



# Ohio Legislative Service Commission

## Final Analysis

Amanda M. Ferguson, Joseph G. Aninao,  
Jeremy R. Abrams

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(As Passed by the General Assembly)

*(For details of fiscal provisions of the act, see the LSC Budget in Detail, As Enacted;  
LSC Comparison Document, As Enacted; and LSC Greenbooks, all of which are available  
online at [www.lsc.ohio.gov/fiscal/transportation/transbudget131.htm](http://www.lsc.ohio.gov/fiscal/transportation/transbudget131.htm))*

**Reps.** Grossman, R. Smith, Cera, Sears, Scherer, Green, Perales, Burkley, Sprague, Amstutz, Anielski, Baker, Barnes, Blessing, Boose, Brenner, Brown, Buchy, Celebrezze, Conditt, Derickson, Dever, DeVitis, Dovilla, Driehaus, Duffey, Gerberry, Ginter, Hackett, Hambley, Henne, Hill, Huffman, T. Johnson, Koehler, Kraus, Kunze, Maag, Manning, McClain, S. O'Brien, Pelanda, Phillips, Reineke, Rezabek, Rogers, Ruhl, Ryan, Slesnick, Strahorn, Terhar, Thompson, Young, Rosenberger

**Sens.** Manning, Balderson, Beagle, Burke, Eklund, Hite, Hottinger, Hughes, Jones, LaRose, Lehner, Oelslager, Patton, Peterson, Uecker

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## TABLE OF CONTENTS

<b>DEPARTMENT OF PUBLIC SAFETY</b> .....	3
Commercial driver's licenses (CDLs).....	11
CDL skills test examiners .....	11
CDL skills test requirement waivers.....	12
Reciprocity with other states.....	13
CDL temporary instruction permits .....	14
Endorsements and restrictions for CDLs and CDL permits.....	14
General provisions .....	14
For CDLs.....	14
For CDL temporary instruction permits .....	15
New prohibitions related to CDLs .....	16
Medical examinations.....	16
Other provisions .....	17
Sealing certain records.....	17
Definitional changes.....	18
License, registration requirements for new residents (PARTIALLY VETOED).....	19
Abbreviated driver training course for adults .....	20
Restrictions applicable to probationary driver's license holders .....	20
Hours of operation.....	20
Other occupants of the motor vehicle .....	21
Moving violations.....	21

Driver training schools.....	23
Definition.....	23
Penalty for operating a driver training school without a valid license .....	23
Driver training instructor probationary license.....	23
Driver training instructor licenses, generally .....	24
Penalty for acting as a driver training instructor without a valid license.....	24
Suspension of a driver training instructor or driver training school license .....	24
Payment for certificates of completion.....	25
Actions against persons who violate driver training school requirements .....	25
BMV payments by means of a financial transaction device .....	26
Towing regulations.....	27
Written estimate for towing services .....	27
Recovery of a towed motor vehicle or personal items .....	27
Keep right except to pass.....	27
Parking in an access aisle.....	28
Cab-enclosed motorcycles.....	28
Sale of a used heavy duty vehicle .....	29
Motor vehicle dealer and salesperson licenses .....	29
Penalty for failure to register a motor vehicle .....	30
Fee for a duplicate driver's license .....	30
Temporary license placards and windshield stickers.....	31
Transferring the registration of a trailer or semitrailer .....	31
Grants related to automated title processing system (ATPS) development .....	31
Changes to Department of Public Safety fund allocations .....	32
Deposit of specified fees in the State Bureau of Motor Vehicles Fund.....	32
Penalties and the Private Investigator and Security Guard Provider Fund.....	33
Unidentified Public Safety Receipts Fund.....	33
State Highway Safety Fund.....	33
Law Enforcement Reimbursement and Financial Responsibility Compliance funds .....	34
Elimination of the MARCS Operations Fund.....	34
Elimination of the Highway Obligations Bond Retirement Fund .....	34
Security, Investigations, and Policing Fund .....	35
<b>DEPARTMENT OF TRANSPORTATION .....</b>	<b>35</b>
State rail safety oversight program.....	39
Administration of the federal Public Transportation Safety Program.....	39
Requirements related to state rail safety oversight .....	40
Metrics for statewide strategic transportation planning .....	42
Joint Legislative Task Force.....	43
Local construction cost match .....	43
ODOT Ohio Bridge Partnership Program (VETOED) .....	44
Design-build for county bridge, highway, and safety projects .....	44
ODOT pilot project for new bridge construction .....	45
Indefinite delivery indefinite quantity (IDIQ) contracts.....	45
ODOT assumption of duties .....	46
Agreements related to federal permits .....	46
Gross vehicle weight and axle load limit allowance .....	47
Disposition of fees and fines from outdoor advertising .....	47
ODOT Eastern Corridor highway project.....	47
Transportation improvement districts .....	48
Transportation Oversight Committee on Rural Busing.....	49



"Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway" .....	49
<b>DEPARTMENT OF TAXATION</b> .....	50
Continuation of the motor fuel evaporation and shrinkage allowance .....	50
Motor vehicle fuel tax distribution .....	51
Sales tax: exempt vehicles provided by a warrantor (VETOED) .....	51
<b>OTHER PROVISIONS</b> .....	51
Required use of alternative fuel by state motor vehicles .....	53
Port authority payment card program .....	53
Roadwork Development Fund .....	53
State infrastructure assistance to local governments .....	53
Watercraft certificates of title .....	54
Flag display requirements .....	54
Casino-related license issuance .....	54
Criminal Justice Recodification Committee .....	55

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## DEPARTMENT OF PUBLIC SAFETY

### Commercial driver's licenses (CDLs)

- Modifies the requirements applicable to CDL skills test examiners who are not employed by the Department of Public Safety or the Highway Patrol as follows:
  - Requires criminal background checks;
  - Requires test examiners to maintain a bond as determined by the Director of Public Safety sufficient to pay retesting costs in the event test examiners are involved in fraudulent testing;
  - Requires test examiners to pass a prescribed training course and be certified by the state as qualified;
  - Requires test examiners to use designated test routes;
  - Requires test examiners to submit a schedule of skills test appointments to the Director not later than two business days prior to each test;
  - Requires that certain records be available at the principal place of business;
  - Prohibits a driver training school examiner from testing an applicant that the examiner trained;
  - Requires test examiners to conduct complete skills tests on a minimum of 32 different individuals per calendar year.



- Modifies the circumstances in which the Director of Public Safety may authorize a waiver of CDL skills test.
- Establishes interstate reciprocity for CDL skills testing.
- Generally requires the Registrar of Motor Vehicles to provide conviction and disqualification records to state and federal officials.
- Requires a minimum of 14 days between the issuance of a CDL temporary instruction permit and eligibility for taking a skills test.
- Revises the endorsements and restrictions for CDL holders and establishes endorsements and restrictions for CDL permits.
- Prohibits employers from knowingly permitting or authorizing a driver to do either of the following:
  - Operate a commercial motor vehicle without a CDL bearing the proper class or endorsement for the vehicle; or
  - Operate a commercial motor vehicle in violation of any restrictions on the driver's CDL.
- Prohibits any person under the age of 21 who possesses a CDL or CDL permit from operating a commercial motor vehicle in interstate commerce.
- Specifies that only a medical examiner who is listed on the national registry of certified medical examiners established by the Federal Motor Carrier Safety Administration may perform a physical examination for purposes of a CDL application.
- Generally establishes a gross vehicle weight standard for operating commercial motor vehicles and combination vehicles, in addition to a gross vehicle weight rating, and in so doing allows enforcement of commercial motor vehicle laws based on actual vehicle weight.
- Specifies that provisions of continuing law that allow for the sealing of a record of a conviction for a criminal offense do not apply to convictions for violations of the CDL Law.
- Specifies that a provision of continuing law, which allows a record of conviction for specified driver's license and motor-vehicle related offenses to be sealed if records of all other convictions that were the result of the same act are eligible to be sealed, does not apply to the holder of a CDL or CDL permit.



- Includes specified out-of-state traffic violations and a violation of any state or local law prohibiting using a handheld mobile telephone in the definition of a "serious traffic offense."

### **License, registration requirements for new residents (PARTIALLY VETOED)**

- Requires that within 30 days of becoming a resident of Ohio, a person must do all of the following:
  - Surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a deputy registrar;
  - If the person intends to operate a motor vehicle, apply for an Ohio driver's license; and
  - If the person owns a motor vehicle operated or driven upon the public roads or highways, register the vehicle in Ohio.
- Specifies that the failure to take the above actions, as applicable, within 30 days of becoming a resident of Ohio is a strict liability offense and is punishable as a minor misdemeanor.
- Specifies that if a person fails to apply for an Ohio driver's license or register a motor vehicle as specified above, the person is not permitted to operate any motor vehicle in Ohio.
- Specifies that for purposes of the above provisions, "resident" means any person to whom either of the following applies:
  - The person maintains their principal residence in Ohio and does not reside in Ohio as a result of the person's active service in the U.S. armed forces; or
  - The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar.
- Would have specified that "resident" also means any person who:
  - Has registered to vote in Ohio (VETOED); or
  - States the person's address, for purposes of federal or state income taxes, as being in Ohio (VETOED).



## **Abbreviated driver training course for adults**

- Requires the Director of Public Safety to adopt rules governing an abbreviated driver training course for adults.
- Requires any applicant for an initial driver's license who is age 18 or older and who failed the required road or maneuverability test to complete the abbreviated driver training course prior to attempting the test a second or subsequent time.

## **Restrictions applicable to probationary driver's license holders**

- Generally prohibits the holder of a probationary driver's license who has held the license for less than 12 months from operating a motor vehicle between midnight and 6 a.m. unless the holder is accompanied by a parent or guardian.
- Generally prohibits the holder of a probationary driver's license who has held the license for 12 months or longer from operating a motor vehicle between 1 a.m. and 5 a.m. unless the holder is accompanied by a parent or guardian.
- Authorizes a probationary driver's license holder to operate a motor vehicle during the restricted hours (above) in order to travel to or from an official school sponsored event or an official religious event with an appropriate official's written permission.
- Prohibits the holder of a probationary driver's license who has held the license for less than 12 months from operating a motor vehicle with more than one person who is not a family member occupying the vehicle unless accompanied by a parent, guardian, or custodian.
- Provides that if a person who is issued a probationary driver's license prior to age 17 pleads guilty to a moving violation within six months after the date of issuance, the court may order the person to be accompanied by the person's parent or guardian when operating a motor vehicle for a specified period.
- Provides that if a person is subject to the restriction specified above, the court may grant the person driving privileges during the time period of the restriction.

## **Driver training schools**

- Creates a 180-day probationary driver training instructor license for persons who obtain their initial instructor license, and requires persons who obtain the probationary license to pass an assessment in order to be issued a driver training instructor license.



- Permits the Director of Public Safety, in certain circumstances, to suspend a driver training instructor license or a driver training school license, and provides for an opportunity for a hearing regarding the suspension.
- Permits the Attorney General, a county prosecuting attorney, or a city law director, upon complaint of the Director of Public Safety, to bring an action against any person who violates any Revised Code provision governing driver training schools or any applicable rule.

### **BMV payments by means of a financial transaction device**

- Requires the Registrar of Motor Vehicles to establish a program permitting payment by means of a financial transaction device (credit or debit card) of specified BMV taxes and fees not later than July 1, 2016.
- Permits payment for such a transaction to be made by credit or debit card when the transaction is completed in person or by electronic means but not by mail, but allows a person renewing a registration by mail to pay via the telephone using the BMV's toll-free telephone number.
- Requires rules establishing the program to require deputy registrars to accept payments by means of a credit or debit card beginning on the effective date of the rules unless a deputy registrar's contract prohibits acceptance of such payments.
- Requires all deputy registrar contracts entered into beginning July 1, 2016, to require the deputy registrar to accept payment by credit or debit card.
- Specifies that deputy registrars are not required to pay any costs that result from accepting payment by a credit or debit card.
- Permits a deputy registrar to charge a person who pays with a credit or debit card the cost the deputy registrar incurs from accepting such payment, but prohibits the deputy registrar from requiring the person to pay any additional fee of any kind in connection with the use of the credit or debit card.
- Requires a county auditor or clerk of a court of common pleas that is designated a deputy registrar to accept payment by a credit or debit card for all specified deputy registrar transactions.

### **Towing regulations**

- Eliminates a requirement that any towing service that removes a motor vehicle from an accident scene provide an estimate for the price of removal.



- Except for tows ordered by a law enforcement officer or tows from a private tow-away zone, requires a towing service that removes a motor vehicle to provide a written estimate for the price of removal and limits the fees that may be charged if the towing service fails to provide an estimate.
- Specifies that a person may present a motor vehicle lease agreement or certificate of registration for purposes of retrieving a towed motor vehicle or personal items from a towed motor vehicle.

### **Keep right except to pass**

- Requires the Department of Transportation to include sign R4-16 from the federal Manual on Uniform Traffic Control Devices that states "KEEP RIGHT EXCEPT TO PASS" in the Department's Manual for a Uniform System of Traffic Control Devices.
- Requires the Director of Transportation to erect "KEEP RIGHT EXCEPT TO PASS" signs along interstate freeways that consists of at least three lanes.

### **Parking in an access aisle**

- Prohibits stopping, standing, or parking a motor vehicle in an access aisle, which is an area marked by diagonal stripes and located immediately adjacent to a handicap parking space, and establishes a fine of \$250 - \$500 for a violation of the prohibition.

### **Cab-enclosed motorcycles**

- Advances the effective date of the cab-enclosed motorcycle provisions of S.B. 114 of the 129th General Assembly from January 1, 2017, to July 1, 2015, including provisions governing the amount of the registration tax, an operator exemption from the state helmet and protective eye device requirements, and other specified provisions.
- Exempts a person who has a valid driver's or commercial driver's license from the motorcycle operator's endorsement requirement when operating a cab-enclosed motorcycle.
- Exempts passengers in a cab-enclosed motorcycle from state helmet and protective eye device requirements.

### **Sale of a used heavy duty vehicle**

- Provides that a commercial transaction involving the sale or lease by a new motor vehicle dealer of a used heavy duty vehicle is deemed to have taken place at the



dealer's established place of business if the sale or lease is negotiated and the documents are executed at the customer's business location.

### **Motor vehicle dealer and salesperson licenses**

- Requires a motor vehicle dealer or motor vehicle leasing dealer to keep a current list of the dealer's licensed salespersons, showing specified information, and to make the list available upon request, rather than requiring the list to be posted in a conspicuous place at their place of business as under prior law.
- Requires a motor vehicle salesperson to keep the salesperson's license or a certified copy of the license at their place of business, rather than requiring the salesperson to carry the license or copy as required under prior law.

### **Penalty for failure to register a motor vehicle**

- Specifies that the penalty for failure to register a motor vehicle and pay the applicable registration tax is a minor misdemeanor, rather than a fourth degree misdemeanor as under prior law.

### **Fee for a duplicate driver's license**

- Requires the Registrar of Motor Vehicles to adopt rules establishing a prorated fee schedule for duplicate driver's licenses.
- Requires the money received from the prorated fees to be allocated to the same funds and in the same proportion as the full nonprorated duplicate driver's license fee.

### **Temporary license placards and windshield stickers**

- Increases from 30 to 45 days the period of time that a temporary license placard or windshield sticker is valid.
- Specifies that if the Registrar of Motor Vehicles issues a temporary license placard due to an extreme hardship encountered by a person who is attempting to comply with the registration laws, the placard is valid for 30 days.

### **Transferring the registration of a trailer or semitrailer**

- Specifies that a permanent trailer or semitrailer registration is nontransferrable, rather than any multi-year trailer or semitrailer registration as under prior law.



## **Grants related to automated title processing system (ATPS) development**

- Requires the Automated Title Processing Board to determine, with the approval of the Director of Public Safety, the award of grant funds to the clerk of courts of any county who employs a person who assists with the automated title processing system.

## **Changes to Department of Public Safety fund allocations**

- Requires a \$3 portion of each fee collected from the sale of lists containing driver's license and motor vehicle registration and title information that were previously credited to five separate funds to be credited instead to the existing State Bureau of Motor Vehicles Fund.
- Eliminates the Homeland Security Fund and the Investigations Fund.
- Requires the revenue from civil penalties imposed under the Private Investigator/Security Service Law to be deposited into the Private Investigator and Security Guard Provider Fund.
- Requires all investment earnings of the Unidentified Public Safety Receipts Fund to be credited not to that fund as in prior law but instead to the existing State Bureau of Motor Vehicles Fund.
- Requires certain commercial motor vehicle registration taxes that previously were deposited into the Highway Operating Fund and the Highway Obligations Bond Retirement Fund to be deposited instead into the State Highway Safety Fund.
- Eliminates the Law Enforcement Reimbursement Fund and the Financial Responsibility Compliance Fund, and requires all of the fees or portions of fees that were previously deposited into the funds to be deposited instead into the existing State Bureau of Motor Vehicles Fund.
- Eliminates the MARCS (multi-agency radio communications system) Operations Fund.
- Eliminates the Highway Obligations Bond Retirement Fund, and eliminates obsolete related language that relates to certain highway bonds that no longer are outstanding.
- Removes coordinating homeland security activities as one of the purposes for which money in the Security, Investigations, and Policing Fund may be used.



## **Commercial driver's licenses (CDLs)**

(R.C. 4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 4506.071, 4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 4506.16, 4506.17, 4506.20, and 4506.21)

### **CDL skills test examiners**

(R.C. 4506.09)

The act expands the requirements applicable to CDL skills test examiners who are not employed by the Department of Public Safety (DPS) or the Highway Patrol. Under continuing law, the Director of Public Safety may allow another party to administer the CDL skills test. In order for another party to conduct CDL skills tests, that party must enter into an agreement with the Director that: (1) allows for random examinations, inspections, and audits of the other party without prior notice, (2) requires annual on-site inspections of the other party, (3) requires all examiners to meet the same qualification and training standards as the DPS examiners, (4) requires review of the test administered by the other party, and (5) reserves the right of the state to take action against the other party for failure to comply with the applicable requirements or contract terms.

The act specifies that such an agreement also must:

(1) Allow random examinations, inspections, and audits to be either overt or covert;

(2) Require a criminal background check for each examiner employed by the other party;

(3) Require the other party, unless the other party is a governmental entity, to maintain a bond in an amount determined by the Director for purposes of retesting drivers in case the other party or its skills examiners are involved in fraudulent activities related to skills testing;

(4) Require the other party to use only skills test examiners who have successfully completed a CDL examiner training course prescribed by the Director and who are certified by the state as qualified examiners;

(5) Require the other party to use designated road test routes that are approved by the Director;

(6) Require the other party to submit a schedule of skills test appointments to the Director not later than two business days prior to each skills test;



(7) Require the other party to maintain copies of the following records at its principal place of business: the other party's CDL skills testing program certificate, each examiner's certificate of authorization to administer skills tests, each completed skills test scoring sheet for the current year and the last two years, a complete list of approved test routes, and a complete and accurate copy of each examiner's training record;

(8) If the other party is also a driver training school, prohibit the other party's skills test examiners from administering skills tests to applicants that the examiner personally trained;

(9) Require each skills test examiner to administer a complete skills test to a minimum of 32 different individuals per calendar year; and

(10) Allow the state to take remedial action against the skills test examiners employed by the other party for failure to comply with the applicable requirements or contract terms.

### **CDL skills test requirement waivers**

(R.C. 4506.09)

The act modifies the circumstances under which the Director of Public Safety may issue waivers of the skills test requirement, which generally must be fulfilled in order to obtain a CDL. First, the act eliminates a provision under prior law that required the Director to adopt rules for the purpose of issuing a waiver to persons who: (1) met certain requirements and who had previously taken and passed a skills test in another state, and (2) were employed in a job that required the operation of a commercial motor vehicle and who had either previously taken and passed a behind-the-wheel skills test in another state or had regularly operated a vehicle similar to the vehicle for which the CDL was being sought for at least two years immediately preceding the application. This requirement is replaced by a provision of the act that generally grants reciprocity to a person domiciled in Ohio who passed the skills test in another state (see below).

Second, the act modifies provisions of law that require the Director to adopt rules for the purpose of issuing a waiver to certain CDL applicants with prior experience operating a commercial motor vehicle in the military. Specifically, the act repeals one of the criteria for such a waiver that required an applicant to have been a member or uniformed employee of the U.S. armed forces or their reserve components, including the Ohio National Guard or the national guard of any other state.

The act replaces that criteria with a requirement that the applicant is active duty military personnel, a member of the military reserves, a member of the national guard, or active duty U.S. Coast Guard personnel and that the applicant operates a commercial



motor vehicle for military purposes. The act also specifies that U.S. reserve technicians are not eligible for the waiver.

The act retains all other criteria for the purpose of the waiver. Those criteria specify that the applicant must be a person who:

(1) Is or was regularly employed in a military position requiring the operation of a commercial motor vehicle;

(2) Regularly operated a vehicle representative of the vehicle the applicant operates or expects to operate for at least the preceding two years or the two years preceding separation from the military;

(3) Has not committed certain motor vehicle offenses; and

(4) Has not had their license suspended, revoked, or canceled.

### **Reciprocity with other states**

(R.C. 4506.01, 4506.09, 4506.13, and 4506.21)

The act specifies that a person who has successfully completed CDL training in Ohio but who seeks a CDL in another state where the person is domiciled may schedule an appointment to take the skills test in Ohio and must pay the appropriate appointment fee. For purposes of the CDL law, under the act, "domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return. Upon the person's completion of the skills test, the Registrar of Motor Vehicles must electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in Ohio takes a skills test in another state, the Registrar must accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements, the Registrar or a deputy registrar must issue a CDL to that person.

The act also requires that the Registrar, to the extent permitted by federal and state law, provide conviction and disqualification records from the CDL information system regarding a CDL holder or commercial motor vehicle operator to other states, the U.S. Secretary of Transportation, the CDL holder or commercial motor vehicle operator referenced in the records, and a motor carrier that is a current or prospective employer of the CDL holder or commercial motor vehicle operator referenced in the records. The records must be provided within ten days of the date of the conviction or disqualification if it occurred in Ohio or within ten days of the receipt of conviction or disqualification information from another state.



Further, the act requires that within ten days of the final judgment of a conviction of the holder of an out-of-state CDL or CDL permit in any type of vehicle, or the conviction of the holder of an out-of-state noncommercial driver's license who was operating a commercial vehicle, for a violation of state law or a local ordinance or resolution related to traffic control, other than a parking violation, the Registrar must notify the driver licensing authority in the holder's state or jurisdiction of licensure. For purposes of this requirement, a judgment of conviction is not final until it is entered into the court journal by the clerk of courts. Under prior law, the Registrar was only required to provide the notice with regard to a conviction for traffic violations committed in a commercial motor vehicle.

### **CDL temporary instruction permits**

(R.C. 4506.03, 4506.06, and 4506.09)

The act clarifies that a CDL temporary instruction permit is a prerequisite to the initial issuance of a CDL or the upgrade of a CDL if the upgrade requires a skills test. Further, under the act, while holding a CDL permit, the holder may only operate a commercial motor vehicle so long as the person is accompanied by a person who holds a valid CDL and all necessary endorsements for the type of vehicle being driven and who has the permit holder under observation and direct supervision. These requirements are in addition to the requirements under continuing law that specify that the CDL holder who accompanies the CDL permit holder must occupy a seat beside the permit holder for purposes of giving instruction and that the permit holder must have the permit in their possession. The act also specifies that no applicant is eligible to take the CDL skills test for purposes of obtaining a CDL until at least 14 days have elapsed since the initial issuance of the CDL permit.

### **Endorsements and restrictions for CDLs and CDL permits**

(R.C. 4506.12)

#### **General provisions**

The act specifies that the operation of a commercial motor vehicle in violation of a CDL restriction is a first degree misdemeanor. Continuing law, unchanged by the act, specifies that the operation of a commercial motor vehicle without a required endorsement is a first degree misdemeanor. Under the act, both offenses are strict liability offenses.

#### **For CDLs**

The act eliminates the following CDL endorsements that existed under prior law:



(1) P1--authorized the driver to drive class A vehicles designed for fewer than 16 passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;

(2) P2--authorized the driver to drive class A or B vehicles designed for fewer than 16 passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle; and

(3) P4--restricted the driver to driving class C school buses designed to transport fewer than 16 passengers including the driver.

The act also establishes the following new restrictions that may be imposed with regard to a CDL, in addition to those established under continuing law:

(1) E--restricts the driver to vehicles equipped with an automatic transmission;

(2) M--restricts the driver from operating class A passenger vehicles;

(3) N--restricts the driver from operating class A and B passenger vehicles;

(4) O--restricts the driver from operating tractor-trailer commercial motor vehicles; and

(5) Z--restricts the driver to vehicles not equipped with full air brakes.

#### **For CDL temporary instruction permits**

The act establishes the following endorsements for CDL permits and specifies that a permit holder may not be issued any other endorsement:

(1) N--authorizes the permit holder to drive tank vehicles; however, the permit holder may only operate empty tank vehicles and cannot operate any tank vehicle that previously contained hazardous materials that have not been purged from the vehicle.

(2) P--authorizes the permit holder to drive vehicles designed to transport sixteen or more passengers, including the driver; however, the permit holder may not carry passengers.

(3) S--authorizes the permit holder to drive school buses; however, the permit holder may not operate a school bus with passengers.

The act establishes the following restrictions applicable to CDL permits:

(1) K--restricts the driver to only intrastate operation;



- (2) L--restricts the driver to vehicles not equipped with air brakes;
- (3) M--restricts the driver from operating class A passenger vehicles;
- (4) N--restricts the driver from operating class A and B passenger vehicles;
- (5) P--restricts the driver from transporting passengers in a commercial motor vehicle bus;
- (6) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver record; and
- (7) X--restricts the driver from transporting cargo in a tank vehicle.

### **New prohibitions related to CDLs**

(R.C. 4506.05 and 4506.20)

The act prohibits any person who holds a CDL or CDL permit from driving a commercial motor vehicle in interstate commerce prior to reaching the age of 21. This is a strict liability offense and is punishable as a first degree misdemeanor. The act also specifies that the prohibition under continuing law against the operation of a commercial motor vehicle without complying with the requirements applicable to the operation of such a vehicle is a strict liability offense.

Additionally, the act prohibits any employer from doing either of the following:

- (1) Knowingly permitting or authorizing a driver to operate a commercial motor vehicle if the driver does not hold a valid CDL or CDL permit bearing the proper class or endorsement for the vehicle;
- (2) Knowingly permitting or authorizing a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's CDL or CDL permit.

Under the act, a violation of either prohibition is a first degree misdemeanor.

### **Medical examinations**

(R.C. 4506.10)

The act specifies that only a medical examiner who is listed on the national registry of certified medical examiners established by the Federal Motor Carrier Safety Administration (FMCSA) may perform a physical examination on a person for purposes of a CDL application. According to the FMCSA, a medical examiner includes,

but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advance practice nurses, and doctors of chiropractic.<sup>1</sup>

Under continuing law, a person must be medically certified as physically qualified to operate a commercial motor vehicle. Prior law authorized the following persons to conduct the examination: a person licensed to practice medicine or surgery or osteopathic medicine and surgery; a physician assistant who is authorized by the supervising physician to perform such a medical examination; a certified nurse practitioner; a clinical nurse specialist; a certified nurse-midwife; or a chiropractic doctor.

### **Other provisions**

(R.C. 4506.03, 4506.05, 4506.07, 4506.10, 4506.15, 4506.16, and 4506.17)

The act also does all of the following:

(1) Specifies that a CDL may not be upgraded or renewed until the applicant surrenders their current license or permit;

(2) Specifies that any conviction for an offense that would lead to disqualification, whether committed in a commercial motor vehicle or any other vehicle, must be counted for purposes of determining the number of violations and the appropriate disqualification period;

(3) Expressly references CDL permits in the prohibitions and other provisions governing CDLs; and

(4) Requires an applicant for a CDL or CDL permit to include the applicant's state of domicile on the application.

### **Sealing certain records**

(R.C. 2953.36 and 2953.61)

The act limits the ability of a court to seal records related to violations of the CDL Law and records related to certain violations committed by persons who hold a CDL or a CDL permit. First, the act specifies that provisions of continuing law that allow for the sealing of a record of conviction and other similar records do not apply to convictions for violations of the CDL Law. The act also specifies that a provision of continuing law,

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<sup>1</sup> DOT Medical Exam and Commercial Motor Vehicle Certification, Federal Motor Carrier Safety Administration, [www.fmcsa.dot.gov/medical/driver-medical-requirements/dot-medical-exam-and-commercial-motor-vehicle-certification](http://www.fmcsa.dot.gov/medical/driver-medical-requirements/dot-medical-exam-and-commercial-motor-vehicle-certification).



which allows a record of conviction for specified driver's license and motor-vehicle related offenses to be sealed if records of all other convictions that were the result of the same act are eligible to be sealed, does not apply to the holder of a CDL or CDL permit.

### **Definitional changes**

(R.C. 4506.01)

The act modifies the definition of "commercial motor vehicle" to categorize a vehicle or combination of vehicles as a commercial motor vehicle if the weight threshold is met based upon the gross vehicle weight or the gross vehicle weight rating of the vehicle, rather than only the gross vehicle weight rating as under prior law. This change allows for the enforcement of the CDL Law based on actual vehicle weight.

The act modifies the definition of "serious traffic violation" to include violations of a law or local ordinance or resolution that prohibits texting while driving or the use of a handheld mobile telephone, unless the phone was being used to contact law enforcement or other emergency services. The act modifies the definition of "texting" and defines "use of a handheld mobile telephone." Additionally, the act specifies that an out of state traffic violation is a serious traffic violation if it is determined to be a serious traffic violation by the U.S. Secretary of Transportation and designated as such by the Director of Public Safety. Under continuing law, if a person is convicted of two or more serious traffic violations within a three year period, the person's CDL will be disqualified for a statutorily specified period of time.

The act also generally replaces the former definition of "tank vehicle." Thus, under the act "tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more. The act also specifies that "tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of 1,000 gallons or more, and is temporarily attached to a flatbed trailer. Under prior law, "tank vehicle" was defined to mean any commercial motor vehicle that was designed to transport any liquid and had a maximum capacity greater than 119 gallons or was designed to transport gaseous materials and had a water capacity greater than 1,000 pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis. Further, under prior law, "tank vehicle" did not include any of the following:

- (1) Any portable tank having a rated capacity of less than 1,000 gallons;



(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it was attached;

(3) An empty storage container tank that was not designed for transportation and that was readily distinguishable from a transportation tank; or

(4) Ready-mix concrete mixers.

### **License, registration requirements for new residents (PARTIALLY VETOED)**

(R.C. 4503.111 and 4507.213)

The act requires that within 30 days of becoming a resident of Ohio, a person must do all of the following:

(1) Surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a deputy registrar;

(2) If the person intends to operate a motor vehicle, apply for an Ohio driver's license; and

(3) If the person owns a motor vehicle operated or driven upon the public roads or highways, register the vehicle in Ohio.

Under the act, if a new resident fails to apply for an Ohio driver's license or fails to register a vehicle owned by the person within 30 days of becoming a resident as specified above, the person is not permitted to operate any motor vehicle in Ohio. The Governor vetoed a provision that would have also suspended the person's nonresident operating privileges.

Failure to take any action specified in (1), (2), or (3) above, if applicable, is a strict liability offense and is punishable as a minor misdemeanor.

For purposes of these requirements, "resident" is defined to mean any person to whom either of the following applies:

(1) The person maintains their principal residence in Ohio and does not reside in Ohio as a result of the person's active service in the U.S. armed forces; or

(2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar.

The Governor vetoed a provision that would have specified that "resident" also means either of the following:



(1) A person who is registered to vote in Ohio; or

(2) A person who states that the person's address, for purposes of federal or state income taxes, is in Ohio.

Prior law did not clearly require a new resident to obtain a driver's license or surrender the person's out-of-state driver's license. Continuing law, unchanged by the act, prohibits an Ohio resident who owns a motor vehicle from operating the motor vehicle on Ohio roadways while displaying an out-of-state license plate.<sup>2</sup>

### **Abbreviated driver training course for adults**

(R.C. 4507.11, 4507.21, 4508.01, and 4508.02)

The act requires the Director of Public Safety to adopt rules governing an abbreviated driver training course for adults. An applicant for an initial driver's license who is age 18 or older and who failed the required road or maneuverability test must take the abbreviated driver training course prior to attempting the test a second or subsequent time. Under the act, any school that provides an abbreviated driver training course for adults and that charges a consideration or tuition for the course is subject to the general driver training school regulations.

Under prior law, an applicant for an initial driver's license who was 18 or older was not required to take any driver training course.

### **Restrictions applicable to probationary driver's license holders**

(R.C. 4507.071)

The act alters several of the restrictions established in continuing law that apply only to probationary driver's license holders. A probationary driver's license is issued, in lieu of a standard driver's license, to persons under the age of 18.

### **Hours of operation**

The act modifies provisions of law related to the hours during which a probationary driver's license holder may operate a motor vehicle. Generally, prior law prohibited any probationary driver's license holder who was under age 17 from operating a vehicle between midnight and 6 a.m. and any holder between 17 and 18 from operating a vehicle between 1 a.m. and 5 a.m., unless accompanied by a parent or guardian. The act, instead, prohibits the holder of a probationary driver's license who

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<sup>2</sup> R.C. 4549.12, not in the act.



has held the license for less than 12 months from operating a vehicle between midnight and 6 a.m. and any holder who has held the license for 12 months or longer (until the person has reached the age of 18) from operating a vehicle between 1 a.m. and 5 a.m.

The act also establishes two exceptions to the night time operating restrictions. Under the act, a probationary driver's license holder may operate a vehicle during the restricted hours under either of the following circumstances:

(1) While traveling to or from an official function sponsored by the school the holder attends, provided that the holder has in the holder's possession written documentation from an appropriate official of the school; or

(2) While traveling to or from an official religious event provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

Under continuing law, a probationary driver's license holder also may operate a vehicle during the restricted hours while traveling to or from work if the holder has in the holder's immediate possession written documentation from the holder's employer.

### **Other occupants of the motor vehicle**

The act prohibits the holder of a probationary driver's license who has held the license for less than 12 months from operating a motor vehicle with more than one person who is not a family member occupying the vehicle unless accompanied by a parent, guardian, or custodian. Under prior law, this prohibition applied to the holder of a probationary driver's license who was less than age 17. In all cases, under continuing law, the number of passengers is limited by the number of seat belts in the motor vehicle.

### **Moving violations**

The act modifies the restrictions on the operation of a motor vehicle by a person who is the holder of a probationary driver's license and who commits a moving violation. Under the act, if the person is under age 17 and pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed (collectively, "pleads guilty") a moving violation within six months after the date on which the person was issued the license, the court may order the person to be accompanied by the holder's parent or guardian when operating a motor vehicle for a period not to exceed six months or until the person attains age 17, whichever occurs first.

Prior law imposed the following two restrictions on the operation of a motor vehicle by the holder of a probationary driver's license who committed a moving violation, commencing on the date the holder pleaded guilty to the moving violation:

(1) If, on that date, the license holder had not attained the age of 16 years, 6 months, the holder was required to be accompanied by the holder's parent or guardian whenever the holder operated a motor vehicle for a period of six months from that date;

(2) If, on that date, the license holder had attained the age of 16 years, 6 months, but not 17 years, the holder was required to be accompanied by the holder's parent or guardian whenever the holder operated a motor vehicle until the holder attained age 17.

Prior law also provided that the holder of a probationary driver's license who pleaded guilty to a moving violation during the six-month period after issuance of the license was not required to be accompanied by the holder's parent or guardian if either (1) the holder committed the moving violation before attaining age 17, but on the date the holder pleaded guilty to the moving violation, the holder had attained age 17, or (2) the holder committed the moving violation after reaching age 17.

The act provides that a holder of a probationary driver's license, who must be accompanied by the holder's parent or guardian when operating a motor vehicle because the holder committed a moving violation, may petition the court for driving privileges. If issued by the court, those privileges allow the holder to drive without being accompanied by the holder's parent or guardian during a period of time the court determines. In granting the driving privileges, the court must specify the purposes of the privileges. If a holder who has been granted driving privileges pleads guilty to a second or subsequent moving violation, the court with jurisdiction over the moving violation may terminate the previously granted driving privileges. Further, the act specifically prohibits a person who has been granted these driving privileges from violating any operating restriction applicable to the privileges.

Prior law allowed the court to grant only occupational or educational driving privileges and prescribed criteria for granting the privileges and also the time and place of the privileges. Prior law also prohibited a person from being granted occupational or educational driving privileges more than once. The act eliminates those provisions.

## **Driver training schools**

(R.C. 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 4508.10, and 4508.11)

### **Definition**

The act adds to the definition of "driver training school" by providing that such a school includes a private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles that:

(1) Provides an online driver education course approved by the Director of Public Safety and charges a consideration or tuition for the course; or

(2) Provides an abbreviated driver training course for adults that is approved by the Director of Public Safety and charges a consideration or tuition for the course.

The above provisions are added to the provision of continuing law that provides that a "driver training school" means a private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles, that uses public streets or highways to provide training, and that charges a consideration or tuition for such services.

### **Penalty for operating a driver training school without a valid license**

The act provides that whoever operates a driver training school without a valid license is guilty of a second degree misdemeanor (punishable by a jail term of not more than 90 days, a fine of not more than \$750, or both) instead of a minor misdemeanor (punishable only by a fine of not more than \$150) as specified in prior law. For a second or subsequent offense within two years of the first offense, the act provides that the offender is guilty of a first degree misdemeanor (punishable by a jail term of not more than 180 days, a fine of not more than \$1,000, or both) instead of a fourth degree misdemeanor (punishable by a jail term of not more than 30 days, a fine of not more than \$250, or both) as specified in prior law.

### **Driver training instructor probationary license**

The act provides that upon successful completion of all requirements for an initial driver training instructor license, the Director of Public Safety must issue an applicant a probationary driver training instructor license, which expires 180 days from the date of issuance. In order to receive a driver training instructor license, a person who is issued a probationary instructor license must pass an assessment, which the Director must require by rule of all holders of a probationary instructor license. The person must pass the assessment prior to expiration of the probationary license. If the



person fails to pass the assessment, or fails to meet any standards required for a driver training instructor license, the Director may extend the expiration date of the person's probationary license. Upon successful completion of the assessment and approval of the Director, the Director must issue to the person a driver training instructor license.

### **Driver training instructor licenses, generally**

The act specifies that all nonprobationary driver training instructor licenses expire on December 31 of every year, and a person may renew such a license by applying to the Director of Public Safety, either annually or biennially, as prescribed in rules the Director adopts. If driver training school licenses are renewed for two years, each application for renewal of such a license must be accompanied by a \$50 fee for each calendar year. If instructor licenses are renewed for two years, each application for renewal of such a license must be accompanied by a \$10 fee for each calendar year.

### **Penalty for acting as a driver training instructor without a valid license**

The act provides that whoever acts as a driver training instructor without having a valid license is guilty of a first degree misdemeanor instead of a fourth degree misdemeanor as specified in prior law.

### **Suspension of a driver training instructor or driver training school license**

Continuing law permits the Director of Public Safety to suspend or revoke a driver training instructor license or driver training school license, or to impose a fine of not more than \$10,000 upon the holder of either such license, if the Director finds that a violation has occurred or a fine that has been imposed is not paid. The act provides that, in addition to these reasons for a suspension, the Director may suspend a driver training instructor license without a prior hearing if the Director believes there exists clear and convincing evidence of any of the following:

(1) The license holder has engaged in conduct that presents a clear and present danger to a student or students.

(2) The license holder has engaged in inappropriate contact with a student. "Inappropriate contact" means any of the following, all as defined in the criminal code:

(a) Causing or attempting to cause physical harm;

(b) Sexual activity; or

(c) Engaging in any communication, either directly or through telecommunication, that is of a sexual nature or intended to abuse, threaten, or harass the student.



(3) The license holder has been convicted of a felony, or a misdemeanor that directly relates to the fitness of that person to provide driving instruction.

The act also permits the Director to suspend a driver training school license without a prior hearing if the Director believes there exists clear and convincing evidence of any of the following:

(1) There exists a clear and present danger to the health, safety, or welfare of students should the school be permitted to continue operation;

(2) At the time the contract for training was signed, there was no intention to provide training, or no ability to provide training to students; or

(3) The school official knowingly allowed inappropriate contact, as defined above, between instructors and students.

Immediately following a decision to suspend an instructor or school license without a prior hearing, the Director, in accordance with the Administrative Procedure Act (APA), must issue a written order of suspension, cause it to be delivered to the license holder, and notify the license holder of the opportunity for a hearing. A hearing must be conducted under the APA if the license holder submits a request for a hearing in a timely manner. Whoever fails to return an instructor license or a school license that has been suspended under these provisions of the act is guilty of a minor misdemeanor. For a second or subsequent offense within two years of a first offense, the offender is guilty of a fourth degree misdemeanor.

### **Payment for certificates of completion**

When a person successfully completes a course of instruction that is required for the issuance of a driver's license, the driver training school issues the person a certificate of completion. The act requires driver training schools to remit payment for all such certificates (\$4 each) when they request the certificates from the Department of Public Safety. Failure to remit payment to the Department in a timely manner for the certificates is grounds for the Director to take action against the school as provided by law.

### **Actions against persons who violate driver training school requirements**

Under the act, the Attorney General, the prosecuting attorney of a county, or a city director of law, upon complaint of the Director of Public Safety, is required to prosecute to termination or bring an action for injunction against any person who violates any driver training school Revised Code provision or any applicable rule. The court of common pleas in which an action for an injunction is filed has jurisdiction to



grant injunctive relief upon a showing that the respondent named in the complaint is in violation of any driver training school Revised Code provision or any applicable rule.

### **BMV payments by means of a financial transaction device**

(R.C. 4503.102; Section 812.30)

The act requires the Registrar of Motor Vehicles to establish a program permitting payment by financial transaction device (credit and debit cards) of specified BMV taxes and fees for transactions that occur online, at any office of the Registrar, and at all deputy registrar locations. The Registrar must establish the program not later than July 1, 2016. The Registrar is required to adopt any necessary rules for purposes of the program, but all such rules are subject to any action, policy, or procedure of the Board of Deposit or the Treasurer of State taken or adopted under applicable continuing law. Prior law permitted, but did not require, the Registrar to implement such a program and adopt rules for that purpose.

The rules adopted by the Registrar must require a deputy registrar to accept payment by means of a credit or debit card beginning on the effective date of the rules unless the contract of that deputy registrar prohibits acceptance of credit and debit cards for payment. Commencing with deputy registrar contract awards that have a start date of July 1, 2016, and for all contract awards thereafter, the Registrar must require that the deputy registrar proposer accept credit and debit cards. The act eliminates a provision of prior law that provided that a deputy registrar could not be required to accept payment by means of a credit or debit card unless the deputy registrar agreed to do so in the deputy registrar's contract.

Under the act, the BMV and deputy registrars are not required to pay any costs that result from accepting payment by means of a credit or debit card. The act permits a deputy registrar to charge a person who pays with a credit or debit card any cost the deputy registrar incurs from accepting payment by the credit or debit card, but the deputy registrar is prohibited from requiring the person to pay any additional fee of any kind in connection with the use by the person of the credit or debit card.

Under the credit and debit card program, a county auditor or clerk of a court of common pleas that is designated a deputy registrar must accept payment by a credit or debit card for all specified transactions that the county auditor or clerk performs in the capacity as a deputy registrar. The BMV is not required to pay any costs a county auditor or clerk incurs that result from accepting payment by a credit or debit card.

Under the act, the registered owner of a motor vehicle may renew the vehicle registration by means of a credit or debit card when renewing in person or by electronic means (via the Internet) but not by mail. However, the Registrar must accept payments



for renewals made by mail via the toll-free telephone number the Registrar is required by continuing law to establish. The act requires the renewal notice the Registrar must send to every person in whose name a motor vehicle is registered to contain a statement that payment for a renewal may be made by a financial transaction device using the BMV's toll-free number. This option to pay via the toll-free number takes effect January 1, 2016.

## **Towing regulations**

### **Written estimate for towing services**

(R.C. 4513.68)

The act eliminates a provision of prior law that generally required a towing service to provide an estimate to the operator of a motor vehicle prior to removing the vehicle from an accident scene. That provision required a towing service to include in the estimate the price for the removal of the motor vehicle, services to be rendered, and the destination of the vehicle. Alternatively, the act requires a towing service to provide a written estimate for a tow unless the tow was ordered by a law enforcement officer or was from a private tow-away zone. If a towing service fails to provide a written estimate as required, the towing service is not permitted to charge fees for the towing and storage of the motor vehicle that exceed 25% of the fees authorized for a motor vehicle removed from a private tow-away zone.

### **Recovery of a towed motor vehicle or personal items**

(R.C. 4513.60, 4513.601, 4513.61, and 4513.69)

The act specifies that for purposes of reclaiming a towed motor vehicle or personal items from a towed motor vehicle, a person may show proof of ownership by presenting a certificate of registration for the motor vehicle or a lease agreement. Continuing law specifically allows a person to show proof of ownership, by presenting a certificate of title to the vehicle.

### **Keep right except to pass**

(R.C. 4511.351)

The act requires the Department of Transportation to include in the Department's Manual for a Uniform System of Traffic Control Devices the sign R4-16 from the federal Manual on Uniform Traffic Control Devices (MUTCD) that states "KEEP RIGHT EXCEPT TO PASS." That sign does not currently exist in the Department's Manual. Continuing law requires the Department's Manual to correlate and conform to, so far as



possible, the system approved by the Federal Highway Administration, but does not require the adoption of all signs in the MUTCD.

The act also requires the Director of Transportation to erect the newly adopted "KEEP RIGHT EXCEPT TO PASS" signs along interstate freeways that consist of at least three lanes.

### **Parking in an access aisle**

(R.C. 4511.69)

The act prohibits any person from stopping, standing, or parking a motor vehicle in an access aisle adjacent to a handicap parking space. Such aisles are marked by diagonal stripes. Any person who violates this prohibition is subject to a fine of \$250 - \$500, but is not subject to any term of imprisonment. The act further specifies that an arrest or conviction for such a violation does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

### **Cab-enclosed motorcycles**

(R.C. 4501.01, 4503.04, 4503.21, 4503.22, 4503.544, 4507.03, 4511.01, and 4511.53)

S.B. 114 of the 129th General Assembly enacted in late 2012 a number of provisions relating to cab-enclosed motorcycles, but delayed the effective date of those provisions until January 1, 2017. The act advances the effective date of the cab-enclosed motorcycle provisions of S.B. 114 to July 1, 2015. The advancements include the definition of cab-enclosed motorcycle contained in S.B. 114 with modifications, as follows:

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

In S.B. 114, that definition ended with the phrase ". . . and having an occupant compartment top or an occupant compartment top that can be installed or removed by the user."



Additional Revised Code provisions that are advanced by the act relate to provisions of law governing motorcycles that S.B. 114 amended to include references to "cab-enclosed motorcycles." Those provisions relate to the following:

- (1) The registration tax of \$14;
- (2) The requirement that a cab-enclosed motorcycle display only one license plate on the rear of the motorcycle;
- (3) The display of the U.S. armed forces veteran special license plate on cab-enclosed motorcycles; and
- (4) The exemption of cab-enclosed motorcycle operators from the state motorcycle helmet requirement applicable to motorcycle operators under age 18, to novice motorcycle operators (persons who have held a motorcycle restricted license or motorcycle endorsement for less than one year), and to holders of motorcycle temporary instruction permits, and the exemption of cab-enclosed motorcycle operators from the requirement to wear a protective eye device.

The act also adds to the provisions of S.B. 114 by providing that no person who has a valid driver's or commercial driver's license is required to have a motorcycle operator's endorsement to operate a cab-enclosed motorcycle. Further, the act exempts *passengers* in a cab-enclosed motorcycle from the helmet and protective eye device requirements specified above.

### **Sale of a used heavy duty vehicle**

(R.C. 4517.03)

The act provides that a commercial transaction involving the sale or lease by a new motor vehicle dealer of a used heavy duty vehicle, as well as a new heavy duty vehicle as provided in continuing law, is deemed to have taken place at the dealer's established place of business if the sale or lease is negotiated and the documents are executed at the customer's business location.

### **Motor vehicle dealer and salesperson licenses**

(R.C. 4517.10)

The act requires a motor vehicle dealer or motor vehicle leasing dealer to keep a current list of the dealer's licensed salespersons and to make the list available upon request. The list must contain the name, address, and license serial number of each salesperson. Under prior law, the list was required to be posted in a conspicuous place at the dealer's place of business.



The act also requires a motor vehicle salesperson to keep the salesperson's license or a certified copy of the license at their place of business. Under prior law, the salesperson was required to carry the license or copy of the license.

### **Penalty for failure to register a motor vehicle**

(R.C. 4503.11)

The act specifies that the penalty for failure to register a motor vehicle and pay the applicable registration tax is a minor misdemeanor (punishable by a fine of not more than \$150). Under prior law, the penalty was a fourth degree misdemeanor (punishable by a jail term of not more than 30 days and a fine of not more than \$250).

### **Fee for a duplicate driver's license**

(R.C. 4507.23)

The act requires the Registrar of Motor Vehicles to adopt rules that establish a prorated fee schedule for determining the fee to be charged for the issuance of a duplicate driver's license. The rules must require the base fee to be equal to the fee for a duplicate driver's license that existed prior to this requirement. Further, in order to determine the prorated amount for a duplicate license under the rules, the Registrar must reduce the base fee by an amount, determined by the Registrar, that is correlated with number of months left until the expiration of the license. The money received must be allocated by the Registrar to the same funds and in the same proportion as the base fee under continuing law.

Under continuing law, the nonprorated fee for a duplicate driver's license is \$24.50 and is made up of the following fees:

(1) \$7.50 fee – \$2.50 of which is paid into the state Bureau of Motor Vehicles (BMV) Fund for the purpose of supporting driver licensing activities and \$5 of which is paid into the State Highway Safety Fund.

(2) \$1.50 lamination fee – The full amount minus the actual cost to the Registrar of the laminating materials used is paid to the deputy registrar and any remaining amount is paid into the state BMV fund.

(3) \$12 fee – The full amount is paid into the State Highway Safety Fund for the purpose of defraying the Department of Public Safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws.

(4) \$3.50 fee – The full amount is retained by either the Registrar or deputy registrar.



## **Temporary license placards and windshield stickers**

(R.C. 4503.182)

The act increases from 30 to 45 days the period of time that a temporary license placard (i.e., temporary license plate) or windshield sticker is valid. The act also specifies that if the Registrar of Motor Vehicles issues a temporary license placard due to an extreme hardship encountered by a person who is attempting to comply with the registration laws, the placard is valid for 30 days. A temporary license placard or windshield stickers are issued to enable a person to legally operate a motor vehicle while proper title, license plates, and a certificate of registration are being obtained.

The act does not modify provisions of continuing law that specify that an application for a certificate of title must be filed within 30 days after the assignment or delivery of the motor vehicle and that require the clerk of courts to collect a \$5 late fee for all applications filed more than 30 days after the assignment or delivery of a motor vehicle.<sup>3</sup>

## **Transferring the registration of a trailer or semitrailer**

(R.C. 4503.103)

The act specifies that only a permanent registration of a trailer or semitrailer is nontransferable. Prior law specified that the registration of a trailer or semitrailer could not be transferred to another trailer or semitrailer if the registration was either a multi-year or permanent registration.

## **Grants related to automated title processing system (ATPS) development**

(R.C. 4505.09)

The act requires the Automated Title Processing Board to determine, with the approval of the Director of Public Safety, the award of grant funds to the clerk of courts of any county who employs a person who assists with the design of, updates to, tests of, installation of, or any other activity related to, the automated title processing system (ATPS). Under the act, any grant awarded to the clerk of courts must be deposited into the appropriate county certificate of title administration fund and cannot be used to supplant any other funds.

Under continuing law, the Automated Title Processing Board is generally responsible for facilitating the operation and maintenance of the ATPS, approving the

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<sup>3</sup> R.C. 4505.06(A)(5)(b) and (6), not in the act.



procurement of equipment for the operation of the ATPS, paying expenses incurred by counties in implementing the ATPS, and repaying counties for existing title processing equipment.

## **Changes to Department of Public Safety fund allocations**

### **Deposit of specified fees in the State Bureau of Motor Vehicles Fund**

(R.C. 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, 4513.263, 4519.63, 5502.03, 5502.131 (repealed), 5502.39, and 5502.67)

The act redirects the deposit of portions of specified fees collected by the Department of Public Safety, the Registrar of Motor Vehicles, and clerks of the courts of common pleas. Those fees are derived from the sale of lists containing certain information obtained from applications for driver's licenses and motor vehicle certificates of registration and certificates of title (such as applicant names and addresses). Under prior law, those portions of fees (a total of \$3 of each fee collected) were credited to the following funds:

- (1) The Emergency Management Agency Service and Reimbursement Fund (\$1.25 of each fee collected);
- (2) The Trauma and Emergency Medical Services Fund (\$0.60 of each fee collected);
- (3) The Homeland Security Fund (\$0.60 of each fee collected);
- (4) The Investigations Fund (\$0.30 of each fee collected); and
- (5) The Justice Program Services Fund (\$0.25 of each fee collected).

The act requires those portions of fees to be credited instead to the existing State Bureau of Motor Vehicles Fund, which is used to support the office of the Registrar.

The act eliminates the authority of the Director of Budget and Management to transfer excess money from the Emergency Management Agency Service and Reimbursement Fund and the Justice Program Services Fund to the State Highway Safety Fund if the Director of Public Safety determines that the amount of money in either fund exceeds the amount required to cover specified costs and requests the Director of Budget and Management to make such a transfer.

The act also eliminates the Homeland Security Fund and the Investigations Fund. Under prior law, the Homeland Security Fund was used to pay the expenses of administering the law relative to the powers and duties of the Director of the Division



of Homeland Security in the Department of Public Safety. The Director of Public Safety was required to use the money in the Investigations Fund to pay the operating expenses of investigations.

### **Penalties and the Private Investigator and Security Guard Provider Fund**

(R.C. 4749.07; R.C. 4749.04, not in the act)

The act requires civil penalties imposed as part of a disciplinary action under the Private Investigator/Security Service Law to be deposited into the Private Investigator and Security Guard Provider Fund. Prior law required only revenue from license fees and one-third of fines imposed for violations of that law be deposited into the Fund. Prior law was silent as to where the civil penalties were to be deposited.

### **Unidentified Public Safety Receipts Fund**

(R.C. 4501.26)

The act requires all investment earnings of the Unidentified Public Safety Receipts Fund to be credited not to that fund as in prior law but instead to the existing State Bureau of Motor Vehicles Fund.

### **State Highway Safety Fund**

(R.C. 4501.044, 4501.045, and 4501.06)

The act requires the following portions of motor vehicle registration taxes to be deposited into the State Highway Safety Fund:

(1) The 42.6% of those taxes that are collected from the registration of commercial motor vehicles weighing more than 26,000 pounds that are registered in Ohio under the International Registration Plan (IRP) that, under prior law, were required to be deposited into the Highway Obligations Bond Retirement Fund or, in certain circumstances, into the Highway Operating Fund; and

(2) After a required distribution to the State Highway Safety Fund, the 42.6% of the motor vehicle registration taxes that are collected from the registration of commercial motor vehicles that are registered in other states under the IRP and list Ohio for apportionment purposes that, under prior law, were required to be deposited into either the Highway Obligations Bond Retirement Fund or the Highway Operating Fund.

The act also requires the portion of the taxes that are collected from the registration of commercial motor vehicles weighing more than 26,000 pounds that are



not registered under the IRP and that previously were required to be deposited into the Highway Obligations Bond Retirement Fund, which portion is 42.6% of such taxes, to be deposited instead into the State Highway Safety Fund.

### **Law Enforcement Reimbursement and Financial Responsibility Compliance funds**

(R.C. 4501.19 (repealed), 4503.233, 4509.101, and 4509.81)

The act eliminates the following two funds, and requires all of the fees or portions of fees deposited into the funds under prior law to be deposited instead into the existing State Bureau of Motor Vehicles Fund, which is the main fund used to pay the expenses of administering the law relative to the powers and duties of the Registrar of Motor Vehicles:

(1) The Law Enforcement Reimbursement Fund, which consisted of money from fees that the Registrar collected that were related to court-ordered motor vehicle immobilizations. This money was used to make payments to law enforcement agencies under specified Revised Code provisions.

(2) The Financial Responsibility Compliance Fund, which consisted of money derived from specified fees under the Motor Vehicle Financial Responsibility Law. The Bureau of Motor Vehicles used the money in the Fund exclusively to cover costs it incurred in the administration and the enforcement of the financial responsibility laws.

### **Elimination of the MARCS Operations Fund**

(R.C. 4501.28 (repealed))

The act eliminates the MARCS Operations Fund, which consisted of money the Emergency Management Agency received from users of the multi-agency radio communications system. Money in the Fund was used to provide for the systems operation of MARCS.

### **Elimination of the Highway Obligations Bond Retirement Fund**

(R.C. 126.06, 127.14, 4501.03, 4501.04, 4501.044, 4501.06, 5528.19 (repealed), 5528.31, 5528.32 (repealed), 5528.33 (repealed), 5528.35 (repealed), 5528.36 (repealed), 5528.38 (repealed), 5528.39 (repealed), 5528.40, 5728.08, 5735.23, 5735.26, 5735.291, and 5735.30)

The act eliminates the Highway Obligations Bond Retirement Fund and also eliminates associated obsolete language relating to certain highway bonds that no longer are outstanding or issued.



## **Security, Investigations, and Policing Fund**

(R.C. 4501.11)

The act removes coordinating homeland security activities as one of the purposes for which money in the Security, Investigations, and Policing Fund may be used. The Fund still may be used for all of the following:

(1) Providing security for the Governor, state officials and dignitaries, the Capital Square, and certain other state property;

(2) Undertaking major criminal investigations involving state property;

(3) Providing traffic control and security for the Ohio Expositions Commission; and

(4) Performing nonhighway-related duties of the State Highway Patrol at the Ohio State Fair.

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## **DEPARTMENT OF TRANSPORTATION**

### **Metrics for statewide strategic transportation planning**

- Requires ODOT, in order to assist in statewide strategic transportation planning, to develop metrics that allow the comparison of data across transportation modes and incorporate the full spectrum of state strategic transportation goals.

### **State rail safety oversight program**

- Requires ODOT to administer the federal Public Transportation Safety Program requirements applicable to rail fixed guideway systems.
- Requires ODOT, in its role as the designated state agency responsible for overseeing the safety practices of rail fixed guideway systems, to take certain actions regarding such oversight, including:

--Enforcing the correction of identified hazardous conditions and plans to minimize, control, correct, or eliminate those identified hazardous conditions in a timely manner agreed upon within corrective action plans; and



--Approving or disapproving, overseeing, and enforcing the development, updating, and implementation of each transit agency's public transportation safety plan.

### **Joint Legislative Task Force**

- Creates the Joint Legislative Task Force on Department of Transportation (ODOT) Issues.
- Requires the Task Force to study methods for increasing the speed on, and access to, rural highways and freeways in Ohio, and also methods for saving money on license plates, including specifically a single license plate requirement.
- Requires the Task Force to issue a report of its findings and recommendations with regard to speed on rural highways and freeways and a single license plate requirement not later than December 15, 2015.
- Requires the Task Force to evaluate the funding needs of ODOT, and to study specifically the effectiveness of the Ohio motor fuel tax in meeting those needs and alternative methods for funding the construction and maintenance of Ohio's roadways and infrastructure.
- Requires the Task Force to issue a report of its findings and recommendations with regard to ODOT's funding needs not later than December 15, 2016.

### **Local construction cost match**

- With respect to the Director of Transportation's authority to issue a waiver of the county, municipal, or township portion of the costs of a highway project, eliminates the requirement that all of the following occur prior to the issuance of the waiver:
  - The completion of the preliminary engineering design of the project;
  - The acquisition of all necessary rights-of-way; and
  - The performance or acquisition of all federal, state, and local environmental studies and permits.

### **ODOT Bridge Partnership Program (VETOED)**

- Would have created the ODOT Ohio Bridge Partnership Program whereby ODOT would have been required to work with counties and local jurisdictions to either pay the full cost of, or match local expenditures for, the rehabilitation or reconstruction of selected county and municipal bridges (VETOED).



- Would have required the Director to confer with the appropriate county or municipal officials in determining what bridges were to be part of the program, and would have established bridge eligibility requirements for the program (VETOED).
- Would have repealed the Bridge Partnership Program effective July 1, 2019 (VETOED).

### **Design-build for county bridge, highway, and safety projects**

- Permits a county engineer to combine the design and construction elements of a bridge, highway, or safety project into a single contract, which is known as a design-build contract, if the cost of the project as bid does not exceed \$5 million, instead of \$1.5 million as provided in prior law.

### **ODOT pilot project for new bridge construction**

- Requires ODOT to conduct a pilot project consisting of the construction of five to eight new bridges utilizing a one hundred-year service life design standard for new bridge construction that is consistent with the recommendations of the 2013 Design Guide for Bridges for Service Life published by the Transportation Research Board.
- Requires ODOT, in selecting the bridge locations for the pilot project, to select sites in all areas of the state, and specifies that the counties in which the sites are located must represent a mixture of counties that are urban, rural, and suburban in nature.

### **Indefinite delivery indefinite quantity (IDIQ) contracts**

- Authorizes the Director of Transportation to enter into indefinite delivery indefinite quantity (IDIQ) contracts for not more than two projects in fiscal year 2016 and not more than two projects in fiscal year 2017.
- For purposes of IDIQ contracts, requires the Director to prepare bidding documents, establish contract forms, determine contract terms and conditions, develop and implement a work order process, and take any other action necessary to fulfill the Director's duties and obligations related to IDIQ contracts.

### **ODOT assumption of federal duties**

- Authorizes the Director of Transportation to enter into agreements with federal agencies for purposes of assuming certain duties of the U.S. Secretary of Transportation as authorized under federal law.
- Waives state immunity from civil liability with regard to actions taken by the Director pursuant to such an agreement with a federal agency.



## **Agreements related to federal permits**

- Authorizes the Director of Transportation to enter into agreements with any federal department or agency for the sole purpose of dedicating staff to the expeditious and timely review of environmentally related documents that the Director must submit to obtain approval of federal permits.

## **Gross vehicle weight and axle load limit allowance**

- Specifies that a vehicle fueled solely by liquid natural gas may exceed the statutory gross vehicle weight and axle load limits by not more than 2,000 pounds.

## **Disposition of fees and fines from outdoor advertising**

- Specifies that any fines or fees collected with regard to outdoor advertising devices (e.g. billboards) must be deposited into the Highway Operating Fund.
- Requires such fines and fees to be used by the Director of Transportation solely for purposes of enforcing and administering the requirements related to outdoor advertising devices.

## **ODOT Eastern Corridor highway project**

- Requires the Director of Transportation, not later than December 31, 2015, to submit to the President of the Senate and the Speaker of the House a report concerning the advancement in developing the recommended preferred alignment of the roadway construction project to which both of the following apply:

--The roadway is entitled as "SR 32F – New Connector from the Red Bank Road to Bells Lane"; and

--The roadway has been assigned the project identification number 86462 on the Tier 3 list of projects of the Transportation Review Advisory Council.

## **Transportation improvement districts**

- Allocates specified money to transportation improvement districts (TID) in fiscal years 2016 and 2017 and establishes procedures and qualifications for a TID to request funding from ODOT, including registration requirements, and parameters under which such funding may be used by a TID.

## **Transportation Oversight Committee on Rural Busing**

- Authorizes the General Assembly to create the Transportation Oversight Committee on Rural Busing to study and report on whether rural busing routes sufficiently meet the transportation needs of the communities they serve.

## **"Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway"**

- Changes the designation of the "Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway" to a portion of Interstate Route 80 rather than a portion of Interstate Route 76 as under prior law.

## **State rail safety oversight program**

### **Administration of the federal Public Transportation Safety Program**

(R.C. 5501.55)

The act requires ODOT to administer the federal Public Transportation Safety Program requirements that are applicable to rail fixed guideway systems. Pursuant to that Program, each state that has a rail fixed guideway public transportation system that is not regulated by the Federal Railroad Administration must establish a state safety oversight program for purposes of ensuring the safety of such rail systems in the state.<sup>4</sup> The provisions of the federal Public Transportation Safety Program related to rail fixed guideway systems are similar to, but more extensive than, the requirements under the federal Rail Safety Oversight Law<sup>5</sup> that ODOT is required to administer under continuing law. The federal Public Transportation Safety Program replaces the federal Rail Safety Oversight Law, which will be repealed three years after the effective date of the rules established by the U.S. Secretary of Transportation as part of the Public Transportation Safety Program.<sup>6</sup>

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<sup>4</sup> 49 U.S.C. 5329(e).

<sup>5</sup> 49 U.S.C. 5330.

<sup>6</sup> P.L. 112-141, Div. B, §20030(e).



## **Requirements related to state rail safety oversight**

(R.C. 5501.55 and 5501.56)

The act modifies and expands the requirements of continuing law that are related to state rail safety oversight. Under prior law, ODOT was required to do all of the following:

(1) Establish a safety program plan standard for transit agencies operating a rail fixed guideway system within the state;

(2) Adopt standards for the personal security of passengers and employees of rail fixed guideway systems;

(3) Review and approve or disapprove the annual internal safety audit conducted by a transit agency;

(4) Periodically conduct an on-site safety review of each transit agency and make recommendations based on the review of the system safety program plan;

(5) Establish procedures for the investigation of accidents and unacceptable hazardous conditions;

(6) Investigate accidents and unacceptable hazardous conditions at transit agencies;

(7) Approve or disapprove any plan of a transit agency to minimize, control, correct, or eliminate any investigated hazard; and

(8) Submit to the Federal Transit Administration any reports or other information necessary to remain in compliance with federal law and rules adopted under it.

With the exception of (3) above, the act amends each of ODOT's responsibilities and adds new responsibilities. Thus, under the act, ODOT must do all of the following:

(1) Establish a safety program documentation standard for transit agencies operating, implementing, or significantly enhancing an applicable rail fixed guideway system within the state;

(2) Oversee adoption of standards and oversee enforcement of laws for the personal safety and security of passengers and employees of rail fixed guideway systems;



(3) Review and approve or disapprove the annual internal safety audit conducted by a transit agency (no change);

(4) Periodically, conduct an on-site safety review of each transit agency safety program based on the agency's safety program documentation and make recommendations for changes or enhancements to the transit agency safety program;

(5) Establish procedures for the investigation of accidents and hazardous conditions, and for coordinating and addressing immediate conditions at a transit agency;

(6) Investigate accidents and hazardous conditions at transit agencies;

(7) Approve or disapprove any corrective action plan of a transit agency intended to minimize, control, correct, or eliminate any investigated hazard;

(8) Enforce the correction of identified hazardous conditions and plans to minimize, control, correct, or eliminate those identified hazardous conditions in a timely manner agreed upon within corrective action plans;

(9) Submit to the Federal Transit Administration any reports or other information necessary to remain in compliance with federal law and rules adopted under it (adds a reference to another provision of federal law); and

(10) Approve or disapprove, oversee, and enforce the development, updating, and implementation of the transit agency's public transportation safety plan as defined and required by the Federal Transit Administration.

In addition, the act applies the same confidentiality and evidentiary restrictions to transit agency audits that continue to apply to ODOT investigations.

The act also modifies requirements of continuing law that govern certain actions required of transit agencies that also relate to rail safety. Under prior law, a transit agency was required to do all of the following:

(1) Develop a system safety program plan that complies with the safety program plan standards adopted by ODOT and includes standards for the personal security of passengers and employees;

(2) Conduct an annual internal safety audit and submit the audit to ODOT;

(3) Report accidents and unacceptable hazardous conditions to ODOT within a time period specified by ODOT;



(4) Minimize, control, correct, or eliminate any investigated unacceptable hazardous condition within a time period specified by ODOT and in accordance with a plan approved by ODOT; and

(5) Provide all necessary assistance to ODOT as required to allow ODOT to conduct appropriate on-site investigations of accidents and unacceptable hazardous conditions at the transit system.

The act largely retains the provisions of (1) to (5) above, but amends each provision in part. Thus, under the act, a transit agency is required to do all of the following:

(1) Develop a system safety program documentation that complies with the safety program documentation standards adopted by ODOT and includes standards and laws for the personal safety and security of passengers and employees;

(2) Conduct an annual internal safety audit and submit the audit to ODOT for input and approval;

(3) Report accidents and hazardous conditions to ODOT within a time period specified by ODOT;

(4) Minimize, control, correct, or eliminate any identified and investigated hazardous condition within a time period specified by ODOT and in accordance with a plan approved by ODOT; and

(5) Provide all necessary assistance to ODOT as required to allow ODOT to conduct or participate in appropriate on-site investigations of accidents and hazardous conditions or audits at the transit agency.

## **Metrics for statewide strategic transportation planning**

(R.C. 5501.08)

The act requires ODOT, for purposes of statewide strategic transportation planning, to develop metrics that allow the comparison of data across transportation modes and that incorporate the full spectrum of state strategic transportation goals. The metrics must include all of the following:

(1) Anticipated future costs of maintaining infrastructure in an acceptable condition, both short-term and long-term;

(2) Short-term economic impact, one to five years, and long-term economic impact, 30 years and longer;



(3) Economic impact on a region's future rate of job growth and job retention;  
and

(4) Motorist, bicyclist, and pedestrian counts, and number of accidents by mode.

### **Joint Legislative Task Force**

(Section 755.40)

The act creates the Joint Legislative Task Force on Department of Transportation Issues. The Speaker of the House must appoint three members of the House Finance and Appropriations Committee to the Task Force, including one member of the minority party. The President of the Senate must appoint three members of the Senate Transportation Committee, including one member of the minority party. In making minority party appointments, the Speaker and President must consult with the respective Minority Leaders.

The Task Force must study methods for increasing the speed on, and access to, rural highways and freeways in Ohio. It also must study methods for saving money on license plates, including specifically a single license plate requirement. By December 15, 2015, the Task Force must issue a report of its findings and recommendations with regard to those areas of study to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House.

The Task Force also must examine the funding needs of ODOT. The act requires the Task Force to study specifically the issue of the effectiveness of the Ohio motor fuel tax in meeting those needs and alternative methods for funding the construction and maintenance of Ohio's roadways and infrastructure. By December 15, 2016, the Task Force must issue a report of its findings and recommendations with regard to ODOT's funding to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House. After issuing this second report, the Task Force ceases to exist.

### **Local construction cost match**

(R.C. 5531.08)

The act alters the law that authorizes the Director of Transportation to issue a waiver of the county, municipal, or township portion of the costs of a highway project. Under continuing law, upon the written request of a county, municipal corporation, or township, the Director, by a written determination that it would be in the best interests of the traveling public, may waive the county, municipal, or township share of the costs of a highway project (construction costs under prior law). However, under prior law,



the Director was not permitted to issue such a waiver unless all of the following prerequisites had occurred:

- (1) The preliminary engineering design of the project was complete;
- (2) All necessary rights-of-way had been obtained; and
- (3) All federal, state, and local environmental studies and permits had been performed or obtained.

The act eliminates the requirement that the prerequisites be completed before the Director can issue the waiver. As indicated above, the act also allows the Director to waive all costs associated with a project, not just the construction costs.

### **ODOT Ohio Bridge Partnership Program (VETOED)**

(R.C. 5501.491)

The Governor vetoed a provision that would have created the Department of Transportation Ohio Bridge Partnership Program, whereby ODOT would have been required to work with counties and local jurisdictions to either pay the full cost of, or match local expenditures with regard to, the rehabilitation or reconstruction of selected bridges located on county roads or within municipal corporations and owned by the county or municipal corporation. The program also would have applied to embankments, drainage, and other issues related to a subject bridge. The Director would have been required to confer with the appropriate county or municipal corporation officials in determining what bridges were to be part of the program. In order to be eligible for the program, a bridge would have been required to:

- (1) Be not less than 20 feet in length;
- (2) Be "structurally deficient"; and
- (3) Be open currently and carrying vehicular traffic.

The act would have repealed the Bridge Partnership Program effective July 1, 2019.

### **Design-build for county bridge, highway, and safety projects**

(R.C. 5543.22)

The act permits a county engineer to combine the design and construction elements of a bridge, highway, or safety project into a single contract, which is known



as a design-build contract, if the cost of the project as bid does not exceed \$5 million. Under prior law, a county engineer could enter into a design-build contract only if the cost of the project as bid did not exceed \$1.5 million.

### **ODOT pilot project for new bridge construction**

(Section 755.70)

The act requires ODOT to conduct a pilot project consisting of the construction of five to eight new bridges. For the project, ODOT must utilize a one hundred-year service life design standard for new bridge construction that is consistent with the recommendations of the Design Guide for Bridges for Service Life published in 2013 by the Transportation Research Board. In selecting the bridge locations for the pilot project, ODOT is required to select sites in all areas of the state, and the counties in which the sites are located must represent a mixture of counties that are urban, rural, and suburban in nature.

The Director of Transportation, in accordance with the Administrative Procedure Act, may adopt rules to implement the pilot program.

### **Indefinite delivery indefinite quantity (IDIQ) contracts**

(Section 755.20)

The act requires the Director of Transportation to advertise, seek bids for, and award indefinite delivery indefinite quantity (IDIQ) contracts for not more than two projects in fiscal years 2016 and 2017. An IDIQ contract is a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period. For purposes of entering into IDIQ contracts, the Director is required to prepare bidding documents, establish contract forms, determine contract terms and conditions, develop and implement a work order process, and take any other action necessary to fulfill the Director's duties and obligations related to IDIQ contracts. The Director must ensure that an IDIQ contract includes the maximum overall value of the contract, which may include an allowable increase of \$100,000 or 5% of the advertised contract value, whichever is less, and the duration of the contract, including a time extension of up to one year if determined appropriate by the Director.

## **ODOT assumption of duties**

(R.C. 5531.30)

Under the act, the Director of Transportation may enter into agreements and cooperate with the U.S. Department of Transportation, or any other appropriate federal agency, as provided in specified federal laws related to transportation and the environment. Pursuant to such an agreement, the Director may assume certain responsibilities of the U.S. Secretary of Transportation and take any other actions required by any such agreement or by those federal laws. The Director also may adopt any rules necessary to implement such an agreement and carry out any duties imposed under the agreement. The Director may make expenditures of money in connection with an agreement from any ODOT funds that are available to the Director.

With respect to such an agreement entered into under the act, the state waives its immunity from civil liability, including the immunity from suit in a federal court under the Eleventh Amendment to the U.S. Constitution. The Eleventh Amendment provides that "[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." The state also consents to the jurisdiction of the federal courts over its civil liability with regard to the compliance, discharge, or enforcement of the responsibilities assumed under such an agreement with the same procedural and substantive requirements applicable to a suit against a federal agency. However, the act specifies that the waiver of immunity and consent to federal jurisdiction applies only to those agreements and does not create liability that exceeds the liability created under federal laws that authorize the agreements.

## **Agreements related to federal permits**

(Section 755.10)

The act authorizes the Director of Transportation to enter into agreements with the United States or any federal department or agency, including the Army Corps of Engineers, the Forest Service, the federal Environmental Protection Agency, and the Fish and Wildlife Service. The sole purpose of such an agreement is to dedicate staff to the expeditious and timely review of environmentally related documents that the Director must submit to obtain approval of federal permits. An agreement may include provisions for advance payment by the Director for labor and all other identifiable costs of the United States or the department or agency providing the services, as may be estimated by the United States or that department or agency. The Director is required to submit a request to the Controlling Board indicating the amount of the agreement, the



services to be performed by the United States or the department or agency, and the circumstances giving rise to the agreement.

### **Gross vehicle weight and axle load limit allowance**

(R.C. 5577.044)

The act specifies that a vehicle fueled solely by liquid natural gas may exceed the statutory gross vehicle weight and axle load limits by not more than 2,000 pounds, except on interstate highways and on any highway, road, or bridge that is subject to reduced maximum weights. If such a vehicle exceeds the weight limits by more than 2,000 pounds, the violator is subject to fines and imprisonment, based upon the extent to which the vehicle violated the weight limits.<sup>7</sup> Additionally, the violator may be held liable in a civil action for all damage caused to any street, highway, bridge, or culvert as a result of the violation.<sup>8</sup> Under continuing law, the 2,000 pound excess weight allowance provisions apply only to vehicles fueled solely by compressed natural gas.

### **Disposition of fees and fines from outdoor advertising**

(R.C. 5516.15 and 5735.291)

The act specifies that any fees or fines collected with regard to outdoor advertising devices (e.g. billboards) must be deposited into the Highway Operating Fund to be used by the Director of Transportation solely for purposes of enforcing and administering the requirements related to outdoor advertising devices. Prior law did not specify the fund into which such fees and fines were to be deposited.

### **ODOT Eastern Corridor highway project**

(R.C. 755.80)

The act requires the Director of Transportation, not later than December 31, 2015, to submit to the President of the Senate and the Speaker of the House a report concerning the advancement in developing the recommended preferred alignment of the roadway construction project entitled as "SR 32F – New Connector from the Red Bank Road to Bells Lane," that has been assigned the project identification number 86462, on the Tier 3 list of projects of the Transportation Review Advisory Council.

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<sup>7</sup> R.C. 5577.99, not in the act.

<sup>8</sup> R.C. 5577.12, not in the act.



## Transportation improvement districts

(Section 203.40)

Under continuing law, a transportation improvement district (TID) may be created by the board of county commissioners of any county and is required to be governed by a board of trustees. A TID is authorized under law to exercise specified powers related to the financing, construction, maintenance, repair, and operation of transportation projects. In connection with a transportation project, a TID may issue bonds, levy assessments, impose a motor vehicle license tax by a vote of the electors, and establish toll roads.

The act requires \$3.5 million in fiscal years 2016 and 2017 from a specified highway construction line item to be made available for distribution by the Director of Transportation to TIDs that have facilitated funding for the cost of a project or projects in conjunction with and through other governmental agencies. A TID must submit requests for project funding to ODOT not later than September 1 in each fiscal year. ODOT must notify the TID if it has approved or disapproved the project funding request within 90 days after the day the request was submitted by the TID.

The act prohibits any funding provided to a TID under the act to be used for the purposes of administrative costs or administrative staffing and requires the funding to be used to fund a specific project or projects within that TID's area. The total amount of a specific project's cost may not be fully funded by the amount of funds provided under the act. 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. TIDs that are co-sponsoring a specific project may individually apply for up to \$250,000 for that project, but not more than 25% of a project's total costs per biennium may be funded through moneys provided under the act.

Funding provided under the act 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 under the law governing TIDs and approved by the Director. Upon receipt of a copy of an invoice for work performed on the specific project, the Director must reimburse a TID for the expenditures.

Any TID that requests funds under the act must register with the Director. The Director must register a TID only if the TID has a specific, eligible project. The Director may cancel the registration of a TID that is not eligible to receive funds under the act. The Director may not provide funds to any TID that is not registered. In addition, the Director must not register a TID and must cancel the registration of a currently registered TID unless at least one of the following applies:



(1) The TID, by a resolution or resolutions, designated a project or program of projects and facilitated, including in conjunction with and through other governmental agencies, funding for costs of a project or program of projects in an aggregate amount of not less than \$10 million within the eight-year period commencing January 1, 2005.

(2) The TID, by a resolution or resolutions, designated a project or program of projects and facilitated, including in conjunction with and through other governmental agencies, funding for costs of a project or program of projects in an aggregate amount of not less than \$15 million from the commencement date of the project or program of projects.

(3) The TID has designated, by a resolution or resolutions, a project or program of projects that has estimated aggregate costs in excess of \$10 million and the county engineer of the county in which the TID is located has attested by a sworn affidavit that the costs of the project or program of projects exceeds \$10 million and that the TID is facilitating a portion of funding for that project or program of projects.

### **Transportation Oversight Committee on Rural Busing**

(Section 755.50)

The act authorizes the General Assembly to create the Transportation Oversight Committee on Rural Busing. If created, the Committee must consist of three members from the Senate and three members from the House appointed by the President of the Senate and Speaker of the House, respectively. Not more than two members from each chamber may be from the same political party. In making minority party appointments, the Speaker and the President must consult with the respective Minority Leaders.

If created, the Committee must review rural busing routes and study whether the routes sufficiently meet the transportation needs of the communities they serve. Not later than December 15, 2016, the Committee must submit a report of its findings and recommendations to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House. After submitting the report, the Committee ceases to exist.

### **"Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway"**

(R.C. 5534.04)

The act changes the designation of the "Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway" to a portion of Interstate Route 80, commencing at the interchange of that interstate route and



Interstate Route 76 and proceeding in an easterly direction to the interchange of Interstate Route 80 and Interstate Route 680, within Mahoning county. Under prior law, the "Marine Sergeant James Prommersberger and Army Second Lieutenant Charles W. Brown Memorial Highway" was a portion of Interstate Route 76 commencing at the intersection of that interstate route and Interstate Route 80 and proceeding in a southeasterly direction to the intersection of Interstate Route 76 and State Route 11 in Mahoning County.

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## DEPARTMENT OF TAXATION

- Extends through the FY 2016-FY 2017 biennium the existing reductions in the motor fuel dealers' prompt payment and shrinkage allowances that applied during FY 2008-FY 2015 (1% and 0.5%, respectively).
- Requires the Treasurer of State to deposit in the Highway Operating Fund the first 2% of the amount of the motor fuel tax received in each calendar month.
- Would have exempted from sales tax any transaction by which a rental vehicle is provided to someone whose motor vehicle is undergoing repair covered by a warranty, even if provision of the vehicle was not required under the warranty (VETOED).

### **Continuation of the motor fuel evaporation and shrinkage allowance**

(Section 757.20)

Continuing Ohio law imposes a motor fuel excise tax of 28¢ per gallon on motor fuel dealers. The codified law governing the motor fuel excise tax provides that a motor fuel dealer filing a complete and timely monthly tax report with payment is entitled to deduct the tax due on 3% of the fuel gallonage the dealer received, minus 1% of the fuel gallonage sold to retail dealers.<sup>9</sup> This deduction is to cover the costs of filing the report and to account for evaporation, shrinkage, and other losses. The last four transportation appropriations acts reduced the 3.0% deduction for fiscal years 2008 through 2015 to 1.0% (minus 0.50% of gallonage sold to retail dealers). The act extends through the FY 2016-FY 2017 biennium the uncodified 1.0% motor fuel shrinkage allowance for motor fuel dealers (minus 0.5% of gallonage sold to retail dealers).

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<sup>9</sup> R.C. 5735.06, not in the act.



Under the continuing codified motor fuel excise tax law, retail dealers of motor fuel who have purchased fuel on which the motor fuel excise tax has been paid are granted a refund for evaporation and shrinkage equal to 1.0% of the taxes paid on the fuel each semiannual period.<sup>10</sup> The last four transportation appropriations acts reduced the refund percentage to 0.5% for fiscal years 2008 through 2015. The act extends through the FY 2016-FY 2017 biennium the uncodified 0.5% retail dealer shrinkage refund of the taxes paid on the fuel received by a retail dealer.

### **Motor vehicle fuel tax distribution**

(Section 757.10)

The act provides that beginning on July 31, 2015, and on the last day of each month thereafter, the Treasurer of State must deposit in the Highway Operating Fund the first 2% of the amount of the motor fuel tax received in each calendar month. That amount must be paid into the Highway Operating Fund before making specified statutory distributions of motor fuel tax revenue but after transfers of statutorily required tax refunds. The act's provisions are identical to provisions enacted for the FY 2014-FY 2015 biennium.

### **Sales tax: exempt vehicles provided by a warrantor (VETOED)**

(R.C. 5739.02(B)(42)(k); Section 757.30)

The Governor vetoed a provision that would have exempted from sales tax any transaction by which a vehicle is rented to someone whose motor vehicle is undergoing repair covered by a warranty, even if provision of the vehicle is not required under the warranty.

Under continuing law, a sales tax exemption is available only for sales of "things" that are needed to fulfill a warranty or similar contractual obligation that was included in the price of the original thing purchased or that was purchased as a separate warranty or service contract.

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## **OTHER PROVISIONS**

- Eliminates the requirement that state-owned or -leased motor vehicles use minimum amounts of E85 blend gasoline and blended biodiesel annually.

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<sup>10</sup> R.C. 5735.141, not in the act.



- Authorizes a port authority to establish and administer one or more payment card programs for purposes of paying expenses related to port authority business, and provides that any obligation incurred as a result of the use of a payment card must be paid from port authority funds.
- Specifies that the Development Services Agency may use money in the Roadwork Development Fund for the construction, reconstruction, maintenance, or repair of public roads that provide access to a public airport or are located within a public airport.
- Reduces from 20% to 15% the minimum amount of state infrastructure assistance that must be granted in the form of loans and debt support for local governments.
- Eliminates the requirement that the make, manufacturer's serial number, and horsepower of any inboard motor or motors of a watercraft be included with a watercraft certificate of title application.
- Requires specified flags to be flown at service facilities along the Ohio Turnpike rather than only at rest areas as under prior law.
- Amends the prohibition against the Ohio Casino Control Commission issuing a license to an applicant that is employed by a governmental unit to apply to an applicant that is an employee of a governmental unit that has significant influence or control over the ability of a casino-related entity to conduct business in Ohio.
- Adds three additional members to the Criminal Justice Recodification Committee: one additional member of the Senate, one additional member of the House, and one Justice of the Ohio Supreme Court.
- Specifies that with regard to the three members of the House and three members of the Senate who serve on the Committee:
  - Two members of the House and two members of the Senate must be members of the majority party; and
  - One member of the House and one member of the Senate must be a member of the minority party.
- Extends from January 1, 2016, to August 1, 2016, the date by which the Committee must recommend to the General Assembly a comprehensive plan for revising the Ohio Criminal Code.

## **Required use of alternative fuel by state motor vehicles**

(R.C. 125.834)

The act eliminates the following alternative fuel usage requirements for state-owned or -leased motor vehicles:

(1) A requirement that state-owned or -leased motor vehicles had to use at least 60,000 gallons of E85 blend gasoline per calendar year by January 1, 2007, with an increase of 5,000 gallons per calendar year thereafter; and

(2) A requirement that state-owned or -leased motor vehicles had to use at least one million gallons of blended biodiesel per calendar year by January 1, 2007, with an increase of 100,000 gallons per calendar year thereafter.

## **Port authority payment card program**

(R.C. 4582.06 and 4582.31)

The act authorizes a port authority to 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 a payment card must be paid from port authority funds.

## **Roadwork Development Fund**

(R.C. 122.14)

The act specifies that money in the Roadwork Development Fund that the Development Services Agency must use within constitutional limitations to make road improvements associated with retaining or attracting business in Ohio also may be used for the construction, reconstruction, maintenance, or repair of public roads that provide access to a public airport or are located within a public airport.

## **State infrastructure assistance to local governments**

(R.C. 164.05(I))

The act reduces from 20% to 15% the minimum amount of state infrastructure assistance that must be granted in the form of loans and debt support for local governments.

Under continuing law, constitutionally authorized state bond issues are used to fund local infrastructure assistance in the form of grants and loans and other borrowing



assistance. Loan repayments fund a revolving loan fund. Previously, at least 20% of the assistance was required to be in the form of loans and borrowing enhancements.

### **Watercraft certificates of title**

(R.C. 1548.07(A)(6))

The act eliminates the requirement that the make, manufacturer's serial number, and horsepower of any inboard motor or motors of a watercraft be included with a watercraft certificate of title application. An applicant must continue to include in the title application a description of the watercraft, including the make, year, length, series or model, if any, body type, and hull identification number or serial number of the watercraft.

### **Flag display requirements**

(R.C. 5537.35)

The act requires the Ohio Turnpike and Infrastructure Commission to display the flag of the United States, the flag of Ohio, and a POW/MIA flag at each service facility located along the Turnpike. Prior law required such flags to be displayed only at each rest area along the Turnpike. For purposes of the Ohio Turnpike and Infrastructure Commission Law, service facility means service stations, restaurants, and other facilities for food service; roadside parks and rest areas; parking, camping, tenting, rest, and sleeping facilities; hotels or motels; and all similar and other facilities providing services to the traveling public in connection with the use of a turnpike project and owned, leased, licensed, or operated by the Ohio Turnpike and Infrastructure Commission.<sup>11</sup>

### **Casino-related license issuance**

(R.C. 3772.10)

The act prohibits the Ohio Casino Control Commission from issuing a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license if an applicant is an employee of a governmental unit of Ohio and in that capacity has significant influence or control, as determined by the Commission, over the ability of a casino operator, management company, holding company, institutional investor, or gaming-related vendor to conduct business in Ohio. Former law prohibited the Commission from issuing the license if an applicant was employed by a governmental unit of Ohio. The act adds that the above prohibition does not apply to a management company hiring special duty law

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<sup>11</sup> R.C. 5537.01(Q), not in the act.



enforcement officers if the officers are not specifically involved in gaming-related regulatory functions. Continuing law allows casino operators to hire special duty law enforcement officers.

### **Criminal Justice Recodification Committee**

(Sections 610.01 and 610.02, amending Sections 729.10 and 729.11 of H.B. 483 of the 130th General Assembly)

The act adds three additional members to the Criminal Justice Recodification Committee: one additional member of the Senate, one additional member of the House, and one Justice of the Ohio Supreme Court. Two members of the House and two members of the Senate must be members of the majority party, and one member of the House and one member of the Senate must be a member of the minority party. The act also extends from January 1, 2016 to August 1, 2016, the date by which the Committee must recommend to the General Assembly a comprehensive plan for revising the Ohio Criminal Code.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	02-10-15
Reported, H. Finance	03-02-15
Passed House (97-0)	03-03-15
Reported, S. Transportation, Commerce & Labor	03-18-15
Passed Senate (32-0)	03-18-15
House refused to concur in Senate amendments (1-91)	03-18-15
Senate requested conference committee	03-18-15
Senate agreed to conference committee report (33-0)	03-25-15
House agreed to conference committee report (82-13)	03-26-15

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