

(4) Any person engaged in the operation of equipment for use 7257

in the maintenance or repair of any highway; 7258

(5) Any person engaged in the operation of refuse collection 7259
equipment; 7260

(6) Any person wearing earphones or earplugs for hearing 7261
protection while operating a motorcycle. 7262

~~(C)~~(D) Except as otherwise provided in this division, whoever 7263
violates this section is guilty of a minor misdemeanor. If, within 7264
one year of the offense, the offender previously has been 7265
convicted of or pleaded guilty to one predicate motor vehicle or 7266
traffic offense, whoever violates this section is guilty of a 7267
misdemeanor of the fourth degree. If, within one year of the 7268
offense, the offender previously has been convicted of two or more 7269
predicate motor vehicle or traffic offenses, whoever violates this 7270
section is guilty of a misdemeanor of the third degree. 7271

Sec. 4511.991. (A) As used in this section and each section 7272
referenced in division (B) of this section, all of the following 7273
apply: 7274

(1) "Distracted" means doing either of the following while 7275
operating a vehicle: 7276

(a) Using ~~a handheld~~ an electronic wireless communications 7277
device, as defined in section 4511.204 of the Revised Code, that 7278
is handheld, except when utilizing any of the following: 7279

(i) The device's speakerphone function; 7280

(ii) A wireless technology standard for exchanging data over 7281
short distances; 7282

(iii) A ~~"voice-operated or hands-free" device~~ feature that 7283
allows the person to use the ~~electronic wireless communications~~ 7284
device without the use of either hand except to activate, 7285
deactivate, or initiate a feature or function; 7286

(iv) Any device that is physically or electronically integrated into the motor vehicle.	7287 7288
(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.	7289 7290 7291 7292
(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.	7293 7294 7295 7296
(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.	7297 7298 7299 7300 7301
As used in division (A)(3) of this section:	7302
(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	7303 7304
(b) "Utility service vehicle" means a vehicle owned or operated by a utility.	7305 7306
(B) If an offender violates section 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 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, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised Code while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation	7307 7308 7309 7310 7311 7312 7313 7314 7315 7316 7317

and, notwithstanding section 2929.28 of the Revised Code, is 7318
subject to an additional fine of not more than one hundred dollars 7319
as follows: 7320

(1) Subject to the mandatory appearance requirements of 7321
Traffic Rule 13, if a law enforcement officer issues an offender a 7322
ticket, citation, or summons for a violation of any of the 7323
aforementioned sections of the Revised Code that indicates that 7324
the offender was distracted while committing the violation and 7325
that the distracting activity was a contributing factor to the 7326
commission of the violation, the offender may enter a written plea 7327
of guilty and waive the offender's right to contest the ticket, 7328
citation, or summons in a trial provided that the offender pays 7329
the total amount of the fine established for the violation and 7330
pays the additional fine of one hundred dollars. 7331

In lieu of payment of the additional fine of one hundred 7332
dollars, the offender instead may elect to attend a distracted 7333
driving safety course, the duration and contents of which shall be 7334
established by the director of public safety. If the offender 7335
attends and successfully completes the course, the offender shall 7336
be issued written evidence that the offender successfully 7337
completed the course. The offender shall be required to pay the 7338
total amount of the fine established for the violation, but shall 7339
not be required to pay the additional fine of one hundred dollars, 7340
so long as the offender submits to the court both the offender's 7341
payment in full and such written evidence. 7342

(2) If the offender appears in person to contest the ticket, 7343
citation, or summons in a trial and the offender pleads guilty to 7344
or is convicted of the violation, the court, in addition to all 7345
other penalties provided by law, may impose the applicable penalty 7346
for the violation and may impose the additional fine of not more 7347
than one hundred dollars. 7348

If the court imposes upon the offender the applicable penalty 7349

for the violation and an additional fine of not more than one 7350
hundred dollars, the court shall inform the offender that, in lieu 7351
of payment of the additional fine of not more than one hundred 7352
dollars, the offender instead may elect to attend the distracted 7353
driving safety course described in division (B)(1) of this 7354
section. If the offender elects the course option and attends and 7355
successfully completes the course, the offender shall be issued 7356
written evidence that the offender successfully completed the 7357
course. The offender shall be required to pay the total amount of 7358
the fine established for the violation, but shall not be required 7359
to pay the additional fine of not more than one hundred dollars, 7360
so long as the offender submits to the court the offender's 7361
payment and such written evidence. 7362

Sec. 4513.34. (A)(1) The director of transportation with 7363
respect to all highways that are a part of the state highway 7364
system and local authorities with respect to highways under their 7365
jurisdiction, upon application in writing, shall issue a special 7366
regional heavy hauling permit authorizing the applicant to operate 7367
or move a vehicle or combination of vehicles as follows: 7368

(a) At a size or weight of vehicle or load exceeding the 7369
maximum specified in sections 5577.01 to 5577.09 of the Revised 7370
Code, or otherwise not in conformity with sections 4513.01 to 7371
4513.37 of the Revised Code; 7372

(b) Upon any highway under the jurisdiction of the authority 7373
granting the permit except those highways with a condition 7374
insufficient to bear the weight of the vehicle or combination of 7375
vehicles as stated in the application; 7376

~~(c) For regional trips at distances of one hundred fifty 7377
miles or less from a facility stated on the application as the 7378
applicant's point of origin. 7379~~

Issuance of a special regional heavy hauling permit is 7380

subject to the payment of a fee established by the director or 7381
local authority in accordance with this section. 7382

(2) In circumstances where a person is not eligible to 7383
receive a permit under division (A)(1) of this section, the 7384
director of transportation with respect to all highways that are a 7385
part of the state highway system and local authorities with 7386
respect to highways under their jurisdiction, upon application in 7387
writing and for good cause shown, may issue a special permit in 7388
writing authorizing the applicant to operate or move a vehicle or 7389
combination of vehicles of a size or weight of vehicle or load 7390
exceeding the maximum specified in sections 5577.01 to 5577.09 of 7391
the Revised Code, or otherwise not in conformity with sections 7392
4513.01 to 4513.37 of the Revised Code, upon any highway under the 7393
jurisdiction of the authority granting the permit. 7394

(3) For purposes of this section, the director may designate 7395
certain state highways or portions of state highways as special 7396
economic development highways. If an application submitted to the 7397
director under this section involves travel of a nonconforming 7398
vehicle or combination of vehicles upon a special economic 7399
development highway, the director, in determining whether good 7400
cause has been shown that issuance of a permit is justified, shall 7401
consider the effect the travel of the vehicle or combination of 7402
vehicles will have on the economic development in the area in 7403
which the designated highway or portion of highway is located. 7404

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 7405
Code, the holder of a permit issued by the director under this 7406
section may move the vehicle or combination of vehicles described 7407
in the permit on any highway that is a part of the state highway 7408
system when the movement is partly within and partly without the 7409
corporate limits of a municipal corporation. No local authority 7410
shall require any other permit or license or charge any license 7411
fee or other charge against the holder of a permit for the 7412

movement of a vehicle or combination of vehicles on any highway 7413
that is a part of the state highway system. The director shall not 7414
require the holder of a permit issued by a local authority to 7415
obtain a special permit for the movement of vehicles or 7416
combination of vehicles on highways within the jurisdiction of the 7417
local authority. Permits may be issued for any period of time not 7418
to exceed one year, as the director in the director's discretion 7419
or a local authority in its discretion determines advisable, or 7420
for the duration of any public construction project. 7421

(C)(1) The application for a permit issued under this section 7422
shall be in the form that the director or local authority 7423
prescribes. The director or local authority may prescribe a permit 7424
fee to be imposed and collected when any permit described in this 7425
section is issued. The permit fee may be in an amount sufficient 7426
to reimburse the director or local authority for the 7427
administrative costs incurred in issuing the permit, and also to 7428
cover the cost of the normal and expected damage caused to the 7429
roadway or a street or highway structure as the result of the 7430
operation of the nonconforming vehicle or combination of vehicles. 7431
The director, in accordance with Chapter 119. of the Revised Code, 7432
shall establish a schedule of fees for permits issued by the 7433
director under this section; however, the fee to operate a triple 7434
trailer unit, at locations authorized under federal law, shall be 7435
one hundred dollars. 7436

(2) For the purposes of this section and of rules adopted by 7437
the director under this section, milk transported in bulk by 7438
vehicle is deemed a nondivisible load. 7439

(3) For purposes of this section and of rules adopted by the 7440
director under this section, three or fewer aluminum coils, 7441
transported by a vehicle, are deemed a nondivisible load. The 7442
director shall adopt rules establishing requirements for an 7443
aluminum coil permit that are substantially similar to the 7444

requirements for a steel coil permit under Chapter 5501:2-1 of the Administrative Code.

(D) The director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the director or local authority may issue or withhold a special permit specified in division (A)(2) of this section. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;	7476 7477 7478 7479
(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;	7480 7481 7482
(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;	7483 7484 7485 7486 7487
(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;	7488 7489 7490 7491
(5) Attempted to influence a public employee to breach ethical conduct standards;	7492 7493
(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;	7494 7495 7496 7497 7498 7499
(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	7500 7501 7502
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	7503 7504 7505

(9) Failed to pay any fees associated with any permitted operation or move; 7506
7507

(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section. 7508
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If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred. 7511
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The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant. 7516
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(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit. 7518
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(H)(1) No person shall violate the terms of a permit issued 7536

under this section that relate to gross load limits. 7537

(2) No person shall violate the terms of a permit issued 7538
under this section that relate to axle load by more than two 7539
thousand pounds per axle or group of axles. 7540

(3) No person shall violate the terms of a permit issued 7541
under this section that relate to an approved route except upon 7542
order of a law enforcement officer or authorized agent of the 7543
issuing authority. 7544

(I) Whoever violates division (H) of this section shall be 7545
punished as provided in section 4513.99 of the Revised Code. 7546

(J) A permit issued by the department of transportation or a 7547
local authority under this section for the operation of a vehicle 7548
or combination of vehicles is valid for the purposes of the 7549
vehicle operation in accordance with the conditions and 7550
limitations specified on the permit. Such a permit is voidable by 7551
law enforcement only for operation of a vehicle or combination of 7552
vehicles in violation of the weight, dimension, or route 7553
provisions of the permit. However, a permit is not voidable for 7554
operation in violation of a route provision of a permit if the 7555
operation is upon the order of a law enforcement officer. 7556

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 7557
police of a municipal corporation, township, port authority, or 7558
township or joint police district, within the sheriff's or chief's 7559
respective territorial jurisdiction, upon complaint of any person 7560
adversely affected, may order into storage any motor vehicle, 7561
other than an abandoned junk motor vehicle as defined in section 7562
4513.63 of the Revised Code, that has been left on private 7563
residential or private agricultural property for at least four 7564
hours without the permission of the person having the right to the 7565
possession of the property. The sheriff or chief of police, upon 7566
complaint of a repair garage or place of storage, may order into 7567

storage any motor vehicle, other than an abandoned junk motor 7568
vehicle, that has been left at the garage or place of storage for 7569
a longer period than that agreed upon. When ordering a motor 7570
vehicle into storage pursuant to this division, a sheriff or chief 7571
of police may arrange for the removal of the motor vehicle by a 7572
towing service and shall designate a storage facility. 7573

(2) A towing service towing a motor vehicle under division 7574
(A)(1) of this section shall remove the motor vehicle in 7575
accordance with that division. The towing service shall deliver 7576
the motor vehicle to the location designated by the sheriff or 7577
chief of police not more than two hours after the time it is 7578
removed from the private property, unless the towing service is 7579
unable to deliver the motor vehicle within two hours due to an 7580
uncontrollable force, natural disaster, or other event that is not 7581
within the power of the towing service. 7582

(3) Subject to division (B) of this section, the owner of a 7583
motor vehicle that has been removed pursuant to this division may 7584
recover the vehicle only in accordance with division (D) of this 7585
section. 7586

(4) As used in this section, "private residential property" 7587
means private property on which is located one or more structures 7588
that are used as a home, residence, or sleeping place by one or 7589
more persons, if no more than three separate households are 7590
maintained in the structure or structures. "Private residential 7591
property" does not include any private property on which is 7592
located one or more structures that are used as a home, residence, 7593
or sleeping place by two or more persons, if more than three 7594
separate households are maintained in the structure or structures. 7595

(B) If the owner or operator of a motor vehicle that has been 7596
ordered into storage pursuant to division (A)(1) of this section 7597
arrives after the motor vehicle has been prepared for removal, but 7598

prior to its actual removal from the property, the towing service 7599
shall give the owner or operator oral or written notification at 7600
the time of such arrival that the vehicle owner or operator may 7601
pay a fee of not more than one-half of the fee for the removal of 7602
the motor vehicle established by the public utilities commission 7603
in rules adopted under section 4921.25 of the Revised Code, in 7604
order to obtain release of the motor vehicle. However, if the 7605
vehicle is within a municipal corporation and the municipal 7606
corporation has established a vehicle removal fee, the towing 7607
service shall give the owner or operator oral or written 7608
notification that the owner or operator may pay not more than 7609
one-half of that fee to obtain release of the motor vehicle. That 7610
fee may be paid by use of a major credit card unless the towing 7611
service uses a mobile credit card processor and mobile service is 7612
not available at the time of the transaction. 7613

Upon payment of the applicable fee, the towing service shall 7614
give the vehicle owner or operator a receipt showing both the full 7615
amount normally assessed and the actual amount received and shall 7616
release the motor vehicle to the owner or operator. Upon its 7617
release, the owner or operator immediately shall move it so that 7618
it is not on the private residential or private agricultural 7619
property without the permission of the person having the right to 7620
possession of the property, or is not at the garage or place of 7621
storage without the permission of the owner, whichever is 7622
applicable. 7623

(C)(1) Each county sheriff and each chief of police of a 7624
municipal corporation, township, port authority, or township or 7625
joint police district shall maintain a record of motor vehicles 7626
that the sheriff or chief orders into storage pursuant to division 7627
(A)(1) of this section. The record shall include an entry for each 7628
such motor vehicle that identifies the motor vehicle's license 7629
number, make, model, and color, the location from which it was 7630

removed, the date and time of its removal, the telephone number of 7631
the person from whom it may be recovered, and the address of the 7632
place to which it has been taken and from which it may be 7633
recovered. A sheriff or chief of police shall provide any 7634
information in the record that pertains to a particular motor 7635
vehicle to any person who, either in person or pursuant to a 7636
telephone call, identifies self as the owner or operator of the 7637
motor vehicle and requests information pertaining to its location. 7638

(2) Any person who registers a complaint that is the basis of 7639
a sheriff's or police chief's order for the removal and storage of 7640
a motor vehicle under division (A)(1) of this section shall 7641
provide the identity of the law enforcement agency with which the 7642
complaint was registered to any person who identifies self as the 7643
owner or operator of the motor vehicle and requests information 7644
pertaining to its location. 7645

(D)(1) The owner or lienholder of a motor vehicle that is 7646
ordered into storage pursuant to division (A)(1) of this section 7647
may reclaim it upon both of the following: 7648

(a) Payment of all applicable fees established by the public 7649
utilities commission in rules adopted under section 4921.25 of the 7650
Revised Code or, if the vehicle was towed within a municipal 7651
corporation that has established fees for vehicle removal and 7652
storage, payment of all applicable fees established by the 7653
municipal corporation. 7654

(b) Presentation of proof of ownership, which may be 7655
evidenced by a certificate of title to the motor vehicle, a 7656
certificate of registration for the motor vehicle, or a lease 7657
agreement. 7658

When the owner of a vehicle towed under this section 7659
retrieves the vehicle, the towing service or storage facility in 7660
possession of the vehicle shall give the owner written notice that 7661

if the owner disputes that the motor vehicle was lawfully towed, 7662
the owner may be able to file a civil action under section 7663
4513.611 of the Revised Code. 7664

(2) Upon presentation of proof of ownership as required under 7665
division (D)(1)(b) of this section, the owner of a motor vehicle 7666
that is ordered into storage under division (A)(1) of this section 7667
may retrieve any personal items from the motor vehicle without 7668
retrieving the vehicle and without paying any fee. However, a 7669
towing service or storage facility may charge an after-hours 7670
retrieval fee established by the public utilities commission in 7671
rules adopted under section 4921.25 of the Revised Code if the 7672
owner retrieves the personal items after hours, unless the towing 7673
service or storage facility fails to provide the notice required 7674
under division (B)(3) of section 4513.69 of the Revised Code, if 7675
applicable. The owner of a motor vehicle shall not do either of 7676
the following: 7677

(a) Retrieve any personal item that has been determined by 7678
the sheriff or chief of police, as applicable, to be necessary to 7679
a criminal investigation; 7680

(b) Retrieve any personal item from a vehicle if it would 7681
endanger the safety of the owner, unless the owner agrees to sign 7682
a waiver of liability. 7683

For purposes of division (D)(2) of this section, "personal 7684
items" do not include any items that are attached to the motor 7685
vehicle. 7686

(3) If a motor vehicle that is ordered into storage pursuant 7687
to division (A)(1) of this section remains unclaimed by the owner 7688
for thirty days, the procedures established by sections 4513.61 7689
and 4513.62 of the Revised Code apply. 7690

(E)(1) No person shall remove, or cause the removal of, any 7691
motor vehicle from any private residential or private agricultural 7692

property other than in accordance with division (A)(1) of this 7693
section or sections 4513.61 to 4513.65 of the Revised Code. 7694

(2) No towing service or storage facility shall fail to 7695
comply with the requirements of this section. 7696

(F) This section does not apply to any private residential or 7697
private agricultural property that is established as a private 7698
tow-away zone in accordance with section 4513.601 of the Revised 7699
Code. 7700

(G) Whoever violates division (E) of this section is guilty 7701
of a minor misdemeanor. 7702

Sec. 4513.601. (A) The owner of a private property may 7703
establish a private tow-away zone, but may do so only if all of 7704
the following conditions are satisfied: 7705

(1) The owner of the private property posts on the property a 7706
sign, that is at least eighteen inches by twenty-four inches in 7707
size, that is visible from all entrances to the property, and that 7708
includes all of the following information: 7709

(a) A statement that the property is a tow-away zone; 7710

(b) A description of persons authorized to park on the 7711
property. If the property is a residential property, the owner of 7712
the private property may include on the sign a statement that only 7713
tenants and guests may park in the private tow-away zone, subject 7714
to the terms of the property owner. If the property is a 7715
commercial property, the owner of the private property may include 7716
on the sign a statement that only customers may park in the 7717
private tow-away zone. In all cases, if it is not apparent which 7718
persons may park in the private tow-away zone, the owner of the 7719
private property shall include on the sign the address of the 7720
property on which the private tow-away zone is located or the name 7721
of the business that is located on the property designated as a 7722

private tow-away zone. 7723

(c) If the private tow-away zone is not enforceable at all 7724
times, the times during which the parking restrictions are 7725
enforced; 7726

(d) The telephone number and the address of the place from 7727
which a towed vehicle may be recovered at any time during the day 7728
or night; 7729

(e) A statement that the failure to recover a towed vehicle 7730
may result in the loss of title to the vehicle as provided in 7731
division (B) of section 4505.101 of the Revised Code. 7732

In order to comply with the requirements of division (A)(1) 7733
of this section, the owner of a private property may modify an 7734
existing sign by affixing to the existing sign stickers or an 7735
addendum in lieu of replacing the sign. 7736

(2) A towing service ensures that a vehicle towed under this 7737
section is taken to a location from which it may be recovered that 7738
complies with all of the following: 7739

(a) It is located within twenty-five linear miles of the 7740
location of the private tow-away zone, unless it is not 7741
practicable to take the vehicle to a place of storage within 7742
twenty-five linear miles. 7743

(b) It is well-lighted. 7744

(c) It is on or within a reasonable distance of a regularly 7745
scheduled route of one or more modes of public transportation, if 7746
any public transportation is available in the municipal 7747
corporation or township in which the private tow-away zone is 7748
located. 7749

(B)(1) If a vehicle is parked on private property that is 7750
established as a private tow-away zone in accordance with division 7751
(A) of this section, without the consent of the owner of the 7752

private property or in violation of any posted parking condition 7753
or regulation, the owner of the private property may cause the 7754
removal of the vehicle by a towing service. The towing service 7755
shall remove the vehicle in accordance with this section. The 7756
vehicle owner and the operator of the vehicle are considered to 7757
have consented to the removal and storage of the vehicle, to the 7758
payment of the applicable fees established by the public utilities 7759
commission in rules adopted under section 4921.25 of the Revised 7760
Code, and to the right of a towing service to obtain title to the 7761
vehicle if it remains unclaimed as provided in section 4505.101 of 7762
the Revised Code. The owner or lienholder of a vehicle that has 7763
been removed under this section, subject to division (C) of this 7764
section, may recover the vehicle in accordance with division (G) 7765
of this section. 7766

(2) If a municipal corporation requires tow trucks and tow 7767
truck operators to be licensed, no owner of a private property 7768
located within the municipal corporation shall cause the removal 7769
and storage of any vehicle pursuant to division (B) of this 7770
section by an unlicensed tow truck or unlicensed tow truck 7771
operator. 7772

(3) No towing service shall remove a vehicle from a private 7773
tow-away zone except pursuant to a written contract for the 7774
removal of vehicles entered into with the owner of the private 7775
property on which the private tow-away zone is located. 7776

(C) If the owner or operator of a vehicle that is being 7777
removed under authority of division (B) of this section arrives 7778
after the vehicle has been prepared for removal, but prior to its 7779
actual removal from the property, the towing service shall give 7780
the vehicle owner or operator oral or written notification at the 7781
time of such arrival that the vehicle owner or operator may pay a 7782
fee of not more than one-half of the fee for the removal of the 7783
vehicle established by the public utilities commission in rules 7784

adopted under section 4921.25 of the Revised Code in order to 7785
obtain release of the vehicle. That fee may be paid by use of a 7786
major credit card unless the towing service uses a mobile credit 7787
card processor and mobile service is not available at the time of 7788
the transaction. Upon payment of that fee, the towing service 7789
shall give the vehicle owner or operator a receipt showing both 7790
the full amount normally assessed and the actual amount received 7791
and shall release the vehicle to the owner or operator. Upon its 7792
release, the owner or operator immediately shall move the vehicle 7793
so that the vehicle is not parked on the private property 7794
established as a private tow-away zone without the consent of the 7795
owner of the private property or in violation of any posted 7796
parking condition or regulation. 7797

(D)(1) Prior to towing a vehicle under division (B) of this 7798
section, a towing service shall make all reasonable efforts to 7799
take as many photographs as necessary to evidence that the vehicle 7800
is clearly parked on private property in violation of a private 7801
tow-away zone established under division (A) of this section. 7802

The towing service shall record the time and date of the 7803
photographs taken under this section. The towing service shall 7804
retain the photographs and the record of the time and date, in 7805
electronic or printed form, for at least thirty days after the 7806
date on which the vehicle is recovered by the owner or lienholder 7807
or at least two years after the date on which the vehicle was 7808
towed, whichever is earlier. 7809

(2) A towing service shall deliver a vehicle towed under 7810
division (B) of this section to the location from which it may be 7811
recovered not more than two hours after the time it was removed 7812
from the private tow-away zone, unless the towing service is 7813
unable to deliver the motor vehicle within two hours due to an 7814
uncontrollable force, natural disaster, or other event that is not 7815
within the power of the towing service. 7816

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

(a) The vehicle's license number, make, model, and color;

(b) The location from which the vehicle was removed;

(c) The date and time the vehicle was removed;

(d) The telephone number of the person from whom the vehicle may be recovered;

(e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the

vehicle may be recovered shall cause a search to be made of the 7848
records of the bureau of motor vehicles to ascertain the identity 7849
of the owner and any lienholder of the motor vehicle. The 7850
registrar of motor vehicles shall ensure that such information is 7851
provided in a timely manner. Subject to division (F)(4) of this 7852
section, the towing service or storage facility shall send notice 7853
to the vehicle owner and any known lienholder as follows: 7854

(a) Within five business days after the registrar of motor 7855
vehicles provides the identity of the owner and any lienholder of 7856
the motor vehicle, if the vehicle remains unclaimed, to the 7857
owner's and lienholder's last known address by certified or 7858
express mail with return receipt requested or by a commercial 7859
carrier service utilizing any form of delivery requiring a signed 7860
receipt; 7861

(b) If the vehicle remains unclaimed thirty days after the 7862
first notice is sent, in the manner required under division 7863
(F)(1)(a) of this section; 7864

(c) If the vehicle remains unclaimed forty-five days after 7865
the first notice is sent, in the manner required under division 7866
(F)(1)(a) of this section. 7867

(2) Sixty days after any notice sent pursuant to division 7868
(F)(1) of this section is received, as evidenced by a receipt 7869
signed by any person, or the towing service or storage facility 7870
has been notified that delivery was not possible, the towing 7871
service or storage facility, if authorized under division (B) of 7872
section 4505.101 of the Revised Code, may initiate the process for 7873
obtaining a certificate of title to the motor vehicle as provided 7874
in that section. 7875

(3) A towing service or storage facility that does not 7876
receive a signed receipt of notice, or a notification that 7877
delivery was not possible, shall not obtain, and shall not attempt 7878

to obtain, a certificate of title to the motor vehicle under 7879
division (B) of section 4505.101 of the Revised Code. 7880

(4) With respect to a vehicle concerning which a towing 7881
service or storage facility is not eligible to obtain title under 7882
section 4505.101 of the Revised Code, the towing service or 7883
storage facility need only comply with the initial notice required 7884
under division (F)(1)(a) of this section. 7885

(G)(1) The owner or lienholder of a vehicle that is removed 7886
under division (B) of this section may reclaim it upon both of the 7887
following: 7888

(a) Presentation of proof of ownership, which may be 7889
evidenced by a certificate of title to the vehicle, a certificate 7890
of registration for the motor vehicle, or a lease agreement; 7891

(b) Payment of the following fees: 7892

(i) All applicable fees established by the public utilities 7893
commission in rules adopted under section 4921.25 of the Revised 7894
Code, except that the lienholder of a vehicle may retrieve the 7895
vehicle without paying any storage fee for the period of time that 7896
the vehicle was in the possession of the towing service or storage 7897
facility prior to the date the lienholder received the notice sent 7898
under division (F)(1)(a) of this section; 7899

(ii) If notice has been sent to the owner and lienholder as 7900
described in division (F) of this section, a processing fee of 7901
twenty-five dollars. 7902

(2) A towing service or storage facility in possession of a 7903
vehicle that is removed under authority of division (B) of this 7904
section shall show the vehicle owner, operator, or lienholder who 7905
contests the removal of the vehicle all photographs taken under 7906
division (D) of this section. Upon request, the towing service or 7907
storage facility shall provide a copy of all photographs in the 7908
medium in which the photographs are stored, whether paper, 7909

electronic, or otherwise. 7910

(3) When the owner of a vehicle towed under this section 7911
retrieves the vehicle, the towing service or storage facility in 7912
possession of the vehicle shall give the owner written notice that 7913
if the owner disputes that the motor vehicle was lawfully towed, 7914
the owner may be able to file a civil action under section 7915
4513.611 of the Revised Code. 7916

(4) Upon presentation of proof of ownership, which may be 7917
evidenced by a certificate of title to the vehicle, a certificate 7918
of registration for the motor vehicle, or a lease agreement, the 7919
owner of a vehicle that is removed under authority of division (B) 7920
of this section may retrieve any personal items from the vehicle 7921
without retrieving the vehicle and without paying any fee. The 7922
owner of the vehicle shall not retrieve any personal items from a 7923
vehicle if it would endanger the safety of the owner, unless the 7924
owner agrees to sign a waiver of liability. For purposes of 7925
division (G)(4) of this section, "personal items" do not include 7926
any items that are attached to the vehicle. 7927

(H) No person shall remove, or cause the removal of, any 7928
vehicle from private property that is established as a private 7929
tow-away zone under this section or store such a vehicle other 7930
than in accordance with this section, or otherwise fail to comply 7931
with any applicable requirement of this section. 7932

(I) This section does not affect or limit the operation of 7933
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 7934
as they relate to property other than private property that is 7935
established as a private tow-away zone under division (A) of this 7936
section. 7937

(J) Whoever violates division (H) of this section is guilty 7938
of a minor misdemeanor. 7939

(K) As used in this section, "owner of a private property" or 7940

"owner of the private property" includes, with respect to a 7941
private property, any of the following: 7942

(1) Any person who holds title to the property; 7943

(2) Any person who is a lessee or sublessee with respect to a 7944
lease or sublease agreement for the property; 7945

(3) A person who is authorized to manage the property; 7946

(4) A duly authorized agent of any person listed in divisions 7947
(K)(1) to (3) of this section. 7948

Sec. 4513.61. (A) The sheriff of a county or chief of police 7949
of a municipal corporation, township, port authority, or township 7950
or joint police district, within the sheriff's or chief's 7951
respective territorial jurisdiction, or a state highway patrol 7952
trooper, upon notification to the sheriff or chief of police of 7953
such action and of the location of the place of storage, may order 7954
into storage any motor vehicle, including an abandoned junk motor 7955
vehicle as defined in section 4513.63 of the Revised Code, that: 7956

(1) Has come into the possession of the sheriff, chief of 7957
police, or state highway patrol trooper as a result of the 7958
performance of the sheriff's, chief's, or trooper's duties; or 7959

(2) Has been left on a public street or other property open 7960
to the public for purposes of vehicular travel, or upon or within 7961
the right-of-way of any road or highway, for forty-eight hours or 7962
longer without notification to the sheriff or chief of police of 7963
the reasons for leaving the motor vehicle in such place. However, 7964
when such a motor vehicle constitutes an obstruction to traffic it 7965
may be ordered into storage immediately unless either of the 7966
following applies: 7967

(a) The vehicle was involved in an accident and is subject to 7968
section 4513.66 of the Revised Code; 7969

(b) The vehicle is a commercial motor vehicle. If the vehicle 7970

is a commercial motor vehicle, the sheriff, chief of police, or 7971
state highway patrol trooper shall allow the owner or operator of 7972
the vehicle the opportunity to arrange for the removal of the 7973
motor vehicle within a period of time specified by the sheriff, 7974
chief of police, or state highway patrol trooper. If the sheriff, 7975
chief of police, or state highway patrol trooper determines that 7976
the vehicle cannot be removed within the specified period of time, 7977
the sheriff, chief of police, or state highway patrol trooper 7978
shall order the removal of the vehicle. 7979

Subject to division (C) of this section, the sheriff or chief 7980
of police shall designate the place of storage of any motor 7981
vehicle so ordered removed. 7982

(B) If the sheriff, chief of police, or a state highway 7983
patrol trooper issues an order under division (A) of this section 7984
and arranges for the removal of a motor vehicle by a towing 7985
service, the towing service shall deliver the motor vehicle to the 7986
location designated by the sheriff or chief of police not more 7987
than two hours after the time it is removed. 7988

(C)(1) The sheriff or chief of police shall cause a search to 7989
be made of the records of the bureau of motor vehicles to 7990
ascertain the identity of the owner and any lienholder of a motor 7991
vehicle ordered into storage by the sheriff or chief of police, or 7992
by a state highway patrol trooper within five business days of the 7993
removal of the vehicle. Upon obtaining such identity, the sheriff 7994
or chief of police shall send or cause to be sent to the owner or 7995
lienholder at the owner's or lienholder's last known address by 7996
certified mail with return receipt requested, notice that informs 7997
the owner or lienholder that the motor vehicle will be declared a 7998
nuisance and disposed of if not claimed within ten days of the 7999
date of mailing of the notice. 8000

(2) The owner or lienholder of the motor vehicle may reclaim 8001
the motor vehicle upon payment of any expenses or charges incurred 8002

in its removal and storage, and presentation of proof of 8003
ownership, which may be evidenced by a certificate of title or 8004
memorandum certificate of title to the motor vehicle, a 8005
certificate of registration for the motor vehicle, or a lease 8006
agreement. Upon presentation of proof of ownership evidenced as 8007
provided above, the owner of the motor vehicle also may retrieve 8008
any personal items from the vehicle without retrieving the vehicle 8009
and without paying any fee. However, a towing service or storage 8010
facility may charge an after-hours retrieval fee established by 8011
the public utilities commission in rules adopted under section 8012
4921.25 of the Revised Code if the owner retrieves the personal 8013
items after hours, unless the towing service or storage facility 8014
fails to provide the notice required under division (B)(3) of 8015
section 4513.69 of the Revised Code, if applicable. However, the 8016
owner shall not do either of the following: 8017

(a) Retrieve any personal item that has been determined by 8018
the sheriff, chief of police, or a state highway patrol trooper, 8019
as applicable, to be necessary to a criminal investigation; 8020

(b) Retrieve any personal item from a vehicle if it would 8021
endanger the safety of the owner, unless the owner agrees to sign 8022
a waiver of liability. 8023

For purposes of division (C)(2) of this section, "personal 8024
items" do not include any items that are attached to the vehicle. 8025

(3) If the owner or lienholder of the motor vehicle reclaims 8026
it after a search of the records of the bureau has been conducted 8027
and after notice has been sent to the owner or lienholder as 8028
described in this section, and the search was conducted by the 8029
place of storage, and the notice was sent to the motor vehicle 8030
owner by the place of storage, the owner or lienholder shall pay 8031
to the place of storage a processing fee of twenty-five dollars, 8032
in addition to any expenses or charges incurred in the removal and 8033
storage of the vehicle. 8034

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

(F) No towing service or storage facility shall fail to

comply with this section. 8067

Sec. 4513.62. Unclaimed motor vehicles ordered into storage 8068
pursuant to division (A)(1) of section 4513.60 or section 4513.61 8069
of the Revised Code shall be disposed of at the order of the 8070
sheriff of the county or the chief of police of the municipal 8071
corporation, township, port authority, or township or joint police 8072
district to a motor vehicle salvage dealer or scrap metal 8073
processing facility as defined in section 4737.05 of the Revised 8074
Code, or to any other facility owned by or under contract with the 8075
county, municipal corporation, port authority, or township, for 8076
the disposal of such motor vehicles, or shall be sold by the 8077
sheriff, chief of police, or licensed auctioneer at public 8078
auction, after giving notice thereof by advertisement, published 8079
once a week for two successive weeks in a newspaper of general 8080
circulation in the county or as provided in section 7.16 of the 8081
Revised Code. Any moneys accruing from the disposition of an 8082
unclaimed motor vehicle that are in excess of the expenses 8083
resulting from the removal and storage of the vehicle shall be 8084
credited to the general fund of the county, municipal corporation, 8085
port authority, township, or joint police district, as the case 8086
may be. 8087

Sec. 4513.63. "Abandoned junk motor vehicle" means any motor 8088
vehicle meeting all of the following requirements: 8089

(A) Left on private property for forty-eight hours or longer 8090
without the permission of the person having the right to the 8091
possession of the property, on a public street or other property 8092
open to the public for purposes of vehicular travel or parking, or 8093
upon or within the right-of-way of any road or highway, for 8094
forty-eight hours or longer; 8095

(B) Three years old, or older; 8096

(C) Extensively damaged, such damage including but not 8097
limited to any of the following: missing wheels, tires, motor, or 8098
transmission; 8099

(D) Apparently inoperable; 8100

(E) Having a fair market value of one thousand five hundred 8101
dollars or less. 8102

The sheriff of a county or chief of police of a municipal 8103
corporation, township, port authority, or township or joint police 8104
district, within the sheriff's or chief's respective territorial 8105
jurisdiction, or a state highway patrol trooper, upon notification 8106
to the sheriff or chief of police of such action, shall order any 8107
abandoned junk motor vehicle to be photographed by a law 8108
enforcement officer. The officer shall record the make of motor 8109
vehicle, the serial number when available, and shall also detail 8110
the damage or missing equipment to substantiate the value of one 8111
thousand five hundred dollars or less. The sheriff or chief of 8112
police shall thereupon immediately dispose of the abandoned junk 8113
motor vehicle to a motor vehicle salvage dealer as defined in 8114
section 4738.01 of the Revised Code or a scrap metal processing 8115
facility as defined in section 4737.05 of the Revised Code which 8116
is under contract to the county, township, port authority, or 8117
municipal corporation, or to any other facility owned by or under 8118
contract with the county, township, port authority, or municipal 8119
corporation for the destruction of such motor vehicles. The 8120
records and photograph relating to the abandoned junk motor 8121
vehicle shall be retained by the law enforcement agency ordering 8122
the disposition of such vehicle for a period of at least two 8123
years. The law enforcement agency shall execute in quadruplicate 8124
an affidavit, as prescribed by the registrar of motor vehicles, 8125
describing the motor vehicle and the manner in which it was 8126
disposed of, and that all requirements of this section have been 8127
complied with, and, within thirty days of disposing of the 8128

vehicle, shall sign and file the affidavit with the clerk of 8129
courts of the county in which the motor vehicle was abandoned. The 8130
clerk of courts shall retain the original of the affidavit for the 8131
clerk's files, shall furnish one copy thereof to the registrar, 8132
one copy to the motor vehicle salvage dealer or other facility 8133
handling the disposal of the vehicle, and one copy to the law 8134
enforcement agency ordering the disposal, who shall file such copy 8135
with the records and photograph relating to the disposal. Any 8136
moneys arising from the disposal of an abandoned junk motor 8137
vehicle shall be deposited in the general fund of the county, 8138
township, or the municipal corporation, as the case may be. 8139

Notwithstanding section 4513.61 of the Revised Code, any 8140
motor vehicle meeting the requirements of divisions (C), (D), and 8141
(E) of this section which has remained unclaimed by the owner or 8142
lienholder for a period of ten days or longer following 8143
notification as provided in section 4513.61 of the Revised Code 8144
may be disposed of as provided in this section. 8145

Sec. 4513.64. (A) No person shall willfully leave an 8146
abandoned junk motor vehicle as defined in section 4513.63 of the 8147
Revised Code on private property for more than seventy-two hours 8148
without the permission of the person having the right to the 8149
possession of the property, or on a public street or other 8150
property open to the public for purposes of vehicular travel or 8151
parking, or upon or within the right-of-way of any road or 8152
highway, for forty-eight hours or longer without notification to 8153
the sheriff of the county or chief of police of the municipal 8154
corporation, township, port authority, or township or joint police 8155
district of the reasons for leaving the motor vehicle in such 8156
place. 8157

For purposes of this section, the fact that a motor vehicle 8158
has been so left without permission or notification is prima-facie 8159

evidence of abandonment. 8160

Nothing contained in sections 4513.60, 4513.61, and 4513.63 8161
of the Revised Code shall invalidate the provisions of municipal 8162
ordinances or township resolutions regulating or prohibiting the 8163
abandonment of motor vehicles on streets, highways, public 8164
property, or private property within municipal corporations or 8165
townships. 8166

(B) Whoever violates this section is guilty of a minor 8167
misdemeanor and shall also be assessed any costs incurred by the 8168
county, township, joint police district, port authority, or 8169
municipal corporation in disposing of the abandoned junk motor 8170
vehicle that is the basis of the violation, less any money 8171
accruing to the county, township, joint police district, port 8172
authority, or municipal corporation from this disposal of the 8173
vehicle. 8174

Sec. 4513.65. (A) For purposes of this section, "junk motor 8175
vehicle" means any motor vehicle meeting the requirements of 8176
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 8177
Code that is left uncovered in the open on private property for 8178
more than seventy-two hours with the permission of the person 8179
having the right to the possession of the property, except if the 8180
person is operating a junk yard or scrap metal processing facility 8181
licensed under authority of sections 4737.05 to 4737.12 of the 8182
Revised Code, or regulated under authority of a political 8183
subdivision; or if the property on which the motor vehicle is left 8184
is not subject to licensure or regulation by any governmental 8185
authority, unless the person having the right to the possession of 8186
the property can establish that the motor vehicle is part of a 8187
bona fide commercial operation; or if the motor vehicle is a 8188
collector's vehicle. 8189

No political subdivision shall prevent a person from storing 8190

or keeping, or restrict a person in the method of storing or 8191
keeping, any collector's vehicle on private property with the 8192
permission of the person having the right to the possession of the 8193
property; except that a political subdivision may require a person 8194
having such permission to conceal, by means of buildings, fences, 8195
vegetation, terrain, or other suitable obstruction, any unlicensed 8196
collector's vehicle stored in the open. 8197

The sheriff of a county, or chief of police of a municipal 8198
corporation or port authority, within the sheriff's or chief's 8199
respective territorial jurisdiction, a state highway patrol 8200
trooper, a board of township trustees, the legislative authority 8201
of a municipal corporation or port authority, or the zoning 8202
authority of a township or a municipal corporation, may send 8203
notice, by certified mail with return receipt requested, to the 8204
person having the right to the possession of the property on which 8205
a junk motor vehicle is left, that within ten days of receipt of 8206
the notice, the junk motor vehicle either shall be covered by 8207
being housed in a garage or other suitable structure, or shall be 8208
removed from the property. 8209

No person shall willfully leave a junk motor vehicle 8210
uncovered in the open for more than ten days after receipt of a 8211
notice as provided in this section. The fact that a junk motor 8212
vehicle is so left is prima-facie evidence of willful failure to 8213
comply with the notice, and each subsequent period of thirty days 8214
that a junk motor vehicle continues to be so left constitutes a 8215
separate offense. 8216

(B) Whoever violates this section is guilty of a minor 8217
misdemeanor. 8218

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 8219
highway, public street, or other property open to the public for 8220
purposes of vehicular travel and if any motor vehicle, cargo, or 8221

personal property that has been damaged or spilled as a result of 8222
the motor vehicle accident is blocking the highway, street, or 8223
other property or is otherwise endangering public safety, a public 8224
safety official may do either of the following without the consent 8225
of the owner but with the approval of the law enforcement agency 8226
conducting any investigation of the accident: 8227

(1) Remove, or order the removal of, the motor vehicle if the 8228
motor vehicle is unoccupied, cargo, or personal property from the 8229
portion of the highway, public street, or property ordinarily used 8230
for vehicular travel on the highway, public street, or other 8231
property open to the public for purposes of vehicular travel. 8232

(2) If the motor vehicle is a commercial motor vehicle, allow 8233
the owner or operator of the vehicle the opportunity to arrange 8234
for the removal of the motor vehicle within a period of time 8235
specified by the public safety official. If the public safety 8236
official determines that the motor vehicle cannot be removed 8237
within the specified period of time, the public safety official 8238
shall remove or order the removal of the motor vehicle. 8239

(B)(1) Except as provided in division (B)(2) of this section, 8240
the department of transportation, any employee of the department 8241
of transportation, or a public safety official who authorizes or 8242
participates in the removal of any unoccupied motor vehicle, 8243
cargo, or personal property as authorized by division (A) of this 8244
section, regardless of whether the removal is executed by a 8245
private towing service, is not liable for civil damages for any 8246
injury, death, or loss to person or property that results from the 8247
removal of that unoccupied motor vehicle, cargo, or personal 8248
property. Further, except as provided in division (B)(2) of this 8249
section, if a public safety official authorizes, employs, or 8250
arranges to have a private towing service remove any unoccupied 8251
motor vehicle, cargo, or personal property as authorized by 8252

division (A) of this section, that private towing service is not 8253
liable for civil damages for any injury, death, or loss to person 8254
or property that results from the removal of that unoccupied motor 8255
vehicle, cargo, or personal property. 8256

(2) Division (B)(1) of this section does not apply to any of 8257
the following: 8258

(a) Any person or entity involved in the removal of an 8259
unoccupied motor vehicle, cargo, or personal property pursuant to 8260
division (A) of this section if that removal causes or contributes 8261
to the release of a hazardous material or to structural damage to 8262
the roadway; 8263

(b) A private towing service that was not authorized, 8264
employed, or arranged by a public safety official to remove an 8265
unoccupied motor vehicle, cargo, or personal property under this 8266
section; 8267

(c) Except as provided in division (B)(2)(d) of this section, 8268
a private towing service that was authorized, employed, or 8269
arranged by a public safety official to perform the removal of the 8270
unoccupied motor vehicle, cargo, or personal property but the 8271
private towing service performed the removal in a negligent 8272
manner; 8273

(d) A private towing service that was authorized, employed, 8274
or arranged by a public safety official to perform the removal of 8275
the unoccupied motor vehicle, cargo, or personal property that was 8276
endangering public safety but the private towing service performed 8277
the removal in a reckless manner. 8278

(C) As used in this section: 8279

(1) "Public safety official" means any of the following: 8280

(a) The sheriff of the county, or the chief of police in the 8281
municipal corporation, township, port authority, or township or 8282

joint police district, in which the accident occurred;	8283
(b) A state highway patrol trooper;	8284
(c) The chief of the fire department having jurisdiction where the accident occurred;	8285 8286
(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C)(1)(a) to (c) of this section.	8287 8288
(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code.	8289 8290
Sec. 4513.69. (A) A storage facility shall ensure that the facility remains open during both of the following periods of time to allow a vehicle owner or lienholder to retrieve a vehicle in the possession of the storage facility:	8291 8292 8293 8294
(1) Any time during which a towing service is towing a vehicle pursuant to section 4513.601 of the Revised Code and the vehicle will be held by the storage facility;	8295 8296 8297
(2) Between nine o'clock in the morning and noon on the day after any day during which the storage facility accepted for storage a vehicle towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code.	8298 8299 8300 8301
(B)(1) A storage facility that accepts for storage vehicles towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code shall ensure that a notice is conspicuously posted at the entrance to the storage facility that states the telephone number at which the owner or lienholder of a vehicle may contact the owner or a representative of the storage facility for the purpose of determining whether the person may retrieve a vehicle or personal items when the storage facility is closed. The storage facility also shall provide that telephone number to the sheriff of a county or chief of police of a municipal corporation, township, <u>port authority</u> , or township or joint police district.	8302 8303 8304 8305 8306 8307 8308 8309 8310 8311 8312

The storage facility shall ensure that a process is in place for 8313
purposes of answering calls at all times day or night. 8314

(2) After receiving a call from the owner or lienholder of a 8315
vehicle who seeks to recover a vehicle that was towed pursuant to 8316
section 4513.601 of the Revised Code, the storage facility shall 8317
ensure that, within three hours of receiving the phone call, a 8318
representative of the storage facility is available to release the 8319
vehicle upon being presented with proof of ownership of the 8320
vehicle, which may be evidenced by a certificate of title to the 8321
vehicle, a certificate of registration for the motor vehicle, or a 8322
lease agreement, and payment of an after-hours vehicle retrieval 8323
fee established under section 4921.25 of the Revised Code along 8324
with all other applicable fees. 8325

(3) If a storage facility receives a call from a person who 8326
seeks to recover personal items from a vehicle that was towed 8327
pursuant to section 4513.60 or 4513.61 of the Revised Code and the 8328
storage facility is not open to the public, the storage facility 8329
shall notify the person that an after-hours retrieval fee applies 8330
and shall state the amount of the fee as established by the public 8331
utilities commission in rules adopted under section 4921.25 of the 8332
Revised Code. The storage facility shall allow the person to 8333
retrieve personal items in accordance with division (D)(2) of 8334
section 4513.60 or division (C)(2) of section 4513.61 of the 8335
Revised Code, but shall not charge an after-hours retrieval fee 8336
unless notice is provided in accordance with this division. 8337

(C) No storage facility shall fail to comply with division 8338
(A) or (B) of this section. 8339

Sec. 4516.01. As used in sections 4516.01 to 4516.07 of the 8340
Revised Code: 8341

(A) "Car sharing period" means the period of time that 8342
commences with the car sharing delivery period or, if there is no 8343

car sharing delivery period, with the car sharing start time, in 8344
accordance with the peer-to-peer car sharing program agreement, 8345
and ends with the car sharing termination time. 8346

(B) "Car sharing delivery period" means the period of time in 8347
which a shared vehicle is being delivered to the agreed upon 8348
location for the shared vehicle driver to take over possession of 8349
the vehicle, in accordance with the peer-to-peer car sharing 8350
program agreement. 8351

(C) "Car sharing start time" means either the point in time 8352
when the shared vehicle driver takes possession of the shared 8353
vehicle or the point in time when the shared vehicle driver was 8354
scheduled to take possession of the shared vehicle, whichever 8355
occurs first. 8356

(D) "Car sharing termination time" means the point in time 8357
when the shared vehicle is returned to the location designated by 8358
the shared vehicle owner, in accordance with the peer-to-peer car 8359
sharing program agreement, and any of the following occur: 8360

(1) The period of time established in the agreement expires. 8361

(2) The shared vehicle driver notifies the shared vehicle 8362
owner through the peer-to-peer car sharing program that the driver 8363
is finished using the shared vehicle. 8364

(3) The shared vehicle owner or the owner's designee takes 8365
possession of the shared vehicle. 8366

(E) "Motor vehicle" has the same meaning as in section 8367
3937.30 of the Revised Code. 8368

(F) "Motor vehicle renting dealer" has the same meaning as in 8369
section 4549.65 of the Revised Code. 8370

(G) "Peer-to-peer car sharing" means the authorized use of a 8371
private motor vehicle by an individual other than the motor 8372
vehicle's owner through a peer-to-peer car sharing program. 8373

(H) "Peer-to-peer car sharing program" means a person who operates a business platform that connects a shared vehicle owner to a shared vehicle driver to enable the sharing of vehicles for financial consideration. 8374
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(I) "Peer-to-peer car sharing program agreement" means an agreement established through the peer-to-peer car sharing program that serves as a contract between the peer-to-peer car sharing program, the shared vehicle owner, and the shared vehicle driver and describes the specific terms and conditions of the agreement, including the car sharing period and the location or locations for transfer of possession. 8378
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(J) "Primary insurer" means any insurer issuing a primary policy of automobile insurance for a shared vehicle. 8385
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(K) "Primary policy of automobile insurance" means a policy of automobile insurance covering a shared vehicle for any period of time outside a vehicle sharing period. 8387
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(L) "Private motor vehicle" means a motor vehicle owned and registered in this state to an individual. "Private motor vehicle" does not include any vehicle owned or registered by a motor vehicle renting dealer. 8390
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(M) "Shared vehicle" means a private motor vehicle that is enrolled in a peer-to-peer car sharing program. 8394
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(N) "Shared vehicle driver" means a person authorized by a shared vehicle owner, in accordance with the terms and conditions of a peer-to-peer car sharing program agreement, to operate a shared vehicle during a vehicle sharing period. 8396
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(O) "Shared vehicle owner" means a registered owner of a shared vehicle. 8400
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Sec. 4516.02. (A) A peer-to-peer car sharing program shall collect all of the following information before entering into a 8402
8403

<u>peer-to-peer car sharing program agreement:</u>	8404
<u>(1) The name and address of the shared vehicle owner and the shared vehicle driver;</u>	8405
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8406
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8407
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8408
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8409
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8410
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8411
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8412
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8413
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8414
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8415
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8416
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8417
<u>(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle;</u>	8418
<u>(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle;</u>	8419
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8420
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8421
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8422
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8423
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8424
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8425
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8426
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8427
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8428
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8429
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8430
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8431
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8432
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8433

policy of automobile insurance. 8434

(D) Whoever violates this section is subject to the 8435
administrative penalties established by the registrar of motor 8436
vehicles under section 4516.07 of the Revised Code. 8437

Sec. 4516.03. (A) A peer-to-peer car sharing program shall 8438
disclose all of the following to the shared vehicle owner and the 8439
shared vehicle driver in the peer-to-peer car sharing program 8440
agreement: 8441

(1) Any right of the program to seek indemnification from the 8442
shared vehicle owner or the shared vehicle driver for economic 8443
loss sustained by the program resulting from a breach of the terms 8444
and conditions of the agreement; 8445

(2) That any primary policy of automobile insurance for the 8446
shared vehicle does not provide a defense against or 8447
indemnification for any claim asserted by the program; 8448

(3) That the program's motor vehicle insurance coverage on 8449
the shared vehicle owner, the shared vehicle driver, and the 8450
shared vehicle is in effect only during the car sharing period and 8451
that any use of the shared vehicle by the shared vehicle driver 8452
after the car sharing termination time may not be covered by 8453
either the program's insurance or any primary policy of automobile 8454
insurance; 8455

(4) The daily rate, fees, and any insurance or protection 8456
package costs that are charged to the shared vehicle owner or the 8457
shared vehicle driver; 8458

(5) That the shared vehicle owner's primary policy of 8459
automobile insurance may not provide coverage for a shared vehicle 8460
during the car sharing period or for any use outside of the 8461
policy's stated terms and conditions; 8462

(6) Emergency contact information for roadside assistance and 8463

other customer service inquiries. 8464

(B) Whoever violates this section is subject to the 8465
administrative penalties established by the registrar of motor 8466
vehicles under section 4516.07 of the Revised Code. 8467

Sec. 4516.04. (A) A peer-to-peer car sharing program shall 8468
have sole responsibility for any equipment, including a global 8469
positioning system or other special equipment that is installed in 8470
or on the shared vehicle to monitor or facilitate peer-to-peer car 8471
sharing. The program shall agree to indemnify and hold harmless 8472
the shared vehicle owner for any damage or theft of the system or 8473
equipment during the car sharing period that is not caused by the 8474
shared vehicle owner. The program may seek indemnity from the 8475
shared vehicle driver for any loss or damage to the system or 8476
equipment that occurs during the car sharing period that is caused 8477
by the shared vehicle driver. 8478

(B) Whoever violates this section is subject to the 8479
administrative penalties established by the registrar of motor 8480
vehicles under section 4516.07 of the Revised Code. 8481

Sec. 4516.05. (A) When a motor vehicle owner registers as a 8482
shared vehicle owner with a peer-to-peer car sharing program and 8483
before the shared vehicle owner makes the shared vehicle available 8484
for peer-to-peer car sharing, the peer-to-peer car sharing program 8485
shall do all of the following: 8486

(1) Verify that the shared vehicle does not have any 8487
outstanding safety recalls on the vehicle; 8488

(2) Provide notice to the shared vehicle owner of the owner's 8489
responsibilities under division (B) of this section. 8490

(B)(1) If a shared vehicle owner receives actual notice of a 8491
safety recall on the shared vehicle, the shared vehicle owner 8492
shall not make the shared vehicle available through a peer-to-peer 8493

car sharing program until the safety recall repair is made. 8494

(2) If the shared vehicle owner receives actual notice of a 8495
safety recall on the shared vehicle after the shared vehicle is 8496
available through a peer-to-peer car sharing program but while the 8497
shared vehicle is not currently possessed by a shared vehicle 8498
driver, the shared vehicle owner shall remove the shared vehicle 8499
from availability until the safety recall repair is made. 8500

(3) If the shared vehicle owner receives actual notice of a 8501
safety recall on the shared vehicle while the vehicle is possessed 8502
by a shared vehicle driver, the shared vehicle owner shall notify 8503
the peer-to-peer car sharing program about the safety recall, so 8504
that the car sharing period can be terminated to allow the shared 8505
vehicle owner to address the safety recall repair. 8506

(C) Whoever violates this section is subject to the 8507
administrative penalties established by the registrar of motor 8508
vehicles under section 4516.07 of the Revised Code. 8509

Sec. 4516.06. (A) A peer-to-peer car sharing program is a 8510
vendor for purposes of Chapter 5739. of the Revised Code and 8511
therefore is responsible for collecting and remitting any sales 8512
taxes required under that chapter. 8513

(B) Whoever violates this section is subject to any 8514
applicable penalties for such violation, including administrative 8515
penalties established by the registrar of motor vehicles under 8516
section 4516.07 of the Revised Code. 8517

Sec. 4516.07. The registrar of motor vehicles, in 8518
consultation with the department of insurance, shall adopt rules 8519
in accordance with Chapter 119. of the Revised Code for purposes 8520
of administering this chapter, including rules that do all of the 8521
following: 8522

(A) Establish procedures and requirements for the imposition 8523

of administrative penalties for violations of this chapter; 8524

(B) Establish the amount of any administrative penalties. 8525

Such amounts shall be based upon the number of prior violations 8526

committed by a person subject to the administrative penalty. 8527

(C) Establish requirements that do all of the following: 8528

(1) Require a peer-to-peer car sharing program to enter into 8529

a concession agreement with an operator of an airport prior to the 8530

program enabling peer-to-peer car sharing within three miles of 8531

the airport's terminal; 8532

(2) Require a shared vehicle owner offering three or more 8533

shared vehicles through a peer-to-peer car sharing program to 8534

enter into a concession agreement with an operator of an airport 8535

if the shared vehicle driver takes possession of a shared vehicle 8536

within three miles of an airport; 8537

(3) Specify that a concession agreement entered into under 8538

rules adopted under division (C)(1) or (2) of this section must 8539

impose fees or other charges in the same manner as such fees and 8540

charges are imposed with a motor vehicle rental dealer located at 8541

or in the vicinity of the airport. 8542

Sec. 4549.10. (A) No person shall operate or cause to be 8543

operated upon a public road or highway a motor vehicle of a 8544

manufacturer or dealer unless the vehicle carries and displays ~~two~~ 8545

~~placards~~ a placard, except as provided in section 4503.21 of the 8546

Revised Code, issued by the director of public safety that ~~bear~~ 8547

displays the registration number of its manufacturer or dealer. 8548

(B) Whoever violates division (A) of this section is guilty 8549

of illegal operation of a manufacturer's or dealer's motor 8550

vehicle, a minor misdemeanor. 8551

Sec. 4582.12. (A)(1) Except as otherwise provided in division 8552

(E) of section 307.671 of the Revised Code, division (A) of this section does not apply to a port authority educational and cultural facility acquired, constructed, and equipped pursuant to a cooperative agreement entered into under section 307.671 of the Revised Code.

(2) Except as provided in division (C) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under sections 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding one hundred fifty thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the jurisdiction of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract let shall be in writing and if the contract involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor, ~~and shall be executed in triplicate.~~

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code.

The port authority may reject any and all bids.

(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive

bidding of any contract as to which the port authority is the 8585
contracting entity for the construction of any building, 8586
structure, or other improvement under any of the following 8587
circumstances: 8588

(1) There exists a real and present emergency that threatens 8589
damage or injury to persons or property of the port authority or 8590
other persons, provided that a statement specifying the nature of 8591
the emergency that is the basis for the negotiation and award of a 8592
contract without competitive bidding shall be signed by the 8593
officer of the port authority that executes that contract at the 8594
time of the contract's execution and shall be attached to the 8595
contract. 8596

(2) A commonly recognized industry or other standard or 8597
specification does not exist and cannot objectively be articulated 8598
for the improvement. 8599

(3) The contract is for any energy conservation measure as 8600
defined in section 307.041 of the Revised Code. 8601

(4) With respect to material to be incorporated into the 8602
improvement, only a single source or supplier exists for the 8603
material. 8604

(5) A single bid is received by the port authority after 8605
complying with the provisions of division (A) of this section. 8606

(C)(1) If a contract is to be negotiated and awarded without 8607
competitive bidding for the reason set forth in division (B)(2) of 8608
this section, the port authority shall publish a notice calling 8609
for technical proposals at least twice, with at least seven days 8610
between publications, in a newspaper of general circulation in the 8611
area of the port authority. After receipt of the technical 8612
proposals, the port authority may negotiate with and award a 8613
contract for the improvement to the proposer making the proposal 8614
considered to be the most advantageous to the port authority. 8615

(2) If a contract is to be negotiated and awarded without 8616
competitive bidding for the reason set forth in division (B)(4) of 8617
this section, any construction activities related to the 8618
incorporation of the material into the improvement also may be 8619
provided without competitive bidding by the source or supplier of 8620
that material. 8621

Sec. 4582.31. (A) A port authority created in accordance with 8622
section 4582.22 of the Revised Code may: 8623

(1) Adopt bylaws for the regulation of its affairs and the 8624
conduct of its business; 8625

(2) Adopt an official seal; 8626

(3) Maintain a principal office within its jurisdiction, and 8627
maintain such branch offices as it may require; 8628

(4) Acquire, construct, furnish, equip, maintain, repair, 8629
sell, exchange, lease to or from, or lease with an option to 8630
purchase, convey other interests in real or personal property, or 8631
any combination thereof, related to, useful for, or in furtherance 8632
of any authorized purpose and operate any property in connection 8633
with transportation, recreational, governmental operations, or 8634
cultural activities; 8635

(5) Straighten, deepen, and improve any channel, river, 8636
stream, or other water course or way which may be necessary or 8637
proper in the development of the facilities of a port authority; 8638

(6) Make available the use or services of any port authority 8639
facility to one or more persons, one or more governmental 8640
agencies, or any combination thereof; 8641

(7) Issue bonds or notes for the acquisition, construction, 8642
furnishing, or equipping of any port authority facility or other 8643
permanent improvement that a port authority is authorized to 8644
acquire, construct, furnish, or equip, in compliance with Chapter 8645

133. of the Revised Code, except that such bonds or notes may only 8646
be issued pursuant to a vote of the electors residing within the 8647
area of jurisdiction of the port authority. The net indebtedness 8648
incurred by a port authority shall never exceed two per cent of 8649
the total value of all property within the territory comprising 8650
the port authority as listed and assessed for taxation. 8651

(8) Issue port authority revenue bonds beyond the limit of 8652
bonded indebtedness provided by law, payable solely from revenues 8653
as provided in section 4582.48 of the Revised Code, for the 8654
purpose of providing funds to pay the costs of any port authority 8655
facility or facilities or parts thereof; 8656

(9) Apply to the proper authorities of the United States 8657
pursuant to appropriate law for the right to establish, operate, 8658
and maintain foreign trade zones and establish, operate, and 8659
maintain foreign trade zones and to acquire, exchange, sell, lease 8660
to or from, lease with an option to purchase, or operate 8661
facilities, land, or property therefor in accordance with the 8662
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8663
81u; 8664

(10) Enjoy and possess the same rights, privileges, and 8665
powers granted municipal corporations under sections 721.04 to 8666
721.11 of the Revised Code; 8667

(11) Maintain such funds as it considers necessary; 8668

(12) Direct its agents or employees, when properly identified 8669
in writing, and after at least five days' written notice, to enter 8670
upon lands within the confines of its jurisdiction in order to 8671
make surveys and examinations preliminary to location and 8672
construction of works for the purposes of the port authority, 8673
without liability of the port authority or its agents or employees 8674
except for actual damage done; 8675

(13) Promote, advertise, and publicize the port authority and 8676

its facilities; provide information to shippers and other 8677
commercial interests; and appear before rate-making authorities to 8678
represent and promote the interests of the port authority; 8679

(14) Adopt rules, not in conflict with general law, it finds 8680
necessary or incidental to the performance of its duties and the 8681
execution of its powers under sections 4582.21 to 4582.54 of the 8682
Revised Code. Any such rule shall be posted at no less than five 8683
public places in the port authority, as determined by the board of 8684
directors, for a period of not fewer than fifteen days, and shall 8685
be available for public inspection at the principal office of the 8686
port authority during regular business hours. No person shall 8687
violate any lawful rule adopted and posted as provided in this 8688
division. 8689

(15) Do any of the following, in regard to any interests in 8690
any real or personal property, or any combination thereof, 8691
including, without limitation, machinery, equipment, plants, 8692
factories, offices, and other structures and facilities related 8693
to, useful for, or in furtherance of any authorized purpose, for 8694
such consideration and in such manner, consistent with Article 8695
VIII of the Ohio Constitution, as the board in its sole discretion 8696
may determine: 8697

(a) Loan moneys to any person or governmental entity for the 8698
acquisition, construction, furnishing, and equipping of the 8699
property; 8700

(b) Acquire, construct, maintain, repair, furnish, and equip 8701
the property; 8702

(c) Sell to, exchange with, lease, convey other interests in, 8703
or lease with an option to purchase the same or any lesser 8704
interest in the property to the same or any other person or 8705
governmental entity; 8706

(d) Guarantee the obligations of any person or governmental 8707

entity. 8708

A port authority may accept and hold as consideration for the 8709
conveyance of property or any interest therein such property or 8710
interests therein as the board in its discretion may determine, 8711
notwithstanding any restrictions that apply to the investment of 8712
funds by a port authority. 8713

(16) Sell, lease, or convey other interests in real and 8714
personal property, and grant easements or rights-of-way over 8715
property of the port authority. The board of directors shall 8716
specify the consideration and any terms for the sale, lease, or 8717
conveyance of other interests in real and personal property. Any 8718
determination made by the board under this division shall be 8719
conclusive. The sale, lease, or conveyance may be made without 8720
advertising and the receipt of bids. 8721

(17) Exercise the right of eminent domain to appropriate any 8722
land, rights, rights-of-way, franchises, easements, or other 8723
property, necessary or proper for any authorized purpose, pursuant 8724
to the procedure provided in sections 163.01 to 163.22 of the 8725
Revised Code, if funds equal to the appraised value of the 8726
property to be acquired as a result of such proceedings are 8727
available for that purpose. However, nothing contained in sections 8728
4582.201 to 4582.59 of the Revised Code shall authorize a port 8729
authority to take or disturb property or facilities belonging to 8730
any agency or political subdivision of this state, public utility, 8731
cable operator, or common carrier, which property or facilities 8732
are necessary and convenient in the operation of the agency or 8733
political subdivision, public utility, cable operator, or common 8734
carrier, unless provision is made for the restoration, relocation, 8735
or duplication of such property or facilities, or upon the 8736
election of the agency or political subdivision, public utility, 8737
cable operator, or common carrier, for the payment of 8738
compensation, if any, at the sole cost of the port authority, 8739

provided that: 8740

(a) If any restoration or duplication proposed to be made 8741
under this section involves a relocation of the property or 8742
facilities, the new facilities and location shall be of at least 8743
comparable utilitarian value and effectiveness and shall not 8744
impair the ability of the public utility, cable operator, or 8745
common carrier to compete in its original area of operation; 8746

(b) If any restoration or duplication made under this section 8747
involves a relocation of the property or facilities, the port 8748
authority shall acquire no interest or right in or to the 8749
appropriated property or facilities, except as provided in 8750
division (A)(15) of this section, until the relocated property or 8751
facilities are available for use and until marketable title 8752
thereto has been transferred to the public utility, cable 8753
operator, or common carrier. 8754

As used in division (A)(17) of this section, "cable operator" 8755
has the same meaning as in the "Cable Communications Policy Act of 8756
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 8757
amended by the "Telecommunications Act of 1996," Pub. L. No. 8758
104-104, 110 Stat. 56. 8759

(18)(a) Make and enter into all contracts and agreements and 8760
execute all instruments necessary or incidental to the performance 8761
of its duties and the execution of its powers under sections 8762
4582.21 to 4582.59 of the Revised Code. 8763

(b) Except as provided in division (A)(18)(c) of this section 8764
or except when the port authority elects to construct a building, 8765
structure, or other improvement pursuant to a contract made with a 8766
construction manager at risk under sections 9.33 to 9.335 of the 8767
Revised Code or with a design-build firm under section 153.65 to 8768
153.73 of the Revised Code, when the cost of a contract for the 8769
construction of any building, structure, or other improvement 8770

undertaken by a port authority involves an expenditure exceeding 8771
one hundred fifty thousand dollars and the port authority is the 8772
contracting entity, the port authority shall make a written 8773
contract after notice calling for bids for the award of the 8774
contract has been given by publication twice, with at least seven 8775
days between publications, in a newspaper of general circulation 8776
in the area of the port authority or as provided in section 7.16 8777
of the Revised Code. Each such contract shall be let to the lowest 8778
responsive and responsible bidder in accordance with section 9.312 8779
of the Revised Code. Every contract shall be accompanied by or 8780
shall refer to plans and specifications for the work to be done, 8781
prepared for and approved by the port authority, and signed by an 8782
authorized officer of the port authority and by the contractor, 8783
~~and shall be executed in triplicate.~~ 8784

Each bid shall be awarded in accordance with sections 153.54, 8785
153.57, and 153.571 of the Revised Code. The port authority may 8786
reject any and all bids. 8787

(c) The board of directors by rule may provide criteria for 8788
the negotiation and award without competitive bidding of any 8789
contract as to which the port authority is the contracting entity 8790
for the construction of any building or structure or other 8791
improvement under any of the following circumstances: 8792

(i) There exists a real and present emergency that threatens 8793
damage or injury to persons or property of the port authority or 8794
other persons, provided that a statement specifying the nature of 8795
the emergency that is the basis for the negotiation and award of a 8796
contract without competitive bidding shall be signed by the 8797
officer of the port authority that executes that contract at the 8798
time of the contract's execution and shall be attached to the 8799
contract. 8800

(ii) A commonly recognized industry or other standard or 8801
specification does not exist and cannot objectively be articulated 8802

for the improvement. 8803

(iii) The contract is for any energy conservation measure as 8804
defined in section 307.041 of the Revised Code. 8805

(iv) With respect to material to be incorporated into the 8806
improvement, only a single source or supplier exists for the 8807
material. 8808

(v) A single bid is received by the port authority after 8809
complying with the provisions of division (A)(18)(b) of this 8810
section. 8811

(d)(i) If a contract is to be negotiated and awarded without 8812
competitive bidding for the reason set forth in division 8813
(A)(18)(c)(ii) of this section, the port authority shall publish a 8814
notice calling for technical proposals twice, with at least seven 8815
days between publications, in a newspaper of general circulation 8816
in the area of the port authority or as provided in section 7.16 8817
of the Revised Code. After receipt of the technical proposals, the 8818
port authority may negotiate with and award a contract for the 8819
improvement to the proposer making the proposal considered to be 8820
the most advantageous to the port authority. 8821

(ii) If a contract is to be negotiated and awarded without 8822
competitive bidding for the reason set forth in division 8823
(A)(18)(c)(iv) of this section, any construction activities 8824
related to the incorporation of the material into the improvement 8825
also may be provided without competitive bidding by the source or 8826
supplier of that material. 8827

(e)(i) Any purchase, exchange, sale, lease, lease with an 8828
option to purchase, conveyance of other interests in, or other 8829
contract with a person or governmental entity that pertains to the 8830
acquisition, construction, maintenance, repair, furnishing, 8831
equipping, or operation of any real or personal property, or any 8832
combination thereof, related to, useful for, or in furtherance of 8833

an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8834
Constitution, shall be made in such manner and subject to such 8835
terms and conditions as may be determined by the board of 8836
directors in its discretion. 8837

(ii) Division (A)(18)(e)(i) of this section applies to all 8838
contracts that are subject to the division, notwithstanding any 8839
other provision of law that might otherwise apply, including, 8840
without limitation, any requirement of notice, any requirement of 8841
competitive bidding or selection, or any requirement for the 8842
provision of security. 8843

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 8844
apply to either of the following: any contract secured by or to be 8845
paid from moneys raised by taxation or the proceeds of obligations 8846
secured by a pledge of moneys raised by taxation; or any contract 8847
secured exclusively by or to be paid exclusively from the general 8848
revenues of the port authority. For the purposes of this section, 8849
any revenues derived by the port authority under a lease or other 8850
agreement that, by its terms, contemplates the use of amounts 8851
payable under the agreement either to pay the costs of the 8852
improvement that is the subject of the contract or to secure 8853
obligations of the port authority issued to finance costs of such 8854
improvement, are excluded from general revenues. 8855

(19) Employ managers, superintendents, and other employees 8856
and retain or contract with consulting engineers, financial 8857
consultants, accounting experts, architects, attorneys, and any 8858
other consultants and independent contractors as are necessary in 8859
its judgment to carry out this chapter, and fix the compensation 8860
thereof. All expenses thereof shall be payable from any available 8861
funds of the port authority or from funds appropriated for that 8862
purpose by a political subdivision creating or participating in 8863
the creation of the port authority. 8864

(20) Receive and accept from any state or federal agency 8865

grants and loans for or in aid of the construction of any port authority facility or for research and development with respect to port authority facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(21) Engage in research and development with respect to port authority facilities;

(22) Purchase fire and extended coverage and liability insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;

(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;

(24) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state

that has the use and benefit of the real property as specified in 8897
section 5301.012 of the Revised Code. 8898

(C) Whoever violates division (A)(14) of this section is 8899
guilty of a minor misdemeanor. 8900

Sec. 4765.302. (A) The state board of emergency medical, 8901
fire, and transportation services within the division of emergency 8902
medical services of the department of public safety shall be a 8903
participating public office for purposes of the retained applicant 8904
fingerprint database established under section 109.5721 of the 8905
Revised Code. The board shall elect to participate in the 8906
continuous record monitoring service for all persons certified or 8907
applying for certification as an EMR, EMT, AEMT, or paramedic. 8908
When the superintendent of the bureau of criminal identification 8909
and investigation, under section 109.57 of the Revised Code, 8910
indicates that an individual in the retained applicant fingerprint 8911
database has been arrested for, convicted of, or pleaded guilty to 8912
any offense, the superintendent promptly shall notify the board 8913
either electronically or by mail that additional arrest or 8914
conviction information is available. 8915

(B) Except in instances when an individual is already 8916
enrolled in the continuous record monitoring service, each 8917
individual seeking certification, including renewal, as an EMR, 8918
EMT, AEMT, or paramedic shall submit one complete set of 8919
fingerprints directly to the superintendent for the purpose of 8920
conducting a criminal records check. The individual shall provide 8921
the fingerprints using a method the superintendent prescribes 8922
pursuant to division (C)(2) of section 109.572 of the Revised Code 8923
and fill out the form the superintendent prescribes pursuant to 8924
division (C)(1) of that section. The superintendent shall conduct 8925
the criminal records check as set forth in division (B) of that 8926
section. 8927

(C) Except as provided in division (D) of this section, the department of public safety shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (H) of section 109.5721 of the Revised Code. An individual submitting to a criminal records check pursuant to this section shall be fingerprinted at locations approved in advance by the state board of emergency medical, fire, and transportation services. 8928
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(D)(1) In addition to the requirements set forth in this section, an applicant for certification by reciprocity shall ask the superintendent to request that the federal bureau of investigation send the superintendent any information it has pertaining to the individual. 8936
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(2) Notwithstanding division (C) of this section, an applicant for certification by reciprocity shall pay the initial fee associated with the background check, including the fee for enrollment in the retained applicant fingerprint database established under section 109.5721 of the Revised Code. 8941
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(E) The results of a criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code. 8946
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(F) The board, in accordance with Chapter 119. of the Revised Code, may adopt rules establishing standards and procedures for the provision of criminal background checks for individuals seeking or renewing a certification as an EMR, EMT, AEMT, or paramedic. 8950
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Sec. 5501.09. (A) Notwithstanding section 117.11 of the Revised Code, the auditor of state, at least once a year and without previous notice to the department of transportation or any regional transit authority, shall audit the accounts and 8955
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transactions of the department and each of the regional transit 8959
authorities. 8960

(B) The department and each regional transit authority shall 8961
submit a copy of its annual audit by the auditor of state to the 8962
governor, the presiding officers of each house of the general 8963
assembly, and the director of budget and management not later than 8964
ninety days after receiving that annual audit from the auditor of 8965
state. 8966

Sec. 5501.21. The director of transportation shall provide a 8967
seal of the department of transportation, which shall be 8968
inscribed: "State of Ohio, Department of Transportation." 8969

Copies of records or parts thereof, and copies of any plan, 8970
drawing, document, or paper writing in the department when 8971
certified by the director to be true and correct copies of the 8972
record, plan, drawing, document, or paper writing and attested by 8973
the seal of the department shall be received in evidence in the 8974
courts of the state in the same manner and with the same effect as 8975
though the record, plan, drawing, document, or paper writing were 8976
offered. Any such copy as may be required by any party to any 8977
suit, upon request of such party, shall be furnished by the 8978
director. 8979

The director need not produce in any court an original paper 8980
or electronic record, plan, drawing, or other document, ~~or paper~~ 8981
~~writing.~~ 8982

~~Any party to any suit pending in any court may take the~~ 8983
~~deposition of the director, provided it is taken at the office of~~ 8984
~~the director.~~ All records, plans, and other documents and drawings 8985
of the department shall be open to the inspection of any 8986
interested person, subject to such reasonable rules as to the time 8987
of inspection and as to supervision, as the director prescribes. 8988

Sec. 5501.41. (A) The director of transportation may remove 8989
snow and ice from state highways, purchase the necessary equipment 8990
including snow fences, employ the necessary labor, and make all 8991
contracts necessary to enable such removal. The director may 8992
remove snow and ice from the state highways within municipal 8993
corporations, but before doing so ~~he~~ the director must obtain the 8994
consent of the legislative authority of such municipal 8995
corporation. The board of county commissioners on county highways, 8996
and the board of township trustees on township roads, shall have 8997
the same authority to purchase equipment for the removal of and to 8998
remove snow and ice as the director has on the state highway 8999
system. 9000

(B)(1) The director may provide road salt to a political 9001
subdivision if all of the following apply: 9002

(a) The director has excess road salt. 9003

(b) The political subdivision is otherwise unable to acquire 9004
road salt. 9005

(c) The political subdivision is in an emergency situation. 9006

(2) The director shall seek reimbursement from a political 9007
subdivision for road salt provided under this division. The 9008
reimbursement amount shall equal the price at which the director 9009
purchased the road salt. 9010

Sec. 5517.07. (A) If not already present, the department of 9011
transportation shall install signs and other traffic control 9012
devices designed to slow down the flow of traffic in construction 9013
and similar work zones. The signs and devices may include arrow 9014
boards, channelizing devices, temporary raise pavement markers, 9015
portable changeable message signs, temporary traffic barriers, 9016
screens, rumble strips, and any other signs or devices the 9017
director of transportation determines are appropriate for the 9018

highway and local conditions. 9019

(B) The department shall ensure that the placement and 9020
specifications for the signs and devices conform to the 9021
department's manual of uniform traffic control devices as adopted 9022
under section 4511.09 of the Revised Code. 9023

Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 9024
5577.04 of the Revised Code, a vehicle fueled solely by compressed 9025
natural gas or liquid natural gas may exceed by not more than two 9026
thousand pounds the gross vehicle weight provisions of sections 9027
5577.01 to 5577.09 of the Revised Code or the axle load limits of 9028
those sections. 9029

(B) If a vehicle described in division (A) of this section 9030
exceeds the weight provisions of sections 5577.01 to 5577.09 of 9031
the Revised Code by more than the allowance provided for in 9032
division (A) of this section, both of the following apply: 9033

(1) The applicable penalty prescribed in section 5577.99 of 9034
the Revised Code; 9035

(2) The civil liability imposed by section 5577.12 of the 9036
Revised Code. 9037

(C) Division (A) of this section does not apply to the 9038
operation of a vehicle on ~~either of the following:~~ 9039

~~(1) A highway that is part of the interstate system;~~ 9040

~~(2) A~~ a highway, road, or bridge that is subject to reduced 9041
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 9042
5577.09, or 5591.42 of the Revised Code. 9043

Sec. 5577.15. (A) The size and weight provisions of this 9044
chapter do not apply to ~~a~~ any of the following: 9045

(1) A person who is engaged in the initial towing or removal 9046

of a wrecked or disabled motor vehicle from the site of an 9047
emergency on a public highway where the vehicle became wrecked or 9048
disabled to the nearest site where the vehicle can be brought into 9049
conformance with the requirements of this chapter, to the nearest 9050
storage facility, or to the nearest qualified repair facility; 9051

(2) A person who is en route to the site of an emergency on a 9052
public highway to remove a wrecked or disabled motor vehicle; 9053

(3) A person who is returning from delivering a wrecked or 9054
disabled motor vehicle to a site, storage facility, or repair 9055
facility as specified in division (A)(1) of this section. 9056

(B) Any subsequent towing of a wrecked or disabled vehicle 9057
shall comply with the size and weight provisions of this chapter. 9058

(C) No court shall impose any penalty prescribed in section 9059
5577.99 of the Revised Code or the civil liability established in 9060
section 5577.12 of the Revised Code upon a person ~~towing or~~ 9061
~~removing~~ who is operating a vehicle in the manner described in 9062
division (A) of this section. 9063

Sec. 5735.01. As used in this chapter: 9064

(A) "Motor vehicles" includes all vehicles, vessels, 9065
watercraft, engines, machines, or mechanical contrivances which 9066
are powered by internal combustion engines or motors. 9067

(B) "Motor fuel" means gasoline, diesel fuel, kerosene, 9068
compressed natural gas, or any other liquid motor fuel, including, 9069
but not limited to, liquid petroleum gas or liquid natural gas, 9070
but excluding substances prepackaged and sold in containers of 9071
five gallons or less. 9072

(C) "Kerosene" means all grades of kerosene, including, but 9073
not limited to, the two grades of kerosene, no. 1-K and no. 2-K, 9074
commonly known as K-1 kerosene and K-2 kerosene, respectively, 9075
described in the American Society for Testing Materials Standard 9076

D-3699, in effect on January 1, 1999, and aviation grade kerosene. 9077

(D) "Diesel fuel" means any liquid fuel capable of use in 9078
discrete form or as a blend component in the operation of engines 9079
of the diesel type, including transmix when mixed with diesel 9080
fuel. 9081

(E) "Gasoline" means any of the following: 9082

(1) All products, commonly or commercially known or sold as 9083
gasoline; 9084

(2) Any blend stocks or additives, including alcohol, that 9085
are sold for blending with gasoline, other than products typically 9086
sold in containers of five gallons or less; 9087

(3) Transmix when mixed with gasoline, unless certified, as 9088
required by the tax commissioner, for withdrawal from terminals 9089
for reprocessing at refineries; 9090

(4) Alcohol that is offered for sale or sold for use as, or 9091
commonly and commercially used as, a fuel for internal combustion 9092
engines. 9093

Gasoline does not include diesel fuel, commercial or 9094
industrial naphthas or solvents manufactured, imported, received, 9095
stored, distributed, sold, or used exclusively for purposes other 9096
than as a motor fuel for a motor vehicle or vessel. The blending 9097
of any of the products listed in the preceding sentence, 9098
regardless of name or characteristics, is conclusively presumed to 9099
have been done to produce gasoline, unless the product obtained by 9100
the blending is entirely incapable for use as fuel to operate a 9101
motor vehicle. An additive, blend stock, or alcohol is presumed to 9102
be sold for blending unless a certification is obtained as 9103
required by the tax commissioner. 9104

(F) "Public highways" means lands and lots over which the 9105
public, either as user or owner, generally has a right to pass, 9106

even though the same are closed temporarily by the authorities for 9107
the purpose of construction, reconstruction, maintenance, or 9108
repair. 9109

(G) "Waters within the boundaries of this state" means all 9110
streams, lakes, ponds, marshes, water courses, and all other 9111
bodies of surface water, natural or artificial, which are situated 9112
wholly or partially within this state or within its jurisdiction, 9113
except private impounded bodies of water. 9114

(H) "Person" includes individuals, partnerships, firms, 9115
associations, corporations, receivers, trustees in bankruptcy, 9116
estates, joint-stock companies, joint ventures, the state and its 9117
political subdivisions, and any combination of persons of any 9118
form. 9119

(I)(1) "Motor fuel dealer" means any person who satisfies any 9120
of the following: 9121

(a) The person imports from another state or foreign country 9122
or acquires motor fuel by any means into a terminal in this state; 9123

(b) The person imports motor fuel from another state or 9124
foreign country in bulk lot vehicles for subsequent sale and 9125
distribution in this state from bulk lot vehicles; 9126

(c) The person refines motor fuel in this state; 9127

(d) The person acquires motor fuel from a motor fuel dealer 9128
for subsequent sale and distribution by that person in this state 9129
from bulk lot vehicles; 9130

(e) The person possesses an unrevoked permissive motor fuel 9131
dealer's license. 9132

(2) Any person who obtains dyed diesel fuel for use other 9133
than the operation of motor vehicles upon the public highways or 9134
upon waters within the boundaries of this state, but later uses 9135
that motor fuel for the operation of motor vehicles upon the 9136

public highways or upon waters within the boundaries of this 9137
state, is deemed a motor fuel dealer as regards any unpaid motor 9138
fuel taxes levied on the motor fuel so used. 9139

(J) As used in section 5735.05 of the Revised Code only: 9140

(1) With respect to gasoline, "received" or "receipt" shall 9141
be construed as follows: 9142

(a) Gasoline produced at a refinery in this state or 9143
delivered to a terminal in this state is deemed received when it 9144
is disbursed through a loading rack at that refinery or terminal; 9145

(b) Except as provided in division (J)(1)(a) of this section, 9146
gasoline imported into this state or purchased or otherwise 9147
acquired in this state by any person is deemed received within 9148
this state by that person when the gasoline is withdrawn from the 9149
container in which it was transported; 9150

(c) Gasoline delivered or disbursed by any means from a 9151
terminal directly to another terminal is not deemed received. 9152

(2) With respect to motor fuel other than gasoline, 9153
"received" or "receipt" means distributed or sold for use or used 9154
to generate power for the operation of motor vehicles upon the 9155
public highways or upon waters within the boundaries of this 9156
state. All diesel fuel that is not dyed diesel fuel, regardless of 9157
its use, shall be considered as used to generate power for the 9158
operation of motor vehicles upon the public highways or upon 9159
waters within the boundaries of this state when the fuel is sold 9160
or distributed to a person other than a licensed motor fuel dealer 9161
or to a person licensed under section 5735.026 of the Revised 9162
Code. 9163

(K) Motor fuel used for the operation of licensed motor 9164
vehicles employed in the maintenance, construction, or repair of 9165
public highways is deemed to be used for the operation of motor 9166
vehicles upon the public highways. 9167

(L) "Licensed motor fuel dealer" means any dealer possessing 9168
an unrevoked motor fuel dealer's license issued by the tax 9169
commissioner as provided in section 5735.02 of the Revised Code. 9170

(M) "Licensed retail dealer" means any retail dealer 9171
possessing an unrevoked retail dealer's license issued by the tax 9172
commissioner as provided in section 5735.022 of the Revised Code. 9173

(N) "Refinery" means a facility used to produce motor fuel 9174
and from which motor fuel may be removed by pipeline, by vessel, 9175
or at a rack. 9176

(O) "Retail dealer" means any person that sells or 9177
distributes motor fuel at a retail service station located in this 9178
state. 9179

(P) "Retail service station" means a location from which 9180
motor fuel is sold to the general public and is dispensed or 9181
pumped directly into motor vehicle fuel tanks for consumption. 9182

(Q) "Transit bus" means a motor vehicle that is operated for 9183
public transit or paratransit service on a regular and continuing 9184
basis within the state by or for a county, a municipal 9185
corporation, a county transit board pursuant to sections 306.01 to 9186
306.13 of the Revised Code, a regional transit authority pursuant 9187
to sections 306.30 to 306.54 of the Revised Code, or a regional 9188
transit commission pursuant to sections 306.80 to 306.90 of the 9189
Revised Code. Public transit or paratransit service may include 9190
fixed route, demand-responsive, or subscription bus service 9191
transportation, but does not include shared-ride taxi service, 9192
carpools, vanpools, jitney service, school bus transportation, or 9193
charter or sightseeing services. 9194

(R) "Export" means to obtain motor fuel in this state for 9195
sale or other distribution outside this state. For the purposes of 9196
this division, motor fuel delivered outside this state by or for 9197
the seller constitutes an export by the seller, and motor fuel 9198

delivered outside this state by or for the purchaser constitutes 9199
an export by the purchaser. 9200

(S) "Import" means motor fuel delivered into this state from 9201
outside this state. Motor fuel delivered into this state from 9202
outside this state by or for the seller constitutes an import by 9203
the seller. Motor fuel delivered into this state from outside this 9204
state by or for the purchaser constitutes an import by the 9205
purchaser. 9206

(T) "Terminal" means a motor fuel storage or distribution 9207
facility that is supplied by pipeline or marine vessel. 9208

(U) "Consumer" means a buyer of motor fuel for purposes other 9209
than resale in any form. 9210

(V) "Bulk lot vehicle" means railroad tank cars, transport 9211
tank trucks, and tank wagons with a capacity of at least 1,400 9212
gallons. 9213

(W) "Licensed permissive motor fuel dealer" means any person 9214
possessing an unrevoked permissive motor fuel dealer's license 9215
issued by the tax commissioner under section 5735.021 of the 9216
Revised Code. 9217

(X) "Licensed terminal operator" means any person possessing 9218
an unrevoked terminal operator's license issued by the tax 9219
commissioner under section ~~5735.026~~ 5735.027 of the Revised Code. 9220

(Y) "Licensed exporter" means any person possessing an 9221
unrevoked exporter's license issued by the tax commissioner under 9222
section 5735.026 of the Revised Code. 9223

(Z) "Dyed diesel fuel" means diesel fuel satisfying the 9224
requirements of 26 U.S.C. 4082. 9225

(AA) "Gross gallons" means U.S. gallons without temperature 9226
or barometric adjustments. 9227

(BB) "Bulk plant" means a motor fuel storage and distribution 9228

facility, other than a terminal, from which motor fuel may be 9229
withdrawn by railroad car, transport trucks, tank wagons, or 9230
marine vessels. 9231

(CC) "Transporter" means either of the following: 9232

(1) A railroad company, street, suburban, or interurban 9233
railroad company, a pipeline company, or water transportation 9234
company that transports motor fuel, either in interstate or 9235
intrastate commerce, to points in this state; 9236

(2) A person that transports motor fuel by any manner to a 9237
point in this state. 9238

(DD) "Exporter" means either of the following: 9239

(1) A person that is licensed to collect and remit motor fuel 9240
taxes in a specified state of destination; 9241

(2) A person that is statutorily prohibited from obtaining a 9242
license to collect and remit motor fuel taxes in a specified state 9243
of destination, and is licensed to sell or distribute tax-paid 9244
motor fuel in the specified state of destination. 9245

(EE) "Report" means a report or return required to be filed 9246
under this chapter and may be used interchangeably with, and for 9247
all purposes has the same meaning as, "return." 9248

(FF) "Aviation fuel" means aviation gasoline or aviation 9249
grade kerosene or any other fuel that is used in aircraft. 9250

(GG) "Aviation gasoline" means fuel specifically compounded 9251
for use in reciprocating aircraft engines. 9252

(HH) "Aviation grade kerosene" means any kerosene type jet 9253
fuel covered by ASTM Specification D1655 or meeting specification 9254
MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8). 9255

(II) "Aviation fuel dealer" means a person that acquires 9256
aviation fuel from a supplier or from another aviation fuel dealer 9257
for subsequent sale to a person other than an end user. 9258

(JJ) "Compressed natural gas" means natural gas compressed to a level at or above two thousand nine hundred bar and stored in high pressure containers.

Sec. 5735.011. For the purposes of this chapter, amounts of liquid natural gas and compressed natural gas shall be measured in gallon equivalents. ~~The~~ as follows:

(A) The diesel gallon equivalent standard for liquid natural gas shall be the equivalent of one gallon of motor fuel;

(B) The compressed natural gas gallon equivalent standard is one hundred twenty-six and sixty-seven one-hundredths cubic feet, which equals five and sixty-six one-hundredths pounds.

Sec. 5735.05. (A) There is hereby levied a motor fuel excise tax on each motor fuel dealer, measured by gross gallons, upon the receipt of motor fuel within this state.

The tax is levied at the ~~total rate of twenty-eight cents per gallon to provide revenue for~~ rates prescribed by division (D) of this section. The revenue derived from twenty-eight cents per gallon of such tax rates shall be distributed under divisions (A), (B), (C), and (D) of section 5735.051 of the Revised Code to fund the following purposes and in the following amounts:

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ shall be used solely to provide revenue for maintaining the state highway system; to widen existing surfaces on such highways; to resurface such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties of the state properly to plan, maintain, and repair their roads and

to pay principal, interest, and charges on bonds and other 9289
obligations issued pursuant to Chapter 133. of the Revised Code or 9290
incurred pursuant to section 5531.09 of the Revised Code for 9291
highway improvements; to enable the municipal corporations to 9292
plan, construct, reconstruct, repave, widen, maintain, repair, 9293
clear, and clean public highways, roads, and streets, and to pay 9294
the principal, interest, and charges on bonds and other 9295
obligations issued pursuant to Chapter 133. of the Revised Code or 9296
incurred pursuant to section 5531.09 of the Revised Code for 9297
highway improvements; to enable the Ohio turnpike and 9298
infrastructure commission to construct, reconstruct, maintain, and 9299
repair turnpike projects; to maintain and repair bridges and 9300
viaducts; to purchase, erect, and maintain street and traffic 9301
signs and markers; to purchase, erect, and maintain traffic lights 9302
and signals; to pay the costs apportioned to the public under 9303
sections 4907.47 and 4907.471 of the Revised Code and to 9304
supplement revenue already available for such purposes; to pay the 9305
costs incurred by the public utilities commission in administering 9306
sections 4907.47 to 4907.476 of the Revised Code; to distribute 9307
equitably among those persons using the privilege of driving motor 9308
vehicles upon such highways and streets the cost of maintaining 9309
and repairing them; to pay the interest, principal, and charges on 9310
highway capital improvements bonds and other obligations issued 9311
pursuant to Section 2m of Article VIII, Ohio Constitution, and 9312
section 151.06 of the Revised Code; to pay the interest, 9313
principal, and charges on highway obligations issued pursuant to 9314
Section 2i of Article VIII, Ohio Constitution, and sections 9315
5528.30 and 5528.31 of the Revised Code; to pay the interest, 9316
principal, and charges on major new state infrastructure bonds and 9317
other obligations of the state issued pursuant to Section 13 of 9318
Article VIII, Ohio Constitution, and section 5531.10 of the 9319
Revised Code; to provide revenue for the purposes of sections 9320
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 9321

the department of taxation incident to the administration of the 9322
motor fuel laws. 9323

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 9324
used solely to pay the expenses of administering and enforcing the 9325
state law relating to the registration and operation of motor 9326
vehicles; to supply the state's share of the cost of planning, 9327
constructing, widening, and reconstructing the state highways; to 9328
supply the state's share of the cost of eliminating railway grade 9329
crossings upon such highways; to pay that portion of the 9330
construction cost of a highway project that a county, township, or 9331
municipal corporation normally would be required to pay, but that 9332
the director of transportation, pursuant to division (B) of 9333
section 5531.08 of the Revised Code, determines instead will be 9334
paid from moneys in the highway operating fund; to enable counties 9335
and townships to properly plan, construct, widen, reconstruct, and 9336
maintain their public highways, roads, and streets; to enable 9337
counties to pay principal, interest, and charges on bonds and 9338
other obligations issued pursuant to Chapter 133. of the Revised 9339
Code or incurred pursuant to section 5531.09 of the Revised Code 9340
for highway improvements; to enable municipal corporations to 9341
plan, construct, reconstruct, repave, widen, maintain, repair, 9342
clear, and clean public highways, roads, and streets; to enable 9343
municipal corporations to pay the principal, interest, and charges 9344
on bonds and other obligations issued pursuant to Chapter 133. of 9345
the Revised Code or incurred pursuant to section 5531.09 of the 9346
Revised Code for highway improvements; to maintain and repair 9347
bridges and viaducts; to purchase, erect, and maintain street and 9348
traffic signs and markers; to purchase, erect, and maintain 9349
traffic lights and signals; to pay the costs apportioned to the 9350
public under section 4907.47 of the Revised Code; to provide 9351
revenue for the purposes of sections 1547.71 to 1547.77 of the 9352
Revised Code and to supplement revenue already available for such 9353
purposes; to pay the expenses of the department of taxation 9354

incident to the administration of the motor fuel laws and to 9355
supplement revenue already available for such purposes; to pay the 9356
interest, principal, and charges on bonds and other obligations 9357
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9358
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 9359
the interest, principal, and charges on highway obligations issued 9360
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9361
sections 5528.30 and 5528.31 of the Revised Code. 9362

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 9363
used solely to supply the state's share of the cost of 9364
constructing, widening, maintaining, and reconstructing the state 9365
highways; to maintain and repair bridges and viaducts; to 9366
purchase, erect, and maintain street and traffic signs and 9367
markers; to purchase, erect, and maintain traffic lights and 9368
signals; to pay the expense of administering and enforcing the 9369
state law relative to the registration and operation of motor 9370
vehicles; to make road improvements associated with retaining or 9371
attracting business for this state; to pay that portion of the 9372
construction cost of a highway project that a county, township, or 9373
municipal corporation normally would be required to pay, but that 9374
the director of transportation, pursuant to division (B) of 9375
section 5531.08 of the Revised Code, determines instead will be 9376
paid from moneys in the highway operating fund; to provide revenue 9377
for the purposes of sections 1547.71 to 1547.77 of the Revised 9378
Code and to supplement revenue already available for such 9379
purposes; to pay the expenses of the department of taxation 9380
incident to the administration of the motor fuel laws and to 9381
supplement revenue already available for such purposes; to pay the 9382
interest, principal, and charges on highway obligations issued 9383
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9384
sections 5528.30 and 5528.31 of the Revised Code; to enable 9385
counties and townships to properly plan, construct, widen, 9386
reconstruct, and maintain their public highways, roads, and 9387

streets; to enable counties to pay principal, interest, and 9388
charges on bonds and other obligations issued pursuant to Chapter 9389
133. of the Revised Code or incurred pursuant to section 5531.09 9390
of the Revised Code for highway improvements; to enable municipal 9391
corporations to plan, construct, reconstruct, repave, widen, 9392
maintain, repair, clear, and clean public highways, roads, and 9393
streets; to enable municipal corporations to pay the principal, 9394
interest, and charges on bonds and other obligations issued 9395
pursuant to Chapter 133. of the Revised Code or incurred pursuant 9396
to section 5531.09 of the Revised Code for highway improvements; 9397
and to pay the costs apportioned to the public under section 9398
4907.47 of the Revised Code. 9399

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 9400
used solely to pay the state's share of the cost of constructing 9401
and reconstructing highways and eliminating railway grade 9402
crossings on the major thoroughfares of the state highway system 9403
and urban extensions thereof; to pay that portion of the 9404
construction cost of a highway project that a county, township, or 9405
municipal corporation normally would be required to pay, but that 9406
the director of transportation, pursuant to division (B) of 9407
section 5531.08 of the Revised Code, determines instead will be 9408
paid from moneys in the highway operating fund; to pay the 9409
interest, principal, and charges on bonds and other obligations 9410
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9411
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 9412
interest, principal, and charges on highway obligations issued 9413
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9414
sections 5528.30 and 5528.31 of the Revised Code; to provide 9415
revenues for the purposes of sections 1547.71 to 1547.77 of the 9416
Revised Code; and to pay the expenses of the department of 9417
taxation incident to the administration of the motor fuel laws. 9418

(B) The revenue derived from any portion of the tax rates 9419

that exceeds twenty-eight cents per gallon shall be distributed 9420
under division (E) of section 5735.051 of the Revised Code to fund 9421
the purposes described in division (A) of this section, as 9422
provided in divisions (A) and (B) of section 5735.27 of the 9423
Revised Code. 9424

(C) The tax imposed by this section does not apply to the 9425
following transactions: 9426

(1) The sale of dyed diesel fuel by a licensed motor fuel 9427
dealer from a location other than a retail service station 9428
provided the licensed motor fuel dealer places on the face of the 9429
delivery document or invoice, or both if both are used, a 9430
conspicuous notice stating that the fuel is dyed and is not for 9431
taxable use, and that taxable use of that fuel is subject to a 9432
penalty. The tax commissioner, by rule, may provide that any 9433
notice conforming to rules or regulations issued by the United 9434
States department of the treasury or the Internal Revenue Service 9435
is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 9436
this section. 9437

(2) The sale of K-1 kerosene to a retail service station, 9438
except when placed directly in the fuel supply tank of a motor 9439
vehicle. Such sale shall be rebuttably presumed to not be 9440
distributed or sold for use or used to generate power for the 9441
operation of motor vehicles upon the public highways or upon the 9442
waters within the boundaries of this state. 9443

(3) The sale of motor fuel by a licensed motor fuel dealer to 9444
another licensed motor fuel dealer; 9445

(4) The exportation of motor fuel by a licensed motor fuel 9446
dealer from this state to any other state or foreign country; 9447

(5) The sale of motor fuel to the United States government or 9448
any of its agencies, except such tax as is permitted by it, where 9449
such sale is evidenced by an exemption certificate, in a form 9450

approved by the tax commissioner, executed by the United States 9451
government or an agency thereof certifying that the motor fuel 9452
therein identified has been purchased for the exclusive use of the 9453
United States government or its agency; 9454

(6) The sale of motor fuel that is in the process of 9455
transportation in foreign or interstate commerce, except insofar 9456
as it may be taxable under the Constitution and statutes of the 9457
United States, and except as may be agreed upon in writing by the 9458
dealer and the commissioner; 9459

(7) The sale of motor fuel when sold exclusively for use in 9460
the operation of aircraft, where such sale is evidenced by an 9461
exemption certificate prescribed by the commissioner and executed 9462
by the purchaser certifying that the motor fuel purchased has been 9463
purchased for exclusive use in the operation of aircraft; 9464

(8) The sale for exportation of motor fuel by a licensed 9465
motor fuel dealer to a licensed exporter described in division 9466
(DD)(1) of section 5735.01 of the Revised Code; 9467

(9) The sale for exportation of motor fuel by a licensed 9468
motor fuel dealer to a licensed exporter described in division 9469
(DD)(2) of section 5735.01 of the Revised Code, provided that the 9470
destination state motor fuel tax has been paid or will be accrued 9471
and paid by the licensed motor fuel dealer. 9472

(10) The sale to a consumer of diesel fuel, by a motor fuel 9473
dealer for delivery from a bulk lot vehicle, for consumption in 9474
operating a vessel when the use of such fuel in a vessel would 9475
otherwise qualify for a refund under section 5735.14 of the 9476
Revised Code. 9477

Division ~~(B)~~(C)(1) of this section does not apply to the sale 9478
or distribution of dyed diesel fuel used to operate a motor 9479
vehicle on the public highways or upon water within the boundaries 9480
of this state by persons permitted under regulations of the United 9481

States department of the treasury or of the Internal Revenue 9482
Service to so use dyed diesel fuel. 9483

(C)(D) The rate of the tax imposed by this section before 9484
October 1, 2019, is twenty-eight cents per gallon of motor fuel. 9485
The rate of the tax imposed by this section on and after October 9486
1, 2019, shall be as provided in divisions (D)(1) and (2) of this 9487
section. 9488

(1) On each gallon of gasoline: 9489

(a) Thirty-three cents on and after October 1, 2019, and 9490
before October 1, 2020; 9491

(b) Thirty-six cents on and after October 1, 2020, and before 9492
October 1, 2021; 9493

(c) Thirty-eight and seven-tenths cents on and after October 9494
1, 2021. 9495

(2) On each gallon of motor fuel other than gasoline: 9496

(a) Thirty-eight cents on and after October 1, 2019, and 9497
before October 1, 2020; 9498

(b) Forty-four cents on and after October 1, 2020, and before 9499
October 1, 2021; 9500

(c) Forty-eight cents on and after October 1, 2021. 9501

(E) The tax commissioner may adopt rules as necessary to 9502
administer this section. 9503

Sec. 5735.051. Out of revenue from the tax levied by section 9504
5735.05 of the Revised Code, the treasurer of state shall place to 9505
the credit of the tax refund fund established by section 5703.052 9506
of the Revised Code amounts equal to the refunds certified by the 9507
tax commissioner pursuant to sections 5735.13, 5735.14, and 9508
5735.142 of the Revised Code. The treasurer of state shall then 9509
transfer seven-eighths per cent of the revenue to the waterways 9510

safety fund to be used for the purposes of sections 1547.71 to 9511
1547.77 of the Revised Code, one-eighth per cent to the wildlife 9512
boater angler fund to be used for the purposes specified by 9513
section 1531.35 of the Revised Code, and the amount ~~required by~~ 9514
described in section 5735.053 of the Revised Code to the motor 9515
fuel tax administration fund. Revenue remaining after such 9516
crediting and transfers shall be distributed each month as 9517
provided in divisions (A) to ~~(D)~~(E) of this section. 9518

(A) The portion of revenue described in division (A)(1) of 9519
section 5735.05 of the Revised Code shall be credited as follows: 9520

(1) One hundred thousand dollars to the grade crossing 9521
protection fund for the purposes specified by section 4907.472 of 9522
the Revised Code; 9523

(2) Of such revenue remaining after crediting under division 9524
(A)(1) of this section, five and two thousand nine hundred 9525
forty-two ten thousandths per cent shall be credited to the 9526
highway operating fund, which is hereby created in the state 9527
treasury, and ninety-four and seven thousand fifty-eight ten 9528
thousandths per cent to the gasoline excise tax fund. 9529

(a) Of the amount credited to the gasoline excise tax fund 9530
under division (A)(2) of this section, ninety-three and one 9531
thousand six hundred seventy-seven ten thousandths per cent shall 9532
be transferred as follows: 9533

(i) Six and seven-tenths per cent of the amount to be 9534
transferred under division (A)(2)(a) of this section to the local 9535
transportation improvement program fund created by section 164.14 9536
of the Revised Code; 9537

(ii) An amount equal to five cents multiplied by the number 9538
of gallons of motor fuel sold at stations operated by the Ohio 9539
turnpike and infrastructure commission, such gallonage to be 9540

certified by the commission to the treasurer of state not later 9541
than the last day of the month following. Such money shall be 9542
expended for the construction, reconstruction, maintenance, and 9543
repair of turnpike projects, except that the funds may not be 9544
expended for the construction of new interchanges. The funds also 9545
may be expended for the construction, reconstruction, maintenance, 9546
and repair of those portions of connecting public roads that serve 9547
existing interchanges and are determined by the commission and the 9548
director of transportation to be necessary for the safe merging of 9549
traffic between the turnpike and those public roads. 9550

(iii) The remainder of the amount to be transferred under 9551
division (A)(2)(a) of this section after the transfers under 9552
divisions (A)(2)(a)(i) and (ii) of this section shall be 9553
distributed on the fifteenth day of the following month as 9554
follows: 9555

(I) Ten and seven-tenths per cent for distribution among 9556
municipal corporations under division (A)(1) of section 5735.27 of 9557
the Revised Code, except that the sum of seven hundred forty-five 9558
thousand eight hundred seventy-five dollars shall be subtracted 9559
each month from the amount so computed and credited to the highway 9560
operating fund; 9561

(II) Nine and three-tenths per cent for distribution among 9562
counties under division (A)(2) of section 5735.27 of the Revised 9563
Code, except that the sum of seven hundred forty-five thousand 9564
eight hundred seventy-five dollars shall be subtracted each month 9565
from the amount so computed and credited to the highway operating 9566
fund; 9567

(III) Five per cent for distribution among townships under 9568
division (A)(3)(a) of section 5735.27 of the Revised Code, except 9569
that the sum of two hundred sixty-three thousand two hundred fifty 9570
dollars shall be subtracted each month from the amount so computed 9571
and credited to the highway operating fund; 9572

(IV) Except as provided in division (A)(3) of this section, 9573
the balance shall be transferred to the highway operating fund and 9574
used for the purposes set forth in division (B) of section 5735.27 9575
of the Revised Code. 9576

(b) Of the amount credited to the gasoline excise tax fund 9577
under division (A)(2) of this section, six and eight thousand 9578
three hundred twenty-three ten thousandths per cent shall be 9579
distributed on the fifteenth day of the following month as 9580
follows: 9581

(i) Forty-two and eighty-six hundredths per cent shall be 9582
distributed among municipal corporations in accordance with 9583
division (A)(1) of section 5735.27 of the Revised Code; 9584

(ii) Thirty-seven and fourteen hundredths per cent shall be 9585
distributed among counties in accordance with division (A)(2) of 9586
section 5735.27 of the Revised Code; 9587

(iii) Twenty per cent shall be combined with twenty per cent 9588
of any amounts transferred from the highway operating fund to the 9589
gasoline excise tax fund through biennial appropriations acts of 9590
the general assembly pursuant to the planned phase-in of a new 9591
source of funding for the state highway patrol, and shall be 9592
distributed among townships in accordance with division (A)(3)(b) 9593
of section 5735.27 of the Revised Code. 9594

(3) Monthly from September to February of each fiscal year, 9595
an amount equal to one-sixth of the amount certified in July of 9596
that year by the treasurer of state pursuant to division (Q) of 9597
section 151.01 of the Revised Code shall, from amounts required to 9598
be credited or transferred to the highway operating fund pursuant 9599
to division (A)(2)(a)(iii)(IV) of this section, be credited or 9600
transferred to the highway capital improvement bond service fund 9601
created in section 151.06 of the Revised Code. If, in any of those 9602
months, the amount available to be credited or transferred to the 9603

bond service fund is less than one-sixth of the amount so 9604
certified, the shortfall shall be added to the amount due the next 9605
succeeding month. Any amount still due at the end of the six-month 9606
period shall be credited or transferred as the money becomes 9607
available, until such time as the office of budget and management 9608
receives certification from the treasurer of state or the 9609
treasurer of state's designee that sufficient money has been 9610
credited or transferred to the bond service fund to meet in full 9611
all payments of debt service and financing costs due during the 9612
fiscal year from that fund. 9613

(B) The portion of revenue described in division (A)(2) of 9614
section 5735.05 of the Revised Code shall be credited each month 9615
as follows: 9616

(1) Sixty-seven and one-half per cent to the highway 9617
operating fund for distribution pursuant to division (B) of 9618
section 5735.27 of the Revised Code; 9619

(2) Thirty-two and one-half per cent to the gasoline excise 9620
tax fund for distribution under division (A) of section 5735.27 of 9621
the Revised Code in the same manner as money from that fund is 9622
distributed under division (A)(2)(b) of this section. 9623

(C)(1) The portion of revenue described in division (A)(3) of 9624
section 5735.05 of the Revised Code shall be credited each month 9625
as follows: 9626

(a) Three-sixteenths to the gasoline excise tax fund for 9627
distribution under division (C)(2) of this section; 9628

(b) Thirteen-sixteenths to the highway operating fund, 9629
subject to the deduction under division (C)(3) of this section. 9630

(2) The revenue credited to the gasoline excise tax fund 9631
under division (C)(1)(a) of this section shall be distributed in 9632
the same manner as in division (A)(2)(b) of this section, subject 9633
to the deductions under division (C)(3) of this section. Each 9634

municipal corporation, county, or township shall use at least 9635
ninety per cent of the revenue distributed to it under division 9636
(C)(2) of this section to supplement, rather than supplant, other 9637
local funds used for highway-related purposes. 9638

(3)(a) Before the distribution from the gasoline excise tax 9639
fund to municipal corporations as provided in division (C)(2) of 9640
this section, the department of taxation shall deduct thirty-three 9641
and one-third per cent of the amount specified in division 9642
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 9643
distribution to townships pursuant to division (A)(3)(b) of that 9644
section. 9645

(b) Before the distribution from the gasoline excise tax fund 9646
to counties as provided in division (C)(2) of this section, the 9647
department of taxation shall deduct thirty-three and one-third per 9648
cent of the amount specified in division (A)(3)(c) of section 9649
5735.27 of the Revised Code and use it for distribution to 9650
townships pursuant to division (A)(3)(b) of that section. 9651

(c) Before crediting the portion of revenue described in 9652
division (A)(3) of section 5735.05 of the Revised Code to the 9653
highway operating fund under division (C)(1)(b) of this section, 9654
the department of taxation shall deduct thirty-three and one-third 9655
per cent of the amount specified in division (A)(3)(c) of section 9656
5735.27 of the Revised Code and use it for distribution to 9657
townships pursuant to division (A)(3)(b) of that section. 9658

(D) The portion of revenue described in division (A)(4) of 9659
section 5735.05 of the Revised Code shall be credited each month 9660
to the highway operating fund. 9661

(E) The portion of revenue described in division (B) of 9662
section 5735.05 of the Revised Code shall be credited each month 9663
as follows: 9664

(1) Fifty-five per cent of that revenue to the highway 9665

operating fund for distribution pursuant to division (B) of 9666
section 5735.27 of the Revised Code; 9667

(2) Forty-five per cent of that revenue to the gasoline 9668
excise tax fund to be divided each month as follows: 9669

(a) Forty-two and eighty-six hundredths per cent for 9670
distribution among municipal corporations under division (A)(1) of 9671
section 5735.27 of the Revised Code; 9672

(b) Thirty-seven and fourteen hundredths per cent for 9673
distribution among counties under division (A)(2) of section 9674
5735.27 of the Revised Code; 9675

(c) Twenty per cent for distribution among townships under 9676
division (A)(3)(b) of section 5735.27 of the Revised Code. 9677

Sec. 5735.053. There is hereby created in the state treasury 9678
the motor fuel tax administration fund for the purpose of paying 9679
the expenses of the department of taxation incident to the 9680
administration of the motor fuel laws. After the treasurer of 9681
state credits the tax refund fund out of tax receipts as required 9682
by section 5735.051 of the Revised Code, the treasurer of state 9683
shall transfer to the motor fuel tax administration fund ~~two~~ 9684
~~hundred seventy five one thousandths per cent of the receipts from~~ 9685
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 9686
an amount not to exceed one twenty-fourth of the approved 9687
appropriation assigned to the fund for the biennium. 9688

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 9689
which the tax imposed by section 5735.05 of the Revised Code has 9690
been paid, for the purpose of operating a transit bus shall be 9691
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 9692
total tax paid on motor fuel used by public transportation systems 9693
providing transit or paratransit service on a regular and 9694
continuing basis within the state less one cent per gallon of such 9695

fuel; 9696

(2) A city, exempted village, joint vocational, or local 9697
school district or educational service center that purchases any 9698
motor fuel for school district or service center operations, on 9699
which any tax imposed by section 5735.05 of the Revised Code has 9700
been paid, may, if an application is filed under this section, be 9701
reimbursed in the amount of ~~six cents per gallon~~ of the total tax 9702
imposed by that section and paid on motor fuel less twenty-two 9703
cents per gallon of such fuel. 9704

(3) A county board of developmental disabilities that, ~~on or~~ 9705
~~after July 1, 2005,~~ purchases any motor fuel for county board 9706
operations, on which any tax imposed by section 5735.05 of the 9707
Revised Code has been paid may, if an application is filed under 9708
this section, be reimbursed in the amount of ~~of six cents per gallon~~ 9709
of the total tax imposed by that section and paid on motor fuel 9710
less twenty-two cents per gallon of such fuel. 9711

(4) A person that has its principal business operations in 9712
this state and that purchases motor fuel, on which the tax imposed 9713
by section 5735.05 of the Revised Code has been paid, for the 9714
purpose of operating one or more motor vehicles that are used for 9715
transporting persons shall be reimbursed in the amount of the 9716
total tax paid on motor fuel used in the person's provision of 9717
public transit or paratransit services on a scheduled route driven 9718
on a regular and continuing basis within this state pursuant to a 9719
contract with the department of transportation or a county, 9720
municipal corporation, county transit board, regional transit 9721
authority, or regional transit commission. 9722

(B) Such person, school district, educational service center, 9723
or county board shall file with the tax commissioner an 9724
application for refund within one year from the date of purchase, 9725
stating the quantity of fuel used for operating transit buses used 9726
by local transit systems in furnishing scheduled common carrier, 9727

public passenger land transportation service along regular routes 9728
primarily in one or more municipal corporations or for operating 9729
vehicles used for school district, service center, or county board 9730
operations. However, no claim shall be made for the tax on fewer 9731
than one hundred gallons of motor fuel. A school district, 9732
educational service center, or county board shall not apply for a 9733
refund for any tax paid on motor fuel that is sold by the 9734
district, service center, or county board. The application shall 9735
be accompanied by the statement described in section 5735.15 of 9736
the Revised Code showing the purchase, together with evidence of 9737
payment thereof. 9738

(C) After consideration of the application and statement, the 9739
commissioner shall determine the amount of refund to which the 9740
applicant is entitled. If the amount is not less than that 9741
claimed, the commissioner shall certify the amount to the director 9742
of budget and management and treasurer of state for payment from 9743
the tax refund fund created by section 5703.052 of the Revised 9744
Code. If the amount is less than that claimed, the commissioner 9745
shall proceed in accordance with section 5703.70 of the Revised 9746
Code. 9747

The commissioner may require that the application be 9748
supported by the affidavit of the claimant. No refund shall be 9749
authorized or ordered for any single claim for the tax on fewer 9750
than one hundred gallons of motor fuel. No refund shall be 9751
authorized or ordered on motor fuel that is sold by a school 9752
district, educational service center, or county board. 9753

(D) The right to receive any refund under this section or 9754
section 5703.70 of the Revised Code is not assignable. The payment 9755
of this refund shall not be made to any person or entity other 9756
than the person or entity originally entitled thereto who used the 9757
motor fuel upon which the claim for refund is based, except that 9758
the refund when allowed and certified, as provided in this 9759

section, may be paid to the executor, the administrator, the 9760
receiver, the trustee in bankruptcy, or the assignee in insolvency 9761
proceedings of the person. 9762

Sec. 5735.27. (A) There is hereby created in the state 9763
treasury the gasoline excise tax fund. All investment earnings of 9764
the fund shall be credited to the fund. Revenue credited to the 9765
fund under section 5735.051 from the tax levied under section 9766
5735.05 of the Revised Code shall be distributed to municipal 9767
corporations, counties, and townships as provided in divisions 9768
(A)(1), (2), and (3) of this section. 9769

(1) The amount distributed to each municipal corporation 9770
shall be that proportion of the amount to be distributed among 9771
municipal corporations that the number of motor vehicles 9772
registered within the municipal corporation bears to the total 9773
number of motor vehicles registered within all the municipal 9774
corporations of this state during the preceding motor vehicle 9775
registration year. When a new village is incorporated, the 9776
registrar of motor vehicles shall determine from the applications 9777
on file in the bureau of motor vehicles the number of motor 9778
vehicles located within the territory comprising the village 9779
during the entire registration year in which the municipal 9780
corporation was incorporated. The registrar shall forthwith 9781
certify the number of motor vehicles so determined to the tax 9782
commissioner for use in distributing motor vehicle fuel tax funds 9783
to the village until the village is qualified to participate in 9784
the distribution of the funds pursuant to this division. The 9785
number of motor vehicle registrations shall be determined by the 9786
official records of the bureau of motor vehicles. The amount 9787
received by each municipal corporation shall be used to plan, 9788
construct, reconstruct, repave, widen, maintain, repair, clear, 9789
and clean public highways, roads, and streets; to maintain and 9790
repair bridges and viaducts; to purchase, erect, and maintain 9791

street and traffic signs and markers; to pay the costs apportioned 9792
to the municipal corporation under section 4907.47 of the Revised 9793
Code; to purchase, erect, and maintain traffic lights and signals; 9794
to pay the principal, interest, and charges on bonds and other 9795
obligations issued pursuant to Chapter 133. of the Revised Code or 9796
incurred pursuant to section 5531.09 of the Revised Code for the 9797
purpose of acquiring or constructing roads, highways, bridges, or 9798
viaducts or acquiring or making other highway improvements for 9799
which the municipal corporation may issue bonds; and to supplement 9800
revenue already available for these purposes. 9801

(2) The amount distributed to counties shall be paid in equal 9802
proportions to the county treasurer of each county within the 9803
state and shall be used only for the purposes of planning, 9804
maintaining, and repairing the county system of public roads and 9805
highways within the county; the planning, construction, and repair 9806
of walks or paths along county roads in congested areas; the 9807
planning, construction, purchase, lease, and maintenance of 9808
suitable buildings for the housing and repair of county road 9809
machinery, housing of supplies, and housing of personnel 9810
associated with the machinery and supplies; the payment of costs 9811
apportioned to the county under section 4907.47 of the Revised 9812
Code; the payment of principal, interest, and charges on bonds and 9813
other obligations issued pursuant to Chapter 133. of the Revised 9814
Code or incurred pursuant to section 5531.09 of the Revised Code 9815
for the purpose of acquiring or constructing roads, highways, 9816
bridges, or viaducts or acquiring or making other highway 9817
improvements for which the board of county commissioners may issue 9818
bonds under that chapter; and the purchase, installation, and 9819
maintenance of traffic signal lights. 9820

(3)(a) The amounts described under divisions 9821
(A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised 9822
Code to be distributed among townships shall be divided in equal 9823

proportions among the townships. 9824

(b) As used in division (A)(3)(b) of this section, the 9825
"formula amount" for any township is the amount that would be 9826
allocated to that township if fifty per cent of the total amount 9827
credited to townships pursuant to ~~division~~ divisions 9828
(A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the 9829
Revised Code were allocated among townships in the state 9830
proportionate to the number of centerline miles within the 9831
boundaries of the respective townships, as determined annually by 9832
the department of transportation, and the other fifty per cent of 9833
that amount were allocated among townships in the state 9834
proportionate to the number of motor vehicles registered within 9835
the respective townships, as determined annually by the records of 9836
the bureau of motor vehicles. The number of centerline miles 9837
within the boundaries of a township shall not include any 9838
centerline miles of township roads that have been placed on 9839
nonmaintained status by a board of township trustees pursuant to 9840
section 5571.20 of the Revised Code. 9841

The portion of the revenue of the tax levied by section 9842
5735.05 of the Revised Code that is described under ~~division~~ 9843
divisions (A)(3) and (B) of that section shall be partially 9844
allocated to provide funding for townships. Each township shall 9845
receive the greater of the following two calculations: 9846

(i) The total statewide amount credited to townships under 9847
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of 9848
section 5735.051 of the Revised Code divided by the number of 9849
townships in the state at the time of the calculation; 9850

(ii) Seventy per cent of the formula amount for that 9851
township. 9852

(c) The total difference between the amount of money credited 9853
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 9854

(E)(2)(c) of section 5735.051 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(3)(b) of this section shall be deducted, in accordance with division (C)(3) of section 5735.051 of the Revised Code, from the revenues resulting from the portion of the revenue described in division (A)(3) of section 5735.05 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (A)(3)(a) and (b) of this section shall be paid to the county treasurer of each county for the total amount payable to the townships within each of the counties. The county treasurer shall pay to each township within the county its proportional share of the funds, which shall be expended by each township only for the purposes of planning, constructing, maintaining, widening, and reconstructing the public roads and highways within the township, paying principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. or 505. 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 township trustees may issue bonds under those chapters, and paying costs apportioned to the township under section 4907.47 of the Revised Code.

No part of the funds designated for road and highway purposes shall be used for any purpose except to pay in whole or part the contract price of any such work done by contract, or to pay the cost of labor in planning, constructing, widening, and reconstructing such roads and highways, and the cost of materials forming a part of the improvement; provided that the funds may be used for the purchase of road machinery and equipment, the planning, construction, and maintenance of suitable buildings for

housing road machinery and equipment, and the payment of 9887
principal, interest, and charges on bonds and other obligations 9888
issued pursuant to Chapter 133. or 505. of the Revised Code for 9889
the purpose of purchasing road machinery and equipment or 9890
planning, constructing, and maintaining suitable buildings for 9891
housing road machinery and equipment; and provided that all such 9892
improvement of roads shall be under supervision and direction of 9893
the county engineer as provided in section 5575.07 of the Revised 9894
Code. No obligation against the funds shall be incurred unless 9895
plans and specifications for the improvement, approved by the 9896
county engineer, are on file in the office of the township fiscal 9897
officer, and all contracts for material and for work done by 9898
contract shall be approved by the county engineer before being 9899
signed by the board of township trustees. The board of township 9900
trustees of any township may pass a resolution permitting the 9901
board of county commissioners to expend the township's share of 9902
the funds, or any portion of it, for the improvement of the roads 9903
within the township as may be designated in the resolution. 9904

(B) Amounts credited to the highway operating fund under 9905
section 5735.051 and other sections of the Revised Code are 9906
subject to transfer to the sinking fund upon receipt by the 9907
treasurer of state of the certification by the commissioners of 9908
the sinking fund, as required by section 5528.15 of the Revised 9909
Code, that there are sufficient moneys to the credit of the 9910
highway improvement bond retirement fund to meet in full all 9911
payments of principal, interest, and charges for the retirement of 9912
bonds and other obligations issued pursuant to Section 2g of 9913
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 9914
of the Revised Code due and payable during the current calendar 9915
year. All remaining amounts credited to the highway operating fund 9916
shall be expended for the purposes of planning, maintaining, 9917
repairing, and keeping in passable condition for travel the roads 9918
and highways of the state required by law to be maintained by the 9919

department; paying the costs apportioned to the state under 9920
section 4907.47 of the Revised Code; paying that portion of the 9921
construction cost of a highway project which a county, township, 9922
or municipal corporation normally would be required to pay, but 9923
which the director of transportation, pursuant to division (B) of 9924
section 5531.08 of the Revised Code, determines instead will be 9925
paid from moneys in the highway operating fund; paying the costs 9926
of the department of public safety in administering and enforcing 9927
the state law relating to the registration and operation of motor 9928
vehicles; paying the state's share of the cost of planning, 9929
constructing, widening, maintaining, and reconstructing the state 9930
highways; paying that portion of the construction cost of a 9931
highway project which a county, township, or municipal corporation 9932
normally would be required to pay, but which the director of 9933
transportation, pursuant to division (B) of section 5531.08 of the 9934
Revised Code, determines instead will be paid from moneys in the 9935
highway operating fund; and also for supplying the state's share 9936
of the cost of eliminating railway grade crossings upon such 9937
highways and costs apportioned to the state under section 4907.47 9938
of the Revised Code. The director of transportation may expend 9939
portions of such amount upon extensions of state highways within 9940
municipal corporations or upon portions of state highways within 9941
municipal corporations, as is provided by law. 9942

All investment earnings of the highway operating fund shall 9943
be credited to the fund. 9944

Sec. 5736.01. As used in this chapter: 9945

(A) "Calendar quarter" and "person" have the same meanings as 9946
in section 5751.01 of the Revised Code. 9947

(B) "Distribution system" means a bulk transfer or terminal 9948
system for the distribution of motor fuel consisting of 9949
refineries, pipelines, marine vessels, and terminals. For the 9950

purposes of this section, motor fuel that is in a refinery, 9951
pipeline, terminal, or marine vessel or that is en route to a 9952
refinery, pipeline, or terminal via any method of transportation 9953
is in a "distribution system." Motor fuel is "outside of a 9954
distribution system" if the fuel is in a fuel storage facility, 9955
including, but not limited to, a bulk plant that is not part of a 9956
refinery or terminal, is in the fuel supply tank of an engine or 9957
motor vehicle, or is being transported by a marine vessel, tank 9958
car, rail car, trailer, truck, or other suitable equipment to a 9959
fuel storage facility that is not in a distribution system. 9960

(C) "Dyed diesel fuel," "import," ~~"motor fuel,"~~ "public 9961
highways," "gasoline," "diesel fuel," "licensed motor fuel 9962
dealer," "licensed permissive motor fuel dealer," and "terminal" 9963
have the same meanings as in section 5735.01 of the Revised Code, 9964
and "motor fuel" has the same meaning as in that section except 9965
that the term excludes compressed natural gas for the purposes of 9966
this chapter. "Gallons" means gross gallons as defined in section 9967
5735.01 of the Revised Code. 9968

(D) "First sale of motor fuel within this state" means the 9969
initial sale of motor fuel to a point outside a distribution 9970
system, wherever the sale occurs, without regard to where title 9971
transfers or other conditions of sale, when sold for delivery to a 9972
location in this state as that location is shown on the bill of 9973
lading or other similar document issued by the terminal, refinery, 9974
or supplier. "First sale of motor fuel within this state" excludes 9975
the following: 9976

(1) Motor fuel exchanges; 9977

(2) The sale of motor fuel on which the petroleum activity 9978
tax imposed by this chapter was paid in a prior quarterly tax 9979
payment period and on which the supplier may claim a bad debt. As 9980
used in this division, "bad debt" has the same meaning as in 9981
section 5751.01 of the Revised Code. 9982

(E)(1) "Calculated gross receipts" means the sum of the 9983
following: 9984

(a) With respect to sales of gasoline, the product obtained 9985
by multiplying (i) the total number of gallons of gasoline first 9986
sold within this state by a supplier during the tax period by (ii) 9987
the average wholesale price of a gallon of unleaded regular 9988
gasoline for the calendar quarter that begins six months before 9989
the upcoming calendar quarter, as published by the tax 9990
commissioner under division (C) of section 5736.02 of the Revised 9991
Code; 9992

(b) With respect to sales of propane, the product obtained by 9993
multiplying (i) the total number of gallons of propane first sold 9994
within this state by a supplier during the tax period by (ii) the 9995
average wholesale price of a gallon of propane for the calendar 9996
quarter that begins six months before the upcoming calendar 9997
quarter, as published by the tax commissioner under division (C) 9998
of section 5736.02 of the Revised Code; 9999

(c) With respect to sales of motor fuel that is not gasoline 10000
or propane, the product obtained by multiplying (i) the total 10001
number of gallons of motor fuel first sold within this state by a 10002
supplier during the tax period by (ii) the average wholesale price 10003
of a gallon of diesel fuel for the calendar quarter that begins 10004
six months before the upcoming calendar quarter, as published by 10005
the tax commissioner under division (C) of section 5736.02 of the 10006
Revised Code. 10007

(2) A supplier that has acquired blend stocks or additives 10008
with respect to which the tax imposed by this chapter has 10009
previously been paid may exclude the product of the following 10010
amounts from the calculation of the supplier's "calculated gross 10011
receipts" under division (E) of this section, provided that the 10012
supplier uses the blend stocks or additives for blending with 10013
motor fuel: 10014

(a) The number of gallons of the blend stocks or additives;	10015
(b) The average wholesale price of a gallon of such blend stocks or additives for the calendar quarter in which the tax was paid on the blend stocks or additives.	10016 10017 10018
The supplier may rely upon an invoice issued by the seller of the blend stocks or additives as evidence that the tax imposed by this section has been remitted with respect to the blend stocks or additives, provided that the invoice lists the tax as a separate charge, the seller is included on the list maintained by the tax commissioner under section 5736.041 of the Revised Code, and the supplier maintains the invoice in accordance with section 5736.12 of the Revised Code.	10019 10020 10021 10022 10023 10024 10025 10026
(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel.	10027 10028 10029 10030 10031 10032
(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system.	10033 10034 10035 10036
(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack.	10037 10038 10039
(I) "Supplier" means any of the following:	10040
(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state;	10041 10042 10043 10044

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state;

(3) A person that knowingly purchases motor fuel from an unlicensed supplier.

(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(K) "Taxpayer" means a person subject to the tax imposed by this chapter.

(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water.

(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the

expense of administering this chapter, an excise tax is hereby 10075
levied on each retail sale made in this state. 10076

(A)(1) The tax shall be collected as provided in section 10077
5739.025 of the Revised Code. The rate of the tax shall be five 10078
and three-fourths per cent. The tax applies and is collectible 10079
when the sale is made, regardless of the time when the price is 10080
paid or delivered. 10081

(2) In the case of the lease or rental, with a fixed term of 10082
more than thirty days or an indefinite term with a minimum period 10083
of more than thirty days, of any motor vehicles designed by the 10084
manufacturer to carry a load of not more than one ton, watercraft, 10085
outboard motor, or aircraft, or of any tangible personal property, 10086
other than motor vehicles designed by the manufacturer to carry a 10087
load of more than one ton, to be used by the lessee or renter 10088
primarily for business purposes, the tax shall be collected by the 10089
vendor at the time the lease or rental is consummated and shall be 10090
calculated by the vendor on the basis of the total amount to be 10091
paid by the lessee or renter under the lease agreement. If the 10092
total amount of the consideration for the lease or rental includes 10093
amounts that are not calculated at the time the lease or rental is 10094
executed, the tax shall be calculated and collected by the vendor 10095
at the time such amounts are billed to the lessee or renter. In 10096
the case of an open-end lease or rental, the tax shall be 10097
calculated by the vendor on the basis of the total amount to be 10098
paid during the initial fixed term of the lease or rental, and for 10099
each subsequent renewal period as it comes due. As used in this 10100
division, "motor vehicle" has the same meaning as in section 10101
4501.01 of the Revised Code, and "watercraft" includes an outdrive 10102
unit attached to the watercraft. 10103

A lease with a renewal clause and a termination penalty or 10104
similar provision that applies if the renewal clause is not 10105

exercised is presumed to be a sham transaction. In such a case, 10106
the tax shall be calculated and paid on the basis of the entire 10107
length of the lease period, including any renewal periods, until 10108
the termination penalty or similar provision no longer applies. 10109
The taxpayer shall bear the burden, by a preponderance of the 10110
evidence, that the transaction or series of transactions is not a 10111
sham transaction. 10112

(3) Except as provided in division (A)(2) of this section, in 10113
the case of a sale, the price of which consists in whole or in 10114
part of the lease or rental of tangible personal property, the tax 10115
shall be measured by the installments of that lease or rental. 10116

(4) In the case of a sale of a physical fitness facility 10117
service or recreation and sports club service, the price of which 10118
consists in whole or in part of a membership for the receipt of 10119
the benefit of the service, the tax applicable to the sale shall 10120
be measured by the installments thereof. 10121

(B) The tax does not apply to the following: 10122

(1) Sales to the state or any of its political subdivisions, 10123
or to any other state or its political subdivisions if the laws of 10124
that state exempt from taxation sales made to this state and its 10125
political subdivisions; 10126

(2) Sales of food for human consumption off the premises 10127
where sold; 10128

(3) Sales of food sold to students only in a cafeteria, 10129
dormitory, fraternity, or sorority maintained in a private, 10130
public, or parochial school, college, or university; 10131

(4) Sales of newspapers and sales or transfers of magazines 10132
distributed as controlled circulation publications; 10133

(5) The furnishing, preparing, or serving of meals without 10134
charge by an employer to an employee provided the employer records 10135

the meals as part compensation for services performed or work 10136
done; 10137

(6)(a) Sales of motor fuel upon receipt, use, distribution, 10138
or sale of which in this state a tax is imposed by the law of this 10139
state, but this exemption shall not apply to the sale of motor 10140
fuel on which a refund of the tax is allowable under division (A) 10141
of section 5735.14 of the Revised Code; and the tax commissioner 10142
may deduct the amount of tax levied by this section applicable to 10143
the price of motor fuel when granting a refund of motor fuel tax 10144
pursuant to division (A) of section 5735.14 of the Revised Code 10145
and shall cause the amount deducted to be paid into the general 10146
revenue fund of this state; 10147

(b) Sales of motor fuel other than that described in division 10148
(B)(6)(a) of this section and used for a purpose other than 10149
propelling the vehicle on public highways by any of the following, 10150
as defined by section 5728.01 of the Revised Code: a commercial 10151
car with three or more axles, regardless of weight, operated alone 10152
or as part of a commercial tandem, a commercial car with two axles 10153
having a gross vehicle weight or registered gross vehicle weight 10154
exceeding twenty-six thousand pounds operated alone or as part of 10155
a commercial tandem, or a commercial tractor operated alone or as 10156
part of a commercial tractor combination or commercial tandem. 10157

(7) Sales of natural gas by a natural gas company or 10158
municipal gas utility, of water by a water-works company, or of 10159
steam by a heating company, if in each case the thing sold is 10160
delivered to consumers through pipes or conduits, and all sales of 10161
communications services by a telegraph company, all terms as 10162
defined in section 5727.01 of the Revised Code, and sales of 10163
electricity delivered through wires; 10164

(8) Casual sales by a person, or auctioneer employed directly 10165
by the person to conduct such sales, except as to such sales of 10166
motor vehicles, watercraft or outboard motors required to be 10167

titled under section 1548.06 of the Revised Code, watercraft 10168
documented with the United States coast guard, snowmobiles, and 10169
all-purpose vehicles as defined in section 4519.01 of the Revised 10170
Code; 10171

(9)(a) Sales of services or tangible personal property, other 10172
than motor vehicles, mobile homes, and manufactured homes, by 10173
churches, organizations exempt from taxation under section 10174
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 10175
organizations operated exclusively for charitable purposes as 10176
defined in division (B)(12) of this section, provided that the 10177
number of days on which such tangible personal property or 10178
services, other than items never subject to the tax, are sold does 10179
not exceed six in any calendar year, except as otherwise provided 10180
in division (B)(9)(b) of this section. If the number of days on 10181
which such sales are made exceeds six in any calendar year, the 10182
church or organization shall be considered to be engaged in 10183
business and all subsequent sales by it shall be subject to the 10184
tax. In counting the number of days, all sales by groups within a 10185
church or within an organization shall be considered to be sales 10186
of that church or organization. 10187

(b) The limitation on the number of days on which tax-exempt 10188
sales may be made by a church or organization under division 10189
(B)(9)(a) of this section does not apply to sales made by student 10190
clubs and other groups of students of a primary or secondary 10191
school, or a parent-teacher association, booster group, or similar 10192
organization that raises money to support or fund curricular or 10193
extracurricular activities of a primary or secondary school. 10194

(c) Divisions (B)(9)(a) and (b) of this section do not apply 10195
to sales by a noncommercial educational radio or television 10196
broadcasting station. 10197

(10) Sales not within the taxing power of this state under 10198
the Constitution or laws of the United States or the Constitution 10199

of this state; 10200

(11) Except for transactions that are sales under division 10201
(B)(3)(r) of section 5739.01 of the Revised Code, the 10202
transportation of persons or property, unless the transportation 10203
is by a private investigation and security service; 10204

(12) Sales of tangible personal property or services to 10205
churches, to organizations exempt from taxation under section 10206
501(c)(3) of the Internal Revenue Code of 1986, and to any other 10207
nonprofit organizations operated exclusively for charitable 10208
purposes in this state, no part of the net income of which inures 10209
to the benefit of any private shareholder or individual, and no 10210
substantial part of the activities of which consists of carrying 10211
on propaganda or otherwise attempting to influence legislation; 10212
sales to offices administering one or more homes for the aged or 10213
one or more hospital facilities exempt under section 140.08 of the 10214
Revised Code; and sales to organizations described in division (D) 10215
of section 5709.12 of the Revised Code. 10216

"Charitable purposes" means the relief of poverty; the 10217
improvement of health through the alleviation of illness, disease, 10218
or injury; the operation of an organization exclusively for the 10219
provision of professional, laundry, printing, and purchasing 10220
services to hospitals or charitable institutions; the operation of 10221
a home for the aged, as defined in section 5701.13 of the Revised 10222
Code; the operation of a radio or television broadcasting station 10223
that is licensed by the federal communications commission as a 10224
noncommercial educational radio or television station; the 10225
operation of a nonprofit animal adoption service or a county 10226
humane society; the promotion of education by an institution of 10227
learning that maintains a faculty of qualified instructors, 10228
teaches regular continuous courses of study, and confers a 10229
recognized diploma upon completion of a specific curriculum; the 10230
operation of a parent-teacher association, booster group, or 10231

similar organization primarily engaged in the promotion and 10232
support of the curricular or extracurricular activities of a 10233
primary or secondary school; the operation of a community or area 10234
center in which presentations in music, dramatics, the arts, and 10235
related fields are made in order to foster public interest and 10236
education therein; the production of performances in music, 10237
dramatics, and the arts; or the promotion of education by an 10238
organization engaged in carrying on research in, or the 10239
dissemination of, scientific and technological knowledge and 10240
information primarily for the public. 10241

Nothing in this division shall be deemed to exempt sales to 10242
any organization for use in the operation or carrying on of a 10243
trade or business, or sales to a home for the aged for use in the 10244
operation of independent living facilities as defined in division 10245
(A) of section 5709.12 of the Revised Code. 10246

(13) Building and construction materials and services sold to 10247
construction contractors for incorporation into a structure or 10248
improvement to real property under a construction contract with 10249
this state or a political subdivision of this state, or with the 10250
United States government or any of its agencies; building and 10251
construction materials and services sold to construction 10252
contractors for incorporation into a structure or improvement to 10253
real property that are accepted for ownership by this state or any 10254
of its political subdivisions, or by the United States government 10255
or any of its agencies at the time of completion of the structures 10256
or improvements; building and construction materials sold to 10257
construction contractors for incorporation into a horticulture 10258
structure or livestock structure for a person engaged in the 10259
business of horticulture or producing livestock; building 10260
materials and services sold to a construction contractor for 10261
incorporation into a house of public worship or religious 10262
education, or a building used exclusively for charitable purposes 10263

under a construction contract with an organization whose purpose 10264
is as described in division (B)(12) of this section; building 10265
materials and services sold to a construction contractor for 10266
incorporation into a building under a construction contract with 10267
an organization exempt from taxation under section 501(c)(3) of 10268
the Internal Revenue Code of 1986 when the building is to be used 10269
exclusively for the organization's exempt purposes; building and 10270
construction materials sold for incorporation into the original 10271
construction of a sports facility under section 307.696 of the 10272
Revised Code; building and construction materials and services 10273
sold to a construction contractor for incorporation into real 10274
property outside this state if such materials and services, when 10275
sold to a construction contractor in the state in which the real 10276
property is located for incorporation into real property in that 10277
state, would be exempt from a tax on sales levied by that state; 10278
building and construction materials for incorporation into a 10279
transportation facility pursuant to a public-private agreement 10280
entered into under sections 5501.70 to 5501.83 of the Revised 10281
Code; and, until one calendar year after the construction of a 10282
convention center that qualifies for property tax exemption under 10283
section 5709.084 of the Revised Code is completed, building and 10284
construction materials and services sold to a construction 10285
contractor for incorporation into the real property comprising 10286
that convention center; 10287

(14) Sales of ships or vessels or rail rolling stock used or 10288
to be used principally in interstate or foreign commerce, and 10289
repairs, alterations, fuel, and lubricants for such ships or 10290
vessels or rail rolling stock; 10291

(15) Sales to persons primarily engaged in any of the 10292
activities mentioned in division (B)(42)(a), (g), or (h) of this 10293
section, to persons engaged in making retail sales, or to persons 10294
who purchase for sale from a manufacturer tangible personal 10295

property that was produced by the manufacturer in accordance with 10296
specific designs provided by the purchaser, of packages, including 10297
material, labels, and parts for packages, and of machinery, 10298
equipment, and material for use primarily in packaging tangible 10299
personal property produced for sale, including any machinery, 10300
equipment, and supplies used to make labels or packages, to 10301
prepare packages or products for labeling, or to label packages or 10302
products, by or on the order of the person doing the packaging, or 10303
sold at retail. "Packages" includes bags, baskets, cartons, 10304
crates, boxes, cans, bottles, bindings, wrappings, and other 10305
similar devices and containers, but does not include motor 10306
vehicles or bulk tanks, trailers, or similar devices attached to 10307
motor vehicles. "Packaging" means placing in a package. Division 10308
(B)(15) of this section does not apply to persons engaged in 10309
highway transportation for hire. 10310

(16) Sales of food to persons using supplemental nutrition 10311
assistance program benefits to purchase the food. As used in this 10312
division, "food" has the same meaning as in 7 U.S.C. 2012 and 10313
federal regulations adopted pursuant to the Food and Nutrition Act 10314
of 2008. 10315

(17) Sales to persons engaged in farming, agriculture, 10316
horticulture, or floriculture, of tangible personal property for 10317
use or consumption primarily in the production by farming, 10318
agriculture, horticulture, or floriculture of other tangible 10319
personal property for use or consumption primarily in the 10320
production of tangible personal property for sale by farming, 10321
agriculture, horticulture, or floriculture; or material and parts 10322
for incorporation into any such tangible personal property for use 10323
or consumption in production; and of tangible personal property 10324
for such use or consumption in the conditioning or holding of 10325
products produced by and for such use, consumption, or sale by 10326
persons engaged in farming, agriculture, horticulture, or 10327

floriculture, except where such property is incorporated into real 10328
property; 10329

(18) Sales of drugs for a human being that may be dispensed 10330
only pursuant to a prescription; insulin as recognized in the 10331
official United States pharmacopoeia; urine and blood testing 10332
materials when used by diabetics or persons with hypoglycemia to 10333
test for glucose or acetone; hypodermic syringes and needles when 10334
used by diabetics for insulin injections; epoetin alfa when 10335
purchased for use in the treatment of persons with medical 10336
disease; hospital beds when purchased by hospitals, nursing homes, 10337
or other medical facilities; and medical oxygen and medical 10338
oxygen-dispensing equipment when purchased by hospitals, nursing 10339
homes, or other medical facilities; 10340

(19) Sales of prosthetic devices, durable medical equipment 10341
for home use, or mobility enhancing equipment, when made pursuant 10342
to a prescription and when such devices or equipment are for use 10343
by a human being. 10344

(20) Sales of emergency and fire protection vehicles and 10345
equipment to nonprofit organizations for use solely in providing 10346
fire protection and emergency services, including trauma care and 10347
emergency medical services, for political subdivisions of the 10348
state; 10349

(21) Sales of tangible personal property manufactured in this 10350
state, if sold by the manufacturer in this state to a retailer for 10351
use in the retail business of the retailer outside of this state 10352
and if possession is taken from the manufacturer by the purchaser 10353
within this state for the sole purpose of immediately removing the 10354
same from this state in a vehicle owned by the purchaser; 10355

(22) Sales of services provided by the state or any of its 10356
political subdivisions, agencies, instrumentalities, institutions, 10357
or authorities, or by governmental entities of the state or any of 10358

its political subdivisions, agencies, instrumentalities,	10359
institutions, or authorities;	10360
(23) Sales of motor vehicles to nonresidents of this state	10361
under the circumstances described in division (B) of section	10362
5739.029 of the Revised Code;	10363
(24) Sales to persons engaged in the preparation of eggs for	10364
sale of tangible personal property used or consumed directly in	10365
such preparation, including such tangible personal property used	10366
for cleaning, sanitizing, preserving, grading, sorting, and	10367
classifying by size; packages, including material and parts for	10368
packages, and machinery, equipment, and material for use in	10369
packaging eggs for sale; and handling and transportation equipment	10370
and parts therefor, except motor vehicles licensed to operate on	10371
public highways, used in intraplant or interplant transfers or	10372
shipment of eggs in the process of preparation for sale, when the	10373
plant or plants within or between which such transfers or	10374
shipments occur are operated by the same person. "Packages"	10375
includes containers, cases, baskets, flats, fillers, filler flats,	10376
cartons, closure materials, labels, and labeling materials, and	10377
"packaging" means placing therein.	10378
(25)(a) Sales of water to a consumer for residential use;	10379
(b) Sales of water by a nonprofit corporation engaged	10380
exclusively in the treatment, distribution, and sale of water to	10381
consumers, if such water is delivered to consumers through pipes	10382
or tubing.	10383
(26) Fees charged for inspection or reinspection of motor	10384
vehicles under section 3704.14 of the Revised Code;	10385
(27) Sales to persons licensed to conduct a food service	10386
operation pursuant to section 3717.43 of the Revised Code, of	10387
tangible personal property primarily used directly for the	10388
following:	10389

(a) To prepare food for human consumption for sale;	10390
(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;	10391 10392 10393 10394
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	10395 10396
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	10397 10398
(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;	10399 10400 10401 10402
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	10403 10404 10405
(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;	10406 10407 10408
(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;	10409 10410 10411 10412 10413 10414
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	10415 10416 10417 10418 10419

(34) Sales to a telecommunications service vendor, mobile 10420
telecommunications service vendor, or satellite broadcasting 10421
service vendor of tangible personal property and services used 10422
directly and primarily in transmitting, receiving, switching, or 10423
recording any interactive, one- or two-way electromagnetic 10424
communications, including voice, image, data, and information, 10425
through the use of any medium, including, but not limited to, 10426
poles, wires, cables, switching equipment, computers, and record 10427
storage devices and media, and component parts for the tangible 10428
personal property. The exemption provided in this division shall 10429
be in lieu of all other exemptions under division (B)(42)(a) or 10430
(n) of this section to which the vendor may otherwise be entitled, 10431
based upon the use of the thing purchased in providing the 10432
telecommunications, mobile telecommunications, or satellite 10433
broadcasting service. 10434

(35)(a) Sales where the purpose of the consumer is to use or 10435
consume the things transferred in making retail sales and 10436
consisting of newspaper inserts, catalogues, coupons, flyers, gift 10437
certificates, or other advertising material that prices and 10438
describes tangible personal property offered for retail sale. 10439

(b) Sales to direct marketing vendors of preliminary 10440
materials such as photographs, artwork, and typesetting that will 10441
be used in printing advertising material; and of printed matter 10442
that offers free merchandise or chances to win sweepstake prizes 10443
and that is mailed to potential customers with advertising 10444
material described in division (B)(35)(a) of this section; 10445

(c) Sales of equipment such as telephones, computers, 10446
facsimile machines, and similar tangible personal property 10447
primarily used to accept orders for direct marketing retail sales. 10448

(d) Sales of automatic food vending machines that preserve 10449
food with a shelf life of forty-five days or less by refrigeration 10450
and dispense it to the consumer. 10451

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by

this section shall be collected upon all meals, drinks, and food 10515
for human consumption sold when transporting persons. This 10516
paragraph does not exempt from "retail sale" or "sales at retail" 10517
the sale of tangible personal property that is to be incorporated 10518
into a structure or improvement to real property. 10519

(b) To hold the thing transferred as security for the 10520
performance of an obligation of the vendor; 10521

(c) To resell, hold, use, or consume the thing transferred as 10522
evidence of a contract of insurance; 10523

(d) To use or consume the thing directly in commercial 10524
fishing; 10525

(e) To incorporate the thing transferred as a material or a 10526
part into, or to use or consume the thing transferred directly in 10527
the production of, magazines distributed as controlled circulation 10528
publications; 10529

(f) To use or consume the thing transferred in the production 10530
and preparation in suitable condition for market and sale of 10531
printed, imprinted, overprinted, lithographic, multilithic, 10532
blueprinted, photostatic, or other productions or reproductions of 10533
written or graphic matter; 10534

(g) To use the thing transferred, as described in section 10535
5739.011 of the Revised Code, primarily in a manufacturing 10536
operation to produce tangible personal property for sale; 10537

(h) To use the benefit of a warranty, maintenance or service 10538
contract, or similar agreement, as described in division (B)(7) of 10539
section 5739.01 of the Revised Code, to repair or maintain 10540
tangible personal property, if all of the property that is the 10541
subject of the warranty, contract, or agreement would not be 10542
subject to the tax imposed by this section; 10543

(i) To use the thing transferred as qualified research and 10544

development equipment; 10545

(j) To use or consume the thing transferred primarily in 10546
storing, transporting, mailing, or otherwise handling purchased 10547
sales inventory in a warehouse, distribution center, or similar 10548
facility when the inventory is primarily distributed outside this 10549
state to retail stores of the person who owns or controls the 10550
warehouse, distribution center, or similar facility, to retail 10551
stores of an affiliated group of which that person is a member, or 10552
by means of direct marketing. This division does not apply to 10553
motor vehicles registered for operation on the public highways. As 10554
used in this division, "affiliated group" has the same meaning as 10555
in division (B)(3)(e) of section 5739.01 of the Revised Code and 10556
"direct marketing" has the same meaning as in division (B)(35) of 10557
this section. 10558

(k) To use or consume the thing transferred to fulfill a 10559
contractual obligation incurred by a warrantor pursuant to a 10560
warranty provided as a part of the price of the tangible personal 10561
property sold or by a vendor of a warranty, maintenance or service 10562
contract, or similar agreement the provision of which is defined 10563
as a sale under division (B)(7) of section 5739.01 of the Revised 10564
Code; 10565

(l) To use or consume the thing transferred in the production 10566
of a newspaper for distribution to the public; 10567

(m) To use tangible personal property to perform a service 10568
listed in division (B)(3) of section 5739.01 of the Revised Code, 10569
if the property is or is to be permanently transferred to the 10570
consumer of the service as an integral part of the performance of 10571
the service; 10572

(n) To use or consume the thing transferred primarily in 10573
producing tangible personal property for sale by farming, 10574
agriculture, horticulture, or floriculture. Persons engaged in 10575

rendering farming, agriculture, horticulture, or floriculture 10576
services for others are deemed engaged primarily in farming, 10577
agriculture, horticulture, or floriculture. This paragraph does 10578
not exempt from "retail sale" or "sales at retail" the sale of 10579
tangible personal property that is to be incorporated into a 10580
structure or improvement to real property. 10581

(o) To use or consume the thing transferred in acquiring, 10582
formatting, editing, storing, and disseminating data or 10583
information by electronic publishing; 10584

(p) To provide the thing transferred to the owner or lessee 10585
of a motor vehicle that is being repaired or serviced, if the 10586
thing transferred is a rented motor vehicle and the purchaser is 10587
reimbursed for the cost of the rented motor vehicle by a 10588
manufacturer, warrantor, or provider of a maintenance, service, or 10589
other similar contract or agreement, with respect to the motor 10590
vehicle that is being repaired or serviced; 10591

(q) To use or consume the thing transferred directly in 10592
production of crude oil and natural gas for sale. Persons engaged 10593
in rendering production services for others are deemed engaged in 10594
production. 10595

As used in division (B)(42)(q) of this section, "production" 10596
means operations and tangible personal property directly used to 10597
expose and evaluate an underground reservoir that may contain 10598
hydrocarbon resources, prepare the wellbore for production, and 10599
lift and control all substances yielded by the reservoir to the 10600
surface of the earth. 10601

(i) For the purposes of division (B)(42)(q) of this section, 10602
the "thing transferred" includes, but is not limited to, any of 10603
the following: 10604

(I) Services provided in the construction of permanent access 10605
roads, services provided in the construction of the well site, and 10606

services provided in the construction of temporary impoundments;	10607
(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;	10608 10609 10610
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	10611 10612 10613
(IV) Casing, tubulars, and float and centralizing equipment;	10614
(V) Trailers to which production equipment is attached;	10615
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	10616 10617 10618
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	10619 10620 10621
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	10622 10623 10624 10625
(IX) Pressure pumping equipment;	10626
(X) Artificial lift systems equipment;	10627
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon <u>hydrocarbon</u> phases and produced water;	10628 10629 10630
(XII) Tangible personal property directly used to control production equipment.	10631 10632
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	10633 10634
(I) Tangible personal property used primarily in the	10635

exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	10636 10637
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	10638 10639 10640
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	10641 10642 10643
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	10644 10645 10646 10647
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	10648 10649 10650 10651
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	10652 10653
(VII) Well site fencing, lighting, or security systems;	10654
(VIII) Communication devices or services;	10655
(IX) Office supplies;	10656
(X) Trailers used as offices or lodging;	10657
(XI) Motor vehicles of any kind;	10658
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	10659 10660
(XIII) Tangible personal property used primarily as a safety device;	10661 10662
(XIV) Data collection or monitoring devices;	10663
(XV) Access ladders, stairs, or platforms attached to storage	10664

tanks. 10665

The enumeration of tangible personal property in division 10666
(B)(42)(q)(ii) of this section is not intended to be exhaustive, 10667
and any tangible personal property not so enumerated shall not 10668
necessarily be construed to be a "thing transferred" for the 10669
purposes of division (B)(42)(q) of this section. 10670

The commissioner shall adopt and promulgate rules under 10671
sections 119.01 to 119.13 of the Revised Code that the 10672
commissioner deems necessary to administer division (B)(42)(q) of 10673
this section. 10674

As used in division (B)(42) of this section, "thing" includes 10675
all transactions included in divisions (B)(3)(a), (b), and (e) of 10676
section 5739.01 of the Revised Code. 10677

(43) Sales conducted through a coin operated device that 10678
activates vacuum equipment or equipment that dispenses water, 10679
whether or not in combination with soap or other cleaning agents 10680
or wax, to the consumer for the consumer's use on the premises in 10681
washing, cleaning, or waxing a motor vehicle, provided no other 10682
personal property or personal service is provided as part of the 10683
transaction. 10684

(44) Sales of replacement and modification parts for engines, 10685
airframes, instruments, and interiors in, and paint for, aircraft 10686
used primarily in a fractional aircraft ownership program, and 10687
sales of services for the repair, modification, and maintenance of 10688
such aircraft, and machinery, equipment, and supplies primarily 10689
used to provide those services. 10690

(45) Sales of telecommunications service that is used 10691
directly and primarily to perform the functions of a call center. 10692
As used in this division, "call center" means any physical 10693
location where telephone calls are placed or received in high 10694
volume for the purpose of making sales, marketing, customer 10695

service, technical support, or other specialized business 10696
activity, and that employs at least fifty individuals that engage 10697
in call center activities on a full-time basis, or sufficient 10698
individuals to fill fifty full-time equivalent positions. 10699

(46) Sales by a telecommunications service vendor of 900 10700
service to a subscriber. This division does not apply to 10701
information services, as defined in division (FF) of section 10702
5739.01 of the Revised Code. 10703

(47) Sales of value-added non-voice data service. This 10704
division does not apply to any similar service that is not 10705
otherwise a telecommunications service. 10706

(48)(a) Sales of machinery, equipment, and software to a 10707
qualified direct selling entity for use in a warehouse or 10708
distribution center primarily for storing, transporting, or 10709
otherwise handling inventory that is held for sale to independent 10710
salespersons who operate as direct sellers and that is held 10711
primarily for distribution outside this state; 10712

(b) As used in division (B)(48)(a) of this section: 10713

(i) "Direct seller" means a person selling consumer products 10714
to individuals for personal or household use and not from a fixed 10715
retail location, including selling such product at in-home product 10716
demonstrations, parties, and other one-on-one selling. 10717

(ii) "Qualified direct selling entity" means an entity 10718
selling to direct sellers at the time the entity enters into a tax 10719
credit agreement with the tax credit authority pursuant to section 10720
122.17 of the Revised Code, provided that the agreement was 10721
entered into on or after January 1, 2007. Neither contingencies 10722
relevant to the granting of, nor later developments with respect 10723
to, the tax credit shall impair the status of the qualified direct 10724
selling entity under division (B)(48) of this section after 10725
execution of the tax credit agreement by the tax credit authority. 10726

(c) Division (B)(48) of this section is limited to machinery, 10727
equipment, and software first stored, used, or consumed in this 10728
state within the period commencing June 24, 2008, and ending on 10729
the date that is five years after that date. 10730

(49) Sales of materials, parts, equipment, or engines used in 10731
the repair or maintenance of aircraft or avionics systems of such 10732
aircraft, and sales of repair, remodeling, replacement, or 10733
maintenance services in this state performed on aircraft or on an 10734
aircraft's avionics, engine, or component materials or parts. As 10735
used in division (B)(49) of this section, "aircraft" means 10736
aircraft of more than six thousand pounds maximum certified 10737
takeoff weight or used exclusively in general aviation. 10738

(50) Sales of full flight simulators that are used for pilot 10739
or flight-crew training, sales of repair or replacement parts or 10740
components, and sales of repair or maintenance services for such 10741
full flight simulators. "Full flight simulator" means a replica of 10742
a specific type, or make, model, and series of aircraft cockpit. 10743
It includes the assemblage of equipment and computer programs 10744
necessary to represent aircraft operations in ground and flight 10745
conditions, a visual system providing an out-of-the-cockpit view, 10746
and a system that provides cues at least equivalent to those of a 10747
three-degree-of-freedom motion system, and has the full range of 10748
capabilities of the systems installed in the device as described 10749
in appendices A and B of part 60 of chapter 1 of title 14 of the 10750
Code of Federal Regulations. 10751

(51) Any transfer or lease of tangible personal property 10752
between the state and JobsOhio in accordance with section 4313.02 10753
of the Revised Code. 10754

(52)(a) Sales to a qualifying corporation. 10755

(b) As used in division (B)(52) of this section: 10756

(i) "Qualifying corporation" means a nonprofit corporation 10757

organized in this state that leases from an eligible county land, 10758
buildings, structures, fixtures, and improvements to the land that 10759
are part of or used in a public recreational facility used by a 10760
major league professional athletic team or a class A to class AAA 10761
minor league affiliate of a major league professional athletic 10762
team for a significant portion of the team's home schedule, 10763
provided the following apply: 10764

(I) The facility is leased from the eligible county pursuant 10765
to a lease that requires substantially all of the revenue from the 10766
operation of the business or activity conducted by the nonprofit 10767
corporation at the facility in excess of operating costs, capital 10768
expenditures, and reserves to be paid to the eligible county at 10769
least once per calendar year. 10770

(II) Upon dissolution and liquidation of the nonprofit 10771
corporation, all of its net assets are distributable to the board 10772
of commissioners of the eligible county from which the corporation 10773
leases the facility. 10774

(ii) "Eligible county" has the same meaning as in section 10775
307.695 of the Revised Code. 10776

(53) Sales to or by a cable service provider, video service 10777
provider, or radio or television broadcast station regulated by 10778
the federal government of cable service or programming, video 10779
service or programming, audio service or programming, or 10780
electronically transferred digital audiovisual or audio work. As 10781
used in division (B)(53) of this section, "cable service" and 10782
"cable service provider" have the same meanings as in section 10783
1332.01 of the Revised Code, and "video service," "video service 10784
provider," and "video programming" have the same meanings as in 10785
section 1332.21 of the Revised Code. 10786

(54) Sales of investment metal bullion and investment coins. 10787
"Investment metal bullion" means any bullion described in section 10788

408(m)(3)(B) of the Internal Revenue Code, regardless of whether	10789
that bullion is in the physical possession of a trustee.	10790
"Investment coin" means any coin composed primarily of gold,	10791
silver, platinum, or palladium.	10792
(55) Sales of a digital audio work electronically transferred	10793
for delivery through use of a machine, such as a juke box, that	10794
does all of the following:	10795
(a) Accepts direct payments to operate;	10796
(b) Automatically plays a selected digital audio work for a	10797
single play upon receipt of a payment described in division	10798
(B)(55)(a) of this section;	10799
(c) Operates exclusively for the purpose of playing digital	10800
audio works in a commercial establishment.	10801
(56)(a) Sales of the following occurring on the first Friday	10802
of August and the following Saturday and Sunday of each year,	10803
beginning in 2018:	10804
(i) An item of clothing, the price of which is seventy-five	10805
dollars or less;	10806
(ii) An item of school supplies, the price of which is twenty	10807
dollars or less;	10808
(iii) An item of school instructional material, the price of	10809
which is twenty dollars or less.	10810
(b) As used in division (B)(56) of this section:	10811
(i) "Clothing" means all human wearing apparel suitable for	10812
general use. "Clothing" includes, but is not limited to, aprons,	10813
household and shop; athletic supporters; baby receiving blankets;	10814
bathing suits and caps; beach capes and coats; belts and	10815
suspenders; boots; coats and jackets; costumes; diapers, children	10816
and adult, including disposable diapers; earmuffs; footlets;	10817
formal wear; garters and garter belts; girdles; gloves and mittens	10818

for general use; hats and caps; hosiery; insoles for shoes; lab 10819
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 10820
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 10821
and stockings; steel-toed shoes; underwear; uniforms, athletic and 10822
nonathletic; and wedding apparel. "Clothing" does not include 10823
items purchased for use in a trade or business; clothing 10824
accessories or equipment; protective equipment; sports or 10825
recreational equipment; belt buckles sold separately; costume 10826
masks sold separately; patches and emblems sold separately; sewing 10827
equipment and supplies including, but not limited to, knitting 10828
needles, patterns, pins, scissors, sewing machines, sewing 10829
needles, tape measures, and thimbles; and sewing materials that 10830
become part of "clothing" including, but not limited to, buttons, 10831
fabric, lace, thread, yarn, and zippers. 10832

(ii) "School supplies" means items commonly used by a student 10833
in a course of study. "School supplies" includes only the 10834
following items: binders; book bags; calculators; cellophane tape; 10835
blackboard chalk; compasses; composition books; crayons; erasers; 10836
folders, expandable, pocket, plastic, and manila; glue, paste, and 10837
paste sticks; highlighters; index cards; index card boxes; legal 10838
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 10839
notebook paper, copy paper, graph paper, tracing paper, manila 10840
paper, colored paper, poster board, and construction paper; pencil 10841
boxes and other school supply boxes; pencil sharpeners; pencils; 10842
pens; protractors; rulers; scissors; and writing tablets. "School 10843
supplies" does not include any item purchased for use in a trade 10844
or business. 10845

(iii) "School instructional material" means written material 10846
commonly used by a student in a course of study as a reference and 10847
to learn the subject being taught. "School instructional material" 10848
includes only the following items: reference books, reference maps 10849
and globes, textbooks, and workbooks. "School instructional 10850

material" does not include any material purchased for use in a trade or business.

(57) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(56) of this section, "related member" has the same meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or

payment of the tax levied by this section or section 5739.021, 10883
5739.023, or 5739.026 of the Revised Code. 10884

Sec. 5739.023. (A)(1) For the purpose of providing additional 10885
general revenues for a transit authority ~~or~~, funding a regional 10886
transportation improvement project under section 5595.06 of the 10887
Revised Code, or ~~both~~ funding public infrastructure projects as 10888
described in division (DD) of section 306.35 of the Revised Code, 10889
and to pay the expenses of administering such levy, any transit 10890
authority ~~as defined in division (U) of section 5739.01 of the~~ 10891
~~Revised Code~~ may levy a tax upon every retail sale made in the 10892
territory of the transit authority, except sales of watercraft and 10893
outboard motors required to be titled pursuant to Chapter 1548. of 10894
the Revised Code and sales of motor vehicles, at a rate of not 10895
more than one and one-half per cent and may increase the rate of 10896
an existing tax to not more than one and one-half per cent. The 10897
rate of any tax levied pursuant to this section shall be a 10898
multiple of one-fourth or one-tenth of one per cent. The tax shall 10899
be levied and the rate increased pursuant to a resolution of the 10900
legislative authority of the transit authority and a certified 10901
copy of the resolution shall be delivered by the fiscal officer to 10902
the board of elections as provided in section 3505.071 of the 10903
Revised Code and to the tax commissioner. The resolution shall 10904
specify the number of years for which the tax is to be in effect 10905
or that the tax is for a continuing period of time, the purpose or 10906
purposes of the levy, and the date of the election on the question 10907
of the tax pursuant to section 306.70 of the Revised Code. The 10908
board of elections shall certify the results of the election to 10909
the transit authority and tax commissioner. 10910

A resolution adopted under this section may not specify that 10911
the sole purpose of the tax is to fund infrastructure projects as 10912
described in division (DD) of section 306.35 of the Revised Code; 10913
that purpose must be combined with the purpose of providing 10914

additional general revenues for the transit authority, funding a 10915
regional transportation improvement project under section 5595.06 10916
of the Revised Code, or both. The resolution may specify the 10917
percentage of the proceeds of the tax that will be allocated among 10918
each of the purposes for which the tax is to be levied. If one of 10919
the purposes of the tax is to provide general revenue for the 10920
transit authority, the resolution may identify specific projects, 10921
functions, or other uses to which that general revenue will be 10922
allocated and the percentage of the tax proceeds to be allocated 10923
to each of those projects, functions, or other uses. 10924

(2) Except as provided in division (C) of this section, the 10925
tax levied by the resolution shall become effective on the first 10926
day of a calendar quarter next following the sixty-fifth day 10927
following the date the tax commissioner receives from the board of 10928
elections the certification of the results of the election on the 10929
question of the tax. 10930

(B) The legislative authority may, at any time while the tax 10931
is in effect, by resolution fix the rate of the tax at any rate 10932
authorized by this section and not in excess of that approved by 10933
the voters pursuant to section 306.70 of the Revised Code. Except 10934
as provided in division (C) of this section, any change in the 10935
rate of the tax shall be made effective on the first day of a 10936
calendar quarter next following the sixty-fifth day following the 10937
date the tax commissioner receives the certification of the 10938
resolution; provided, that in any case where bonds, or notes in 10939
anticipation of bonds, of a regional transit authority have been 10940
issued under section 306.40 of the Revised Code without a vote of 10941
the electors while the tax proposed to be reduced was in effect, 10942
the board of trustees of the regional transit authority shall 10943
continue to levy and collect under authority of the original 10944
election authorizing the tax a rate of tax that the board of 10945
trustees reasonably estimates will produce an amount in that year 10946

equal to the amount of principal of and interest on those bonds as 10947
is payable in that year. 10948

(C) Upon receipt from the board of elections of the 10949
certification of the results of the election required by division 10950
(A) of this section, or from the legislative authority of the 10951
certification of a resolution under division (B) of this section, 10952
the tax commissioner shall provide notice of a tax rate change in 10953
a manner that is reasonably accessible to all affected vendors. 10954
The commissioner shall provide this notice at least sixty days 10955
prior to the effective date of the rate change. The commissioner, 10956
by rule, may establish the method by which notice will be 10957
provided. 10958

(D) If a vendor makes a sale in this state by printed catalog 10959
and the consumer computed the tax on the sale based on local rates 10960
published in the catalog, any tax levied or rate changed under 10961
this section shall not apply to such a sale until the first day of 10962
a calendar quarter following the expiration of one hundred twenty 10963
days from the date of notice by the tax commissioner pursuant to 10964
division (C) of this section. 10965

(E) The tax on every retail sale subject to a tax levied 10966
pursuant to this section is in addition to the tax levied by 10967
section 5739.02 of the Revised Code and any tax levied pursuant to 10968
section 5739.021 or 5739.026 of the Revised Code. 10969

(F) The additional tax levied by the transit authority shall 10970
be collected pursuant to section 5739.025 of the Revised Code. 10971

(G) Any tax levied pursuant to this section is subject to the 10972
exemptions provided in section 5739.02 of the Revised Code and in 10973
addition shall not be applicable to sales not within the taxing 10974
power of a transit authority under the constitution of the United 10975
States or the constitution of this state. 10976

(H) The rate of a tax levied under this section is subject to 10977

reduction under section 5739.028 of the Revised Code, if a ballot question is approved by voters pursuant to that section.

Sec. 5747.502. (A) As used in this section:

(1) "Local authority" and "traffic law photo-monitoring device" have the same meanings as in section 4511.092 of the Revised Code.

(2) "School zone" has the same meaning as in section 4511.21 of the Revised Code.

(3) "Transportation district" means a territorial district established by the director of transportation under section 5501.14 of the Revised Code.

(4) "District deputy director" means the person appointed and assigned by the director of transportation under section 5501.14 of the Revised Code to administer the activities of a transportation district.

(B) Annually, on or before the thirty-first day of July, any local authority that operated, directly or indirectly, a traffic law photo-monitoring device during the preceding fiscal year shall file a report with the tax commissioner that includes a detailed statement of the civil fines the local authority has collected from drivers for any violation of any local ordinance or resolution during that period that are based upon evidence recorded by a traffic law photo-monitoring device. The report shall enumerate the gross amount of all such fines that have been collected and the gross amount of such fines that have been collected for violations that occurred within a school zone. For the purposes of divisions (B) and (C) of this section, the gross amount of such fines includes the entire amount paid by the driver.

(C) Upon receipt of a report filed pursuant to division (B)

of this section, the commissioner shall do the following, as 11008
applicable: 11009

(1) If the local authority is a municipal corporation, reduce 11010
the amount of each of the next twelve payments to the municipal 11011
corporation under division (C) of section 5747.50 of the Revised 11012
Code by an amount equal to one-twelfth of the gross amount of all 11013
finest indicated on the report. If the fines exceed the amount of 11014
money the municipal corporation would otherwise receive under 11015
division (C) of section 5747.50 of the Revised Code, the 11016
commissioner also shall reduce each of the next twelve payments to 11017
the appropriate county undivided local government fund under 11018
division (B) of section 5747.50 of the Revised Code by an amount 11019
equal to one-twelfth of the excess and notify the county auditor 11020
and county treasurer of that county that each of the next twelve 11021
payments the municipal corporation receives under section 5747.51 11022
or 5747.53 of the Revised Code shall be reduced by one-twelfth of 11023
the excess. 11024

(2) If the local authority is not a municipal corporation, 11025
reduce payments to the appropriate county undivided local 11026
government fund under division (B) of section 5747.50 of the 11027
Revised Code by an amount equal to one-twelfth of the gross amount 11028
of all fines indicated on the report and immediately notify the 11029
county auditor and county treasurer of that county that each of 11030
the next twelve payments the local authority receives under 11031
section 5747.51 or 5747.53 of the Revised Code shall be reduced by 11032
one-twelfth of the gross amount of all fines indicated on the 11033
report; 11034

(3) If one or more payments to the local authority has been 11035
withheld under division (D) of this section because of failure to 11036
timely file the report, notify the county auditor and county 11037
treasurer of the appropriate county that the report has been 11038
received and that, subject to divisions (C)(1) and (2) of this 11039

section, payments to the local authority from the undivided local government fund are to resume. Subject to divisions (C)(1) and (2) of this section, a county treasurer receiving notice under this section shall provide for payments to the local authority from the county undivided local government fund beginning with the next required payment.

(4) On or before the tenth day of each of the next twelve months, make a payment to the local authority in an amount equal to one-twelfth of the gross amount of civil fines collected from drivers for violations of local ordinances or resolutions that occurred within a school zone and are based upon evidence recorded by a traffic law photo-monitoring device, as indicated on the report. Payments received by a local authority under this division shall be used by the local authority for school safety purposes.

(D) Upon discovery, based on information in the commissioner's possession, that a local authority required to file a report under division (B) of this section has failed to do so, the commissioner shall do the following, as applicable:

(1) If the local authority is a municipal corporation, cease providing for payments to the municipal corporation under section 5747.50 of the Revised Code beginning with the next required payment and until such time as the report is received by the commissioner;

(2) For any local authority, reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the amount of such payments the local authority would otherwise receive under section 5747.51 or 5747.53 of the Revised Code, beginning with the next required payment and until such time as the report is received by the commissioner;

(3) For any local authority, notify the county auditor and

county treasurer that such payments are to cease until the 11071
commissioner notifies the auditor and treasurer under division 11072
(C)(3) of this section that the payments are to resume. 11073

(E) A county treasurer that receives a notice from the 11074
commissioner under division (C)(1), (2), (3), or (D)(3) of this 11075
section shall reduce, cease, or resume payments from the undivided 11076
local government fund to the local authority that is the subject 11077
of the notice as specified by the commissioner in the notice. 11078
Unless otherwise specified in the notice, the payments shall be 11079
reduced, ceased, or resumed beginning with the next required 11080
payment. 11081

(F) There is hereby created in the state treasury the Ohio 11082
highway and transportation safety fund. On or before the tenth day 11083
of each month, the commissioner shall deposit in the fund an 11084
amount equal to the total amount by which payments to local 11085
authorities were reduced or ceased under division (C) or (D) of 11086
this section minus the total amount of payments made under 11087
division (C)(4) of this section. The amount deposited with respect 11088
to a local authority shall be credited to an account to be created 11089
in the fund for the transportation district in which that local 11090
authority is located. If the local authority is located within 11091
more than one transportation district, the amount credited to the 11092
account of each such transportation district shall be prorated on 11093
the basis of the number of centerline miles of public roads and 11094
highways in both the local authority and the respective districts. 11095
Amounts credited to a transportation district's account shall be 11096
used by the department of transportation and the district deputy 11097
director exclusively to enhance public safety on public roads and 11098
highways within that transportation district. 11099

Sec. 5747.51. (A) On or before the twenty-fifth day of July 11100
of each year, the tax commissioner shall make and certify to the 11101

county auditor of each county an estimate of the amount of the 11102
local government fund to be allocated to the undivided local 11103
government fund of each county for the ensuing calendar year, 11104
adjusting the total as required to account for subdivisions 11105
receiving local government funds under section 5747.502 of the 11106
Revised Code. 11107

(B) At each annual regular session of the county budget 11108
commission convened pursuant to section 5705.27 of the Revised 11109
Code, each auditor shall present to the commission the certificate 11110
of the commissioner, the annual tax budget and estimates, and the 11111
records showing the action of the commission in its last preceding 11112
regular session. The commission, after extending to the 11113
representatives of each subdivision an opportunity to be heard, 11114
under oath administered by any member of the commission, and 11115
considering all the facts and information presented to it by the 11116
auditor, shall determine the amount of the undivided local 11117
government fund needed by and to be apportioned to each 11118
subdivision for current operating expenses, as shown in the tax 11119
budget of the subdivision. This determination shall be made 11120
pursuant to divisions (C) to (I) of this section, unless the 11121
commission has provided for a formula pursuant to section 5747.53 11122
of the Revised Code. The commissioner shall reduce ~~or increase~~ the 11123
amount of funds from the undivided local government fund to a 11124
subdivision required to receive reduced ~~or increased~~ funds under 11125
section 5747.502 of the Revised Code. 11126

Nothing in this section prevents the budget commission, for 11127
the purpose of apportioning the undivided local government fund, 11128
from inquiring into the claimed needs of any subdivision as stated 11129
in its tax budget, or from adjusting claimed needs to reflect 11130
actual needs. For the purposes of this section, "current operating 11131
expenses" means the lawful expenditures of a subdivision, except 11132
those for permanent improvements and except payments for interest, 11133

sinking fund, and retirement of bonds, notes, and certificates of 11134
indebtedness of the subdivision. 11135

(C) The commission shall determine the combined total of the 11136
estimated expenditures, including transfers, from the general fund 11137
and any special funds other than special funds established for 11138
road and bridge; street construction, maintenance, and repair; 11139
state highway improvement; and gas, water, sewer, and electric 11140
public utilities operated by a subdivision, as shown in the 11141
subdivision's tax budget for the ensuing calendar year. 11142

(D) From the combined total of expenditures calculated 11143
pursuant to division (C) of this section, the commission shall 11144
deduct the following expenditures, if included in these funds in 11145
the tax budget: 11146

(1) Expenditures for permanent improvements as defined in 11147
division (E) of section 5705.01 of the Revised Code; 11148

(2) In the case of counties and townships, transfers to the 11149
road and bridge fund, and in the case of municipalities, transfers 11150
to the street construction, maintenance, and repair fund and the 11151
state highway improvement fund; 11152

(3) Expenditures for the payment of debt charges; 11153

(4) Expenditures for the payment of judgments. 11154

(E) In addition to the deductions made pursuant to division 11155
(D) of this section, revenues accruing to the general fund and any 11156
special fund considered under division (C) of this section from 11157
the following sources shall be deducted from the combined total of 11158
expenditures calculated pursuant to division (C) of this section: 11159

(1) Taxes levied within the ten-mill limitation, as defined 11160
in section 5705.02 of the Revised Code; 11161

(2) The budget commission allocation of estimated county 11162
public library fund revenues to be distributed pursuant to section 11163

5747.48 of the Revised Code; 11164

(3) Estimated unencumbered balances as shown on the tax 11165
budget as of the thirty-first day of December of the current year 11166
in the general fund, but not any estimated balance in any special 11167
fund considered in division (C) of this section; 11168

(4) Revenue, including transfers, shown in the general fund 11169
and any special funds other than special funds established for 11170
road and bridge; street construction, maintenance, and repair; 11171
state highway improvement; and gas, water, sewer, and electric 11172
public utilities, from all other sources except those that a 11173
subdivision receives from an additional tax or service charge 11174
voted by its electorate or receives from special assessment or 11175
revenue bond collection. For the purposes of this division, where 11176
the charter of a municipal corporation prohibits the levy of an 11177
income tax, an income tax levied by the legislative authority of 11178
such municipal corporation pursuant to an amendment of the charter 11179
of that municipal corporation to authorize such a levy represents 11180
an additional tax voted by the electorate of that municipal 11181
corporation. For the purposes of this division, any measure 11182
adopted by a board of county commissioners pursuant to section 11183
322.02, 4504.02, or 5739.021 of the Revised Code, including those 11184
measures upheld by the electorate in a referendum conducted 11185
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 11186
Code, shall not be considered an additional tax voted by the 11187
electorate. 11188

Subject to division (G) of section 5705.29 of the Revised 11189
Code, money in a reserve balance account established by a county, 11190
township, or municipal corporation under section 5705.13 of the 11191
Revised Code shall not be considered an unencumbered balance or 11192
revenue under division (E)(3) or (4) of this section. Money in a 11193
reserve balance account established by a township under section 11194
5705.132 of the Revised Code shall not be considered an 11195

unencumbered balance or revenue under division (E)(3) or (4) of 11196
this section. 11197

If a county, township, or municipal corporation has created 11198
and maintains a nonexpendable trust fund under section 5705.131 of 11199
the Revised Code, the principal of the fund, and any additions to 11200
the principal arising from sources other than the reinvestment of 11201
investment earnings arising from such a fund, shall not be 11202
considered an unencumbered balance or revenue under division 11203
(E)(3) or (4) of this section. Only investment earnings arising 11204
from investment of the principal or investment of such additions 11205
to principal may be considered an unencumbered balance or revenue 11206
under those divisions. 11207

(F) The total expenditures calculated pursuant to division 11208
(C) of this section, less the deductions authorized in divisions 11209
(D) and (E) of this section, shall be known as the "relative need" 11210
of the subdivision, for the purposes of this section. 11211

(G) The budget commission shall total the relative need of 11212
all participating subdivisions in the county, and shall compute a 11213
relative need factor by dividing the total estimate of the 11214
undivided local government fund by the total relative need of all 11215
participating subdivisions. 11216

(H) The relative need of each subdivision shall be multiplied 11217
by the relative need factor to determine the proportionate share 11218
of the subdivision in the undivided local government fund of the 11219
county; provided, that the maximum proportionate share of a county 11220
shall not exceed the following maximum percentages of the total 11221
estimate of the undivided local government fund governed by the 11222
relationship of the percentage of the population of the county 11223
that resides within municipal corporations within the county to 11224
the total population of the county as reported in the reports on 11225
population in Ohio by the department of development as of the 11226
twentieth day of July of the year in which the tax budget is filed 11227

with the budget commission:		11228
Percentage of municipal population within the county:	Percentage share of the county shall not exceed:	11229
		11230
Less than forty-one per cent	Sixty per cent	11231
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent	11232
Eighty-one per cent or more	Thirty per cent	11233
Where the proportionate share of the county exceeds the limitations established in this division, the budget commission shall adjust the proportionate shares determined pursuant to this division so that the proportionate share of the county does not exceed these limitations, and it shall increase the proportionate shares of all other subdivisions on a pro rata basis. In counties having a population of less than one hundred thousand, not less than ten per cent shall be distributed to the townships therein.		11234 11235 11236 11237 11238 11239 11240 11241
(I) The proportionate share of each subdivision in the undivided local government fund determined pursuant to division (H) of this section for any calendar year shall not be less than the product of the average of the percentages of the undivided local government fund of the county as apportioned to that subdivision for the calendar years 1968, 1969, and 1970, multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed		11242 11243 11244 11245 11246 11247 11248 11249 11250 11251 11252 11253 11254 11255 11256 11257

pursuant to former section 5739.22 of the Revised Code. If the 11258
total amount of the undivided local government fund for any 11259
calendar year is less than the amount of the undivided local 11260
government fund apportioned pursuant to former section 5739.23 of 11261
the Revised Code for the calendar year 1970, the minimum amount 11262
guaranteed to each subdivision for that calendar year pursuant to 11263
this division shall be reduced on a basis proportionate to the 11264
amount by which the amount of the undivided local government fund 11265
for that calendar year is less than the amount of the undivided 11266
local government fund apportioned for the calendar year 1970. 11267

(J) On the basis of such apportionment, the county auditor 11268
shall compute the percentage share of each such subdivision in the 11269
undivided local government fund and shall at the same time certify 11270
to the tax commissioner the percentage share of the county as a 11271
subdivision. No payment shall be made from the undivided local 11272
government fund, except in accordance with such percentage shares. 11273

Within ten days after the budget commission has made its 11274
apportionment, whether conducted pursuant to section 5747.51 or 11275
5747.53 of the Revised Code, the auditor shall publish a list of 11276
the subdivisions and the amount each is to receive from the 11277
undivided local government fund and the percentage share of each 11278
subdivision, in a newspaper or newspapers of countywide 11279
circulation, and send a copy of such allocation to the tax 11280
commissioner. 11281

The county auditor shall also send a copy of such allocation 11282
by ordinary or electronic mail to the fiscal officer of each 11283
subdivision entitled to participate in the allocation of the 11284
undivided local government fund of the county. This copy shall 11285
constitute the official notice of the commission action referred 11286
to in section 5705.37 of the Revised Code. 11287

All money received into the treasury of a subdivision from 11288
the undivided local government fund in a county treasury shall be 11289

paid into the general fund and used for the current operating 11290
expenses of the subdivision. 11291

If a municipal corporation maintains a municipal university, 11292
such municipal university, when the board of trustees so requests 11293
the legislative authority of the municipal corporation, shall 11294
participate in the money apportioned to such municipal corporation 11295
from the total local government fund, however created and 11296
constituted, in such amount as requested by the board of trustees, 11297
provided such sum does not exceed nine per cent of the total 11298
amount paid to the municipal corporation. 11299

If any public official fails to maintain the records required 11300
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 11301
issued by the tax commissioner, the auditor of state, or the 11302
treasurer of state pursuant to such sections, or fails to comply 11303
with any law relating to the enforcement of such sections, the 11304
local government fund money allocated to the county may be 11305
withheld until such time as the public official has complied with 11306
such sections or such law or the rules issued pursuant thereto. 11307

Sec. 5747.53. (A) As used in this section: 11308

(1) "City, located wholly or partially in the county, with 11309
the greatest population" means the city, located wholly or 11310
partially in the county, with the greatest population residing in 11311
the county; however, if the county budget commission on or before 11312
January 1, 1998, adopted an alternative method of apportionment 11313
that was approved by the legislative authority of the city, 11314
located partially in the county, with the greatest population but 11315
not the greatest population residing in the county, "city, located 11316
wholly or partially in the county, with the greatest population" 11317
means the city, located wholly or partially in the county, with 11318
the greatest population whether residing in the county or not, if 11319
this alternative meaning is adopted by action of the board of 11320

county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county. 11321
11322
11323

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following: 11324
11325

(a) It is located wholly or partially in the county. 11326

(b) It is not the city, located wholly or partially in the county, with the greatest population. 11327
11328

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year. 11329
11330
11331

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section. The commissioner shall reduce ~~or increase~~ the amount of funds from the undivided local government fund to a subdivision required to receive reduced ~~or increased~~ funds under section 5747.502 of the Revised Code. 11332
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Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative 11340
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authorities of municipal corporations shall act by motion. A 11352
motion to approve shall be passed upon a majority vote of the 11353
members of a board of county commissioners, board of township 11354
trustees, or legislative authority of a municipal corporation, 11355
shall take effect immediately, and need not be published. 11356

Any alternative method of apportionment adopted and approved 11357
under this division may be revised, amended, or repealed in the 11358
same manner as it may be adopted and approved. If an alternative 11359
method of apportionment adopted and approved under this division 11360
is repealed, the undivided local government fund of the county 11361
shall be apportioned among the subdivisions eligible to 11362
participate in the fund, commencing in the ensuing calendar year, 11363
under the apportionment provided in section 5747.52 of the Revised 11364
Code, unless the repeal occurs by operation of division (C) of 11365
this section or a new method for apportionment of the fund is 11366
provided in the action of repeal. 11367

(C) This division applies only in counties in which the city, 11368
located wholly or partially in the county, with the greatest 11369
population has a population of twenty thousand or less and a 11370
population that is less than fifteen per cent of the total 11371
population of the county. In such a county, the legislative 11372
authorities or boards of township trustees of two or more 11373
participating political subdivisions, which together have a 11374
population residing in the county that is a majority of the total 11375
population of the county, each may adopt a resolution to exclude 11376
the approval otherwise required of the legislative authority of 11377
the city, located wholly or partially in the county, with the 11378
greatest population. All of the resolutions to exclude that 11379
approval shall be adopted not later than the first Monday of 11380
August of the year preceding the calendar year in which 11381
distributions are to be made under an alternative method of 11382
apportionment. 11383

A motion granting or denying approval of an alternative 11384
method of apportionment under this division shall be adopted by a 11385
majority vote of the members of the board of county commissioners 11386
and by a majority vote of a majority of the boards of township 11387
trustees and legislative authorities of the municipal corporations 11388
located wholly or partially in the county, other than the city, 11389
located wholly or partially in the county, with the greatest 11390
population, shall take effect immediately, and need not be 11391
published. The alternative method of apportionment under this 11392
division shall be adopted and approved annually, not later than 11393
the first Monday of August of the year preceding the calendar year 11394
in which distributions are to be made under it. A motion granting 11395
approval of an alternative method of apportionment under this 11396
division repeals any existing alternative method of apportionment, 11397
effective with distributions to be made from the fund in the 11398
ensuing calendar year. An alternative method of apportionment 11399
under this division shall not be revised or amended after the 11400
first Monday of August of the year preceding the calendar year in 11401
which distributions are to be made under it. 11402

(D) In determining an alternative method of apportionment 11403
authorized by this section, the county budget commission may 11404
include in the method any factor considered to be appropriate and 11405
reliable, in the sole discretion of the county budget commission. 11406

(E) The limitations set forth in section 5747.51 of the 11407
Revised Code, stating the maximum amount that the county may 11408
receive from the undivided local government fund and the minimum 11409
amount the townships in counties having a population of less than 11410
one hundred thousand may receive from the fund, are applicable to 11411
any alternative method of apportionment authorized under this 11412
section. 11413

(F) On the basis of any alternative method of apportionment 11414
adopted and approved as authorized by this section, as certified 11415

by the auditor to the county treasurer, the county treasurer shall 11416
make distribution of the money in the undivided local government 11417
fund to each subdivision eligible to participate in the fund, and 11418
the auditor, when the amount of those shares is in the custody of 11419
the treasurer in the amounts so computed to be due the respective 11420
subdivisions, shall at the same time certify to the tax 11421
commissioner the percentage share of the county as a subdivision. 11422
All money received into the treasury of a subdivision from the 11423
undivided local government fund in a county treasury shall be paid 11424
into the general fund and used for the current operating expenses 11425
of the subdivision. If a municipal corporation maintains a 11426
municipal university, the university, when the board of trustees 11427
so requests the legislative authority of the municipal 11428
corporation, shall participate in the money apportioned to the 11429
municipal corporation from the total local government fund, 11430
however created and constituted, in the amount requested by the 11431
board of trustees, provided that amount does not exceed nine per 11432
cent of the total amount paid to the municipal corporation. 11433

(G) The actions of the county budget commission taken 11434
pursuant to this section are final and may not be appealed to the 11435
board of tax appeals, except on the issues of abuse of discretion 11436
and failure to comply with the formula. 11437

Sec. 5749.02. (A) For the purpose of providing revenue to 11438
administer the state's coal mining and reclamation regulatory 11439
program and oil and gas regulatory program, to meet the 11440
environmental and resource management needs of this state, and to 11441
reclaim land affected by mining, an excise tax is hereby levied on 11442
the privilege of engaging in the severance of natural resources 11443
from the soil or water of this state. The tax shall be imposed 11444
upon the severer at the rates prescribed by this section: 11445

(1) Ten cents per ton of coal; 11446

(2) Four cents per ton of salt;	11447
(3) Two cents per ton of limestone or dolomite;	11448
(4) Two cents per ton of sand and gravel;	11449
(5) Ten cents per barrel of oil;	11450
(6) Two and one-half cents per thousand cubic feet of natural gas;	11451 11452
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	11453 11454
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect	11455 11456 11457 11458 11459 11460 11461 11462 11463 11464 11465 11466 11467 11468 11469 11470 11471 11472 11473 11474 11475 11476 11477

during the calendar biennium that begins on that date. 11478

(9) An additional one and two-tenths cents per ton of coal 11479
mined by surface mining methods. 11480

(B) After the director of budget and management transfers 11481
money from the severance tax receipts fund as required in division 11482
(H) of section 5749.06 of the Revised Code, money remaining in the 11483
severance tax receipts fund, except for money in the fund from the 11484
amounts due under section 1509.50 of the Revised Code, shall be 11485
credited as follows: 11486

(1) All of the moneys in the fund from the tax levied in 11487
division (A)(1) of this section shall be credited to the mining 11488
regulation and safety fund created in section 1513.30 of the 11489
Revised Code. 11490

(2) The money in the fund from the tax levied in division 11491
(A)(2) of this section shall be credited to the mining regulation 11492
and safety fund. 11493

(3) Of the moneys in the fund from the tax levied in 11494
divisions (A)(3) and (4) of this section, seven and five-tenths 11495
per cent shall be credited to the geological mapping fund and the 11496
remainder shall be credited to the mining regulation and safety 11497
fund created in section 1513.30 of the Revised Code. 11498

(4) Of the moneys in the fund from the tax levied in 11499
divisions (A)(5) and (6) of this section, ninety per cent shall be 11500
credited to the oil and gas well fund and ten per cent shall be 11501
credited to the geological mapping fund. 11502

(5) All of the moneys in the fund from the tax levied in 11503
division (A)(7) of this section shall be credited to the mining 11504
regulation and safety fund. 11505

(6) All of the moneys in the fund from the tax levied in 11506
division (A)(8) of this section shall be credited to the 11507

reclamation forfeiture fund. 11508

(7) All of the moneys in the fund from the tax levied in 11509
division (A)(9) of this section shall be credited to the mining 11510
regulation and safety fund. 11511

(C) When, at the close of any fiscal year, the chief finds 11512
that the balance of the reclamation forfeiture fund, plus the 11513
estimated revenues from the tax levied by division (A)(8) of this 11514
section for the remainder of the calendar year that includes the 11515
close of the fiscal year, are sufficient to complete the 11516
reclamation of all lands for which the performance security has 11517
been provided under division (C)(2) of section 1513.08 of the 11518
Revised Code, the purposes for which the tax under division (A)(8) 11519
of this section is levied shall be deemed accomplished at the end 11520
of that calendar year. The chief, within thirty days after the 11521
close of the fiscal year, shall certify those findings to the tax 11522
commissioner, and the tax levied under division (A)(8) of this 11523
section shall cease to be imposed for the subsequent calendar year 11524
after the last day of that calendar year on coal produced under a 11525
coal mining and reclamation permit issued under Chapter 1513. of 11526
the Revised Code if the permittee has made tax payments under 11527
division (A)(8) of this section during each of the preceding five 11528
full calendar years. Not later than thirty days after the close of 11529
a fiscal year, the chief shall certify to the tax commissioner the 11530
identity of any permittees who accordingly no longer are required 11531
to pay the tax levied under division (A)(8) of this section for 11532
the subsequent calendar year. 11533

Section 101.02. That existing sections 119.14, 122.14, 11534
164.04, 164.08, 306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 11535
505.71, 1349.61, 1509.02, 1509.11, 1901.18, 1901.20, 1907.02, 11536
1907.031, 3327.012, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 11537
4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 11538

4503.103, 4503.19, 4503.21, 4503.23, 4504.10, 4504.201, 4505.101, 11539
4506.17, 4509.01, 4511.01, 4511.092, 4511.093, 4511.096, 4511.097, 11540
4511.098, 4511.0910, 4511.204, 4511.205, 4511.21, 4511.54, 11541
4511.68, 4511.84, 4511.991, 4513.34, 4513.60, 4513.601, 4513.61, 11542
4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 11543
4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 11544
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5736.01, 11545
5739.02, 5739.023, 5747.51, 5747.53, and 5749.02 of the Revised 11546
Code are hereby repealed. 11547

Section 105.01. That sections 4511.099, 4511.0915, and 11548
5747.502 of the Revised Code are hereby repealed. 11549

Section 201.10. Except as otherwise provided in this act, all 11550
appropriation items in this act are appropriated out of any moneys 11551
in the state treasury to the credit of the designated fund that 11552
are not otherwise appropriated. For all appropriations made in 11553
this act, the amounts in the first column are for fiscal year 2020 11554
and the amounts in the second column are for fiscal year 2021. 11555

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 11556
Highway Operating Fund Group 11557
2120 772426 Highway \$ 5,000,000 \$ 5,000,000 11558
Infrastructure Bank -
Federal
2120 772427 Highway \$ 15,250,000 \$ 15,250,000 11559
Infrastructure Bank -
State
2120 772430 Infrastructure Debt \$ 600,000 \$ 600,000 11560
Reserve Title 23-49
2130 772431 Roadway \$ 3,500,000 \$ 3,500,000 11561
Infrastructure Bank -

		State				
2130	772433	Infrastructure Debt	\$	650,000	\$	650,000 11562
		Reserve - State				
2130	777477	Aviation	\$	2,000,000	\$	2,000,000 11563
		Infrastructure Bank -				
		State				
7002	770003	Transportation	\$	17,658,600	\$	20,798,000 11564
		Facilities Lease				
		Rental Bond Payments				
7002	771411	Planning and Research	\$	27,591,086	\$	28,089,039 11565
		- State				
7002	771412	Planning and Research	\$	41,742,250	\$	41,742,251 11566
		- Federal				
7002	772421	Highway Construction	\$	644,734,023	\$	810,604,799 11567
		- State				
7002	772422	Highway Construction	\$	1,217,078,291	\$	1,232,839,103 11568
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 11569
		- Other				
7002	772437	Major New State	\$	27,462,900	\$	24,972,600 11570
		Infrastructure Bond				
		Debt Service - State				
7002	772438	Major New State	\$	162,741,000	\$	151,352,500 11571
		Infrastructure Bond				
		Debt Service -				
		Federal				
7002	773431	Highway Maintenance -	\$	603,832,334	\$	595,209,104 11572
		State				
7002	775452	Public Transportation	\$	35,143,571	\$	35,846,442 11573
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 11574
		- Other				
7002	776462	Grade Crossings -	\$	14,172,000	\$	14,172,000 11575

	Federal				
7002 777472	Airport Improvements	\$	405,000	\$	405,000
	- Federal				
7002 777475	Aviation	\$	7,110,974	\$	7,304,945
	Administration				
7002 779491	Administration -	\$	107,815,669	\$	112,116,608
	State				
TOTAL HOF Highway Operating					11579
Fund Group		\$	3,015,987,698	\$	3,183,952,391
Dedicated Purpose Fund Group					11581
4N40 776664	Rail Transportation -	\$	2,875,800	\$	2,875,800
	Other				
5W90 777615	County Airport	\$	620,000	\$	620,000
	Maintenance				
TOTAL DPF Dedicated Purpose					11584
Fund Group		\$	3,495,800	\$	3,495,800
Capital Projects Fund Group					11586
7042 772723	Highway Construction	\$	65,000,000	\$	65,000,000
	- Bonds				
7045 772428	Highway	\$	40,652,556	\$	56,101,265
	Infrastructure Bank -				
	Bonds				
TOTAL CPF Capital Projects					11589
Fund Group		\$	105,652,556	\$	121,101,265
TOTAL ALL BUDGET FUND GROUPS		\$	3,125,136,054	\$	3,308,549,456

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 11592
PAYMENTS 11593

The foregoing appropriation item 770003, Transportation 11594
 Facilities Lease Rental Bond Payments, shall be used to meet all 11595
 payments during the period from July 1, 2019, through June 30, 11596
 2021, by the Department of Transportation pursuant to the leases 11597

and agreements for facilities made under Chapter 154. of the 11598
Revised Code. These appropriations are the source of funds pledged 11599
for bond service charges on related obligations issued under 11600
Chapter 154. of the Revised Code. 11601

Should the appropriation in appropriation item 770003, 11602
Transportation Facilities Lease Rental Bond Payments, exceed the 11603
associated debt service payments in either fiscal year of the 11604
biennium ending June 30, 2021, then the balance may be transferred 11605
to appropriation item 772421, Highway Construction - State, 11606
773431, Highway Maintenance - State, or 779491, Administration - 11607
State, upon the written request of the Director of Transportation 11608
and with the approval of the Director of Budget and Management. 11609
The transfers are hereby appropriated and shall be reported to the 11610
Controlling Board. 11611

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 11612
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 11613

(A) Notwithstanding section 5511.06 of the Revised Code, the 11614
Director of Transportation shall, in each fiscal year of the 11615
biennium ending June 30, 2021, determine portions of the foregoing 11616
appropriation item 772421, Highway Construction - State, which 11617
shall be used for the construction, reconstruction, or maintenance 11618
of public access roads, including support features, to and within 11619
state facilities owned or operated by the Department of Natural 11620
Resources. 11621

(B) Notwithstanding section 5511.06 of the Revised Code, of 11622
the foregoing appropriation item 772421, Highway Construction - 11623
State, \$2,562,000 in each fiscal year shall be used for the 11624
construction, reconstruction, or maintenance of park drives or 11625
park roads within the boundaries of metropolitan parks. 11626

(C) The Department of Transportation may use the foregoing 11627
appropriation item 772421, Highway Construction - State, to 11628

perform: 11629

(1) Related road work on behalf of the Ohio Expositions 11630
Commission at the state fairgrounds, including reconstruction or 11631
maintenance of public access roads and support features to and 11632
within fairgrounds facilities, as requested by the Commission and 11633
approved by the Director of Transportation; and 11634

(2) Related road work on behalf of the Ohio History 11635
Connection, including reconstruction or maintenance of public 11636
access roads and support features to and within Ohio History 11637
Connection facilities, as requested by the Ohio History Connection 11638
and approved by the Director of Transportation. 11639

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 11640

(A) Of the foregoing appropriation item 772421, Highway 11641
Construction - State, \$4,500,000 in each fiscal year shall be made 11642
available for distribution by the Director of Transportation to 11643
Transportation Improvement Districts that have facilitated funding 11644
for the cost of a project or projects in conjunction with and 11645
through other governmental agencies. 11646

(B) A Transportation Improvement District shall submit 11647
requests for project funding to the Ohio Department of 11648
Transportation not later than the first day of September in each 11649
fiscal year. The Ohio Department of Transportation shall notify 11650
the Transportation Improvement District whether the Department has 11651
approved or disapproved the project funding request within 90 days 11652
after the day the request was submitted by the Transportation 11653
Improvement District. 11654

(C) Any funding provided to a Transportation Improvement 11655
District specified in this section shall not be used for the 11656
purposes of administrative costs or administrative staffing and 11657
must be used to fund a specific project or projects within that 11658

District's area. The total amount of a specific project's cost shall not be fully funded by the amount of funds provided under this section. The total amount of funding provided for each project is limited to 25% of total project costs not to exceed \$250,000 per fiscal year. Transportation Improvement Districts that are co-sponsoring a specific project may individually apply for up to \$250,000 for that project. However, not more than 25% of a project's total costs per biennium shall be funded through moneys provided under this section.

(D) Funding provided under this section may be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of the specific project and such other project costs that are defined in section 5540.01 of the Revised Code and approved by the Director of Transportation. Upon receipt of a copy of an invoice for work performed on the specific project, the Director of Transportation shall reimburse a Transportation Improvement District for the expenditures described above, subject to the requirements of this section.

(E) Any Transportation Improvement District that is requesting funds under this section shall register with the Director of Transportation. The Director of Transportation shall register a Transportation Improvement District only if the district has a specific, eligible project and may cancel the registration of a Transportation Improvement District that is not eligible to receive funds under this section. The Director shall not provide funds to any Transportation Improvement District under this section if the district is not registered. The Director of Transportation shall not register a Transportation Improvement District and shall cancel the registration of a currently registered Transportation Improvement District unless at least one of the following applies:

(1) The Transportation Improvement District, by a resolution

or resolutions, designated a project or program of projects and 11691
facilitated, including in conjunction with and through other 11692
governmental agencies, funding for costs of a project or program 11693
of projects in an aggregate amount of not less than \$10,000,000 11694
within the eight-year period commencing January 1, 2005. 11695

(2) The Transportation Improvement District, by a resolution 11696
or resolutions, designated a project or program of projects and 11697
facilitated, including in conjunction with and through other 11698
governmental agencies, funding for costs of a project or program 11699
of projects in an aggregate amount of not less than \$15,000,000 11700
from the commencement date of the project or program of projects. 11701

(3) The Transportation Improvement District has designated, 11702
by a resolution or resolutions, a project or program of projects 11703
that has estimated aggregate costs in excess of \$10,000,000 and 11704
the County Engineer of the county in which the Transportation 11705
Improvement District is located has attested by a sworn affidavit 11706
that the costs of the project or program of projects exceeds 11707
\$10,000,000 and that the Transportation Improvement District is 11708
facilitating a portion of funding for that project or program of 11709
projects. 11710

(F) For purposes of this section: 11711

(1) "Project" shall have the same meaning as in division (D) 11712
of section 5540.01 of the Revised Code. 11713

(2) "Governmental agency" shall have the same meaning as in 11714
division (B) of section 5540.01 of the Revised Code. 11715

(3) "Cost" shall have the same meaning as in division (C) of 11716
section 5540.01 of the Revised Code. 11717

Section 203.43. FLEXIBLE FHWA FUNDING FOR PUBLIC 11718
TRANSPORTATION 11719

(A) Of the foregoing appropriation item 772422, Highway 11720

Construction - Federal, \$100,000,000 in each fiscal year shall be 11721
used to support public transportation through the Federal Highway 11722
Administration (FHWA) flexible funding program. 11723

(B) Of the amount allocated under division (A) of this 11724
section from the foregoing appropriation item 772422, Highway 11725
Construction - Federal, \$18,500,000 in each fiscal year shall be 11726
allocated to the five transit systems with the highest level of 11727
elderly and disabled ridership, provided that the amount allocated 11728
to each transit system is proportional to the elderly and disabled 11729
ridership in the system divided by the aggregate total of elderly 11730
and disabled ridership among those five transit systems. 11731

Section 203.50. BOND ISSUANCE AUTHORIZATION 11732

The Treasurer of State, upon the request of the Director of 11733
Transportation, is authorized to issue and sell, in accordance 11734
with Section 2m of Article VIII, Ohio Constitution, and Chapter 11735
151. and particularly sections 151.01 and 151.06 of the Revised 11736
Code, obligations, including bonds and notes, in the aggregate 11737
amount of \$57,000,000 in addition to the original issuance of 11738
obligations authorized by prior acts of the General Assembly. 11739

The obligations shall be issued and sold from time to time in 11740
amounts necessary to provide sufficient moneys to the credit of 11741
the Highway Capital Improvement Fund (Fund 7042) created by 11742
section 5528.53 of the Revised Code to pay costs charged to the 11743
fund when due as estimated by the Director of Transportation, 11744
provided, however, that not more than \$220,000,000 original 11745
principal amount of obligations, plus the principal amount of 11746
obligations that in prior fiscal years could have been, but were 11747
not, issued within the \$220,000,000 limit, may be issued in any 11748
fiscal year, and not more than \$1,200,000,000 original principal 11749
amount of such obligations are outstanding at any one time. 11750

Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS,	11751
APPROPRIATION INCREASES, REAPPROPRIATIONS, AND CASH TRANSFERS	11752
TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002)	11753
APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION,	11754
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND	11755
ADMINISTRATION	11756
The Director of Transportation may request the Controlling	11757
Board to approve of the transfer of Highway Operating Fund (Fund	11758
7002) appropriations for planning and research (appropriation	11759
items 771411 and 771412), highway construction and debt service	11760
(appropriation items 772421, 772422, 772424, 772425, 772437,	11761
772438, and 770003), highway maintenance (appropriation item	11762
773431), public transportation - federal (appropriation item	11763
775452), elderly and disabled special equipment (appropriation	11764
item 775459), rail grade crossings (appropriation item 776462),	11765
aviation (appropriation item 777475), and administration	11766
(appropriation item 779491). The Director of Transportation may	11767
not seek requests of transfers out of debt service appropriation	11768
items unless the Director determines that the appropriated amounts	11769
exceed the actual and projected debt service requirements.	11770
This transfer request authorization is intended to provide	11771
for emergency situations and flexibility to meet unforeseen	11772
conditions that could arise during the biennium ending June 30,	11773
2021. It also is intended to allow the department to optimize the	11774
use of available resources and adjust to circumstances affecting	11775
the obligation and expenditure of federal funds.	11776
TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT,	11777
AVIATION, AND RAIL AND LOCAL TRANSIT	11778
The Director of Transportation may request the Controlling	11779
Board to approve of the transfer of appropriations between	11780
appropriation items 772422, Highway Construction - Federal,	11781

775452, Public Transportation - Federal, 775454, Public 11782
Transportation - Other, 775459, Elderly and Disabled Special 11783
Equipment, 776475, Federal Rail Administration, and 777472, 11784
Airport Improvements - Federal. 11785

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 11786
BANK 11787

The Director of Transportation may request the Controlling 11788
Board to approve of the transfer of appropriations and cash of the 11789
Infrastructure Bank funds created in section 5531.09 of the 11790
Revised Code, including transfers between fiscal years 2020 and 11791
2021. 11792

The Director of Transportation may request the Controlling 11793
Board to approve of the transfer of appropriations and cash from 11794
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank 11795
funds created in section 5531.09 of the Revised Code. The Director 11796
of Budget and Management may transfer from the Infrastructure Bank 11797
funds to the Highway Operating Fund up to the amounts originally 11798
transferred to the Infrastructure Bank funds under this section. 11799
However, the Director may not make transfers between modes or 11800
transfers between different funding sources. 11801

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 11802

The Director of Transportation may request the Controlling 11803
Board to approve of the transfer of appropriations and cash of the 11804
Ohio Toll Fund and any subaccounts created in section 5531.14 of 11805
the Revised Code, including transfers between fiscal years 2020 11806
and 2021. 11807

INCREASING APPROPRIATIONS: STATE FUNDS 11808

In the event that receipts or unexpended balances credited to 11809
the Highway Operating Fund (Fund 7002) exceed the estimates upon 11810
which the appropriations have been made in this act, upon the 11811
request of the Director of Transportation, the Controlling Board 11812

may increase those appropriations in the manner prescribed in 11813
section 131.35 of the Revised Code. 11814

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 11815

In the event that receipts or unexpended balances credited to 11816
the Highway Operating Fund (Fund 7002) or apportionments or 11817
allocations made available from the federal and local government 11818
exceed the estimates upon which the appropriations have been made 11819
in this act, upon the request of the Director of Transportation, 11820
the Controlling Board may increase those appropriations in the 11821
manner prescribed in section 131.35 of the Revised Code. 11822

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE 11823
HIGHWAY CAPITAL IMPROVEMENT FUND 11824

Upon the request of the Director of Transportation, the 11825
Director of Budget and Management may transfer cash from the 11826
Highway Operating Fund (Fund 7002) to the Highway Capital 11827
Improvement Fund (Fund 7042) created in section 5528.53 of the 11828
Revised Code. The Director of Budget and Management may transfer 11829
cash from Fund 7042 to Fund 7002 up to the amount of cash 11830
previously transferred to Fund 7042 under this section. 11831

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 11832

On July 1, 2019, and on January 1, 2020, or as soon as 11833
possible thereafter, respectively, the Director of Budget and 11834
Management shall transfer \$200,000 in cash, for each period, from 11835
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11836
General for ODOT Fund (Fund 5FA0). 11837

On July 1, 2020, and on January 1, 2021, or as soon as 11838
possible thereafter, respectively, the Director of Budget and 11839
Management shall transfer \$200,000 in cash, for each period, from 11840
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11841
General for ODOT Fund (Fund 5FA0). Should additional amounts be 11842
necessary, the Inspector General, with the consent of the Director 11843

of Budget and Management, may seek Controlling Board approval for 11844
additional transfers of cash and to increase the amount 11845
appropriated from appropriation item 965603, Deputy Inspector 11846
General for ODOT, in the amount of the additional cash transfers. 11847

REAPPROPRIATIONS 11848

In each fiscal year of the biennium ending June 30, 2021, the 11849
Director of Transportation may request that the Director of Budget 11850
and Management transfer any remaining unencumbered balances of 11851
prior years' appropriations to the Highway Operating Fund (Fund 11852
7002), the Highway Capital Improvement Fund (Fund 7042), and the 11853
Infrastructure Bank funds created in section 5531.09 of the 11854
Revised Code for the same purpose in the following fiscal year. In 11855
the request, the Director of Transportation shall identify the 11856
appropriate fund and appropriation item of the transfer, and the 11857
requested transfer amount. The Director of Budget and Management 11858
may request additional information necessary for evaluating the 11859
transfer request, and the Director of Transportation shall provide 11860
the requested information to the Director of Budget and 11861
Management. Based on the information provided by the Director of 11862
Transportation, the Director of Budget and Management shall 11863
determine the amount to be transferred by fund and appropriation 11864
item, and those amounts are hereby reappropriated. The Director of 11865
Transportation shall report the reappropriations to the 11866
Controlling Board. 11867

Any balances of prior years' unencumbered appropriations to 11868
the Highway Operating Fund (Fund 7002), the Highway Capital 11869
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 11870
created in section 5531.09 of the Revised Code for which the 11871
Director of Transportation requests reappropriations, and for 11872
which reappropriations are approved by the Director of Budget and 11873
Management, are subject to the availability of revenue as 11874
determined by the Director of Transportation. 11875

LIQUIDATION OF UNFORESEEN LIABILITIES	11876
Any appropriation made from the Highway Operating Fund (Fund	11877
7002) not otherwise restricted by law is available to liquidate	11878
unforeseen liabilities arising from contractual agreements of	11879
prior years when the prior year encumbrance is insufficient.	11880
Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS	11881
The Director of Transportation may remove snow and ice and	11882
maintain, repair, improve, or provide lighting upon interstate	11883
highways that are located within the boundaries of municipal	11884
corporations, in a manner adequate to meet the requirements of	11885
federal law. When agreed in writing by the Director of	11886
Transportation and the legislative authority of a municipal	11887
corporation and notwithstanding sections 125.01 and 125.11 of the	11888
Revised Code, the Department of Transportation may reimburse a	11889
municipal corporation for all or any part of the costs, as	11890
provided by such agreement, incurred by the municipal corporation	11891
in maintaining, repairing, lighting, and removing snow and ice	11892
from the interstate system.	11893
Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS	11894
The Director of Transportation may use revenues from the	11895
state motor vehicle fuel tax to match approved federal grants	11896
awarded to the Department of Transportation, regional transit	11897
authorities, or eligible public transportation systems, for public	11898
transportation highway purposes, or to support local or state	11899
funded projects for public transportation highway purposes. Public	11900
transportation highway purposes include: the construction or	11901
repair of high-occupancy vehicle traffic lanes, the acquisition or	11902
construction of park-and-ride facilities, the acquisition or	11903
construction of public transportation vehicle loops, the	11904
construction or repair of bridges used by public transportation	11905

vehicles or that are the responsibility of a regional transit 11906
authority or other public transportation system, or other similar 11907
construction that is designated as an eligible public 11908
transportation highway purpose. Motor vehicle fuel tax revenues 11909
may not be used for operating assistance or for the purchase of 11910
vehicles, equipment, or maintenance facilities. 11911

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 11912
ENVIRONMENTAL REVIEW PURPOSES 11913

The Director of Transportation may enter into agreements as 11914
provided in this section with the United States or any department 11915
or agency of the United States, including, but not limited to, the 11916
United States Army Corps of Engineers, the United States Forest 11917
Service, the United States Environmental Protection Agency, and 11918
the United States Fish and Wildlife Service. An agreement entered 11919
into pursuant to this section shall be solely for the purpose of 11920
dedicating staff to the expeditious and timely review of 11921
environmentally related documents submitted by the Director of 11922
Transportation, as necessary for the approval of federal permits. 11923
The agreements may include provisions for advance payment by the 11924
Director of Transportation for labor and all other identifiable 11925
costs of the United States or any department or agency of the 11926
United States providing the services, as may be estimated by the 11927
United States, or the department or agency of the United States. 11928
The Director shall submit a request to the Controlling Board 11929
indicating the amount of the agreement, the services to be 11930
performed by the United States or the department or agency of the 11931
United States, and the circumstances giving rise to the agreement. 11932

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY 11933
CONTRACTS 11934

(A) As used in this section, "indefinite delivery indefinite 11935

quantity contract" means a contract for an indefinite quantity, 11936
within stated limits, of supplies or services that will be 11937
delivered by the awarded bidder over a defined contract period. 11938

(B) The Director of Transportation shall advertise and seek 11939
bids for, and shall award, indefinite delivery indefinite quantity 11940
contracts for not more than two projects in fiscal year 2020 and 11941
for not more than two projects in fiscal year 2021. For purposes 11942
of entering into indefinite delivery indefinite quantity 11943
contracts, the Director shall do all of the following: 11944

(1) Prepare bidding documents; 11945

(2) Establish contract forms; 11946

(3) Determine contract terms and conditions, including the 11947
following: 11948

(a) The maximum overall value of the contract, which may 11949
include an allowable increase of one hundred thousand dollars or 11950
five per cent of the advertised contract value, whichever is less; 11951

(b) The duration of the contract, including a time extension 11952
of up to one year if determined appropriate by the Director; 11953

(c) The defined geographical area to which the contract 11954
applies, which shall be not greater than the size of one district 11955
of the Department of Transportation. 11956

(4) Develop and implement a work order process in order to 11957
provide the awarded bidder adequate notice of requested supplies 11958
or services, the anticipated quantities of supplies, and work 11959
location information for each work order. 11960

(5) Take any other action necessary to fulfill the duties and 11961
obligations of the Director under this section. 11962

(C) Section 5525.01 of the Revised Code applies to indefinite 11963
delivery indefinite quantity contracts. 11964

Section 203.110. CATASTROPHIC SNOWFALL FUND 11965

In each year of the biennium ending June 30, 2021, the 11966
Director of Transportation shall certify to the Director of Budget 11967
and Management \$250,000 in available funding from the Highway 11968
Operating Fund (Fund 7002) to be used for the purposes as 11969
described in Section 755.40 of H.B. 62 of the 133rd General 11970
Assembly. Upon certification, the Director of Budget and 11971
Management shall transfer \$250,000 cash in each of fiscal year 11972
2020 and fiscal year 2021 from the Highway Operating Fund (Fund 11973
7002) to the Catastrophic Snowfall Fund and upon completion of the 11974
transfer, those amounts are hereby appropriated from the 11975
Catastrophic Snowfall Fund. 11976

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 11977

Highway Safety Fund Group 11978

5TM0 761401	Public Safety	\$	1,595,800	\$	1,598,300	11979
	Facilities Lease					
	Rental Bond Payments					
5TM0 762321	Operating Expense -	\$	108,178,738	\$	111,822,673	11980
	BMV					
5TM0 762636	Financial	\$	5,463,977	\$	5,540,059	11981
	Responsibility					
	Compliance					
5TM0 762637	Local Immobilization	\$	200,000	\$	200,000	11982
	Reimbursement					
5TM0 764321	Operating Expense -	\$	345,534,531	\$	349,339,662	11983
	Highway Patrol					
5TM0 764605	Motor Carrier	\$	4,283,940	\$	4,308,088	11984
	Enforcement Expenses					
5TM0 769636	Administrative	\$	48,326,950	\$	49,020,261	11985
	Expenses - Highway					

		Purposes				
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263 11986
83C0	764630	Contraband, Forfeiture, and Other	\$	1,210,917	\$	1,213,407 11987
83F0	764657	Law Enforcement Automated Data System	\$	6,903,824	\$	6,441,735 11988
83G0	764633	OMVI Enforcement/Education	\$	593,518	\$	596,799 11989
83M0	765624	Operating - EMS	\$	5,281,688	\$	5,521,843 11990
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 11991
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094 11992
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782 11993
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143 11994
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000 11995
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027 11996
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000 11997
TOTAL HSF Highway Safety Fund Group			\$	584,493,868	\$	592,807,136 11998
Dedicated Purpose Fund Group						11999
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000 12000
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 12001
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000 12002
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000 12003

Fiduciary Fund Group					12004	
5J90 761678	Federal Salvage/GSA	\$	750,000	\$	750,000	12005
5V10 762682	License Plate	\$	2,700,000	\$	2,700,000	12006
	Contributions					
TOTAL FID	Fiduciary Fund Group	\$	3,450,000	\$	3,450,000	12007
Holding Account Fund Group					12008	
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	12009
	Vehicle Receipts					
R052 762623	Security Deposits	\$	50,000	\$	50,000	12010
TOTAL HLD	Holding Account Fund	\$	1,935,000	\$	1,935,000	12011
Group						
Federal Fund Group					12012	
3DU0 762628	BMV Grants	\$	1,150,000	\$	1,150,000	12013
3GR0 764693	Highway Patrol	\$	1,230,549	\$	1,234,258	12014
	Justice Contraband					
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000	12015
	Treasury Contraband					
3GU0 761610	Information and	\$	300,000	\$	300,000	12016
	Education Grant					
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000	12017
	Report System Grant					
3GU0 764610	Highway Safety	\$	4,036,721	\$	4,071,387	12018
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	12019
	Assistance Program					
	Grant					
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	12020
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	12021
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	12022
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	643,658,897	12023

Section 205.20. MOTOR VEHICLE REGISTRATION 12025

The Director of Public Safety may deposit revenues to meet 12026
the cash needs of the Public Safety - Highway Purposes Fund (Fund 12027
5TM0) established in section 4501.06 of the Revised Code, obtained 12028
under section 4503.02 of the Revised Code, less all other 12029
available cash. Revenue deposited pursuant to this paragraph shall 12030
support in part appropriations for the administration and 12031
enforcement of laws relative to the operation and registration of 12032
motor vehicles, for payment of highway obligations and other 12033
statutory highway purposes. Notwithstanding section 4501.03 of the 12034
Revised Code, the revenues shall be paid into Fund 5TM0 before any 12035
revenues obtained pursuant to section 4503.02 of the Revised Code 12036
are paid into any other fund. The deposit of revenues to meet the 12037
aforementioned cash needs shall be in approximately equal amounts 12038
on a monthly basis or as otherwise approved by the Director of 12039
Budget and Management. Prior to July 1 of each fiscal year, the 12040
Director of Public Safety shall submit a plan to the Director of 12041
Budget and Management requesting approval of the anticipated 12042
revenue amounts to be deposited into Fund 5TM0 pursuant to this 12043
paragraph. If during the fiscal year changes to the plan as 12044
approved by the Director of Budget and Management are necessary, 12045
the Director of Public Safety shall submit a revised plan to the 12046
Director of Budget and Management for approval prior to any change 12047
in the deposit of revenues. 12048

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 12049

The foregoing appropriation item 761401, Public Safety 12050
Facilities Lease Rental Bond Payments, shall be used to meet all 12051
payments during the period July 1, 2019, through June 30, 2021, by 12052
the Department of Public Safety under the leases and agreements 12053
for facilities under Chapters 152. and 154. of the Revised Code. 12054
The appropriations are the source of funds pledged for bond 12055

service charges on related obligations issued under Chapters 152. 12056
and 154. of the Revised Code. 12057

CASH TRANSFERS FROM THE STATE FIRE MARSHAL FUND TO THE 12058
EMERGENCY MEDICAL SERVICES FUND 12059

On July 1 of each fiscal year, or as soon as possible 12060
thereafter, the Director of Budget and Management shall transfer 12061
\$500,000 cash from the State Fire Marshal Fund (Fund 5460), used 12062
by the Department of Commerce, to the Emergency Medical Services 12063
Fund (Fund 83M0), used by the Department of Public Safety. The 12064
transferred cash shall be used by the Department of Public Safety 12065
to pay the costs of performing background checks and administering 12066
a continuous record monitoring service pursuant to section 12067
4765.302 of the Revised Code. 12068

CASH TRANSFERS - HIGHWAY PATROL 12069

Upon written request of the Director of Public Safety, the 12070
Director of Budget and Management may transfer cash from the State 12071
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 12072
to the Security, Investigations and Policing Fund (Fund 8400). 12073

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 12074
SHIPLEY UPGRADES 12075

Pursuant to a plan submitted by the Director of Public 12076
Safety, or as otherwise determined by the Director of Budget and 12077
Management, the Director of Budget and Management may make 12078
appropriate cash transfers on a pro-rata basis as approved by the 12079
Director of Budget and Management from other funds used by the 12080
Department of Public Safety, excluding the Public Safety Building 12081
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 12082
(Fund 5TM0) in order to reimburse expenditures for capital 12083
upgrades to the Shipley Building. 12084

COLLECTIVE BARGAINING INCREASES 12085

Notwithstanding division (D) of section 127.14 and division 12086
(B) of section 131.35 of the Revised Code, except for the General 12087
Revenue Fund, the Controlling Board may, upon the request of 12088
either the Director of Budget and Management, or the Department of 12089
Public Safety with the approval of the Director of Budget and 12090
Management, authorize expenditures in excess of appropriations and 12091
transfer appropriations, as necessary, for any fund used by the 12092
Department of Public Safety, to assist in paying the costs of 12093
increases in employee compensation that have occurred pursuant to 12094
collective bargaining agreements under Chapter 4117. of the 12095
Revised Code and, for exempt employees, under section 124.152 of 12096
the Revised Code. Any money approved for expenditure under this 12097
paragraph is hereby appropriated. 12098

CASH BALANCE FUND REVIEW 12099

The Director of Public Safety shall review the cash balances 12100
for each fund in the State Highway Safety Fund Group, and may 12101
submit a request in writing to the Director of Budget and 12102
Management to transfer amounts from any fund in the State Highway 12103
Safety Fund Group to the credit of the Public Safety - Highway 12104
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 12105
request, the Director of Budget and Management may make 12106
appropriate transfers as requested by the Director of Public 12107
Safety or as otherwise determined by the Director of Budget and 12108
Management. 12109

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE PUBLIC 12110
SAFETY - HIGHWAY PURPOSES FUND 12111

During the biennium ending June 30, 2021, the Director of 12112
Budget and Management may transfer up to \$35,000,000 cash from the 12113
General Revenue Fund to the Public Safety - Highway Purposes Fund 12114
(Fund 5TM0). 12115

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 12116

Dedicated Purpose Fund Group				12117	
4W00 195629 Roadwork Development	\$	17,342,060	\$	17,342,060	12118
TOTAL DPF Dedicated Purpose				12119	
Fund Group	\$	17,342,060	\$	17,342,060	12120
TOTAL ALL BUDGET FUND GROUPS	\$	17,342,060	\$	17,342,060	12121

Section 207.20. ROADWORK DEVELOPMENT FUND 12123

The Roadwork Development Fund shall be used for road 12124
improvements associated with economic development opportunities 12125
that will retain or attract businesses for Ohio, including the 12126
construction, reconstruction, maintenance, or repair of public 12127
roads that provide access to a public airport or are located 12128
within a public airport. "Road improvements" are improvements to 12129
public roadway facilities located on, or serving or capable of 12130
serving, a project site. 12131

The Department of Transportation, under the direction of the 12132
Development Services Agency, shall provide these funds in 12133
accordance with all guidelines and requirements established for 12134
other Development Services Agency programs, including Controlling 12135
Board review and approval as well as the requirements for usage of 12136
motor vehicle fuel tax revenue prescribed in Section 5a of Article 12137
XII, Ohio Constitution. Should the Development Services Agency 12138
require the assistance of the Department of Transportation to 12139
bring a project to completion, the Department of Transportation 12140
shall use its authority under Title 55 of the Revised Code to 12141
provide such assistance and may enter into contracts on behalf of 12142
the Development Services Agency. These funds may be used in 12143
conjunction with any other state funds appropriated for 12144
infrastructure improvements. 12145

The Director of Budget and Management, pursuant to a plan 12146
submitted by the Director of Development Services or as otherwise 12147
determined by the Director of Budget and Management, shall set a 12148

cash transfer schedule to meet the cash needs of the Roadwork 12149
Development Fund (Fund 4W00) used by the Development Services 12150
Agency, less any other available cash. The Director of Budget and 12151
Management shall transfer such cash amounts from the Highway 12152
Operating Fund (Fund 7002) established in section 5735.051 of the 12153
Revised Code to Fund 4W00 at such times as determined by the 12154
transfer schedule. 12155

Section 209.10. PWC PUBLIC WORKS COMMISSION 12156

Dedicated Purpose Fund Group 12157
7052 150402 Local Transportation \$ 374,938 \$ 303,311 12158
Improvement Program -
Operating
7052 150701 Local Transportation \$ 63,000,000 \$ 63,000,000 12159
Improvement Program
TOTAL DPF Dedicated Purpose 12160
Fund Group \$ 63,374,938 \$ 63,303,311 12161
TOTAL ALL BUDGET FUND GROUPS \$ 63,374,938 \$ 63,303,311 12162

Section 209.20. REAPPROPRIATIONS 12163

All capital appropriations from the Local Transportation 12164
Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 12165
General Assembly remaining unencumbered as of June 30, 2019, are 12166
reappropriated for use during the period July 1, 2019, through 12167
June 30, 2020, for the same purpose. 12168

Notwithstanding division (B) of section 127.14 of the Revised 12169
Code, all capital appropriations and reappropriations from the 12170
Local Transportation Improvement Program Fund (Fund 7052) in this 12171
act remaining unencumbered as of June 30, 2020, are reappropriated 12172
for use during the period July 1, 2020, through June 30, 2021, for 12173
the same purposes, subject to the availability of revenue as 12174
determined by the Director of the Public Works Commission. 12175

TEMPORARY TRANSFERS 12176

Notwithstanding section 127.14 of the Revised Code, the 12177
Director of the Public Works Commission may request that the 12178
Director of Budget and Management transfer cash from the Local 12179
Transportation Improvement Fund (Fund 7052) to the State Capital 12180
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 12181
(Fund 7056). The Director of Budget and Management may approve 12182
temporary cash transfers if such transfers are needed for capital 12183
outlays for which notes or bonds will be issued. When there is a 12184
sufficient cash balance in the fund that receives a cash transfer 12185
under this section, the Director of Budget and Management shall 12186
transfer cash from the fund to Fund 7052 in order to repay Fund 12187
7052 for the amount of the temporary cash transfers made under 12188
this section. Any transfers executed under this section shall be 12189
reported to the Controlling Board by June 30 of the fiscal year in 12190
which the transfer occurred. 12191

Section 501.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 12192

The capital appropriations made in this act for buildings or 12193
structures, including remodeling and renovations, are limited to: 12194

(A) Acquisition of real property or interests in real 12195
property; 12196

(B) Buildings and structures, which includes construction, 12197
demolition, complete heating and cooling, lighting and lighting 12198
fixtures, and all necessary utilities, ventilating, plumbing, 12199
sprinkling, water, and sewer systems, when such systems are 12200
authorized or necessary; 12201

(C) Architectural, engineering, and professional services 12202
expenses directly related to the projects; 12203

(D) Machinery that is a part of structures at the time of 12204
initial acquisition or construction; 12205

(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;

(F) Furniture, fixtures, or equipment that meets all the following criteria:

(1) Is essential in bringing the facility up to its intended use or is necessary for the functioning of the particular facility or project;

(2) Has a unit cost, and not the individual parts of a unit, of about \$100 or more; and

(3) Has a useful life of five years or more.

Furniture, fixtures, or equipment that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated shall not be paid from these appropriations.

Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM

TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 12235

The Office of Budget and Management shall process payments 12236
from lease rental payment appropriation items during the period 12237
from July 1, 2019, to June 30, 2021, pursuant to the lease and 12238
other agreements relating to bonds or notes issued under Section 12239
2i of Article VIII of the Ohio Constitution and Chapters 152. and 12240
154. of the Revised Code, and acts of the General Assembly. 12241
Payments shall be made upon certification by the Treasurer of 12242
State of the dates and amounts due on those dates. 12243

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 12244

Certain appropriations are in this act for the purpose of 12245
paying debt service and financing costs on general obligation 12246
bonds or notes of the state and for the purpose of making lease 12247
rental and other payments under leases and agreements relating to 12248
bonds or notes issued under the Ohio Constitution, Revised Code, 12249
and acts of the General Assembly. If it is determined that 12250
additional appropriations are necessary for this purpose, such 12251
amounts are hereby appropriated. 12252

Section 509.30. FLEXIBILITY TO PROCESS TWENTY-SEVENTH 12253
PAYCHECK IN FISCAL YEAR 2019 12254

Notwithstanding any provision of law to the contrary, if the 12255
Director of Budget and Management determines that cash is 12256
available, the Director may authorize additional expenditures as 12257
necessary in fiscal year 2019 from various General Revenue Fund 12258
and non-General Revenue Fund appropriation items in order to pay 12259
agency payroll costs for employees who are paid on a biweekly 12260
current or biweekly delayed pay cycle for the pay period ending 12261
June 22, 2019, which was not included in appropriations to 12262
agencies for fiscal year 2019. The Director of Budget and 12263
Management also may authorize additional expenditures as necessary 12264

in fiscal year 2019 from various General Revenue Fund and 12265
non-General Revenue Fund appropriation items in order to pay 12266
agency payroll costs for employees who are not paid on a biweekly 12267
current or biweekly delayed pay cycle for similar pay periods that 12268
were not included in appropriations to agencies for fiscal year 12269
2019. Any expenditures authorized by the Director of Budget and 12270
Management under this section are hereby appropriated. The 12271
Director of Budget and Management may transfer cash between funds 12272
if necessary to make these expenditures and to reimburse funds 12273
from which cash was transferred for this purpose. 12274

Section 512.10. TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM 12275
THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE 12276
BUILDING FUND 12277

On July 1, 2019, or as soon as possible thereafter, the 12278
Director of Budget and Management shall transfer the unencumbered 12279
and unallotted balance, as of June 30, 2019, of all capital 12280
appropriation items from the Public Safety - Highway Purposes Fund 12281
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 12282
July 1, 2019, or as soon as possible thereafter, the Director of 12283
Budget and Management shall cancel any existing encumbrances 12284
against capital appropriation items in Fund 5TM0 and reestablish 12285
them in Fund 7026. The reestablished encumbrance amounts are 12286
hereby appropriated. 12287

The Director of Budget and Management shall establish 12288
accounts indicating the source and amount of funds for each 12289
appropriation made in this section, and shall determine the form 12290
and manner in which appropriation accounts shall be maintained. 12291
Expenditures from appropriations contained in this section shall 12292
be accounted for as though made in H.B. 529 of the 132nd General 12293
Assembly. 12294

The appropriations made in this section are subject to all 12295

provisions of H.B. 529 of the 132nd General Assembly that are 12296
generally applicable to such appropriations. 12297

Section 610.03. That Section 213.20 of H.B. 529 of the 132nd 12298
General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd 12299
General Assembly, be amended to read as follows: 12300

Sec. 213.20. The Treasurer of State is hereby authorized to 12301
issue and sell, in accordance with Section 2i of Article VIII, 12302
Ohio Constitution, Chapter 154. of the Revised Code, and other 12303
applicable sections of the Revised Code, original obligations in 12304
an aggregate principal amount not to exceed ~~\$112,800,000~~ 12305
122,800,000 in addition to the original issuance of obligations 12306
heretofore authorized by prior acts of the General Assembly. These 12307
authorized obligations shall be issued, subject to applicable 12308
constitutional and statutory limitations, as needed to provide 12309
sufficient moneys to the credit of the Administrative Building 12310
Fund (Fund 7026) to pay costs associated with previously 12311
authorized capital facilities for the housing of branches and 12312
agencies of state government or their functions. 12313

Section 610.04. That existing Section 213.20 of H.B. 529 of 12314
the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 12315
132nd General Assembly, is hereby repealed. 12316

Section 703.10. The amendment by this act of sections 164.04, 12317
306.35, 306.70, and 5739.023 of the Revised Code is not intended 12318
to prohibit a regional transit authority that has not levied a tax 12319
specifically for the purpose of funding public infrastructure 12320
projects as described in division (DD) of section 306.35 of the 12321
Revised Code, as amended by this act, from funding such projects 12322
as otherwise permitted by law. The amendment of those sections 12323
shall not be construed to imply that, before the effective date of 12324

that amendment, transit authorities lacked authority to expend the
proceeds from a previously authorized tax levy for construction
and maintenance of roads and bridges over which buses travel, or
to levy a new tax without specifically authorizing a portion of
the proceeds to be spent on such purposes.

Section 741.10. The amendments made to sections 4111.03,
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under
Section 101.01 of this act do not apply to any claim or cause of
action pending under Chapter 4111., 4121., 4123., or 4141. of the
Revised Code on the effective date of this section.

Section 755.20. (A) There is hereby created the Ohio's Road
to Our Future Joint Legislative Study Committee, composed of the
following members:

(1) Five members of the Senate appointed by the President of
the Senate, three of whom are members of the majority party and
two of whom are members of the minority party;

(2) Five members of the House of Representatives appointed by
the Speaker of the House of Representatives, three of whom are
members of the majority party and two of whom are members of the
minority party.

From the members appointed, the Speaker shall appoint one
member of the House of Representatives as co-chairperson and the
President shall appoint one member of the Senate as
co-chairperson.

(B) The Department of Transportation shall provide the Study
Committee any administrative assistance the Study Committee
requests.

(C) The purpose of the Study Committee is to review all of
the following as they pertain to the Department:

(1) Alternative sources of revenue;	12355
(2) Expense mitigation;	12356
(3) Evolving technology;	12357
(4) Exploration of innovative finance techniques;	12358
(5) Asset leverage and conditions;	12359
(6) The demographics of employees within the Department.	12360
(D) To accomplish the purpose of the Study Committee, the Study Committee shall conduct all of the following:	12361 12362
(1) An analysis of the future needs of the Department and the state's infrastructure, including local infrastructure;	12363 12364
(2) An analysis of all Department personnel, with an emphasis on future retirements and possible attrition. The analysis shall include a list of technology that will provide greater efficiency for the Department.	12365 12366 12367 12368
(3) A cost-benefit analysis of leasing vehicles versus purchasing vehicles weighing more than 12,000 pounds gross vehicle weight;	12369 12370 12371
(4) A cost-benefit analysis of leasing versus purchasing construction equipment that has a lifespan of five years or more;	12372 12373
(5) A review of evolving technology and its incorporation into traditional engineering and infrastructure solutions, as applied to planning, capacity enhancement, risk management, system operations, safety, and system reliability;	12374 12375 12376 12377
(6) An analysis of the Department's debt policies, structures, and practices;	12378 12379
(7) An analysis of methods for leveraging state assets, including cell towers, light poles, rights-of-way, rest areas, buildings, and garages. The analysis shall include the methods the Department is currently using to leverage its assets and whether	12380 12381 12382 12383

there are any impediments to leveraging assets, such as 12384
restrictions in advertising, constraints in renting spaces, or 12385
other impediments. 12386

(8) An analysis of all Department-maintained transportation 12387
systems. The analysis shall include an inventory of the structure 12388
ratings versus the Department's target ratings; the urban, rural, 12389
general, and priority pavement condition ratings versus the 12390
Department's target ratings; and a cost analysis of the funds that 12391
are necessary to maintain, improve, and expand the current 12392
transportation system under the Department's jurisdiction; 12393

(9) An analysis of using a vehicle-miles-traveled approach to 12394
transportation funding in Ohio and the feasibility of either 12395
starting a pilot program or fully using the vehicle-miles-traveled 12396
approach in this state; 12397

(10) A review of all Department functions and whether such 12398
functions accomplish and further the Department's mission. 12399

(E) Not later than October 1, 2019, the Study Committee shall 12400
complete a report of its findings. At the completion of the 12401
report, the Study Committee shall present it to the Speaker of the 12402
House of Representatives and the President of the Senate. 12403

(F) The presentation shall occur at the call of the Speaker 12404
and President. 12405

(G) Upon presentation of the report, the Study Committee 12406
shall cease to exist. 12407

Section 755.30. Beginning July 1, 2019, and extending until 12408
June 30, 2021, the Department of Transportation shall not close 12409
any rest area that is under the Department's control and 12410
jurisdiction as established under section 5515.07 of the Revised 12411
Code. 12412

Section 755.40. (A) There is hereby created in the state 12413
treasury the Catastrophic Snowfall Fund consisting of money 12414
appropriated to it in fiscal years 2020 and 2021. The purpose of 12415
the Fund is to provide monetary aid for street maintenance costs 12416
to municipal corporations that receive eighteen or more inches of 12417
snow in one event. The Director of Transportation shall establish 12418
procedures to implement the aid program and distribute money from 12419
the Fund, including procedures governing the following: 12420

(1) An application process; 12421

(2) A system for verifying the amount of snow an applicant 12422
receives each year; 12423

(3) A process to determine how much money an applicant has 12424
spent on street maintenance costs in that year. 12425

(B) The Director shall distribute money from the Fund to pay 12426
for one half of the street maintenance costs accrued by an 12427
applicant approved for funding within one fiscal year. The 12428
Director may not distribute more than one hundred thousand dollars 12429
per applicant. 12430

Section 755.50. Any agency or entity, including a local 12431
government entity, that receives funding under this act shall 12432
include on that agency or entity's web site regular status updates 12433
on how the funds are being used. Such information may include how 12434
much money is spent, when the money is spent, on what projects the 12435
money is spent, and similar information demonstrating to the 12436
public the use of funds received. 12437

Section 755.60. (A) Not later than December 31, 2019, the 12438
Director of Transportation shall submit to the President of the 12439
Senate and the Speaker of House of Representatives a report 12440
regarding the Eastern Bypass of southwest Ohio and greater 12441

Cincinnati.	12442
(B) The report must cover all of the following:	12443
(1) Commentary on the study conducted by the State of Kentucky's Department of Transportation pertaining to the Eastern Bypass.	12444 12445 12446
(2) Details on the extent the Ohio Department of Transportation assisted and coordinated with the Kentucky Department of Transportation in conducting the study, including information that was provided by the Ohio Department of Transportation.	12447 12448 12449 12450 12451
(3) Details on the next steps the Ohio Department of Transportation is taking or needs to take to coordinate with the Kentucky Department of Transportation to plan and construct the Eastern Bypass.	12452 12453 12454 12455
Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY OPERATING FUND	12456 12457
(A) Except as provided in division (B) of this section, on the last day of each month in the biennium ending June 30, 2021, before making any of the distributions specified in section 5735.051 of the Revised Code but after any transfers to the tax refund fund as required by that section and section 5703.052 of the Revised Code, the Treasurer of State shall deposit the first two per cent of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway Operating Fund (Fund 7002).	12458 12459 12460 12461 12462 12463 12464 12465 12466
(B) Beginning October 2019, the deposit required under division (A) of this section shall be computed based only on the portion of motor fuel tax receipts for the preceding calendar month that are attributable to the first twenty-eight cents per gallon of the rates prescribed by section 5735.05 of the Revised	12467 12468 12469 12470 12471

Code.	12472
Section 757.20. MOTOR FUEL DEALER REFUNDS	12473
Notwithstanding Chapter 5735. of the Revised Code, the	12474
following apply for the period of July 1, 2019, through June 30,	12475
2021:	12476
(A) For the discount under section 5735.06 of the Revised	12477
Code, if the monthly report is timely filed and the tax is timely	12478
paid, one per cent of the total number of gallons of motor fuel	12479
received by the motor fuel dealer within the state during the	12480
preceding calendar month, less the total number of gallons	12481
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of	12482
the Revised Code, less one-half of one per cent of the total	12483
number of gallons of motor fuel that were sold to a retail dealer	12484
during the preceding calendar month.	12485
(B) For the semiannual periods ending December 31, 2019, June	12486
30, 2020, December 31, 2020, and June 30, 2021, the refund	12487
provided to retail dealers under section 5735.141 of the Revised	12488
Code shall be one-half of one per cent of the Ohio motor fuel	12489
taxes paid on fuel purchased during those semiannual periods.	12490
Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND	12491
The Director of Budget and Management shall transfer cash in	12492
equal monthly increments totaling \$170,437,584 in fiscal year 2020	12493
and in equal monthly increments totaling \$172,360,236 in fiscal	12494
year 2021 from the Highway Operating Fund (Fund 7002) to the	12495
Gasoline Excise Tax Fund (Fund 7060). The monthly amounts	12496
transferred under this section shall be distributed as follows:	12497
(A) 42.86 per cent shall be distributed among the municipal	12498
corporations within the state under division (A)(2)(b)(i) of	12499
section 5735.051 of the Revised Code;	12500

(B) 37.14 per cent shall be distributed among the counties 12501
within the state under division (A)(2)(b)(ii) of section 5735.051 12502
of the Revised Code; and 12503

(C) 20 per cent shall be distributed among the townships 12504
within the state under division (A)(2)(b)(iii) of section 5735.051 12505
of the Revised Code. 12506

Section 757.40. The amendment by this act of section 5735.053 12507
of the Revised Code applies on and after July 1, 2019. 12508

Section 757.50. The amendment by this act of sections 12509
5735.01, 5735.011, and 5736.01 of the Revised Code applies on and 12510
after October 1, 2019. 12511

Section 757.60. The enactment by this act of section 4516.06 12512
of the Revised Code, designating peer-to-peer car sharing programs 12513
as vendors for the purposes of Chapter 5739. of the Revised Code, 12514
is intended to clarify the status of such programs under that 12515
chapter and is not intended to change the existing application of 12516
that chapter to such programs. 12517

Section 757.80. The amendment by this act of section 5739.02 12518
of the Revised Code applies to sales of motor fuel occurring on or 12519
after the first day of the first month that begins at least thirty 12520
days after the effective date of the amendment of that section by 12521
this act. 12522

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 12523
APPROPRIATIONS 12524

Law contained in the main operating appropriations act of the 12525
133rd General Assembly that is generally applicable to the 12526
appropriations made in the main operating appropriations act also 12527
is generally applicable to the appropriations made in this act. 12528

Section 806.10. SEVERABILITY 12529

The items of law contained in this act, and their 12530
applications, are severable. If any item of law contained in this 12531
act, or if any application of any item of law contained in this 12532
act, is held invalid, the invalidity does not affect other items 12533
of law contained in this act and their applications that can be 12534
given effect without the invalid item or application. 12535

Section 812.10. LAWS AND REFERENDUM 12536

Except as otherwise provided in this act, the amendment, 12537
enactment, or repeal by this act of a section of law is subject to 12538
the referendum under Ohio Constitution, Article II, Section 1c and 12539
therefore takes effect on the ninety-first day after this act is 12540
filed with the Secretary of State or, if a later effective date is 12541
specified below, on that date. 12542

Section 812.20. APPROPRIATIONS AND REFERENDUM 12543

In this section, an "appropriation" includes another 12544
provision of law in this act that relates to the subject of the 12545
appropriation. 12546

An appropriation of money made in this act is not subject to 12547
the referendum insofar as a contemplated expenditure authorized 12548
thereby is wholly to meet a current expense within the meaning of 12549
Ohio Constitution, Article II, Section 1d. To that extent, the 12550
appropriation takes effect immediately when this act becomes law. 12551
Conversely, the appropriation is subject to the referendum insofar 12552
as a contemplated expenditure authorized thereby is wholly or 12553
partly not to meet a current expense within the meaning of Ohio 12554
Constitution, Article II, Section 1d. To that extent, the 12555
appropriation takes effect on the ninety-first day after this act 12556
is filed with the Secretary of State. 12557

Section 812.30. Sections 5735.01, 5735.011, 5735.05, and 12558
5736.01 of the Revised Code are exempt from the referendum under 12559
Ohio Constitution, Article II, Section 1d and therefore take 12560
effect immediately when this act becomes law. 12561

Section 815.10. The General Assembly, applying the principle 12562
stated in division (B) of section 1.52 of the Revised Code that 12563
amendments are to be harmonized if reasonably capable of 12564
simultaneous operation, finds that the following sections, 12565
presented in this act as composites of the sections as amended by 12566
the acts indicated, are the resulting versions of the sections in 12567
effect prior to the effective date of the sections as presented in 12568
this act: 12569

Section 4511.01 of the Revised Code as amended by Am. Sub. 12570
H.B. 49, Am. Sub. H.B. 250, and Am. S.B. 127, all of the 132nd 12571
General Assembly. 12572

Section 4511.21 of the Revised Code as amended by both Sub. 12573
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 12574

Section 4511.54 of the Revised Code as amended by both Sub. 12575
H.B. 95 and Am. Sub. H.B. 250 of the 132nd General Assembly. 12576

Section 5747.51 of the Revised Code as amended by both Sub. 12577
H.B. 166 and Sub. H.B. 390 of the 131st General Assembly. 12578