



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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DEPARTMENT OF PUBLIC SAFETY

Deputy registrars

- Increases from \$3.50 to \$5.25 the service fee that is paid to a deputy registrar, limited authority deputy registrar, or the Registrar of Motor Vehicles for services, including vehicle registrations, vehicle inspections, and the issuance of driver's licenses and identification cards.
- Increases the prorated service fees for the multiyear registration of a standard noncommercial vehicle as follows:
 - For a 2 year registration, \$8 (rather than \$5.25 as under current law);
 - For a 3 year registration, \$12 (rather than \$8 as under current law); and
 - For a 4 or 5 year registration, \$15 (rather than \$10 as under current law).
- Requires the Registrar to allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to operate vending machines.



- Requires the Registrar to allow a deputy registrar that is not a county auditor or clerk of court to sell advertising rights to third party businesses.
- Requires the Registrar to adopt rules permitting a private, nonprofit corporation operating as a deputy registrar to advertise that a specified amount of the proceeds collected by the deputy registrar go to charitable organizations or philanthropic causes.
- Requires fees credited to a county certificate of title administration fund to be used, in part, to pay an \$8,000 pay supplement to the clerk of court if the clerk is serving as a full authority deputy registrar.

Vehicle registration

- Authorizes counties to levy and retain an additional \$5 motor vehicle registration tax.
- Allows the Registrar of Motor Vehicles to send an electronic motor vehicle registration renewal notice if the owner of a vehicle consents to receive the notice electronically.
- Allows the Registrar to establish a program to enhance the convenience and availability of vehicle registration services using electronic or other means (for example, a self-service kiosk) and to establish associated fees.
- Requires the Registrar to study the effect of lowering the permanent registration fee for commercial trailers and semitrailers and to consider a process for making Ohio's fees and process more competitive.
- Requires the Registrar to issue a report of the Registrar's findings and recommendations not later than September 30, 2017.
- Requires the Registrar to establish a Commercial Motor Vehicle Registration Pilot Program for Clinton, Lucas, Montgomery, and Stark counties under which the Registrar or a deputy registrar must reduce from \$30 to \$15 one of the fees charged for the registration of a commercial car.
- Specifies that the Commercial Motor Vehicle Registration Pilot Program begins January 1, 2018 and ends December 31, 2019.

Malfunctioning traffic control signals

- Narrows a provision of law that authorizes a vehicle to proceed through an intersection if the traffic control signal is malfunctioning by doing both of the following:
 - Applying the provision only to a bicycle; and
 - Specifying that the bicycle may proceed through the intersection only if the signal is malfunctioning due to a failure of the vehicle detector to detect the bicycle.

Prohibition against leaving a motor vehicle unattended

- Specifies that the law prohibiting a person from leaving a motor vehicle unattended without stopping the engine and removing the key does not apply to either of the following:
 - A vehicle that is parked on residential property; or
 - A vehicle that is locked, regardless of where it is parked.

Motorcycle Safety Foundation Basic RiderCourse

- Requires the Director of Public Safety to do both of the following:
 - Authorize private organizations or corporations to offer the Motorcycle Safety Foundation's Basic RiderCourse; and
 - Permit applicants for a motorcycle operator's endorsement or motorcycle license who have completed the course successfully to be eligible for the waiver of the demonstration portion of the rider's examination.

License plates

- Specifies that failure to display a front license plate on a legally parked motor vehicle that is required to display both a front and a rear license plate is a secondary traffic offense and establishes a maximum fine of \$100 for such an offense.
- Requires each local school or school district that receives contributions from a nonstandard license plate to produce an annual report, including the total amount received and the use of the funds.

- Specifies that if a school or school district fails to submit an annual report, the Registrar of Motor Vehicles must divert future contributions from license plate sales into the General Revenue Fund until the report is submitted.
- Eliminates the ability of the owner or lessee of a commercial motor vehicle to obtain a Cleveland St. Ignatius High School, Brecksville-Broadview Heights City Schools, or Chagrin Falls Exempted Village Schools license plate.
- Increases the "Ohio Nurses Association" license plate contribution amount for registration renewal from \$11.50 to \$25, which is consistent with the amount charged (\$25) for the issuance of an initial "Ohio Nurses Association" license plate.
- Eliminates the authority of the University of Notre Dame in South Bend, Indiana to use any of the contributions collected from issuance of the "University of Notre Dame" special license plate for administrative costs.

Fund merger

- Merges the State Bureau of Motor Vehicles Fund, the State Highway Safety Fund, the Highway Safety Salvage and Exchange Administration Fund, and the Highway Safety Salvage and Exchange Highway Patrol Fund into a single fund called the Public Safety – Highway Purposes Fund.
- Applies the existing purposes for each of the merged funds to the Public Safety – Highway Purposes Fund.

Deputy registrars

Fee increase

(R.C. 4503.038, with conforming changes in numerous other R.C. sections)

The bill increases from \$3.50 to \$5.25 the service fee that is paid to a deputy registrar, limited authority deputy registrar, or the Registrar of Motor Vehicles for the following services:

- (1) Registration, registration renewal, and registration transfers for motor vehicles, commercial motor vehicles, snowmobiles, off-highway motorcycles, and all-purpose vehicles;
- (2) Registration of a chauffeured limousine;



(3) The issuance of temporary tags;

(4) The issuance of a replacement license plate or validation sticker;

(5) The inspection of a vehicle that was last registered in another state or of an off-highway motorcycle or all-purpose vehicle not titled in Ohio or for which title is missing (this fee may also be paid to a motor vehicle dealer, salvage motor vehicle dealer, salvage motor vehicle auction, or salvage motor vehicle pool that conducts the inspection as authorized by law);

(6) The issuance or renewal of a driver's license or commercial driver's license (including temporary instruction permits);

(7) The issuance of a new, duplicate, or replacement identification card; and

(8) Providing a certified abstract of a person's driving record.

Multi-year registration fee increase

(R.C. 4503.103)

The bill also increases the fee that is paid to a deputy registrar, limited authority deputy registrar, or to the Registrar for the multi-year registration of a standard noncommercial vehicle as follows:

(1) For a 2 year registration, \$8 (rather than \$5.25 as under current law);

(2) For a 3 year registration, \$12 (rather than \$8 as under current law); and

(3) For a 4 or 5 year registration, \$15 (rather than \$10 as under current law).

Vending machines and third party advertising

(R.C. 4503.03)

Under current law, the Registrar of Motor Vehicles is required to adopt rules governing deputy registrars. Those rules include contracting requirements, office size and location requirements, hours of operation, procedural requirements, and other requirements determined necessary to provide a high level of service. The bill requires those rules to allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to do both of the following:

(1) Operate vending machines; and

(2) Sell advertising rights to third party businesses so that the third party businesses that purchase those rights may place advertising for their businesses inside the deputy registrar's office.

Nonprofit deputy registrars

(R.C. 4503.03)

The bill requires the Registrar of Motor Vehicles to adopt rules permitting a private, nonprofit corporation operating as a deputy registrar to advertise that a certain amount of the proceeds collected by the deputy registrar go to a specified charitable organization or philanthropic cause. Under current law, the Registrar is required to adopt rules permitting any deputy registrar to advertise regarding the operation of the deputy registrar's office. The rules currently adopted by the Registrar permit any deputy registrar to advertise, with the prior written approval of the Registrar. The two primary restrictions in the current rules are that the advertising cannot reflect negatively upon the State of Ohio, the Department of Public Safety, the Bureau of Motor Vehicles, any deputy registrar, or any deputy registrar agency, and that no person can advertise as a deputy registrar unless the person is currently under contract with the Registrar.¹

Pay supplement for clerks of court acting as deputy registrars

(R.C. 325.33)

The bill requires fees credited to a county certificate of title administration fund to be used, in part, to pay an \$8,000 pay supplement to the clerk of court if the clerk is serving as a full authority deputy registrar. The bill retains a provision of current law that allows the fees credited to the fund also to be used to reimburse the clerk of courts for the costs incurred by the clerk in processing motor vehicle certificates of title. The bill then eliminates a provision in current law that requires money in the fund to be used to reimburse the clerk of court for the costs incurred by the clerk in "performing the duties of a deputy registrar."

Under current law, a full authority deputy registrar's duties include issuing individual and commercial driver's licenses, state identification cards, vehicle registration and license plates, and temporary tags; performing vision screenings, serial number inspections, and salvage inspections; and providing drivers' abstracts, notary services, license restorations, duplicate registrations and licenses, voter registration,

¹ Ohio Administrative Code 4501:1-6-01, not in the bill.



selective service information collection and recording, and additional administrative duties.

Vehicle registration

Additional county motor vehicle registration tax

(R.C. 4504.24, 4501.031, 4501.041, 4501.05, and 4504.10)

The bill authorizes counties to levy and retain an additional \$5 motor vehicle registration tax on motor vehicles registered in the county. In order to levy the tax, a board of county commissioners must hold two public hearings, provide public notice of those hearings in a newspaper of general circulation, and adopt a resolution levying the tax. If the board adopts the resolution, the board must provide written notice to the legislative authority of each municipal corporation and to the board of township trustees of each township located within the county. The tax is subject to a referendum.

The additional \$5 motor vehicle registration tax may only be used for specified purposes, including enforcing and administering the tax, paying costs associated with public roads, bridges, and viaducts, paying costs associated with street and traffic signs, markers, and signals, and paying debt service obligations. These specified purposes are consistent with the purposes for which the existing additional county motor vehicle registration taxes may be charged.

Under current law, municipal corporations, townships, and counties may establish a combination of local motor vehicle registration taxes not exceeding \$20 per taxing district. Those taxes are in addition to the base motor vehicle registration tax (for example \$34.50 for passenger vehicles) and any taxes established by a transportation improvement district (up to \$20) or a county participating in a regional transportation improvement project (up to \$25).

Vehicle registration renewals

(R.C. 4503.102)

The bill allows the Registrar of Motor Vehicles to send an electronic motor vehicle registration renewal notice if the owner of a vehicle consents to receive the notice electronically. Under current law, the Registrar is required to mail the notice, which alerts the vehicle owner that their vehicle registration needs to be renewed, how the registration may be renewed, and the amount of any taxes or fees that must be paid for renewal.

The bill also allows the Registrar to develop and implement, or permit a deputy registrar to implement, one or more programs that enhance the convenience and



availability of motor vehicle registration services. This could include, for example, a self-service kiosk. The Registrar must establish any fee or fees to be paid for the convenience or service provided under the program. Any fee or fees established by the Registrar are in addition to the standard motor vehicle registration fees and taxes under current law. The Registrar currently allows the use of self-service kiosks for vehicle registration renewal at some locations pursuant to a pilot project.

Permanent registration fees for commercial trailers and semitrailers

(Section 745.30)

The bill requires the Registrar of Motor Vehicles to study the benefits and detriments of lowering the permanent registration fees for commercial trailers and semitrailers and streamlining the registration process. The Registrar is also required to consider methods for making Ohio's commercial trailer and semitrailer registration process competitive with states that charge lower registration fees. The Registrar must conduct an analysis of the effect of collecting permanent registration fees using a fee structure similar to that of Indiana. Not later than September 30, 2017, the Registrar is required to submit a report of the Registrar's findings and recommendations to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

Commercial Motor Vehicle Registration Pilot Program

(Section 745.20)

The bill requires the Registrar of Motor Vehicles to establish a Commercial Motor Vehicle Registration Pilot Program for Clinton, Lucas, Montgomery, and Stark counties beginning on January 1, 2018 and ending on December 31, 2019. Under the Pilot Program, with regard to commercial cars with a gross vehicle weight of up to 78,000 pounds that are being registered in a pilot project county, the Registrar or a deputy registrar must reduce from \$30 to \$15 one of the registration fees. Under current law, the \$30 fee is used to defray the Department of Public Safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws. Vehicles subject to the reduced registration fee will still be subject to a registration tax based on vehicle weight, any local motor vehicle registration tax, and an administrative fee.

Malfunctioning traffic control signals

(R.C. 4511.132)

The bill narrows a provision of law that will become effective March 21, 2017, that allows a vehicle to proceed through an intersection if the traffic control signal is



malfunctioning, including due to the failure of a vehicle detector to detect the presence of a vehicle.² Under that law, there are three circumstances in which a vehicle can proceed through an intersection due to a malfunctioning traffic control signal:

(1) The signal facing the driver exhibits no colored lights or colored lighted arrows;

(2) The signal exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way; or

(3) The signals are otherwise malfunctioning, including the failure of a vehicle detector to detect the vehicle.

The bill narrows the third provision above, so that only a bicycle may proceed if the signal is malfunctioning due to the failure of a vehicle detector to detect the presence of a bicycle.

Proceeding through an intersection with a malfunctioning signal

Under current law, in any of the circumstances described in (1) to (3) above, the vehicle operator must do all of the following:

(1) Stop at the stop line; if there is no stop line, stop before entering the near crosswalk; if there is no near crosswalk, stop before entering the intersection;

(2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road if they will constitute an immediate hazard while the operator is moving across or within the intersection or junction of roadways; and

(3) Exercise ordinary care while proceeding through the intersection.

Prohibition against leaving a motor vehicle unattended

(R.C. 4511.661)

The bill establishes two exceptions to the prohibition against the operator of a motor vehicle, or a person who is otherwise responsible for a motor vehicle, leaving a motor vehicle unattended without stopping the engine, locking the ignition, and removing the key from the ignition. Under the bill, the prohibition does not apply to a motor vehicle that is parked on residential property or to a motor vehicle that is locked,

² Am. H.B. 154 was signed by the Governor on December 19, 2016, giving it an effective date of March 21, 2017.

regardless of where that vehicle is parked. The bill retains the existing exceptions for emergency and public safety vehicles.

Motorcycle Safety Foundation Basic RiderCourse

(R.C. 4508.08)

The bill requires the Director of Public Safety to authorize private organizations or corporations to offer the Motorcycle Safety Foundation's Basic RiderCourse. Additionally, the bill requires the Director to permit applicants for a motorcycle operator's endorsement or motorcycle license who have completed the Basic RiderCourse successfully to be eligible for the waiver of the demonstration portion of the rider's examination.³

Under current law, unchanged by the bill, the Director administers a motorcycle safety and education program that includes instruction for novice motorcycle operators. If an applicant for a motorcycle operator's endorsement or a motorcycle license has completed the program's basic instruction course successfully within the past 60 days, the applicant is eligible for a waiver from the requirement to complete the demonstration portion of the rider's examination. The bill allows that same waiver for applicants who successfully complete the Motorcycle Safety Foundation's Basic RiderCourse.

License plates

Front license plates on legally parked vehicles

(R.C. 4503.21)

The bill makes failing to display a license plate on the front of a vehicle (that is required to display both a front and rear license plate) when the vehicle is legally parked a secondary traffic offense. Thus, the bill prohibits a law enforcement officer from issuing a ticket to the owner or operator of a legally parked motor vehicle *solely* because the owner or operator has failed to display a front license plate. In order to enforce the prohibition, the law enforcement officer must have some other valid reason to cite the owner or operator of the motor vehicle. For example, the other valid reason could be that the law enforcement officer observed that the vehicle is illegally parked in front of a fire hydrant.

Under the bill, the failure to display a front license plate in plain view on the front of a parked motor vehicle is a minor misdemeanor punishable by a maximum fine

³ R.C. 4507.11, not in the bill.



of \$100. The bill further states that no points may be assessed on a person's license for this violation.

Under current law, the failure to display a license plate on the front of a motor vehicle is a primary offense in all circumstances. Thus, a person may be issued a ticket, citation, summons, or be arrested or stopped solely for committing such a violation. Additionally, the violation is a minor misdemeanor and the maximum fine for the offense is \$150. The bill retains the violation as a primary offense and retains the penalty for the violation when the violation does not involve a parked vehicle.

Reports related to school license plates

(R.C. 4503.772)

The bill requires an annual report to be submitted by each local school or school district for which a license plate is established under state law. The schools and school districts that are subject to this reporting requirement are Solon City Schools, Lakewood St. Edward High School, Independence Local Schools, Cleveland St. Ignatius High School, Brecksville-Broadview Heights City Schools, and Chagrin Falls Exempted Village Schools. The report must contain the total amount received during the prior year from license plate contributions, an itemized list and description of each expenditure made using funds received from license plate contributions during the prior year, and the total percentage of spending that was used to provide services to students to assist in developing and maintaining mental and emotional well-being.

Not later than December 1 of each year, the school or school district must submit the report to the Department of Mental Health and Addiction Services and to the Registrar of Motor Vehicles. If a school or school district fails to submit the report by December 31 of any year, the Registrar must divert the contribution for each registration involving the school or school district license plate, which the school would otherwise receive, to the Treasurer of State for deposit into the General Revenue Fund. Once the Registrar receives a report from a school or school district for which contributions are being diverted, the Registrar must immediately resume transmitting the contributions received for that license plate to the Treasurer of State for distribution to the school or school district.

Nonstandard license plates for commercial motor vehicles

(R.C. 4503.902, 4503.903, and 4503.904)

The bill eliminates the ability of the owner or lessee of a commercial motor vehicle to obtain Cleveland St. Ignatius High School, Brecksville-Broadview Heights City Schools, or Chagrin Falls Exempted Village Schools license plates. Under current



law, the only other nonstandard license plate that the owner of a commercial motor vehicle may obtain is a company logo license plate, which may be issued only for a fleet of 50 or more vehicles.

"Ohio Nurses Association" license plate

(R.C. 4503.529)

The bill increases the required contribution for the "Ohio Nurses Association" license plate for registration *renewal* from \$11.50 to \$25. Under current law, the license plate currently requires a \$25 contribution for the initial application and an \$11.50 contribution each year with registration renewal. Contributions collected for the "Ohio Nurses Association" license plate go to the Ohio Nurses Foundation to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.⁴

"University of Notre Dame" license plate

(R.C. 4501.21 and 4503.514)

The bill eliminates the authority of the University of Notre Dame in South Bend, Indiana to use any of the contributions collected from issuance of the "University of Notre Dame" special license plate for administrative costs. Current law requires the contributions collected from the issuance of the license plate to be used for awarding scholarships and grants to Ohio residents who attend the University, but permits the University to use up to 20% of the contributions to administer the scholarship program. Thus, under the bill, all of the contributions collected are directed towards the scholarships and grants.

Fund merger

(R.C. 4501.06; repealed R.C. 4501.25; Sections 512.60, 512.70, and 812.30; conforming changes in numerous other R.C. sections)

The bill merges the State Bureau of Motor Vehicles Fund, the State Highway Safety Fund, the Highway Safety Salvage and Exchange Administration Fund, and the Highway Safety Salvage and Exchange Highway Patrol Fund into a single fund called the Public Safety – Highway Purposes Fund. The bill retains the purposes for which money in the existing Funds may be used with regard to the new Public Safety –

⁴ R.C. 4503.21, not in the bill.



Highway Purposes Fund. Under current law, the merged funds, the source of revenue for each fund, and the authorized uses of each fund are as follows:

Funds being merged into the new Public Safety – Highway Purposes Fund		
Existing fund name	Source of revenue	Authorized uses
State Bureau of Motor Vehicles Fund	Derived from taxes, fees, and fines related to vehicle registration, certificates of title to motor vehicles, driver's licenses and commercial driver's licenses, financial responsibility requirements, moving violations, motor vehicle dealers, auction owners, and salespersons, special vehicles, and local noncriminal parking violations.	To pay the expenses of administering the law relative to the powers and duties of the Registrar of Motor Vehicles.
State Highway Safety Fund	Derived from taxes, fees, and fines related to vehicle registrations, driver's licenses and commercial driver's licenses, certificates of title for motor vehicles, inspections of motor vehicles assembled from component parts, driver training school licenses, bus safety inspections, and the release of accident reports.	For purposes of enforcing and paying the expenses of administering the law relative to the registration and operation of motor vehicles on the public roads or highways and paying the expenses of administering and enforcing the laws related to vehicle registration, driver's licenses and commercial driver's licenses, driver training school licenses, and bus safety inspections.
Highway Safety Salvage and Exchange Administration Fund	Derived from the sale of excess or surplus motor vehicles or other related equipment by the Department of Public Safety, with the exception of such sales by the Bureau of Motor Vehicles and the Investigative Unit.	To purchase replacement motor vehicles and related equipment.
Highway Safety Salvage and Exchange Highway Patrol Fund	Derived from the sale of excess or surplus motor vehicles or other related equipment by the Department of Public Safety, with the exception of such sales by the Bureau of Motor Vehicles and the Investigative Unit.	To purchase replacement motor vehicles and related equipment for the Ohio Highway Patrol.

The changes to the sections involved in the fund merger take effect not earlier than July 1, 2017. The Director of Budget and Management must transfer money from the Highway Safety Salvage and Exchange Administration Fund and the Highway Safety Salvage and Exchange Highway Fund to the Public Safety – Highway Purposes Fund on that date or as soon as possible thereafter. The Director must transfer a portion of the money from the State Bureau of Motor Vehicles Fund and the State Highway Safety Fund to the Public Safety – Highway Purposes Fund on that date or as soon as possible thereafter and transfer the remainder by January 1, 2018, or as soon as possible thereafter.

DEPARTMENT OF TRANSPORTATION (ODOT)

Variable Speed Limit Pilot Program

- Creates the "Variable Speed Limit Pilot Program" to be administered by ODOT as part of ODOT's involvement in the Smart Mobility Initiative.
- Authorizes the Director of Transportation, under the Pilot Program, to establish variable speed limits on specified highways that differ from the statutory speed limits and criteria for determining the appropriate variable speed limits.
- Requires the Director to submit a report to the General Assembly containing ODOT's findings regarding the effectiveness of variable speed limits not later than December 31, 2018, at which time the Pilot Program will end.

Construction of interstate exit ramps

- Requires ODOT to ensure that limited access exit and entrance ramps to interstate highways exist at least every four miles in adjacent municipal corporations under specified circumstances.

ODOT Division of Freight

- Establishes the ODOT Division of Freight, which is responsible for facilitating and coordinating multi-modal transportation to maximize the efficiency of and opportunities for the transportation of freight within Ohio.

Highway maintenance vehicle exemptions

- Exempts a highway maintenance vehicle that is being driven to or from a manufacturer, vehicle maintenance provider, or a work location from certain traffic law provisions, including slow speed, passing, and load limit provisions.

Rail fixed guideway systems

- Prohibits a rail fixed guideway system from providing funding to ODOT for ODOT's duties related to overseeing the system's safety practices.
- Makes the reports of investigations or audits pertaining to rail fixed guideway systems owned by a public entity subject to inspection and copying under the Public Records Law.
- Makes such reports or audits potentially admissible as evidence in court proceedings.

Exception to the vehicle size, weight, and load limits

- Specifies that the vehicle size, weight, and load limits do not apply to a person who is traveling to the site of an emergency on a public highway to tow a vehicle or who is returning from towing a vehicle from the site of such an emergency.

National Park System highway signs

- Requires all signs that indicate National Park System areas and that are erected on state highway system highways to display the arrowhead symbol of the National Park Service next to the name of the area.
- Permits currently erected signs to remain without displaying the symbol until the signs are replaced.

Memorial highways

- Designates multiple memorial highways.
- Permits the Director of Transportation to erect suitable markers along the "Defiance County Veterans Memorial Highway" with public money, rather than requiring the signs to be constructed using private contributions as under current law.

"Variable Speed Limit Pilot Program"

(Section 745.10)

The bill creates the "Variable Speed Limit Pilot Program" to be administered by ODOT as part of ODOT's involvement in the Smart Mobility Initiative. Under the program, the Director of Transportation may establish variable speed limits that differ from the statutory speed limits on the highways that are a part of the Smart Mobility Initiative. The highways on which the Director may establish variable speed limits include, specifically, all or portions of Interstate 670, Interstate 90, and U.S. Route 33. As part of the program, the Director must establish criteria for determining the appropriate use of variable speed limits and establish variable speed limits in accordance with those criteria. Such criteria may include the time of day, weather conditions, traffic incidents, or other factors that affect the safe speed on a street or highway, however, a variable speed limit based upon a particular type or class of vehicle is expressly prohibited. A variable speed limit becomes effective when signs giving notice of the speed limit are displayed at the appropriate location.

Not later than December 31, 2016, the Director must submit a report to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. The report must contain ODOT's findings regarding the effectiveness of variable speed limits in controlling the flow of traffic and preventing accidents. The Director then must cease implementing the Pilot Program after December 31, 2018.

Generally, under current law, the Director may only alter the speed limits for a street or highway, or a portion thereof, when the Director determines that the statutory limit is greater or less than is reasonable or safe with regard to that street, highway, or portion of the street or highway, based on a geometric and traffic characteristic study. The Director, in consultation with the Director of Public Safety and local authorities, also may alter the speed limit on certain types of highways, expressways, and freeways after determining that the statutory limit is greater or less than is reasonable or safe based on an engineering study.

Construction of interstate exit ramps

(R.C. 5501.60)

The bill requires ODOT to ensure that limited access exit and entrance ramps to interstate highways exist at least every four miles in adjacent municipal corporations, provided that:



--Each municipal corporation has a population above 30,000 (based on the most recent federal ten-year census);

--The municipal corporations are located in different counties; and

--At least one of the municipal corporations is in a county with a population above 1 million (based on the most recent federal ten-year census).

Under current law, ODOT has jurisdiction over the placement, establishment, construction, maintenance, and repair of interstate highways and their exit and entrance ramps. Generally, ODOT works with municipal corporations on construction projects when an interchange is necessary or desired by either ODOT or the municipal corporation. Multiple factors are considered before construction, including economic activity, environmental impact, safety, the residential character and location, property rights, controlling urban sprawl, farmland preservation, construction costs, and funding.⁵

ODOT Division of Freight

(R.C. 5501.09)

The bill establishes the Division of Freight within ODOT. The Division is required to facilitate and coordinate multi-modal transportation, including the use of highways, railways, waterways, and airways, to maximize the efficiency of and opportunities for the transportation of freight within Ohio. The Division also has all duties, powers, and functions assigned to it by the Director of ODOT. However, the bill prohibits the Director from employing additional staff solely to carry out the duties of the Division.

Highway maintenance vehicle exemptions

(R.C. 4511.04)

The bill exempts a highway maintenance vehicle that is being driven to or from a manufacturer, vehicle maintenance provider, or a work location from certain traffic law provisions. Those provisions include the prohibition against operating a vehicle at an unreasonably slow speed, the laws governing lanes of travel and passing, the prohibition against stopping a vehicle on the highway, the prohibition against operating an unsafe vehicle, and vehicle weight, load, and size restrictions.

⁵ R.C. 5511.01, 5521.01, 5521.011, and 5512.10, not in the bill.

Under current law, unchanged by the bill, the driver of any highway maintenance vehicle owned by the state or a political subdivision of the state is exempt from the traffic provisions listed above while engaged in the performance of official duties, so long as the vehicle is equipped with flashing lights or other required markings and those lights are in operation. However, the phrase "engaged in the performance of official duties" is undefined. Thus, the bill expands current law by specifying that the phrase "engaged in the performance of official duties" includes driving any highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting any highway maintenance vehicle, equipment, or materials to and from a work location.

The bill also modifies a provision of current law that specifies that the driver of a vehicle that is engaged in the transport of highway maintenance equipment is not exempt from criminal liability for vehicle weight, load, and size limit violations. The bill limits that provision to a driver who is not a state employee, so as not to conflict with the authorization above.

Rail fixed guideway systems

Funding

(R.C. 5501.55)

The bill prohibits a rail fixed guideway system in Ohio from providing funding to ODOT for ODOT's duties related to overseeing the systems' safety practices. A "rail fixed guideway system" is a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or automated guideway that is included in the Federal Transit Administration's calculation of fixed guideway route miles or that receives funding for urbanized areas under federal law and is not regulated by the Federal Railroad Administration. There are currently two transit agencies operating rail fixed guideway systems in Ohio covered by the federal program: the Greater Cleveland Regional Transit Authority (GCRTA) in the Cleveland area and the Southwest Ohio Regional Transit Authority (SORTA) in the Cincinnati area.⁶

Each transit agency is required to develop a system safety program plan that complies with the standards developed by ODOT. While the transit agencies manage the daily safety aspects of the rail fixed guideway system or systems they operate, they report to ODOT and ODOT oversees the overall safety practices of the systems. Under

⁶ Ohio Department of Transportation. Office of Transit. *REQUEST FOR PROPOSALS PT-16-1: OHIO RAIL FIXED GUIDEWAY SYSTEM SAFETY AND SECURITY OVERSIGHT PROGRAM*. January 30, 2015. <http://www.dot.state.oh.us>.



the bill, ODOT cannot receive funding from the rail fixed guideway systems for that oversight.⁷

Public records

(R.C. 5501.55)

The bill makes the reports of investigations or audits pertaining to rail fixed guideway systems owned by a public entity subject to inspection and copying under the Public Records Law. In addition, the bill makes such reports or audits potentially admissible as evidence in court proceedings.

Under current law, reports of investigations or audits conducted by ODOT, a transit agency operating the rail fixed guideway system, or a contractor acting on behalf of ODOT or transit agency are expressly exempt from public records requests. Additionally, under current law, such reports or audits are expressly prohibited from being included as evidence or used for any purpose in a cause of action or a proceeding arising out of a matter referred to in the investigation or audit, unless the cause of action or proceeding is instituted by the State of Ohio or ODOT acting on behalf of the State. Related to the evidentiary exclusion, under current law, no member of ODOT, its employees, or the transit agencies or contractors acting on ODOT's behalf, are required to testify in any action or proceeding related to the information the person would know from the investigations or audits, or to testify as an expert witness in any action or proceeding related to rail fixed guideway systems in which the State of Ohio is not a party. The bill removes such restrictions, thus, making the reports of the investigations or audits and the related testimony potentially available as evidence in court proceedings.

Exception to the vehicle size, weight, and load limits

(R.C. 5577.15)

The bill establishes an exception to the statutory size, weight, and load limits for vehicles that applies to both of the following:

(1) Any person who is traveling to the site of an emergency on a public highway to remove a wrecked or disabled motor vehicle; or

(2) Any person who is returning from delivering such a motor vehicle to the nearest qualified repair facility or other site where the vehicle can be brought into conformance with the size, weight, and load limits.

⁷ R.C. 5501.56, not in the bill.

Current law only provides an exception for a person who is engaged in the initial towing or removal of a wrecked or disabled motor vehicle from the site of an emergency on a public highway where the vehicle became wrecked or disabled to the nearest site where the vehicle can be brought into conformance with the size, weight, and load limits or to the nearest qualified repair facility.

National Park System highway signs

(R.C. 5511.10; 36 C.F.R. 11.1, not in the bill)

The bill requires all signs that indicate National Park System areas and that are erected on state highway system highways to display the arrowhead symbol of the National Park Service next to the name of the area. The arrowhead symbol is described in the Code of Federal Regulations and is the National Park Service's official emblem. Under the bill, all currently erected signs that do not display the arrowhead symbol are not required to be replaced until replacement is required under the standard procedures and replacement schedule established by ODOT.

Memorial highways

(R.C. 5533.88, 5534.37, 5534.38, 5534.45, 5534.47, and 5534.74)

The bill designates the following highways and authorizes the Director of ODOT to erect suitable markers along the highways indicating their names:

Designated Name	Highway	Biographical Information
"PFC Burt 'Rusty' Miller Memorial Highway"	The portion of State Route (SR) 93, running in a northerly and southerly direction, in the municipal corporation of New Franklin.	PFC Burt 'Rusty' Miller was killed in action on November 4, 1968, in Vietnam, while serving with the Marines during the Vietnam Conflict.
"Lcpl Bret M. Poklar Memorial Highway"	The portion of SR 2, commencing at the interchange of that route and SR 306 and proceeding in a westerly direction to the interchange of that route and Lost Nation Road, in Lake County.	Lcpl Bret M. Poklar entered the Marines Corp in 2010 and served as an air traffic controller. He died on February 28, 2013, from injuries sustained from an off-duty accident on his base, Marine Corps Air Station Cherry Point in North Carolina.



Designated Name	Highway	Biographical Information
"Officer David Fahey Memorial Highway"	The eastbound and westbound lanes of Interstate Route (IR) 90, in Cuyahoga County.	Cleveland Police Department Officer David Fahey was struck and killed by a hit-and-run driver while assisting on the scene of a fatal accident on IR 90 on January 24, 2017.
"Ohio Inspector General David D. Sturtz Memorial Highway"	The portion of SR 541, running in a northwesterly and southeasterly direction between the intersection of that route and SR 93 and the intersection of that route and SR 60, in Coshocton County.	Inspector General David D. Sturtz was Ohio's first Inspector General and served as an Assistant Public Safety Director in Columbus. He passed away September 18, 2015.
"Army Corporal Carl H. Bernhart Memorial Highway"	The portion of SR 43 commencing at mile marker 12 and proceeding in a northwesterly direction to mile marker 14, in Jefferson County.	Army Corporal Carl H. Bernhart was killed in action on March 16, 1968, in Vietnam, while serving during the Vietnam Conflict.

The bill also permits the Director to erect suitable markers along the "Defiance County Veterans Memorial Highway" with public money, rather than requiring the sign to be constructed using private contributions. Current law specifies that the markers should only be erected if ODOT receives enough private contributions to pay for the costs of manufacturing, erecting, and maintaining the markers and that no public money should be used for such costs. For most designated highways on state routes, ODOT pays the costs of erecting memorial highway markers.

DEPARTMENT OF TAXATION

Motor fuel excise tax

- Consolidates the five existing levies, which total 28¢ per gallon, into one 28¢ levy and changes the statutory language governing the distribution of revenue from the tax among the various state funds, including those funds from which distributions are made to local governments.
- Discontinues the prompt payment discount for fuel dealers and the shrinkage refund for retailers after 2017.



Property Tax Administration Fund

- Temporarily suspends additional funding, during the FY 2018-2019 biennium, for the fund that is used to defray the state's property tax administration expenses.
- Permanently reduces the share of property tax revenue credited to that fund and scales the funding directly to the annual administrative expenses instead of a fixed percentage of property tax collections.

Motor fuel excise tax

The motor fuel excise tax consists of five separate levies that, together, total a rate of 28¢ per gallon. The tax applies to gasoline, diesel, kerosene (other than K-1 grade), and all other liquid fuels, including liquid natural gas and liquid petroleum gas. All revenue from the tax is devoted, by constitutional command, solely to road and highway purposes including construction, maintenance, signals and signs and other traffic control systems, various other highway related purposes, and to retiring debt issued for such purposes. A small percentage of the revenue is attributed to tax-paid fuel for boats or other water-going vessels, and that part of the revenue is used for various waterway-related purposes.

Consolidation of levies, revenue distribution

(R.C. 5735.05, 5735.051, and 5735.23 to 5735.30; Sections 512.20, 512.50, 757.10, and 812.40)

Currently, the 28¢ per gallon tax on motor fuel is composed of several distinct levies, each originally imposed at different times and for varying, but largely overlapping, purposes, all related to roads and highways. There is an 8¢ levy, a 2¢ and a 1¢ levy, and a 17¢ levy (itself composed of a 15¢ and a 2¢ component). Corresponding with each distinct levy is a revenue distribution scheme to allocate revenue to various state or local road and highway purposes. Revenue equivalent to 19.3¢ per gallon, plus 2% of all revenue, is credited to the Highway Operating Fund, which is the primary state source of the road and highway funding. Revenue equivalent to about 6.9¢ per gallon is distributed among counties, townships and municipal corporations through the Gasoline Excise Tax Fund, and 1¢ per gallon is devoted to local funding of roads and bridges through the state's local infrastructure program. Several other smaller distributions are made from the remaining revenue.

The bill consolidates all the distinct levies into one 28¢ levy, but it preserves the current distribution of revenue among the various funds and purposes. Some changes

are made to the language providing for how money is distributed to local governments through the Gasoline Excise Tax Fund (see LSC comparison document for further discussion).

The bill maintains the current law requirement that counties, townships, and municipal corporations must use some of the revenue they receive from the tax – the equivalent of 1.5¢ per gallon – to supplement, not supplant, their own local road spending.

The consolidation of the levies and changes to the revenue distribution language begin to apply January 1, 2018. The bill eliminates the State and Local Government Highway Distribution Fund, which currently serves only to hold money from the 17¢ levy for eventual allocation to the Highway Operating Fund and the Gasoline Excise Tax Fund. Any money remaining to the credit of the State and Local Government Highway Distribution Fund on January 1, 2018, is to be transferred to the Gasoline Excise Tax Fund.

Biennium-specific distributions

(Sections 512.20 and 757.10)

The bill continues to allocate 2% of all fuel excise tax revenue to the Highway Operating Fund before distributions are made under the statutory formula in codified law. This allocation will be made throughout the FY 2018-FY 2019 biennium (Sec. 757.10). This is a continuation of the 2% allocation for the FY 2014-FY 2015 and FY 2016-FY 2017 biennia. The bill also continues monthly transfers from the Highway Operating Fund to the Gasoline Excise Tax Fund for ultimate distribution to counties, townships, and municipal corporations (Sec. 512.20). The total amount to be transferred in FY 2018 is \$170,437,584 and in FY 2019 the transfer is to be \$172,360,236. These transfers are in addition to the 1.5¢ of the 8¢ levy and are to be distributed in the same proportions among local governments as the 1.5¢ portion.

Public transit match

(Section 203.80)

The bill specifically authorizes the Director of Transportation to use revenue from the fuel excise tax to match federal grants to the state or to public transit systems to fund public transportation projects. Such projects may include construction of high-occupancy lanes, park-and-ride facilities, public transit loops, transit-related bridges, and other "public transportation highway purposes," but no fuel excise tax revenue may be used for operations or to purchase vehicles, equipment, or maintenance facilities.



Licensing

(R.C. 5735.02, 5735.021, 5735.022, 5735.041, and 5735.101)

In addition to requiring fuel suppliers and aviation fuel dealers to become licensed, the bill authorizes the Tax Commissioner to refuse to issue those licenses, and other motor fuel excise tax-related licenses, if the applicant has violated any provision of the state's tax law (Title 57), not just the motor fuel excise tax law as currently provided. Persons who hold one of the various types of license under the motor fuel excise tax law, or any other license issued under the state's tax law (e.g., sales tax vendor license) also face revocation of the license if they sell untaxed motor fuel without the prior consent of the Commissioner.

Prompt payment discount and shrinkage allowance reduction

(R.C. 5735.06(B) and repealing 5735.141)

The codified law governing the motor fuel excise tax (R.C. 5735.06) provides that a (wholesale) motor fuel dealer that properly files and pays monthly taxes may deduct the tax due on 3% of the fuel the dealer received, minus 1% of the fuel sold to retail dealers. This discount is to cover the costs of filing the report and to account for evaporation, shrinkage, and other losses. However, each of the last five transportation appropriation acts reduced the 3% discount to 1% (minus 0.50% of fuel sold to retail dealers) for each year since FY 2008; the current, reduced discount ends June 30, 2017, at which time the discount would revert back to 3% barring any legislative change. The bill terminates the discount altogether on that date so that no discount will be allowed.

Existing codified law also grants a refund to retail fuel dealers who have purchased fuel on which the excise tax has been paid to account for evaporation and shrinkage (R.C. 5735.141). The refund equals 1% of the taxes paid on the fuel each semiannual period. But, as with the wholesale dealer discount, the retailer refund has been reduced to 0.5% for each fiscal year from 2008 through 2017 by the last five transportation appropriation acts. The bill terminates the retailer refund on June 30, 2017.

Property Tax Administration Fund

(R.C. 5703.80; Section 757.30)

The bill suspends, for the FY 2018-FY 2019 biennium, additional funding for the Property Tax Administration Fund, which is used to defray the Department of Taxation's expenses in performing its property tax administration duties. Those duties include overseeing and directing county-level assessments, assessing public utility

property, and making tax exemption determinations. The bill also permanently limits the amount of such funding in future years (FY 2020 and thereafter) to the estimated costs of the Department's property tax administration responsibilities. Currently, funding is based on a fixed percentage of property taxes charged. The percentage in future years will be limited to no more than 0.25% of taxes on real property (the current fixed percentage is 0.48%) and 0.45% of taxes on public utility tangible personal property (currently 0.951%), even if the estimated costs would require greater percentages.

The Property Tax Administration Fund receives transfers from the GRF, but the GRF is reimbursed for the transfers by local taxing units through a reduction of their own reimbursements for the 10% reduction in nonbusiness property taxes (except to the extent that a taxing unit's reimbursement is less than its share of the PTAF; in that case, the GRF covers the shortfall). Under the bill, the transfers from the GRF are suspended during the FY 2018-FY 2019 biennium.

LOCAL GOVERNMENT

- Generally requires a county engineer to conduct biennial, rather than annual, inspections of each bridge located on the county highway system, on township roads, or for which the county is otherwise responsible.
- Requires all counties and all regional transit authorities to provide an annual report to the Director of Transportation and the Tax Commissioner on local spending for local airport-related capital and operating costs, and costs for other airport-related activities, for the previous state fiscal year.

County bridge inspections

(R.C. 5543.20)

Under current law, the county engineer is required to inspect all bridges on the county highway system (regardless of whether those bridges are within a municipal corporation), all bridges on township roads, all bridges that the county is responsible for by law or pursuant to an agreement, and all bridges for which the county performs the largest share of maintenance. The county engineer must perform the inspection on an annual basis, or more frequently if it is required by the board of county commissioners in accordance with the ODOT Manual of Bridge Inspection. The bill



instead requires the county engineer to conduct the inspection on a biennial basis, or more frequently if it is required by the board of county commissioners in accordance with the ODOT Manual of Bridge Inspection.

Report of local airport-related spending

(R.C. 306.50)

The bill requires all counties and regional transit authorities to provide an annual report, on or before August 31 of each year, to the Director of Transportation and the Tax Commissioner that specifies the total amount of local spending during the previous state fiscal year for capital costs, operating costs, and any costs for activities related to each of the following:

(1) Local airports;

(2) Local airport systems; and

(3) Any other local facility that is directly and substantially related to the air transportation of passengers or property and is owned or operated by any person or entity that owns or operates an airport.

OTHER PROVISIONS

Cash transfers

- Specifies that the Director of Budget and Management may transfer up to \$200 million in the biennium ending on June 30, 2017 from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund to support GRF appropriations.
- Specifies that if any unexpended, unobligated cash remains in the Health and Human Services Fund as of June 30, 2017, the Director of Budget and Management may transfer the money to the Budget Stabilization Fund or the General Revenue Fund.

Financial responsibility instruments in agency rules

- Requires an agency to review its existing rules to identify rules that require financial responsibility instruments as a condition of licensure.



- Requires an agency that is proposing a new rule or amending an existing rule that requires a financial responsibility instrument as a condition of licensure to conduct a search to determine if the required instrument is readily available.
- Requires an agency that is proposing a new rule or amending an existing rule to certify to the Joint Committee on Agency Rule Review that it conducted a search for a required financial responsibility instrument.
- Requires an agency proposing a draft rule with an adverse impact on businesses to certify to the Common Sense Initiative Office that it conducted a search to ensure that any required financial responsibility instrument is readily available.

Healthier Buckeye Grant Pilot Program

- Continues the Healthier Buckeye Grant Pilot Program through December 31, 2017.

Sale of national forest timber

- Requires the Director of Natural Resources to distribute money received by the state pursuant to federal law from the sale of national forest timber and other national forest products to the applicable county or counties in which the national forest is situated.
- Requires each county that receives money from the Director to use 50% of the money for maintaining county roads and bridges and 50% for the benefit of public schools.

Rearview mirrors for vessels

- Permits an operator of a watercraft vessel to use a rearview mirror to observe water skiers, barefoot skiers, and others being towed by the vessel as an alternative to having an additional person in the vessel for observation purposes.

Cash transfers

GRF from non-GRF funds

(Section 610.10)

The bill modifies the amount that the Director of Budget and Management may transfer from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund (GRF) in order to ensure that available GRF balances are

sufficient to support GRF appropriations. The bill specifies that, notwithstanding any provision of law to the contrary, the Director may transfer up to \$200 million in the biennium ending on June 30, 2017. Current law authorizes the Director to transfer up to \$60 million in fiscal years 2016 and 2017.

Health and Human Services Fund

(Section 610.10)

The bill specifies that if any unexpended, unobligated cash remains in the Health and Human Services Fund as of June 30, 2017, the Director of Budget and Management may transfer the money to the Budget Stabilization Fund or the General Revenue Fund. Under current law, such remaining money must be transferred to the Budget Stabilization Fund. The Health and Human Services Fund is used to pay any costs associated with programs or services provided by the state to enhance the public health and overall health care quality of citizens of Ohio.

Financial responsibility instruments in agency rules

(R.C. 106.03, 119.03, and 121.82)

The bill creates new process requirements for state agencies that propose or amend rules that require a person to obtain a financial responsibility instrument, liability insurance, or a bond as a condition to receive a license. Agencies must review all existing rules to identify any rules that require a financial responsibility instrument as a condition for a person to receive a license. When an agency proposes a new rule or amends an existing rule that requires a financial responsibility instrument for a license, the agency must conduct a search to determine whether the financial responsibility instrument required by the rule is available in the required amount. After conducting the search, the agency must certify that it conducted the search to the Joint Committee on Agency Rule Review. If the rule requires a financial responsibility instrument for a license and also has an adverse impact on businesses, the agency must additionally certify that it conducted a search for any required financial responsibility instruments to the Common Sense Initiative Office. Current law does not require agencies to conduct searches for required financial responsibility instruments.

Healthier Buckeye Grant Pilot Program

(Section 610.13; Section 305.30 of H.B. 64 of the 131st General Assembly)

The bill authorizes continuation of the Healthier Buckeye Grant Pilot Program through December 31, 2017. Under the Program, the Director of Job and Family Services awards grants to local healthier buckeye councils and other individuals and



organizations based on criteria recommended by the Ohio Healthier Buckeye Advisory Council. The Program's purpose is to promote financial self-sufficiency and reduced reliance on public assistance. The grants were to be awarded in FYs 2016 and 2017, but the bill extends that date to December 31, 2017 and makes conforming changes to the Healthier Buckeye Fund.

Sale of national forest timber

(R.C. 1503.35)

The bill requires the Director of Natural Resources to distribute money received by the state pursuant to federal law (16 U.S.C. 500) from the sale of national forest timber and other national forest products to the applicable county or counties in which the national forest is situated. Each county that receives such money must use 50% of the money received for maintaining county roads and bridges and 50% for the benefit of public schools.

Rearview mirrors for vessels

(R.C. 1547.15)

The bill permits an operator of a watercraft vessel to use a rearview mirror to observe water skiers, barefoot skiers, and others being towed by the vessel as an alternative to having an additional person in the vessel for observation purposes. The rearview mirror must be mounted so that the operator can observe the activities of the towed person. Under current law, an operator must have at least one additional person, ten years or older, in the vessel to observe anyone being towed by that vessel.

NOTE ON EFFECTIVE DATES

(Sections 812.10 and 812.20)

The bill includes a default provision stating that, except as otherwise specifically provided, the amendment, enactment, or repeal of a section is subject to the referendum under the Ohio Constitution and takes effect on the 91st day after the bill is filed with the Secretary of State (barring the filing of a referendum petition). The bill also includes specific exceptions to the default provision, for the fund merger and tax provisions, as discussed above.

Article II, Section 1d of the Ohio Constitution states that "appropriations for the current expenses of state government and state institutions" and "[l]aws providing for tax levies" go into immediate effect and are not subject to the referendum. The bill includes a statement that an appropriation of money under the bill is not subject to the



referendum if a contemplated expenditure is wholly to meet a current expense within the meaning of the Ohio Constitution and R.C. 1.471. However, the appropriation is subject to the referendum if a contemplated expenditure is wholly or partly not to meet a current expense within the meaning of those provisions.

HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. Finance	02-27-17

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