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Committee**

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Sub. S. B. No. 293

Senator Balderson

Cosponsor: Senator Coley

A B I L L

To amend sections 109.71, 109.751, 109.77, 121.04, 1
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2930.01, 2935.01, 2935.03, 2981.01, 3701.18,	28
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3937.42, 4167.01, 4303.182, 4501.24, 4503.575,	30
4505.09, 4517.03, 4585.31, 4585.32, 5311.01,	31
5735.05, 5735.051, 5735.25, 5735.29, and 5735.30;	32
to amend, for the purpose of adopting new section	33
numbers as indicated in parentheses, sections	34
1541.02 (1546.06), 1541.031 (1546.07), 1541.032	35
(1546.08), 1541.04 (1546.09), 1541.05 (1546.10),	36
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1541.32 (1546.91), 1541.40 (1546.30), 1541.41	43
(1546.31), 1541.42 (1546.92), and 1541.99	44
(1546.99); to enact new section 1547.51 and	45
sections 1501.24, 1501.25, 1503.08, 1504.01,	46
1504.02, 1504.03, 1546.01, 1546.02, 1546.021,	47
1546.03, 1546.04, and 1546.05; and to repeal	48
sections 1501.04, 1503.02, 1503.24, 1503.25,	49
1503.26, 1503.29, 1503.30, 1503.31, 1517.10,	50
1523.01, 1523.02, 1523.03, 1523.04, 1523.05,	51
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1541.01, 1541.03, 1541.10, 1541.11, 1547.01,	55

1547.51, 1547.52, 1547.521, 1547.522, 1547.523, 56
1547.78, and 1547.87 of the Revised Code to revise 57
specified laws relating to natural resources. 58

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

Section 1. That sections 109.71, 109.751, 109.77, 121.04, 59
145.01, 145.332, 154.01, 154.22, 742.63, 903.01, 1501.011, 60
1501.012, 1501.02, 1501.07, 1501.09, 1501.11, 1501.12, 1501.13, 61
1501.14, 1501.45, 1503.011, 1503.012, 1503.03, 1503.05, 1503.09, 62
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1533.89, 1541.02, 1541.031, 1541.032, 1541.04, 1541.05, 1541.07, 65
1541.083, 1541.09, 1541.16, 1541.17, 1541.18, 1541.19, 1541.20, 66
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1547.14, 1547.18, 1547.20, 1547.24, 1547.25, 1547.26, 1547.30, 69
1547.301, 1547.303, 1547.31, 1547.36, 1547.38, 1547.41, 1547.53, 70
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1548.05, 1548.06, 1548.061, 1548.07, 1548.08, 1548.09, 1548.10, 76
1548.11, 1548.12, 1548.13, 1548.14, 1548.141, 1548.15, 1548.17, 77
1548.18, 1548.20, 1548.22, 1557.06, 2905.05, 2909.09, 2930.01, 78
2935.01, 2935.03, 2981.01, 3701.18, 3714.03, 3734.02, 3734.05, 79
3734.11, 3767.32, 3937.42, 4167.01, 4303.182, 4501.24, 4503.575, 80
4505.09, 4517.03, 4585.31, 4585.32, 5311.01, 5735.05, 5735.051, 81
5735.25, 5735.29, and 5735.30 be amended; sections 1541.02 82
(1546.06), 1541.031 (1546.07), 1541.032 (1546.08), 1541.04 83
(1546.09), 1541.05 (1546.10), 1541.06 (1546.11), 1541.07 84
(1546.12), 1541.082 (1546.13), 1541.083 (1546.14), 1541.09 85

(1546.15), 1541.16 (1546.16), 1541.17 (1546.17), 1541.18 86
(1546.18), 1541.19 (1546.19), 1541.20 (1546.20), 1541.22 87
(1546.21), 1541.23 (1546.22), 1541.24 (1546.23), 1541.26 88
(1546.24), 1541.31 (1546.90), 1541.32 (1546.91), 1541.40 89
(1546.30), 1541.41 (1546.31), 1541.42 (1546.92), and 1541.99 90
(1546.99) be amended for the purpose of adopting new section 91
numbers as indicated in parentheses; and new section 1547.51 and 92
sections 1501.24, 1501.25, 1503.08, 1504.01, 1504.02, 1504.03, 93
1546.01, 1546.02, 1546.021, 1546.03, 1546.04, and 1546.05 of the 94
Revised code be enacted to read as follows: 95

Sec. 109.71. There is hereby created in the office of the 96
attorney general the Ohio peace officer training commission. The 97
commission shall consist of nine members appointed by the governor 98
with the advice and consent of the senate and selected as follows: 99
one member representing the public; two members who are incumbent 100
sheriffs; two members who are incumbent chiefs of police; one 101
member from the bureau of criminal identification and 102
investigation; one member from the state highway patrol; one 103
member who is the special agent in charge of a field office of the 104
federal bureau of investigation in this state; and one member from 105
the department of education, trade and industrial education 106
services, law enforcement training. 107

This section does not confer any arrest authority or any 108
ability or authority to detain a person, write or issue any 109
citation, or provide any disposition alternative, as granted under 110
Chapter 2935. of the Revised Code. 111

As used in sections 109.71 to 109.801 of the Revised Code: 112

(A) "Peace officer" means: 113

(1) A deputy sheriff, marshal, deputy marshal, member of the 114
organized police department of a township or municipal 115

corporation, member of a township police district or joint police 116
district police force, member of a police force employed by a 117
metropolitan housing authority under division (D) of section 118
3735.31 of the Revised Code, or township constable, who is 119
commissioned and employed as a peace officer by a political 120
subdivision of this state or by a metropolitan housing authority, 121
and whose primary duties are to preserve the peace, to protect 122
life and property, and to enforce the laws of this state, 123
ordinances of a municipal corporation, resolutions of a township, 124
or regulations of a board of county commissioners or board of 125
township trustees, or any of those laws, ordinances, resolutions, 126
or regulations; 127

(2) A police officer who is employed by a railroad company 128
and appointed and commissioned by the secretary of state pursuant 129
to sections 4973.17 to 4973.22 of the Revised Code; 130

(3) Employees of the department of taxation engaged in the 131
enforcement of Chapter 5743. of the Revised Code and designated by 132
the tax commissioner for peace officer training for purposes of 133
the delegation of investigation powers under section 5743.45 of 134
the Revised Code; 135

(4) An undercover drug agent; 136

(5) Enforcement agents of the department of public safety 137
whom the director of public safety designates under section 138
5502.14 of the Revised Code; 139

(6) An employee of the department of natural resources who is 140
a natural resources law enforcement staff officer designated 141
pursuant to section 1501.013, a ~~park~~ natural resources officer 142
~~designated~~ appointed pursuant to section ~~1541.10~~ 1501.24, a ~~forest~~ 143
~~officer designated pursuant to section 1503.29~~, a ~~preserve officer~~ 144
~~designated pursuant to section 1517.10~~ a forest-fire investigator 145
appointed pursuant to section 1503.09, or a wildlife officer 146

designated pursuant to section 1531.13, or a state watercraft	147
officer designated pursuant to section 1547.521 of the Revised	148
Code;	149
(7) An employee of a park district who is designated pursuant	150
to section 511.232 or 1545.13 of the Revised Code;	151
(8) An employee of a conservancy district who is designated	152
pursuant to section 6101.75 of the Revised Code;	153
(9) A police officer who is employed by a hospital that	154
employs and maintains its own proprietary police department or	155
security department, and who is appointed and commissioned by the	156
secretary of state pursuant to sections 4973.17 to 4973.22 of the	157
Revised Code;	158
(10) Veterans' homes police officers designated under section	159
5907.02 of the Revised Code;	160
(11) A police officer who is employed by a qualified	161
nonprofit corporation police department pursuant to section	162
1702.80 of the Revised Code;	163
(12) A state university law enforcement officer appointed	164
under section 3345.04 of the Revised Code or a person serving as a	165
state university law enforcement officer on a permanent basis on	166
June 19, 1978, who has been awarded a certificate by the executive	167
director of the Ohio peace officer training commission attesting	168
to the person's satisfactory completion of an approved state,	169
county, municipal, or department of natural resources peace	170
officer basic training program;	171
(13) A special police officer employed by the department of	172
mental health and addiction services pursuant to section 5119.08	173
of the Revised Code or the department of developmental	174
disabilities pursuant to section 5123.13 of the Revised Code;	175
(14) A member of a campus police department appointed under	176

section 1713.50 of the Revised Code;	177
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	178 179 180
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	181 182 183
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	184 185 186 187 188 189 190 191 192
(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	193 194 195 196 197 198 199 200
(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined	201 202 203 204 205 206 207

in section 119.3 of Title 14 of the Code of Federal Regulations, 208
14 C.F.R. 119.3, as amended, and that is required to be under a 209
security program and is governed by aviation security rules of the 210
transportation security administration of the United States 211
department of transportation as provided in Parts 1542. and 1544. 212
of Title 49 of the Code of Federal Regulations, as amended; 213

(20) A police officer who is employed by an owner or operator 214
of an amusement park that has an average yearly attendance in 215
excess of six hundred thousand guests and that employs and 216
maintains its own proprietary police department or security 217
department, and who is appointed and commissioned by a judge of 218
the appropriate municipal court or county court pursuant to 219
section 4973.17 of the Revised Code; 220

(21) A police officer who is employed by a bank, savings and 221
loan association, savings bank, credit union, or association of 222
banks, savings and loan associations, savings banks, or credit 223
unions, who has been appointed and commissioned by the secretary 224
of state pursuant to sections 4973.17 to 4973.22 of the Revised 225
Code, and who has been awarded a certificate by the executive 226
director of the Ohio peace officer training commission attesting 227
to the person's satisfactory completion of a state, county, 228
municipal, or department of natural resources peace officer basic 229
training program; 230

(22) An investigator, as defined in section 109.541 of the 231
Revised Code, of the bureau of criminal identification and 232
investigation who is commissioned by the superintendent of the 233
bureau as a special agent for the purpose of assisting law 234
enforcement officers or providing emergency assistance to peace 235
officers pursuant to authority granted under that section; 236

(23) A state fire marshal law enforcement officer appointed 237
under section 3737.22 of the Revised Code or a person serving as a 238
state fire marshal law enforcement officer on a permanent basis on 239

or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(24) A gaming agent employed under section 3772.03 of the Revised Code.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs.

This division does not apply to peace officer training schools for employees of conservancy districts who are designated pursuant to section 6101.75 of the Revised Code or for a natural resources law enforcement staff officer, ~~park officers, forest~~

~~officers, preserve officers~~ forest-fire investigators, wildlife 270
officers, or ~~state watercraft~~ natural resources officers of the 271
department of natural resources. 272

(B)(1) A peace officer training school is not required to 273
permit an undercover drug agent, a bailiff or deputy bailiff of a 274
court of record of this state, or a criminal investigator employed 275
by the state public defender to attend its basic training programs 276
if either of the following applies: 277

(a) In the case of the Ohio peace officer training academy, 278
the employer county, township, municipal corporation, court, or 279
state public defender or the particular undercover drug agent, 280
bailiff, deputy bailiff, or criminal investigator has not paid the 281
tuition costs of training in accordance with section 109.79 of the 282
Revised Code; 283

(b) In the case of other peace officer training schools, the 284
employing county, township, municipal corporation, court, or state 285
public defender fails to pay the entire cost of the training and 286
certification. 287

(2) A training school shall not permit a bailiff or deputy 288
bailiff of a court of record of this state or a criminal 289
investigator employed by the state public defender to attend its 290
basic training programs unless the employing court of the bailiff 291
or deputy bailiff or the state public defender, whichever is 292
applicable, has authorized the bailiff, deputy bailiff, or 293
investigator to attend the school. 294

(C) The attorney general shall adopt, in accordance with 295
Chapter 119. or pursuant to section 109.74 of the Revised Code, 296
rules governing the attendance of undercover drug agents at 297
approved peace officer training schools, other than the Ohio peace 298
officer training academy, and the certification of the agents upon 299
their satisfactory completion of basic training programs. 300

Sec. 109.77. (A) As used in this section:	301
(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.	302 303
(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	304 305
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	306 307 308 309 310 311 312 313 314
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	315 316 317
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer <u>forest-fire investigator</u> , wildlife officer, or state watercraft <u>natural resources</u> officer of the department of natural resources;	318 319 320 321
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	322 323
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	324 325
(e) A state university law enforcement officer;	326
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	327 328 329 330

(g) An enforcement agent of the department of public safety	331
whom the director of public safety designates under section	332
5502.14 of the Revised Code;	333
(h) A special police officer employed by a port authority	334
under section 4582.04 or 4582.28 of the Revised Code;	335
(i) A special police officer employed by a municipal	336
corporation at a municipal airport, or other municipal air	337
navigation facility, that has scheduled operations, as defined in	338
section 119.3 of Title 14 of the Code of Federal Regulations, 14	339
C.F.R. 119.3, as amended, and that is required to be under a	340
security program and is governed by aviation security rules of the	341
transportation security administration of the United States	342
department of transportation as provided in Parts 1542. and 1544.	343
of Title 49 of the Code of Federal Regulations, as amended;	344
(j) A gaming agent employed under section 3772.03 of the	345
Revised Code.	346
(2) Every person who is appointed on a temporary basis or for	347
a probationary term or on other than a permanent basis as any of	348
the following shall forfeit the appointed position unless the	349
person previously has completed satisfactorily or, within the time	350
prescribed by rules adopted by the attorney general pursuant to	351
section 109.74 of the Revised Code, satisfactorily completes a	352
state, county, municipal, or department of natural resources peace	353
officer basic training program for temporary or probationary	354
officers and is awarded a certificate by the director attesting to	355
the satisfactory completion of the program:	356
(a) A peace officer of any county, township, municipal	357
corporation, regional transit authority, or metropolitan housing	358
authority;	359
(b) A natural resources law enforcement staff officer, park	360
officer, forest officer, preserve officer, wildlife officer, or	361

state watercraft officer of the department of natural resources;	362
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	363 364
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	365 366
(e) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	367 368 369 370
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	371 372 373
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	374 375
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	376 377 378 379 380 381 382 383 384
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, protection orders and consent agreements issued or	385 386 387 388 389 390 391 392

approved under section 2919.26 or 3113.31 of the Revised Code, 393
crisis intervention training, and training on companion animal 394
encounters and companion animal behavior. The requirement to 395
complete training in the handling of the offense of domestic 396
violence, other types of domestic violence-related offenses and 397
incidents, and protection orders and consent agreements issued or 398
approved under section 2919.26 or 3113.31 of the Revised Code does 399
not apply to any person serving as a peace officer on March 27, 400
1979, and the requirement to complete training in crisis 401
intervention does not apply to any person serving as a peace 402
officer on April 4, 1985. Any person who is serving as a peace 403
officer on April 4, 1985, who terminates that employment after 404
that date, and who subsequently is hired as a peace officer by the 405
same or another law enforcement agency shall complete training in 406
crisis intervention as prescribed by rules adopted by the attorney 407
general pursuant to section 109.742 of the Revised Code. No peace 408
officer shall have employment as a peace officer terminated and 409
then be reinstated with intent to circumvent this section. 410

(4) Division (B) of this section does not apply to any person 411
serving on a permanent basis on March 28, 1985, as a park officer, 412
forest officer, preserve officer, wildlife officer, or state 413
watercraft officer of the department of natural resources or as an 414
employee of a park district under section 511.232 or 1545.13 of 415
the Revised Code, to any person serving on a permanent basis on 416
March 6, 1986, as an employee of a conservancy district designated 417
pursuant to section 6101.75 of the Revised Code, to any person 418
serving on a permanent basis on January 10, 1991, as a preserve 419
officer of the department of natural resources, to any person 420
employed on a permanent basis on July 2, 1992, as a special police 421
officer by the department of mental health and addiction services 422
pursuant to section 5119.08 of the Revised Code or by the 423
department of developmental disabilities pursuant to section 424
5123.13 of the Revised Code, to any person serving on a permanent 425

basis on May 17, 2000, as a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, to any person serving on a permanent basis on March 19, 2003, as a special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A)(19) of section 109.71 of the Revised Code, to any person serving on a permanent basis on June 19, 1978, as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who, immediately prior to June 19, 1978, was serving as a special police officer designated under authority of that section, or to any person serving on a permanent basis on September 20, 1984, as a liquor control investigator, known after June 30, 1999, as an enforcement agent of the department of public safety, engaged in the enforcement of Chapters 4301. and 4303. of the Revised Code.

(5) Division (B) of this section does not apply to any person who is appointed as a regional transit authority police officer pursuant to division (Y) of section 306.35 of the Revised Code if, on or before July 1, 1996, the person has completed satisfactorily an approved state, county, municipal, or department of natural resources peace officer basic training program and has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an

approved police officer basic training program. Every person who 458
is appointed on a temporary basis or for a probationary term or on 459
other than a permanent basis as a veterans' home police officer 460
designated under section 5907.02 of the Revised Code shall forfeit 461
that position unless the person previously has completed 462
satisfactorily or, within one year from the time of appointment, 463
satisfactorily completes an approved police officer basic training 464
program. 465

(D) No bailiff or deputy bailiff of a court of record of this 466
state and no criminal investigator who is employed by the state 467
public defender shall carry a firearm, as defined in section 468
2923.11 of the Revised Code, while on duty unless the bailiff, 469
deputy bailiff, or criminal investigator has done or received one 470
of the following: 471

(1) Has been awarded a certificate by the executive director 472
of the Ohio peace officer training commission, which certificate 473
attests to satisfactory completion of an approved state, county, 474
or municipal basic training program for bailiffs and deputy 475
bailiffs of courts of record and for criminal investigators 476
employed by the state public defender that has been recommended by 477
the Ohio peace officer training commission; 478

(2) Has successfully completed a firearms training program 479
approved by the Ohio peace officer training commission prior to 480
employment as a bailiff, deputy bailiff, or criminal investigator; 481

(3) Prior to June 6, 1986, was authorized to carry a firearm 482
by the court that employed the bailiff or deputy bailiff or, in 483
the case of a criminal investigator, by the state public defender 484
and has received training in the use of firearms that the Ohio 485
peace officer training commission determines is equivalent to the 486
training that otherwise is required by division (D) of this 487
section. 488

(E)(1) Before a person seeking a certificate completes an 489
approved peace officer basic training program, the executive 490
director of the Ohio peace officer training commission shall 491
request the person to disclose, and the person shall disclose, any 492
previous criminal conviction of or plea of guilty of that person 493
to a felony. 494

(2) Before a person seeking a certificate completes an 495
approved peace officer basic training program, the executive 496
director shall request a criminal history records check on the 497
person. The executive director shall submit the person's 498
fingerprints to the bureau of criminal identification and 499
investigation, which shall submit the fingerprints to the federal 500
bureau of investigation for a national criminal history records 501
check. 502

Upon receipt of the executive director's request, the bureau 503
of criminal identification and investigation and the federal 504
bureau of investigation shall conduct a criminal history records 505
check on the person and, upon completion of the check, shall 506
provide a copy of the criminal history records check to the 507
executive director. The executive director shall not award any 508
certificate prescribed in this section unless the executive 509
director has received a copy of the criminal history records check 510
on the person to whom the certificate is to be awarded. 511

(3) The executive director of the commission shall not award 512
a certificate prescribed in this section to a person who has been 513
convicted of or has pleaded guilty to a felony or who fails to 514
disclose any previous criminal conviction of or plea of guilty to 515
a felony as required under division (E)(1) of this section. 516

(4) The executive director of the commission shall revoke the 517
certificate awarded to a person as prescribed in this section, and 518
that person shall forfeit all of the benefits derived from being 519
certified as a peace officer under this section, if the person, 520

before completion of an approved peace officer basic training 521
program, failed to disclose any previous criminal conviction of or 522
plea of guilty to a felony as required under division (E)(1) of 523
this section. 524

(F)(1) Regardless of whether the person has been awarded the 525
certificate or has been classified as a peace officer prior to, 526
on, or after October 16, 1996, the executive director of the Ohio 527
peace officer training commission shall revoke any certificate 528
that has been awarded to a person as prescribed in this section if 529
the person does either of the following: 530

(a) Pleads guilty to a felony committed on or after January 531
1, 1997; 532

(b) Pleads guilty to a misdemeanor committed on or after 533
January 1, 1997, pursuant to a negotiated plea agreement as 534
provided in division (D) of section 2929.43 of the Revised Code in 535
which the person agrees to surrender the certificate awarded to 536
the person under this section. 537

(2) The executive director of the commission shall suspend 538
any certificate that has been awarded to a person as prescribed in 539
this section if the person is convicted, after trial, of a felony 540
committed on or after January 1, 1997. The executive director 541
shall suspend the certificate pursuant to division (F)(2) of this 542
section pending the outcome of an appeal by the person from that 543
conviction to the highest court to which the appeal is taken or 544
until the expiration of the period in which an appeal is required 545
to be filed. If the person files an appeal that results in that 546
person's acquittal of the felony or conviction of a misdemeanor, 547
or in the dismissal of the felony charge against that person, the 548
executive director shall reinstate the certificate awarded to the 549
person under this section. If the person files an appeal from that 550
person's conviction of the felony and the conviction is upheld by 551
the highest court to which the appeal is taken or if the person 552

does not file a timely appeal, the executive director shall revoke 553
the certificate awarded to the person under this section. 554

(G)(1) If a person is awarded a certificate under this 555
section and the certificate is revoked pursuant to division (E)(4) 556
or (F) of this section, the person shall not be eligible to 557
receive, at any time, a certificate attesting to the person's 558
satisfactory completion of a peace officer basic training program. 559

(2) The revocation or suspension of a certificate under 560
division (E)(4) or (F) of this section shall be in accordance with 561
Chapter 119. of the Revised Code. 562

(H)(1) A person who was employed as a peace officer of a 563
county, township, or municipal corporation of the state on January 564
1, 1966, and who has completed at least sixteen years of full-time 565
active service as such a peace officer, or equivalent service as 566
determined by the executive director of the Ohio peace officer 567
training commission, may receive an original appointment on a 568
permanent basis and serve as a peace officer of a county, 569
township, or municipal corporation, or as a state university law 570
enforcement officer, without complying with the requirements of 571
division (B) of this section. 572

(2) Any person who held an appointment as a state highway 573
trooper on January 1, 1966, may receive an original appointment on 574
a permanent basis and serve as a peace officer of a county, 575
township, or municipal corporation, or as a state university law 576
enforcement officer, without complying with the requirements of 577
division (B) of this section. 578

(I) No person who is appointed as a peace officer of a 579
county, township, or municipal corporation on or after April 9, 580
1985, shall serve as a peace officer of that county, township, or 581
municipal corporation unless the person has received training in 582
the handling of missing children and child abuse and neglect cases 583

from an approved state, county, township, or municipal police 584
officer basic training program or receives the training within the 585
time prescribed by rules adopted by the attorney general pursuant 586
to section 109.741 of the Revised Code. 587

(J) No part of any approved state, county, or municipal basic 588
training program for bailiffs and deputy bailiffs of courts of 589
record and no part of any approved state, county, or municipal 590
basic training program for criminal investigators employed by the 591
state public defender shall be used as credit toward the 592
completion by a peace officer of any part of the approved state, 593
county, or municipal peace officer basic training program that the 594
peace officer is required by this section to complete 595
satisfactorily. 596

(K) This section does not apply to any member of the police 597
department of a municipal corporation in an adjoining state 598
serving in this state under a contract pursuant to section 737.04 599
of the Revised Code. 600

Sec. 121.04. Offices are created within the several 601
departments as follows: 602

In the department of commerce: 603

Commissioner of securities; 604

Superintendent of real estate and professional 605

licensing;

Superintendent of financial institutions; 606

State fire marshal; 607

Superintendent of industrial compliance; 608

Superintendent of liquor control; 609

Superintendent of unclaimed funds. 610

In the department of administrative services: 611

Equal employment opportunity coordinator. 612

In the department of agriculture:	613
Chiefs of divisions as follows:	614
Administration;	615
Animal health;	616
Livestock environmental permitting;	617
Soil and water conservation;	618
Dairy;	619
Food safety;	620
Plant health;	621
Markets;	622
Meat inspection;	623
Consumer protection laboratory;	624
Amusement ride safety;	625
Enforcement;	626
Weights and measures.	627
In the department of natural resources:	628
Chiefs of divisions as follows:	629
Mineral resources management;	630
Oil and gas resources management;	631
Forestry;	632
Natural areas and preserves;	633
Wildlife;	634
Geological survey;	635
Parks and recreation;	636
Watercraft <u>watercraft</u> ;	637
Water resources;	638
Engineering.	639
In the department of insurance:	640
Deputy superintendent of insurance;	641
Assistant superintendent of insurance, technical;	642
Assistant superintendent of insurance, administrative;	643

Assistant superintendent of insurance, research. 644

Sec. 145.01. As used in this chapter: 645

(A) "Public employee" means: 646

(1) Any person holding an office, not elective, under the 647
state or any county, township, municipal corporation, park 648
district, conservancy district, sanitary district, health 649
district, metropolitan housing authority, state retirement board, 650
Ohio history connection, public library, county law library, union 651
cemetery, joint hospital, institutional commissary, state 652
university, or board, bureau, commission, council, committee, 653
authority, or administrative body as the same are, or have been, 654
created by action of the general assembly or by the legislative 655
authority of any of the units of local government named in 656
division (A)(1) of this section, or employed and paid in whole or 657
in part by the state or any of the authorities named in division 658
(A)(1) of this section in any capacity not covered by section 659
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 660

(2) A person who is a member of the public employees 661
retirement system and who continues to perform the same or similar 662
duties under the direction of a contractor who has contracted to 663
take over what before the date of the contract was a publicly 664
operated function. The governmental unit with which the contract 665
has been made shall be deemed the employer for the purposes of 666
administering this chapter. 667

(3) Any person who is an employee of a public employer, 668
notwithstanding that the person's compensation for that employment 669
is derived from funds of a person or entity other than the 670
employer. Credit for such service shall be included as total 671
service credit, provided that the employee makes the payments 672
required by this chapter, and the employer makes the payments 673
required by sections 145.48 and 145.51 of the Revised Code. 674

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

(5) A person who is an employee of the legal rights service on September 30, 2012, and continues to be employed by the nonprofit entity established under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly. The nonprofit entity is the employer for the purpose of this chapter.

In all cases of doubt, the public employees retirement board shall determine under section 145.036, 145.037, or 145.038 of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical

university, state university, or board, bureau, commission, 706
council, committee, authority, or administrative body as the same 707
are, or have been, created by action of the general assembly or by 708
the legislative authority of any of the units of local government 709
named in this division not covered by section 742.01, 3307.01, 710
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 711
means the employer of any public employee. 712

(E) "Prior military service" also means all service credited 713
for active duty with the armed forces of the United States as 714
provided in section 145.30 of the Revised Code. 715

(F) "Contributor" means any person who has an account in the 716
employees' savings fund created by section 145.23 of the Revised 717
Code. When used in the sections listed in division (B) of section 718
145.82 of the Revised Code, "contributor" includes any person 719
participating in a PERS defined contribution plan. 720

(G) "Beneficiary" or "beneficiaries" means the estate or a 721
person or persons who, as the result of the death of a member, 722
contributor, or retirant, qualify for or are receiving some right 723
or benefit under this chapter. 724

(H)(1) "Total service credit," except as provided in section 725
145.37 of the Revised Code, means all service credited to a member 726
of the retirement system since last becoming a member, including 727
restored service credit as provided by section 145.31 of the 728
Revised Code; credit purchased under sections 145.293 and 145.299 729
of the Revised Code; all the member's military service credit 730
computed as provided in this chapter; all service credit 731
established pursuant to section 145.297 of the Revised Code; and 732
any other service credited under this chapter. For the exclusive 733
purpose of satisfying the service credit requirement and of 734
determining eligibility for benefits under sections 145.32, 735
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 736
Revised Code, "five or more years of total service credit" means 737

sixty or more calendar months of contributing service in this 738
system. 739

(2) "One and one-half years of contributing service credit," 740
as used in division (B) of section 145.45 of the Revised Code, 741
also means eighteen or more calendar months of employment by a 742
municipal corporation that formerly operated its own retirement 743
plan for its employees or a part of its employees, provided that 744
all employees of that municipal retirement plan who have eighteen 745
or more months of such employment, upon establishing membership in 746
the public employees retirement system, shall make a payment of 747
the contributions they would have paid had they been members of 748
this system for the eighteen months of employment preceding the 749
date membership was established. When that payment has been made 750
by all such employee members, a corresponding payment shall be 751
paid into the employers' accumulation fund by that municipal 752
corporation as the employer of the employees. 753

(3) Where a member also is a member of the state teachers 754
retirement system or the school employees retirement system, or 755
both, except in cases of retirement on a combined basis pursuant 756
to section 145.37 of the Revised Code or as provided in section 757
145.383 of the Revised Code, service credit for any period shall 758
be credited on the basis of the ratio that contributions to the 759
public employees retirement system bear to total contributions in 760
all state retirement systems. 761

(4) Not more than one year of credit may be given for any 762
period of twelve months. 763

(5) "Ohio service credit" means credit for service that was 764
rendered to the state or any of its political subdivisions or any 765
employer. 766

(I) "Regular interest" means interest at any rates for the 767
respective funds and accounts as the public employees retirement 768

board may determine from time to time. 769

(J) "Accumulated contributions" means the sum of all amounts 770
credited to a contributor's individual account in the employees' 771
savings fund together with any interest credited to the 772
contributor's account under section 145.471 or 145.472 of the 773
Revised Code. 774

(K)(1) "Final average salary" means the greater of the 775
following: 776

(a) The sum of the member's earnable salaries for the 777
appropriate number of calendar years of contributing service, 778
determined under section 145.017 of the Revised Code, in which the 779
member's earnable salary was highest, divided by the same number 780
of calendar years or, if the member has fewer than the appropriate 781
number of calendar years of contributing service, the total of the 782
member's earnable salary for all years of contributing service 783
divided by the number of calendar years of the member's 784
contributing service; 785

(b) The sum of a member's earnable salaries for the 786
appropriate number of consecutive months, determined under section 787
145.017 of the Revised Code, that were the member's last months of 788
service, up to and including the last month, divided by the 789
appropriate number of years or, if the time between the first and 790
final months of service is less than the appropriate number of 791
consecutive months, the total of the member's earnable salary for 792
all months of contributing service divided by the number of years 793
between the first and final months of contributing service, 794
including any fraction of a year, except that the member's final 795
average salary shall not exceed the member's highest earnable 796
salary for any twelve consecutive months. 797

(2) If contributions were made in only one calendar year, 798
"final average salary" means the member's total earnable salary. 799

(L) "Annuity" means payments for life derived from 800
contributions made by a contributor and paid from the annuity and 801
pension reserve fund as provided in this chapter. All annuities 802
shall be paid in twelve equal monthly installments. 803

(M) "Annuity reserve" means the present value, computed upon 804
the basis of the mortality and other tables adopted by the board, 805
of all payments to be made on account of any annuity, or benefit 806
in lieu of any annuity, granted to a retirant as provided in this 807
chapter. 808

(N)(1) "Disability retirement" means retirement as provided 809
in section 145.36 of the Revised Code. 810

(2) "Disability allowance" means an allowance paid on account 811
of disability under section 145.361 of the Revised Code. 812

(3) "Disability benefit" means a benefit paid as disability 813
retirement under section 145.36 of the Revised Code, as a 814
disability allowance under section 145.361 of the Revised Code, or 815
as a disability benefit under section 145.37 of the Revised Code. 816

(4) "Disability benefit recipient" means a member who is 817
receiving a disability benefit. 818

(O) "Age and service retirement" means retirement as provided 819
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 820
and former section 145.34 of the Revised Code. 821

(P) "Pensions" means annual payments for life derived from 822
contributions made by the employer that at the time of retirement 823
are credited into the annuity and pension reserve fund from the 824
employers' accumulation fund and paid from the annuity and pension 825
reserve fund as provided in this chapter. All pensions shall be 826
paid in twelve equal monthly installments. 827

(Q) "Retirement allowance" means the pension plus that 828
portion of the benefit derived from contributions made by the 829

member. 830

(R)(1) Except as otherwise provided in division (R) of this 831
section, "earnable salary" means all salary, wages, and other 832
earnings paid to a contributor by reason of employment in a 833
position covered by the retirement system. The salary, wages, and 834
other earnings shall be determined prior to determination of the 835
amount required to be contributed to the employees' savings fund 836
under section 145.47 of the Revised Code and without regard to 837
whether any of the salary, wages, or other earnings are treated as 838
deferred income for federal income tax purposes. "Earnable salary" 839
includes the following: 840

(a) Payments made by the employer in lieu of salary, wages, 841
or other earnings for sick leave, personal leave, or vacation used 842
by the contributor; 843

(b) Payments made by the employer for the conversion of sick 844
leave, personal leave, and vacation leave accrued, but not used if 845
the payment is made during the year in which the leave is accrued, 846
except that payments made pursuant to section 124.383 or 124.386 847
of the Revised Code are not earnable salary; 848

(c) Allowances paid by the employer for maintenance, 849
consisting of housing, laundry, and meals, as certified to the 850
retirement board by the employer or the head of the department 851
that employs the contributor; 852

(d) Fees and commissions paid under section 507.09 of the 853
Revised Code; 854

(e) Payments that are made under a disability leave program 855
sponsored by the employer and for which the employer is required 856
by section 145.296 of the Revised Code to make periodic employer 857
and employee contributions; 858

(f) Amounts included pursuant to former division (K)(3) and 859
former division (Y) of this section and section 145.2916 of the 860

Revised Code.	861
(2) "Earnable salary" does not include any of the following:	862
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	863 864 865 866
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	867 868 869 870 871
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	872 873 874 875
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	876 877 878
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	879 880 881 882
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	883 884 885 886 887
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended	888 889 890

Substitute Senate Bill No. 164 of the 124th general assembly, or 891
Amended Substitute House Bill No. 405 of the 124th general 892
assembly; 893

(h) Anything of value received by the contributor that is 894
based on or attributable to retirement or an agreement to retire, 895
except that payments made on or before January 1, 1989, that are 896
based on or attributable to an agreement to retire shall be 897
included in earnable salary if both of the following apply: 898

(i) The payments are made in accordance with contract 899
provisions that were in effect prior to January 1, 1986; 900

(ii) The employer pays the retirement system an amount 901
specified by the retirement board equal to the additional 902
liability resulting from the payments. 903

(i) The portion of any amount included in section 145.2916 of 904
the Revised Code that represents employer contributions. 905

(3) The retirement board shall determine by rule whether any 906
compensation not enumerated in division (R) of this section is 907
earnable salary, and its decision shall be final. 908

(S) "Pension reserve" means the present value, computed upon 909
the basis of the mortality and other tables adopted by the board, 910
of all payments to be made on account of any retirement allowance 911
or benefit in lieu of any retirement allowance, granted to a 912
member or beneficiary under this chapter. 913

(T) "Contributing service" means both of the following: 914

(1) All service credited to a member of the system since 915
January 1, 1935, for which contributions are made as required by 916
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 917
year subsequent to 1934, credit for any service shall be allowed 918
in accordance with section 145.016 of the Revised Code. 919

(2) Service credit received by election of the member under 920

section 145.814 of the Revised Code. 921

(U) "State retirement board" means the public employees 922
retirement board, the school employees retirement board, or the 923
state teachers retirement board. 924

(V) "Retirant" means any former member who retires and is 925
receiving a monthly allowance as provided in sections 145.32, 926
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 927
the Revised Code. 928

(W) "Employer contribution" means the amount paid by an 929
employer as determined under section 145.48 of the Revised Code. 930

(X) "Public service terminates" means the last day for which 931
a public employee is compensated for services performed for an 932
employer or the date of the employee's death, whichever occurs 933
first. 934

(Y) "Five years of service credit," for the exclusive purpose 935
of satisfying the service credit requirements and of determining 936
eligibility under section 145.33 or 145.332 of the Revised Code, 937
means employment covered under this chapter or under a former 938
retirement plan operated, recognized, or endorsed by the employer 939
prior to coverage under this chapter or under a combination of the 940
coverage. 941

(Z) "Deputy sheriff" means any person who is commissioned and 942
employed as a full-time peace officer by the sheriff of any 943
county, and has been so employed since on or before December 31, 944
1965; any person who is or has been commissioned and employed as a 945
peace officer by the sheriff of any county since January 1, 1966, 946
and who has received a certificate attesting to the person's 947
satisfactory completion of the peace officer training school as 948
required by section 109.77 of the Revised Code; or any person 949
deputized by the sheriff of any county and employed pursuant to 950
section 2301.12 of the Revised Code as a criminal bailiff or court 951

constable who has received a certificate attesting to the person's 952
satisfactory completion of the peace officer training school as 953
required by section 109.77 of the Revised Code. 954

(AA) "Township constable or police officer in a township 955
police department or district" means any person who is 956
commissioned and employed as a full-time peace officer pursuant to 957
Chapter 505. or 509. of the Revised Code, who has received a 958
certificate attesting to the person's satisfactory completion of 959
the peace officer training school as required by section 109.77 of 960
the Revised Code. 961

(BB) "Drug agent" means any person who is either of the 962
following: 963

(1) Employed full time as a narcotics agent by a county 964
narcotics agency created pursuant to section 307.15 of the Revised 965
Code and has received a certificate attesting to the satisfactory 966
completion of the peace officer training school as required by 967
section 109.77 of the Revised Code; 968

(2) Employed full time as an undercover drug agent as defined 969
in section 109.79 of the Revised Code and is in compliance with 970
section 109.77 of the Revised Code. 971

(CC) "Department of public safety enforcement agent" means a 972
full-time employee of the department of public safety who is 973
designated under section 5502.14 of the Revised Code as an 974
enforcement agent and who is in compliance with section 109.77 of 975
the Revised Code. 976

(DD) "Natural resources law enforcement staff officer" means 977
a full-time employee of the department of natural resources who is 978
designated a natural resources law enforcement staff officer under 979
section 1501.013 of the Revised Code and is in compliance with 980
section 109.77 of the Revised Code. 981

(EE) ~~"Park officer" means a full time employee of the~~ 982

~~department of natural resources who is designated a park officer 983~~
~~under section 1541.10 of the Revised Code and is in compliance 984~~
~~with section 109.77 of the Revised Code. 985~~

~~(FF)~~ "~~Forest officer~~" "Forest-fire investigator" means a 986
full-time employee of the department of natural resources who is 987
~~designated a forest officer~~ appointed a forest-fire investigator 988
under section ~~1503.29~~ 1503.09 of the Revised Code and is in 989
compliance with section 109.77 of the Revised Code. 990

~~(GG)~~~~(FF)~~ "Preserve Natural resources officer" means a 991
full-time employee of the department of natural resources who is 992
~~designated a preserve~~ appointed as a natural resources officer 993
under section ~~1517.10~~ 1501.24 of the Revised Code and is in 994
compliance with section 109.77 of the Revised Code. 995

~~(HH)~~~~(GG)~~ "Wildlife officer" means a full-time employee of the 996
department of natural resources who is designated a wildlife 997
officer under section 1531.13 of the Revised Code and is in 998
compliance with section 109.77 of the Revised Code. 999

~~(II)~~ "~~State watercraft officer~~" means a full-time employee of 1000
~~the department of natural resources who is designated a state~~ 1001
~~watercraft officer under section 1547.521 of the Revised Code and~~ 1002
~~is in compliance with section 109.77 of the Revised Code.~~ 1003

~~(JJ)~~~~(HH)~~ "Park district police officer" means a full-time 1004
employee of a park district who is designated pursuant to section 1005
511.232 or 1545.13 of the Revised Code and is in compliance with 1006
section 109.77 of the Revised Code. 1007

~~(KK)~~~~(II)~~ "Conservancy district officer" means a full-time 1008
employee of a conservancy district who is designated pursuant to 1009
section 6101.75 of the Revised Code and is in compliance with 1010
section 109.77 of the Revised Code. 1011

~~(LL)~~~~(JJ)~~ "Municipal police officer" means a member of the 1012
organized police department of a municipal corporation who is 1013

employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

~~(MM)~~(KK) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

~~(NN)~~(LL) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

~~(OO)~~(MM) "Special police officer for an institution for the developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

~~(PP)~~(NN) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

~~(OO)~~(OO) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

~~(RR)~~(PP) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

~~(SS)~~(OO) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

~~(TT)~~(RR) "State highway patrol police officer" means a 1045
special police officer employed full time and designated by the 1046
superintendent of the state highway patrol pursuant to section 1047
5503.09 of the Revised Code or a person serving full time as a 1048
special police officer pursuant to that section on a permanent 1049
basis on October 21, 1997, who is in compliance with section 1050
109.77 of the Revised Code. 1051

~~(UU)~~(SS) "Municipal public safety director" means a person 1052
who serves full time as the public safety director of a municipal 1053
corporation with the duty of directing the activities of the 1054
municipal corporation's police department and fire department. 1055

~~(VV)~~(TT) Notwithstanding section 2901.01 of the Revised Code, 1056
"PERS law enforcement officer" means a sheriff or any of the 1057
following whose primary duties are to preserve the peace, protect 1058
life and property, and enforce the laws of this state: a deputy 1059
sheriff, township constable or police officer in a township police 1060
department or district, drug agent, department of public safety 1061
enforcement agent, natural resources law enforcement staff 1062
officer, ~~park officer, forest officer, preserve officer,~~ wildlife 1063
officer, ~~state watercraft forest-fire investigator, natural~~ 1064
resources officer, park district police officer, conservancy 1065
district officer, veterans' home police officer, special police 1066
officer for a mental health institution, special police officer 1067
for an institution for the developmentally disabled, state 1068
university law enforcement officer, municipal police officer, 1069
house sergeant at arms, assistant house sergeant at arms, regional 1070
transit authority police officer, or state highway patrol police 1071
officer. "PERS law enforcement officer" also includes a person 1072
serving as a municipal public safety director at any time during 1073
the period from September 29, 2005, to March 24, 2009, if the 1074
duties of that service were to preserve the peace, protect life 1075
and property, and enforce the laws of this state. 1076

~~(WW)~~(UU) "Hamilton county municipal court bailiff" means a 1077
person appointed by the clerk of courts of the Hamilton county 1078
municipal court under division (A)(3) of section 1901.32 of the 1079
Revised Code who is employed full time as a bailiff or deputy 1080
bailiff, who has received a certificate attesting to the person's 1081
satisfactory completion of the peace officer basic training 1082
described in division (D)(1) of section 109.77 of the Revised 1083
Code. 1084

~~(XX)~~(VV) "PERS public safety officer" means a Hamilton county 1085
municipal court bailiff, or any of the following whose primary 1086
duties are other than to preserve the peace, protect life and 1087
property, and enforce the laws of this state: a deputy sheriff, 1088
township constable or police officer in a township police 1089
department or district, drug agent, department of public safety 1090
enforcement agent, natural resources law enforcement staff 1091
officer, ~~park officer, forest officer, preserve officer,~~ wildlife 1092
officer, ~~state watercraft~~ forest-fire investigator, natural 1093
resources officer, park district police officer, conservancy 1094
district officer, veterans' home police officer, special police 1095
officer for a mental health institution, special police officer 1096
for an institution for the developmentally disabled, state 1097
university law enforcement officer, municipal police officer, 1098
house sergeant at arms, assistant house sergeant at arms, regional 1099
transit authority police officer, or state highway patrol police 1100
officer. "PERS public safety officer" also includes a person 1101
serving as a municipal public safety director at any time during 1102
the period from September 29, 2005, to March 24, 2009, if the 1103
duties of that service were other than to preserve the peace, 1104
protect life and property, and enforce the laws of this state. 1105

~~(YY)~~(WW) "Fiduciary" means a person who does any of the 1106
following: 1107

(1) Exercises any discretionary authority or control with 1108

respect to the management of the system or with respect to the 1109
management or disposition of its assets; 1110

(2) Renders investment advice for a fee, direct or indirect, 1111
with respect to money or property of the system; 1112

(3) Has any discretionary authority or responsibility in the 1113
administration of the system. 1114

~~(ZZ)~~(XX) "Actuary" means an individual who satisfies all of 1115
the following requirements: 1116

(1) Is a member of the American academy of actuaries; 1117

(2) Is an associate or fellow of the society of actuaries; 1118

(3) Has a minimum of five years' experience in providing 1119
actuarial services to public retirement plans. 1120

~~(AAA)~~(YY) "PERS defined benefit plan" means the plan 1121
described in sections 145.201 to 145.79 of the Revised Code. 1122

~~(BBB)~~(ZZ) "PERS defined contribution plans" means the plan or 1123
plans established under section 145.81 of the Revised Code. 1124

Sec. 145.332. Eligibility of members of the public employees 1125
retirement system, other than those subject to section 145.32 of 1126
the Revised Code, for age and service retirement shall be 1127
determined under this section. 1128

(A) A member of the public employees retirement system is 1129
eligible for age and service retirement under this division if, 1130
not later than five years after ~~the effective date of this section~~ 1131
January 7, 2013, the member meets one of the following 1132
requirements: 1133

(1) Has attained age forty-eight and has at least twenty-five 1134
years of total service credit as a PERS law enforcement officer; 1135

(2) Has attained age fifty-two and has at least twenty-five 1136
years of total service credit as a PERS public safety officer or 1137

has service as a PERS public safety officer and service as a PERS 1138
law enforcement officer that when combined equal at least 1139
twenty-five years of total service credit; 1140

(3) Has attained age sixty-two and has at least fifteen years 1141
of total service credit as a PERS law enforcement officer or PERS 1142
public safety officer. 1143

(B)(1) A member who would be eligible to retire not later 1144
than ten years after ~~the effective date of this amendment~~ January 1145
7, 2013, if the requirements of section 145.33 of the Revised Code 1146
as they existed immediately prior to ~~the effective date of this~~ 1147
~~amendment~~ January 7, 2013, were still in effect is eligible to 1148
retire under this division if the member meets one of the 1149
following requirements: 1150

(a) Has attained age fifty and has at least twenty-five years 1151
of total service credit as a PERS law enforcement officer; 1152

(b) Has attained age fifty-four and has at least twenty-five 1153
years of total service credit as a PERS public safety officer or 1154
has service as a PERS public safety officer and service as a PERS 1155
law enforcement officer that when combined equal at least 1156
twenty-five years of total service credit; 1157

(c) Has attained age sixty-four and has at least fifteen 1158
years of total service credit as a PERS law enforcement officer or 1159
PERS public safety officer. 1160

(2) A member who on ~~the effective date of this amendment~~ 1161
January 7, 2013, has twenty or more years of total service credit 1162
is eligible for age and service retirement under this division on 1163
meeting one of the requirements of division (B)(1) of this 1164
section, regardless of when the member meets the requirement 1165
unless, between ~~the effective date of this section~~ January 7, 1166
2013, and the date the member meets the requirement, the member 1167
receives a refund of accumulated contributions under section 1168

145.40 of the Revised Code.	1169
(C) A member who is not eligible for age and service	1170
retirement under division (A) or (B) of this section is eligible	1171
under this division if the member meets one of the following	1172
requirements:	1173
(1) Has attained age fifty-two and has at least twenty-five	1174
years of total service credit as a PERS law enforcement officer;	1175
(2) Has attained age fifty-six and has at least twenty-five	1176
years of total service credit as a PERS public safety officer or	1177
has service as a PERS public safety officer and service as a PERS	1178
law enforcement officer that when combined equal at least	1179
twenty-five years of total service credit;	1180
(3) Has attained age sixty-four and has at least fifteen	1181
years of total service credit as a PERS law enforcement officer or	1182
PERS public safety officer.	1183
(D) Service credit purchased or obtained under this chapter	1184
shall be used in determining whether a member has the number of	1185
years of total service credit required under division (A) or (B)	1186
of this section only if the member was a member on the effective	1187
date of this section <u>January 7, 2013</u> , or obtains credit under	1188
section 145.483 of the Revised Code that would have made the	1189
member a member on that date and one of the following applies:	1190
(1) Except in the case of service credit that has been or	1191
will be purchased or obtained under section 145.295 or 145.37 of	1192
the Revised Code or is for service covered by the Cincinnati	1193
retirement system:	1194
(a) For division (A) of this section, the service credit	1195
purchase is completed or the service credit is obtained not later	1196
than five years after the effective date of this section <u>January</u>	1197
<u>7, 2013</u> ;	1198

(b) For division (B) of this section, the service credit 1199
purchase is completed or the service credit is obtained not later 1200
than ten years after ~~the effective date of this section~~ January 7, 1201
2013. 1202

(2) In the case of service credit that has been or will be 1203
purchased or obtained under section 145.295 or 145.37 of the 1204
Revised Code or is for service covered by the Cincinnati 1205
retirement system: 1206

(a) For division (A) of this section, the service for which 1207
the credit has been or will be purchased or obtained occurs not 1208
later than five years after ~~the effective date of this section~~ 1209
January 7, 2013; 1210

(b) For division (B) of this section, the service for which 1211
the credit has been or will be purchased or obtained occurs not 1212
later than ten years after ~~the effective date of this section~~ 1213
January 7, 2013. 1214

(E)(1) A member with at least twenty-five years of total 1215
service credit who would be eligible to retire under division 1216
(B)(1)(a) of this section had the member attained age fifty and 1217
who voluntarily resigns or is discharged for any reason except 1218
death, dishonesty, cowardice, intemperate habits, or conviction of 1219
a felony, on or after attaining age forty-eight, but before 1220
attaining age fifty, may elect to receive a reduced benefit. The 1221
benefit shall be the actuarial equivalent of the allowance 1222
calculated under division (F) of this section adjusted for age. 1223

(2) A member with at least twenty-five years of total service 1224
credit who would be eligible to retire under division (C)(1) of 1225
this section had the member attained age fifty-two and who 1226
voluntarily resigns or is discharged for any reason except death, 1227
dishonesty, cowardice, intemperate habits, or conviction of a 1228
felony, on or after attaining age forty-eight, but before 1229

attaining age fifty-two, may elect to receive a reduced benefit. 1230
The benefit shall be the actuarial equivalent of the allowance 1231
calculated under division (F) of this section adjusted for age. 1232

(3) A member with at least twenty-five years of total service 1233
credit who would be eligible to retire under division (A)(2) of 1234
this section had the member attained age fifty-two and who 1235
voluntarily resigns or is discharged for any reason except death, 1236
dishonesty, cowardice, intemperate habits, or conviction of a 1237
felony, on or after attaining age forty-eight, but before 1238
attaining age fifty-two, may elect to receive a reduced benefit. 1239

(a) If eligibility to make the election under division (E)(3) 1240
of this section occurs not later than five years after ~~the~~ 1241
~~effective date of this section~~ January 7, 2013, the benefit shall 1242
be calculated in accordance with the following schedule: 1243

Attained Age	Reduced Benefit	
48	75% of the benefit payable under division (F) of this section	1244 1245
49	80% of the benefit payable under division (F) of this section	1246
50	86% of the benefit payable under division (F) of this section	1247
51	93% of the benefit payable under division (F) of this section	1248

(b) If eligibility to make the election occurs after the date 1249
determined under division (E)(3)(a) of this section, the benefit 1250
shall be the actuarial equivalent of the allowance calculated 1251
under division (F) of this section adjusted for age. 1252

(4) A member with at least twenty-five years of total service 1253
credit who would be eligible to retire under division (B)(1)(b) of 1254
this section had the member attained age fifty-four and who 1255
voluntarily resigns or is discharged for any reason except death, 1256
dishonesty, cowardice, intemperate habits, or conviction of a 1257

felony, on or after attaining age forty-eight, but before 1258
attaining age fifty-four, may elect to receive a reduced benefit. 1259
The benefit shall be the actuarial equivalent of the allowance 1260
calculated under division (F) of this section adjusted for age. 1261

(5) A member with at least twenty-five years of total service 1262
credit who would be eligible to retire under division (C)(2) of 1263
this section had the member attained age fifty-six and who 1264
voluntarily resigns or is discharged for any reason except death, 1265
dishonesty, cowardice, intemperate habits, or conviction of a 1266
felony, on or after attaining age fifty-two, but before attaining 1267
age fifty-six, may elect to receive a reduced benefit. The benefit 1268
shall be the actuarial equivalent of the allowance calculated 1269
under division (F) of this section adjusted for age. 1270

(6) If a member elects to receive a reduced benefit under 1271
division (E)(1), (2), (3), (4), or (5) of this section, the 1272
reduced benefit shall be based on the member's age on the member's 1273
most recent birthday. Once a member elects to receive a reduced 1274
benefit and has received a payment, the member may not change that 1275
election. 1276

(F) A benefit paid under division (A), (B), or (C) of this 1277
section shall consist of an annual single lifetime allowance equal 1278
to the sum of two and one-half per cent of the member's final 1279
average salary multiplied by the first twenty-five years of the 1280
member's total service credit plus two and one-tenth per cent of 1281
the member's final average salary multiplied by the number of 1282
years of the member's total service credit in excess of 1283
twenty-five years. 1284

(G) A member with at least fifteen years of total service 1285
credit as a PERS law enforcement officer or PERS public safety 1286
officer who voluntarily resigns or is discharged for any reason 1287
except death, dishonesty, cowardice, intemperate habits, or 1288
conviction of a felony may apply for an age and service retirement 1289

benefit, which shall consist of an annual single lifetime 1290
allowance equal to one and one-half per cent of the member's final 1291
average salary multiplied by the number of years of the member's 1292
total service credit. 1293

(1) If the member will attain age fifty-two not later than 1294
ten years after ~~the effective date of this section~~ January 7, 1295
2013, the retirement allowance shall commence on the first day of 1296
the calendar month following the month in which application is 1297
filed with the board on or after the member's attainment of age 1298
fifty-two. 1299

(2) If the member will not attain age fifty-two on or before 1300
the date determined under division (G)(1) of this section, the 1301
retirement allowance shall commence on the first day of the 1302
calendar month following the month in which application is filed 1303
with the board on or after the member's attainment of age 1304
fifty-six. 1305

(H) A benefit paid under this section shall not exceed the 1306
lesser of ninety per cent of the member's final average salary or 1307
the limit established by section 415 of the "Internal Revenue Code 1308
of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 1309

(I) A member with service credit as a PERS law enforcement 1310
officer or PERS public safety officer and other service credit 1311
under this chapter may elect one of the following: 1312

(1) To have all the member's service credit under this 1313
chapter, including credit for service as a PERS law enforcement 1314
officer or PERS public safety officer, used in calculating a 1315
retirement allowance under section 145.33 of the Revised Code if 1316
the member qualifies for an allowance under that section; 1317

(2) If the member qualifies for an allowance under division 1318
(A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section, to 1319
receive all of the following: 1320

(a) A benefit under division (A)(1), (B)(1), (C)(1), or	1321
(E)(1) or (2) of this section for the member's service credit as a	1322
PERS law enforcement officer;	1323
(b) A single life annuity having a reserve equal to the	1324
amount of the member's accumulated contributions for all service	1325
other than PERS law enforcement service;	1326
(c) A pension equal to the annuity provided under division	1327
(I)(2)(b) of this section, excluding amounts of the member's	1328
accumulated contributions deposited under former division (Y) of	1329
section 145.01 or former sections 145.02, 145.29, 145.292, and	1330
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292,	1331
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the	1332
Revised Code for the purchase of service credit.	1333
(3) If the member qualifies for an allowance under division	1334
(A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to	1335
receive all of the following:	1336
(a) A benefit under division (A)(2), (B)(2), (C)(2), or	1337
(E)(3), (4), or (5) of this section for the member's service	1338
credit as a PERS law enforcement officer or PERS public safety	1339
officer;	1340
(b) A single life annuity having a reserve equal to the	1341
amount of the member's accumulated contributions for all service	1342
other than PERS law enforcement service or PERS public safety	1343
officer service;	1344
(c) A pension equal to the annuity provided under division	1345
(I)(3)(b) of this section, excluding amounts of the member's	1346
accumulated contributions deposited under former division (Y) of	1347
section 145.01 or former sections 145.02, 145.29, 145.292, and	1348
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292,	1349
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the	1350
Revised Code for the purchase of service credit.	1351

(J) For the purposes of this section, "total service credit" 1352
includes credit for military service to the extent permitted by 1353
division (K) of this section and credit for service as a police 1354
officer or state highway patrol trooper to the extent permitted by 1355
division (L) of this section. 1356

(K) Notwithstanding sections 145.01 and 145.30 of the Revised 1357
Code, not more than four years of military service credit granted 1358
or purchased under section 145.30 of the Revised Code and five 1359
years of military service credit purchased under section 145.301 1360
or 145.302 of the Revised Code shall be used in calculating 1361
service as a PERS law enforcement officer or PERS public safety 1362
officer or the total service credit of that person. 1363

(L)(1) Only credit for the member's service as a PERS law 1364
enforcement officer, PERS public safety officer, or service credit 1365
obtained as a police officer or state highway patrol trooper shall 1366
be used in computing the benefit of a member who qualifies for a 1367
benefit under this section for the following: 1368

(a) Any person who originally is commissioned and employed as 1369
a deputy sheriff by the sheriff of any county, or who originally 1370
is elected sheriff, on or after January 1, 1975; 1371

(b) Any deputy sheriff who originally is employed as a 1372
criminal bailiff or court constable on or after April 16, 1993; 1373

(c) Any person who originally is appointed as a township 1374
constable or police officer in a township police department or 1375
district on or after January 1, 1981; 1376

(d) Any person who originally is employed as a county 1377
narcotics agent on or after September 26, 1984; 1378

(e) Any person who originally is employed as an undercover 1379
drug agent as defined in section 109.79 of the Revised Code, 1380
department of public safety enforcement agent who prior to June 1381
30, 1999, was a liquor control investigator, ~~park officer, forest~~ 1382

<u>forest-fire investigator, natural resources</u> officer, wildlife	1383
officer, state watercraft officer , park district police officer,	1384
conservancy district officer, veterans' home police officer,	1385
special police officer for a mental health institution, special	1386
police officer for an institution for the developmentally	1387
disabled, or municipal police officer on or after December 15,	1388
1988;	1389
(f) Any person who originally is employed as a state	1390
university law enforcement officer on or after November 6, 1996;	1391
(g) Any person who is originally employed as a state	1392
university law enforcement officer by the university of Akron on	1393
or after September 16, 1998;	1394
(h) Any person who originally is employed as a preserve	1395
officer on or after March 18, 1999;	1396
(i) Any person who originally is employed as a natural	1397
resources law enforcement staff officer on or after March 18,	1398
1999;	1399
(j) Any person who is originally employed as a department of	1400
public safety enforcement agent on or after June 30, 1999;	1401
(k) Any person who is originally employed as a house sergeant	1402
at arms or assistant house sergeant at arms on or after September	1403
5, 2001;	1404
(l) Any person who is originally appointed as a regional	1405
transit authority police officer or state highway patrol police	1406
officer on or after February 1, 2002;	1407
(m) Any person who is originally employed as a municipal	1408
public safety director on or after September 29, 2005, but not	1409
later than March 24, 2009.	1410
(2) Only credit for a member's service as a PERS public	1411
safety officer or service credit obtained as a PERS law	1412

enforcement officer, police officer, or state highway patrol 1413
trooper shall be used in computing the benefit of a member who 1414
qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), 1415
(C)(1)(b) or (c), or (C)(2) of this section for any person who 1416
originally is employed as a Hamilton county municipal court 1417
bailiff on or after November 6, 1996. 1418

(M) For purposes of this section, service prior to June 30, 1419
1999, as a food stamp trafficking agent under former section 1420
5502.14 of the Revised Code shall be considered service as a law 1421
enforcement officer. 1422

(N) Retirement allowances determined under this section shall 1423
be paid as provided in section 145.46 of the Revised Code. 1424

(O) A member seeking to retire under this section shall file 1425
an application with the public employees retirement board. 1426

Service retirement shall be effective as provided in division 1427
(E) of section 145.32 of the Revised Code. 1428

(P) If fewer than one per cent of the retirement system's 1429
members are contributing as public safety officers, the board, 1430
pursuant to a rule it adopts, may treat service as a public safety 1431
officer as service as a law enforcement officer. 1432

Sec. 154.01. As used in this chapter: 1433

(A) "Commission" means the Ohio public facilities commission 1434
created in section 151.02 of the Revised Code. 1435

(B) "Obligations" means bonds, notes, or other evidences of 1436
obligation, including interest coupons pertaining thereto, issued 1437
pursuant to Chapter 154. of the Revised Code. 1438

(C) "Bond proceedings" means the order or orders, resolution 1439
or resolutions, trust agreement, indenture, lease, and other 1440
agreements, amendments and supplements to the foregoing, or any 1441
combination thereof, authorizing or providing for the terms and 1442

conditions applicable to, or providing for the security of, 1443
obligations issued pursuant to Chapter 154. of the Revised Code, 1444
and the provisions contained in such obligations. 1445

(D) "State agencies" means the state of Ohio and officers, 1446
boards, commissions, departments, divisions, or other units or 1447
agencies of the state. 1448

(E) "Governmental agency" means state agencies, state 1449
supported and assisted institutions of higher education, municipal 1450
corporations, counties, townships, school districts, and any other 1451
political subdivision or special district in this state 1452
established pursuant to law, and, except where otherwise 1453
indicated, also means the United States or any department, 1454
division, or agency thereof, and any agency, commission, or 1455
authority established pursuant to an interstate compact or 1456
agreement. 1457

(F) "Institutions of higher education" and "state supported 1458
or state assisted institutions of higher education" means the 1459
state universities identified in section 3345.011 of the Revised 1460
Code, the northeast Ohio medical university, state universities or 1461
colleges at any time created, community college districts, 1462
university branch districts, and technical college districts at 1463
any time established or operating under Chapter 3354., 3355., or 1464
3357. of the Revised Code, and other institutions for education, 1465
including technical education, beyond the high school, receiving 1466
state support or assistance for their expenses of operation. 1467

(G) "Governing body" means: 1468

(1) In the case of institutions of higher education, the 1469
board of trustees, board of directors, commission, or other body 1470
vested by law with the general management, conduct, and control of 1471
one or more institutions of higher education; 1472

(2) In the case of a county, the board of county 1473

commissioners or other legislative body; in the case of a 1474
municipal corporation, the council or other legislative body; in 1475
the case of a township, the board of township trustees; in the 1476
case of a school district, the board of education; 1477

(3) In the case of any other governmental agency, the 1478
officer, board, commission, authority or other body having the 1479
general management thereof or having jurisdiction or authority in 1480
the particular circumstances. 1481

(H) "Person" means any person, firm, partnership, 1482
association, or corporation. 1483

(I) "Bond service charges" means principal, including 1484
mandatory sinking fund requirements for retirement of obligations, 1485
and interest, and redemption premium, if any, required to be paid 1486
by the state on obligations. If not prohibited by the applicable 1487
bond proceedings, bond service charges may include costs relating 1488
to credit enhancement facilities that are related to and 1489
represent, or are intended to provide a source of payment of or 1490
limitation on, other bond service charges. 1491

(J) "Capital facilities" means buildings, structures, and 1492
other improvements, and equipment, real estate, and interests in 1493
real estate therefor, within the state, and any one, part of, or 1494
combination of the foregoing, to serve the general purposes for 1495
which the issuing authority is authorized to issue obligations 1496
pursuant to Chapter 154. of the Revised Code, including, but not 1497
limited to, drives, roadways, parking facilities, walks, lighting, 1498
machinery, furnishings, utilities, landscaping, wharves, docks, 1499
piers, reservoirs, dams, tunnels, bridges, retaining walls, 1500
riprap, culverts, ditches, channels, watercourses, retention 1501
basins, standpipes and water storage facilities, waste treatment 1502
and disposal facilities, heating, air conditioning and 1503
communications facilities, inns, lodges, cabins, camping sites, 1504
golf courses, boat and bathing facilities, athletic and 1505

recreational facilities, and site improvements. 1506

(K) "Costs of capital facilities" means the costs of 1507
acquiring, constructing, reconstructing, rehabilitating, 1508
remodeling, renovating, enlarging, improving, equipping, or 1509
furnishing capital facilities, and the financing thereof, 1510
including the cost of clearance and preparation of the site and of 1511
any land to be used in connection with capital facilities, the 1512
cost of any indemnity and surety bonds and premiums on insurance, 1513
all related direct administrative expenses and allocable portions 1514
of direct costs of the commission or issuing authority and 1515
department of administrative services, or other designees of the 1516
commission under section 154.17 of the Revised Code, cost of 1517
engineering and architectural services, designs, plans, 1518
specifications, surveys, and estimates of cost, legal fees, fees 1519
and expenses of trustees, depositories, and paying agents for the 1520
obligations, cost of issuance of the obligations and financing 1521
charges and fees and expenses of financial advisers and 1522
consultants in connection therewith, interest on obligations, 1523
including but not limited to, interest from the date of their 1524
issuance to the time when interest is to be covered from sources 1525
other than proceeds of obligations, amounts necessary to establish 1526
reserves as required by the bond proceedings, costs of audits, the 1527
reimbursement of all moneys advanced or applied by or borrowed 1528
from any governmental agency, whether to or by the commission or 1529
others, from whatever source provided, for the payment of any item 1530
or items of cost of the capital facilities, any share of the cost 1531
undertaken by the commission pursuant to arrangements made with 1532
governmental agencies under division (H) of section 154.06 of the 1533
Revised Code, and all other expenses necessary or incident to 1534
planning or determining feasibility or practicability with respect 1535
to capital facilities, and such other expenses as may be necessary 1536
or incident to the acquisition, construction, reconstruction, 1537
rehabilitation, remodeling, renovation, enlargement, improvement, 1538

equipment, and furnishing of capital facilities, the financing 1539
thereof and the placing of the same in use and operation, 1540
including any one, part of, or combination of such classes of 1541
costs and expenses. 1542

(L) "Public service facilities" means inns, lodges, hotels, 1543
cabins, camping sites, scenic trails, picnic sites, restaurants, 1544
commissaries, golf courses, boating and bathing facilities and 1545
other similar facilities in state parks. 1546

(M) "State parks" means: 1547

(1) State reservoirs described and identified in section 1548
~~1541.06~~ 1546.11 of the Revised Code; 1549

(2) All lands or interests therein of the state identified as 1550
administered by the division of parks and ~~recreation~~ watercraft in 1551
the "inventory of state owned lands administered by the department 1552
of natural resources as of June 1, 1963," as recorded in the 1553
journal of the director, which inventory was prepared by the real 1554
estate section of the department and is supported by maps now on 1555
file in said real estate section; 1556

(3) All lands or interests in lands of the state designated 1557
after June 1, 1963, as state parks in the journal of the director 1558
with the approval of the recreation and resources council created 1559
in section 1501.04 of the Revised Code. 1560

State parks do not include any lands or interest in lands of 1561
the state administered jointly by two or more divisions of the 1562
department of natural resources. The designation of lands as state 1563
parks under divisions (M)(1) to (3) of this section is conclusive 1564
and such lands shall be under the control of and administered by 1565
the division of parks and ~~recreation~~ watercraft. No order or 1566
proceeding designating lands as state parks or park purchase areas 1567
is subject to any appeal or review by any officer, board, 1568
commission, or court. 1569

(N) "Bond service fund" means the applicable fund created for
and pledged to the payment of bond service charges under section
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including
all moneys and investments, and earnings from investments,
credited and to be credited thereto.

(O) "Improvement fund" means the applicable fund created for
the payment of costs of capital facilities under section 123.201,
154.20, 154.21, or 154.22 of the Revised Code, including all
moneys and investments, and earnings from investments, credited
and to be credited thereto.

(P) "Special funds" or "funds" means, except where the
context does not permit, the bond service funds, the improvements
funds, and any other funds for similar or different purposes
created under bond proceedings, including all moneys and
investments, and earnings from investments, credited and to be
credited thereto.

(Q) "Year" unless the context indicates a different meaning
or intent, means a calendar year beginning on the first day of
January and ending on the thirty-first day of December.

(R) "Fiscal year" means the period of twelve months beginning
on the first day of July and ending on the thirtieth day of June.

(S) "Issuing authority" means the treasurer of state or the
officer or employee who by law performs the functions of that
office.

(T) "Credit enhancement facilities" has the same meaning as
in section 133.01 of the Revised Code.

(U) "Ohio cultural facility" and "Ohio sports facility" have
the same meanings as in section 123.28 of the Revised Code.

Sec. 154.22. (A) Subject to authorization by the general
assembly under section 154.02 of the Revised Code, the issuing

authority may authorize and issue obligations pursuant to this 1600
chapter to pay costs of capital facilities for parks and 1601
recreation. 1602

(B) Any capital facilities for parks and recreation may be 1603
leased by the commission to the department of natural resources 1604
and other agreements may be made by the commission and such 1605
department with respect to the use or purchase of such capital 1606
facilities or, subject to the approval of the director of such 1607
department, the commission may lease such capital facilities to, 1608
and make other agreements with respect to their use or purchase 1609
with, any governmental agency having authority under law to 1610
operate such capital facilities, and the director of such 1611
department may sublease such capital facilities to, and make other 1612
agreements with respect to the use or purchase thereof with, any 1613
such governmental agency, or such director may sublease or 1614
contract for the operation of such capital facilities in 1615
accordance with the applicable provisions of sections 1501.09, 1616
1501.091, and 1501.10 of the Revised Code, all upon such terms and 1617
conditions as the parties may agree upon and pursuant to this 1618
chapter, notwithstanding any other provisions of law affecting the 1619
leasing, acquisition, or disposition of capital facilities by such 1620
parties. 1621

(C) For purposes of this section, "available receipts" means 1622
all receipts, including fees, charges, and rentals, derived or to 1623
be derived from state parks and public service facilities in any 1624
state park or parks, any other receipts of state agencies with 1625
respect to parks and recreational facilities, any revenues or 1626
receipts derived by the commission from the operation, leasing, or 1627
other disposition of capital facilities financed under this 1628
section, the proceeds of obligations issued under this section and 1629
sections 154.11 and 154.12 of the Revised Code, and also means any 1630
gifts, grants, donations, and pledges, and receipts thereon, 1631

available for the payment of bond service charges on obligations 1632
issued under this section. The issuing authority may pledge all, 1633
or such portion as it determines, of the available receipts to the 1634
payment of bond service charges on obligations issued under this 1635
section and sections 154.11 and 154.12 of the Revised Code and for 1636
the establishment and maintenance of any reserves, as provided in 1637
the bond proceedings, and make other provisions therein with 1638
respect to such available receipts as authorized by this chapter, 1639
which provisions shall be controlling notwithstanding any other 1640
provision of law pertaining thereto. 1641

(D) The issuing authority may covenant in the bond proceeding 1642
that the state and state agencies shall, so long as any 1643
obligations issued under this section are outstanding, cause to be 1644
charged and collected fees, charges, and rentals for the use of 1645
state parks and public service facilities and other fees and 1646
charges with respect to parks and recreation sufficient in amount 1647
to provide for the payment of bond service charges on such 1648
obligations and for the establishment and maintenance of any 1649
reserves as provided in the bond proceedings, and such covenants 1650
shall be controlling notwithstanding any other provision of law 1651
pertaining to such charges except any provision of law prohibiting 1652
or limiting charges for the use of swimming facilities of state 1653
parks and public service facilities by persons under sixteen years 1654
of age. 1655

(E) There is hereby created the parks and recreation bond 1656
service trust fund, which shall be in the custody of the treasurer 1657
of state but shall be separate and apart from and not a part of 1658
the state treasury. All moneys received by or on account of the 1659
commission or issuing authority or state agencies and required by 1660
the applicable bond proceedings to be deposited, transferred, or 1661
allocated to or received for the purposes of the trust fund shall 1662
be deposited with the treasurer of state and credited to such 1663

fund, subject to applicable provisions of the bond proceedings but 1664
without necessity for any act of appropriation. The trust fund is 1665
hereby pledged to the payment of bond service charges on the 1666
obligations issued pursuant to this section and sections 154.11 1667
and 154.12 of the Revised Code to the extent provided in the 1668
applicable bond proceedings, and payment thereof from such fund 1669
shall be made or provided for by the treasurer of state in 1670
accordance with such bond proceedings without necessity for any 1671
act of appropriation. 1672

(F) There is hereby created in the state treasury the parks 1673
and recreation improvement fund. Subject to the bond proceedings 1674
therefor, all of the proceeds of the sale of obligations issued 1675
pursuant to this section shall be credited to such fund, except 1676
that any accrued interest received shall be credited to the parks 1677
and recreation bond service trust fund. The parks and recreation 1678
improvement fund may also be comprised of gifts, grants, 1679
appropriated moneys, and other sums and securities received to the 1680
credit of such fund. Such fund shall be applied only to the 1681
purpose of paying costs of capital facilities for parks and 1682
recreation under the jurisdiction of the department of natural 1683
resources or for participation in capital facilities for parks and 1684
recreation with the federal government, municipal corporations, 1685
counties, or other governmental agencies, or any one or more of 1686
them, which participation may be by grants or contributions to 1687
them for such capital facilities. All investment earnings on the 1688
cash balance in the fund shall be credited to the fund. 1689

(G) All state parks shall be exclusively under the control 1690
and administration of the division of parks and ~~recreation~~ 1691
watercraft. With the approval of the recreation and resources 1692
council created in section 1501.04 of the Revised Code, the 1693
director of natural resources may by order remove from the 1694
classification as state parks any of the lands or interests 1695

therein referred to in divisions (M)(2) and (3) of section 154.01 1696
of the Revised Code, subject to the limitations, provisions, and 1697
conditions in any order authorizing state park revenue bonds, in 1698
any trust agreement securing such bonds, or in bond proceedings 1699
with respect to obligations issued pursuant to this section. Lands 1700
or interests therein so removed shall be transferred to other 1701
divisions of the department for administration or may be sold as 1702
provided by law. Proceeds of any sale shall be used or transferred 1703
as provided in the order authorizing state park revenue bonds or 1704
in such trust agreement, or in bond proceedings with respect to 1705
obligations issued pursuant to this section, and if no such 1706
provision is made shall be transferred to the state park fund 1707
created by section ~~1541.22~~ 1546.21 of the Revised Code. 1708

(H) This section shall be applied with other applicable 1709
provisions of this chapter. 1710

(I) Any instrument by which real property is acquired 1711
pursuant to this section shall identify the agency of the state 1712
that has the use and benefit of the real property as specified in 1713
section 5301.012 of the Revised Code. 1714

Sec. 742.63. The board of trustees of the Ohio police and 1715
fire pension fund shall adopt rules for the management of the Ohio 1716
public safety officers death benefit fund and for disbursements of 1717
benefits as set forth in this section. 1718

(A) As used in this section: 1719

(1) "Member" means all of the following: 1720

(a) A member of the Ohio police and fire pension fund, 1721
including a member of the fund who has elected to participate in 1722
the deferred retirement option plan established under section 1723
742.43 of the Revised Code or a member of or contributor to a 1724
police or firemen's relief and pension fund established under 1725

former Chapter 521. or 741. of the Revised Code;	1726
(b) A member of the state highway patrol retirement system,	1727
including a member who is participating in the deferred retirement	1728
option plan established under section 5505.50 of the Revised Code;	1729
(c) A member of the public employees retirement system who at	1730
the time of the member's death was one of the following:	1731
(i) A county sheriff or deputy sheriff;	1732
(ii) A full-time regular police officer in a municipal	1733
corporation or township;	1734
(iii) A full-time regular firefighter employed by the state,	1735
an instrumentality of the state, a municipal corporation, a	1736
township, a joint fire district, or another political subdivision;	1737
(iv) A full-time park district ranger or patrol trooper;	1738
(v) A full-time law enforcement officer of the department of	1739
natural resources;	1740
(vi) A full-time department of public safety enforcement	1741
agent;	1742
(vii) A full-time law enforcement officer of parks, waterway	1743
lands, or reservoir lands under the control of a municipal	1744
corporation;	1745
(viii) A full-time law enforcement officer of a conservancy	1746
district;	1747
(ix) A correction officer at an institution under the control	1748
of a county, a group of counties, a municipal corporation, or the	1749
department of rehabilitation and correction;	1750
(x) A state university law enforcement officer;	1751
(xi) An investigator, as defined in section 109.541 of the	1752
Revised Code, or an investigator commissioned as a special agent	1753
of the bureau of criminal identification and investigation;	1754

(xii) A drug agent, as defined in section 145.01 of the Revised Code;	1755 1756
(xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;	1757 1758
(xiv) An employee of the department of taxation who has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.	1759 1760 1761 1762
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	1763 1764 1765 1766
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university.	1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778 1779 1780 1781 1782
(3) "Firefighter or police officer" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a county, a group	1783 1784 1785

of counties, a municipal corporation, or the department of 1786
rehabilitation and correction, a police officer employed by a 1787
township or municipal corporation, a firefighter employed by the 1788
state, an instrumentality of the state, a municipal corporation, a 1789
township, a joint fire district, or another political subdivision, 1790
a full-time park district ranger or patrol trooper, a full-time 1791
law enforcement officer of the department of natural resources, a 1792
full-time department of public safety enforcement agent, a 1793
full-time law enforcement officer of parks, waterway lands, or 1794
reservoir lands under the control of a municipal corporation, a 1795
full-time law enforcement officer of a conservancy district, and a 1796
state university law enforcement officer. 1797

(4) "Correction officer" includes, in addition to any 1798
correction officer, any correction corporal, sergeant, lieutenant, 1799
or captain, and the equivalents of all such persons. 1800

(5) "A park district ranger or patrol trooper" means a peace 1801
officer commissioned to make arrests, execute warrants, and 1802
preserve the peace upon lands under the control of a board of park 1803
commissioners of a metropolitan, county, or township park 1804
district. 1805

(6) "Metropolitan, county, or township park district" means a 1806
park district created under the authority of Chapter 511. or 1545. 1807
of the Revised Code. 1808

(7) "Conservancy district" means a conservancy district 1809
created under the authority of Chapter 6101. of the Revised Code. 1810

(8) "Law enforcement officer" means an officer commissioned 1811
to make arrests, execute warrants, and preserve the peace upon 1812
lands under the control of the governmental entity granting the 1813
commission. 1814

(9) "Department of natural resources law enforcement officer" 1815
includes a ~~forest officer designated pursuant to section 1503.29~~ 1816

~~of the Revised Code, a preserve officer designated pursuant to~~ 1817
~~section 1517.10 of the Revised Code forest-fire investigator~~ 1818
~~appointed pursuant to section 1503.09 of the Revised Code, a~~ 1819
wildlife officer designated pursuant to section 1531.13 of the 1820
Revised Code, ~~a park officer designated pursuant to section~~ 1821
~~1541.10 of the Revised Code,~~ and a ~~state watercraft~~ natural 1822
resources officer ~~designated~~ appointed pursuant to section 1823
~~1547.521~~ 1501.24 of the Revised Code. 1824

(10) "Retirement eligibility date" means the last day of the 1825
month in which a deceased member would have first become eligible, 1826
had the member lived, for the retirement pension provided under 1827
section 145.332, Chapter 145., 521., or 741., division (C)(1) of 1828
section 742.37, or division (A)(1) of section 5505.17 of the 1829
Revised Code or provided by a retirement system operated by a 1830
municipal corporation. 1831

(11) "Death benefit amount" means an amount equal to the full 1832
monthly salary received by a deceased member prior to death, minus 1833
an amount equal to the benefit received under section 145.45, 1834
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 1835
received from a retirement system operated by a municipal 1836
corporation, plus any increases in salary that would have been 1837
granted the deceased member. 1838

(12) "Killed in the line of duty" means either of the 1839
following: 1840

(a) Death in the line of duty; 1841

(b) Death from injury sustained in the line of duty, 1842
including heart attack or other fatal injury or illness caused 1843
while in the line of duty. 1844

(B) A spouse of a deceased member shall receive a death 1845
benefit each month equal to the full death benefit amount, 1846
provided that the deceased member was a firefighter or police 1847

officer killed in the line of duty and there are no surviving 1848
children eligible for a benefit under this section. The spouse 1849
shall receive this benefit during the spouse's natural life until 1850
the deceased member's retirement eligibility date, on which date 1851
the benefit provided under this division shall terminate. 1852

(C)(1) If a member killed in the line of duty as a 1853
firefighter or police officer is survived only by a child or 1854
children, the child or children shall receive a benefit each month 1855
equal to the full death benefit amount. If there is more than one 1856
surviving child, the benefit shall be divided equally among these 1857
children. 1858

(2) If the death benefit paid under this division is divided 1859
among two or more surviving children and any of the children 1860
become ineligible to continue receiving a portion of the benefit 1861
as provided in division (H) of this section, the full death 1862
benefit amount shall be paid to the remaining eligible child or 1863
divided among the eligible children so that the benefit paid to 1864
the remaining eligible child or children equals the full death 1865
benefit amount. 1866

(3) Notwithstanding divisions (C)(1) and (2) of this section, 1867
all death benefits paid under this division shall terminate on the 1868
deceased member's retirement eligibility date. 1869

(D) If a member killed in the line of duty as a firefighter 1870
or police officer is survived by both a spouse and a child or 1871
children, the monthly benefit provided shall be as follows: 1872

(1)(a) If there is a surviving spouse and one surviving 1873
child, the spouse shall receive an amount each month equal to 1874
one-half of the full death benefit amount and the child shall 1875
receive an amount equal to one-half of the full death benefit 1876
amount. 1877

(b) If the surviving spouse dies or the child becomes 1878

ineligible as provided in division (H) of this section, the 1879
surviving spouse or child remaining eligible shall receive the 1880
full death benefit amount. 1881

(2)(a) If there is a surviving spouse and more than one 1882
child, the spouse shall receive an amount each month equal to 1883
one-third of the full death benefit amount and the children shall 1884
receive an amount, equally divided among them, equal to two-thirds 1885
of the full death benefit amount. 1886

(b) If a spouse and more than one child each are receiving a 1887
death benefit under division (D)(2)(a) of this section and the 1888
spouse dies, the children shall receive an amount each month, 1889
equally divided among them, equal to the full death benefit 1890
amount. 1891

(c) If a spouse and more than one child each are receiving a 1892
benefit under division (D)(2)(a) of this section and any of the 1893
children becomes ineligible to receive a benefit as provided in 1894
division (H) of this section, the spouse and remaining eligible 1895
child or children shall receive a death benefit as follows: 1896

(i) If there are two or more remaining eligible children, the 1897
spouse shall receive an amount each month equal to one-third of 1898
the full death benefit amount and the children shall receive an 1899
amount each month, equally divided among them, equal to two-thirds 1900
of the full death benefit amount; 1901

(ii) If there is one remaining eligible child, the spouse 1902
shall receive an amount each month equal to one-half of the full 1903
death benefit amount, and the child shall receive an amount each 1904
month equal to one-half of the full death benefit amount. 1905

(d) If a spouse and more than one child each are receiving a 1906
benefit under division (D)(2)(a) of this section and all of the 1907
children become ineligible to receive a benefit as provided in 1908
division (H) of this section, the spouse shall receive the full 1909

death benefit amount. 1910

(3) Notwithstanding divisions (D)(1) and (2) of this section, 1911
death benefits paid under this division to a surviving spouse 1912
shall terminate on the member's retirement eligibility date. Death 1913
benefits paid to a surviving child or children shall terminate on 1914
the deceased member's retirement eligibility date unless earlier 1915
terminated pursuant to division (H) of this section. 1916

(E) If a member, on or after January 1, 1980, is killed in 1917
the line of duty as a firefighter or police officer and is 1918
survived by only a parent or parents dependent upon the member for 1919
support, the parent or parents shall receive an amount each month 1920
equal to the full death benefit amount. If there is more than one 1921
surviving parent dependent upon the deceased member for support, 1922
the death benefit amount shall be divided equally among the 1923
surviving parents. On the death of one of the surviving parents, 1924
the full death benefit amount shall be paid to the other parent. 1925

(F)(1) The following shall receive a monthly death benefit 1926
under this division: 1927

(a) A surviving spouse whose benefits are terminated in 1928
accordance with division (B) or (D)(3) of this section on the 1929
deceased member's retirement eligibility date, or who would 1930
qualify for a benefit under division (B) or (D) of this section 1931
except that the deceased member reached the member's retirement 1932
eligibility date prior to the member's death; 1933

(b) A qualified surviving spouse of a deceased member of or 1934
contributor to a police or firemen's relief and pension fund 1935
established under former Chapter 521. or 741. of the Revised Code 1936
who was a firefighter or police officer killed in the line of 1937
duty. 1938

(2) The monthly death benefit shall be one-half of an amount 1939
equal to the monthly salary received by the deceased member prior 1940

to the member's death, plus any salary increases the deceased 1941
member would have received prior to the member's retirement 1942
eligibility date. The benefit shall terminate on the surviving 1943
spouse's death. A death benefit payable under this division shall 1944
be reduced by an amount equal to any allowance or benefit payable 1945
to the surviving spouse under section 742.3714 of the Revised 1946
Code. 1947

(3) A benefit granted to a surviving spouse under division 1948
(F)(1)(b) of this section shall commence on the first day of the 1949
month immediately following receipt by the board of a completed 1950
application on a form provided by the board and any evidence the 1951
board may require to establish that the deceased spouse was killed 1952
in the line of duty. 1953

(G)(1) If there is not a surviving spouse eligible to receive 1954
a death benefit under division (F) of this section or the 1955
surviving spouse receiving a death benefit under that division 1956
dies, a surviving child or children whose benefits under division 1957
(C) or (D) of this section are or have been terminated pursuant to 1958
division (C)(3) or (D)(3) of this section or who would qualify for 1959
a benefit under division (C) or (D) of this section except that 1960
the deceased member reached the member's retirement eligibility 1961
date prior to the member's death shall receive a monthly death 1962
benefit under this division. The monthly death benefit shall be 1963
one-half of an amount equal to the monthly salary received by the 1964
deceased member prior to the member's death, plus any salary 1965
increases the member would have received prior to the member's 1966
retirement eligibility date. If there is more than one surviving 1967
child, the benefit shall be divided equally among the surviving 1968
children. 1969

(2) If two or more surviving children each are receiving a 1970
benefit under this division and any of those children becomes 1971
ineligible to continue receiving a benefit as provided in division 1972

(H) of this section, the remaining eligible child or children 1973
shall receive an amount equal to one-half of the monthly salary 1974
received by the deceased member prior to death, plus any salary 1975
increases the deceased member would have received prior to the 1976
retirement eligibility date. If there is more than one remaining 1977
eligible child, the benefit shall be divided equally among the 1978
eligible children. 1979

(3) A death benefit, or portion of a death benefit, payable 1980
to a surviving child under this division shall be reduced by an 1981
amount equal to any allowance or benefit payable to that child 1982
under section 742.3714 of the Revised Code, but the reduction in 1983
that child's benefit shall not affect the amount payable to any 1984
other surviving child entitled to a portion of the death benefit. 1985

(H) A death benefit paid to a surviving child under division 1986
(C), (D), or (G) of this section shall terminate on the death of 1987
the child or, unless one of the following is the case, when the 1988
child reaches age eighteen: 1989

(1) The child, because of physical or mental disability, is 1990
unable to provide the child's own support, in which case the death 1991
benefit shall terminate when the disability is removed; 1992

(2) The child is unmarried, under age twenty-two, and a 1993
student in and attending an institution of learning or training 1994
pursuant to a program designed to complete in each school year the 1995
equivalent of at least two-thirds of the full-time curriculum 1996
requirements of the institution, as determined by the trustees of 1997
the fund. 1998

(I) Acceptance of any death benefit under this section does 1999
not prohibit a spouse or child from receiving other benefits 2000
provided under the Ohio police and fire pension fund, the state 2001
highway patrol retirement system, the public employees retirement 2002
system, or a retirement system operated by a municipal 2003

corporation. 2004

(J) No person shall receive a benefit under this section if 2005
any of the following occur: 2006

(1) The person fails to exercise the right to a monthly 2007
survivor benefit under division (A) or (B) of section 145.45, 2008
division (D), (E), or (F) of section 742.37, or division (A)(3), 2009
(4), or (6) of section 5505.17 of the Revised Code; to a monthly 2010
survivor benefit from a retirement system operated by a municipal 2011
corporation; or to a retirement allowance under section 742.3714 2012
of the Revised Code. 2013

(2) The member's accumulated contributions under this chapter 2014
or Chapter 145. or 5505. of the Revised Code are refunded unless 2015
the member had been a member of the public employees retirement 2016
system and had fewer than eighteen months of total service credit 2017
at the time of death. 2018

(3) In the case of a full-time park district ranger or patrol 2019
trooper, a full-time law enforcement officer of the department of 2020
natural resources, a full-time law enforcement officer of parks, 2021
waterway lands, or reservoir lands under the control of a 2022
municipal corporation, a full-time law enforcement officer of a 2023
conservancy district, a correction officer at an institution under 2024
the control of a county, group of counties, or municipal 2025
corporation, or a member of a retirement system operated by a 2026
municipal corporation who at the time of the member's death was a 2027
full-time law enforcement officer of parks, waterway lands, or 2028
reservoir lands under the control of the municipal corporation, 2029
the member died prior to April 9, 1981, in the case of a benefit 2030
under division (B), (C), or (D) of this section, or prior to 2031
January 1, 1980, in the case of a benefit under division (E) of 2032
this section. 2033

(4) In the case of a full-time department of public safety 2034

enforcement agent who prior to June 30, 1999, was a liquor control 2035
investigator of the department of public safety, the member died 2036
prior to December 23, 1986; 2037

(5) In the case of a full-time department of public safety 2038
enforcement agent other than an enforcement agent who, prior to 2039
June 30, 1999, was a liquor control investigator, the member died 2040
prior to June 30, 1999. 2041

(K) A surviving spouse whose benefit was terminated prior to 2042
June 30, 1999, due to remarriage shall receive a benefit under 2043
division (B), (D), or (F) of this section beginning on the first 2044
day of the month following receipt by the board of an application 2045
on a form provided by the board. The benefit amount shall be 2046
determined as of that date. 2047

(1) If the benefit will begin prior to the deceased member's 2048
retirement eligibility date, it shall be paid under division (B) 2049
or (D) of this section and shall terminate as provided in those 2050
divisions. A benefit paid to a surviving spouse under division (D) 2051
of this section shall be determined in accordance with that 2052
division, even if benefits paid to surviving children are reduced 2053
as a result. 2054

(2) If the benefit will begin on or after the deceased 2055
member's retirement eligibility date, it shall be paid under 2056
division (F) of this section and shall terminate as provided in 2057
that division. A benefit paid to a surviving spouse under division 2058
(F) of this section shall be determined in accordance with that 2059
division, even if benefits paid to surviving children are 2060
terminated as a result. 2061

Sec. 903.01. As used in this chapter: 2062

(A) "Agricultural animal" means any animal generally used for 2063
food or in the production of food, including cattle, sheep, goats, 2064

rabbits, poultry, and swine; horses; alpacas; llamas; and any other animal included by the director of agriculture by rule. "Agricultural animal" does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals.

(B) "Animal feeding facility" means a lot, building, or structure where both of the following conditions are met:

(1) Agricultural animals have been, are, or will be stabled or confined and fed or maintained there for a total of forty-five days or more in any twelve-month period.

(2) Crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure.

"Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied.

Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

(C) "Animal feeding operation" has the same meaning as "animal feeding facility."

(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs.

(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section.

(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following:	2095 2096
(1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section;	2097 2098 2099
(2) Satisfies the criteria in division (M), (Q), or (FF) <u>(EE)</u> of this section;	2100 2101
(3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules.	2102 2103
(G) "Discharge" means to add from a point source to waters of the state.	2104 2105
(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 U.S.C. 1251 et. seq., as amended, and regulations adopted under it.	2106 2107 2108 2109
(I) "Finalized," with respect to the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code, means that all rules that are necessary for the administration of this chapter have been adopted and all employees of the department of agriculture that are necessary for the administration of this chapter have been employed.	2110 2111 2112 2113 2114 2115 2116
(J) "General permit" has the meaning that is established in rules.	2117 2118
(K) "Individual permit" has the meaning that is established in rules.	2119 2120
(L) "Installation permit" means a permit for the installation or modification of a disposal system or any part of a disposal system issued by the director of environmental protection under division (J)(1) of section 6111.03 of the Revised Code.	2121 2122 2123 2124

(M) "Large concentrated animal feeding operation" means an animal feeding facility that stables or confines at least the number of animals specified in any of the following categories:	2125 2126 2127
(1) Seven hundred mature dairy cattle whether milked or dry;	2128
(2) One thousand veal calves;	2129
(3) One thousand cattle other than mature dairy cattle or veal calves;	2130 2131
(4) Two thousand five hundred swine that each weigh fifty-five pounds or more;	2132 2133
(5) Ten thousand swine that each weigh less than fifty-five pounds;	2134 2135
(6) Five hundred horses;	2136
(7) Ten thousand sheep or lambs;	2137
(8) Fifty-five thousand turkeys;	2138
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	2139 2140
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2141 2142 2143
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2144 2145 2146
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2147 2148 2149
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	2150 2151
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity	2152 2153

of more than ten times the number of animals specified in any of 2154
the categories in division (M) of this section. 2155

(O) "Manure" means any of the following wastes used in or 2156
resulting from the production of agricultural animals or direct 2157
agricultural products such as milk or eggs: animal excreta, 2158
discarded products, bedding, process waste water, process 2159
generated waste water, waste feed, silage drainage, and compost 2160
products resulting from mortality composting or the composting of 2161
animal excreta. 2162

(P) "Manure storage or treatment facility" means any 2163
excavated, diked, or walled structure or combination of structures 2164
designed for the biological stabilization, holding, or storage of 2165
manure. 2166

(Q) "Medium concentrated animal feeding operation" means an 2167
animal feeding facility that satisfies both of the following: 2168

(1) The facility stables or confines the number of animals 2169
specified in any of the following categories: 2170

(a) Two hundred to six hundred ninety-nine mature dairy 2171
cattle whether milked or dry; 2172

(b) Three hundred to nine hundred ninety-nine veal calves; 2173

(c) Three hundred to nine hundred ninety-nine cattle other 2174
than mature dairy cattle or veal calves; 2175

(d) Seven hundred fifty to two thousand four hundred 2176
ninety-nine swine that each weigh fifty-five pounds or more; 2177

(e) Three thousand to nine thousand nine hundred ninety-nine 2178
swine that each weigh less than fifty-five pounds; 2179

(f) One hundred fifty to four hundred ninety-nine horses; 2180

(g) Three thousand to nine thousand nine hundred ninety-nine 2181
sheep or lambs; 2182

(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	2183 2184
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	2185 2186 2187
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2188 2189 2190 2191
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2192 2193 2194 2195
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	2196 2197 2198
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	2199 2200 2201
(2) The facility does one of the following:	2202
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	2203 2204 2205 2206
(b) Discharges pollutants directly into waters of the United States that originate outside of and that pass over, across, or through the facility or otherwise come into direct contact with the animals at the facility.	2207 2208 2209 2210
"Medium concentrated animal feeding operation" includes an animal feeding facility that is designated by the director as a	2211 2212

medium concentrated animal feeding operation pursuant to rules.	2213
(R) "Mortality composting" means the controlled decomposition	2214
of organic solid material consisting of dead animals that	2215
stabilizes the organic fraction of the material.	2216
(S) "NPDES permit" means a permit issued under the national	2217
pollutant discharge elimination system established in section 402	2218
of the Federal Water Pollution Control Act and includes the	2219
renewal of such a permit. "NPDES permit" includes the federally	2220
enforceable provisions of a permit to operate into which NPDES	2221
permit provisions have been incorporated.	2222
(T) "Permit" includes an initial, renewed, or modified permit	2223
to install, permit to operate, NPDES permit, and installation	2224
permit unless expressly stated otherwise.	2225
(U) "Permit to install" means a permit issued under section	2226
903.02 of the Revised Code.	2227
(V) "Permit to operate" means a permit issued or renewed	2228
under section 903.03 of the Revised Code and includes incorporated	2229
NPDES permit provisions, if applicable.	2230
(W) "Person" has the same meaning as in section 1.59 of the	2231
Revised Code and also includes the state, any political	2232
subdivision of the state, any interstate body created by compact,	2233
the United States, or any department, agency, or instrumentality	2234
of any of those entities.	2235
(X) "Point source" has the same meaning as in the Federal	2236
Water Pollution Control Act.	2237
(Y) "Pollutant" means dredged spoil, solid waste, incinerator	2238
residue, filter backwash, sewage, garbage, sewage sludge,	2239
munitions, chemical wastes, biological materials, radioactive	2240
materials except those regulated under the "Atomic Energy Act of	2241
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or	2242

discarded equipment, rock, sand, cellar dirt, and industrial,	2243
municipal, and agricultural waste, including manure, discharged	2244
into water. "Pollutant" does not include either of the following:	2245
(1) Sewage from vessels;	2246
(2) Water, gas, or other material that is injected into a	2247
well to facilitate production of oil or gas, or water derived in	2248
association with oil and gas production and disposed of in a well,	2249
if the well that is used either to facilitate production or for	2250
disposal purposes is approved by the state and if the state	2251
determines that the injection or disposal will not result in the	2252
degradation of ground or surface water resources.	2253
(Z) "Process generated waste water" means water that is	2254
directly or indirectly used in the operation of an animal feeding	2255
facility for any of the following:	2256
(1) Spillage or overflow from animal watering systems;	2257
(2) Washing, cleaning, or flushing pens, barns, manure pits,	2258
or other areas of an animal feeding facility;	2259
(3) Direct contact swimming, washing, or spray cooling of	2260
animals;	2261
(4) Dust control.	2262
(AA) "Process waste water" means any process generated waste	2263
water and any precipitation, including rain or snow, that comes	2264
into contact with manure, litter, bedding, or any other raw	2265
material or intermediate or final material or product used in or	2266
resulting from the production of animals or direct products such	2267
as milk or eggs.	2268
(BB) "Production area" means any of the following components	2269
of an animal feeding facility:	2270
(1) Animal confinement areas, including, but not limited to,	2271
open lots, housed lots, feedlots, confinement houses, stall barns,	2272

free stall barns, milkrooms, milking centers, cowyards, barnyards,	2273
medication pens, animal walkways, and stables;	2274
(2) Manure storage areas, including, but not limited to,	2275
manure storage or treatment facilities;	2276
(3) Raw material storage areas, including, but not limited	2277
to, feed silos, silage bunkers, commodity buildings, and bedding	2278
materials;	2279
(4) Waste containment areas, including, but not limited to,	2280
any of the following:	2281
(a) An egg washing or egg processing facility;	2282
(b) An area used in the storage, handling, treatment, or	2283
disposal of mortalities;	2284
(c) Settling basins, runoff ponds, liquid impoundments, and	2285
areas within berms and diversions that are designed and maintained	2286
to separate uncontaminated storm water runoff from contaminated	2287
water and to contain and treat contaminated storm water runoff.	2288
(CC) "Public meeting" means a nonadversarial public hearing	2289
at which a person may present written or oral statements for the	2290
director of agriculture's consideration and includes public	2291
hearings held under section 6111.12 of the Revised Code.	2292
(DD) "Rule" means a rule adopted under section 903.10 of the	2293
Revised Code.	2294
(EE) "Small concentrated animal feeding operation" means an	2295
animal feeding facility that is not a large or medium concentrated	2296
animal feeding operation and that is designated by the director as	2297
a small concentrated animal feeding operation pursuant to rules.	2298
(FF) "Waters of the state" has the same meaning as in section	2299
6111.01 of the Revised Code.	2300
Sec. 1501.011. (A) Except as provided in divisions (B), (C),	2301

and (D) of this section, the Ohio facilities construction 2302
commission shall supervise the design and construction of, and 2303
make contracts for the construction, reconstruction, improvement, 2304
enlargement, alteration, repair, or decoration of, any projects or 2305
improvements for the department of natural resources that may be 2306
authorized by legislative appropriations or any other funds 2307
available therefor, the estimated cost of which amounts to two 2308
hundred thousand dollars or more or the amount determined pursuant 2309
to section 153.53 of the Revised Code or more. 2310

(B)(1) The department of natural resources shall supervise 2311
the design and construction of, and make contracts for the 2312
construction, reconstruction, improvement, enlargement, 2313
alteration, repair, or decoration of, any of the following 2314
activities, projects, or improvements: 2315

(a) Dam repairs administered by the division of engineering 2316
under Chapter 1507. of the Revised Code; 2317

(b) Projects or improvements administered by the division of 2318
parks and watercraft and funded through the waterways safety fund 2319
established in section 1547.75 of the Revised Code; 2320

(c) Projects or improvements administered by the division of 2321
wildlife under Chapter 1531. or 1533. of the Revised Code; 2322

(d) Activities conducted by the department pursuant to 2323
section 5511.05 of the Revised Code in order to maintain the 2324
department's roadway inventory. 2325

(2) If a contract to be let under division (B)(1) of this 2326
section involves an exigency that concerns the public health, 2327
safety, or welfare or addresses an emergency situation in which 2328
timeliness is crucial in preventing the cost of the contract from 2329
increasing significantly, pursuant to the declaration of a public 2330
exigency, the department may award the contract without 2331
competitive bidding or selection as otherwise required by Chapter 2332

153. of the Revised Code. 2333

A notice published by the department of natural resources 2334
regarding an activity, project, or improvement shall be published 2335
as contemplated in section 7.16 of the Revised Code. 2336

(C) The executive director of the Ohio facilities 2337
construction commission may authorize the department of natural 2338
resources to administer any other project or improvement, the 2339
estimated cost of which, including design fees, construction, 2340
equipment, and contingency amounts, is not more than one million 2341
five hundred thousand dollars. 2342

Sec. 1501.012. (A) The director of natural resources may 2343
lease lands in state parks, as defined in section 1501.07 of the 2344
Revised Code, and contract for the construction and operation of 2345
public service facilities, as mentioned in that section, and for 2346
major renovation or remodeling of existing public service 2347
facilities by the lessees on those lands. If the director 2348
determines that doing so would be consistent with long-range 2349
planning of the department of natural resources and in the best 2350
interests of the department and the division of parks and 2351
~~recreation~~ watercraft in the department, the director shall 2352
negotiate and execute a lease and contract for those purposes in 2353
accordance with this chapter except as otherwise provided in this 2354
section. 2355

(B) With the approval of the recreation and resources council 2356
created under section 1501.04 of the Revised Code, the director 2357
shall draft a statement of intent describing any public service 2358
facility that the department wishes to have constructed in 2359
accordance with this section and establishing a procedure for the 2360
submission of proposals for providing the facility, including, but 2361
not limited to, a requirement that each prospective bidder or 2362
lessee of land shall submit with the proposal a completed 2363

questionnaire and financial statement, on forms prescribed and 2364
furnished by the department, to enable the department to ascertain 2365
the person's financial worth and experience in maintaining and 2366
operating facilities similar or related to the public service 2367
facility in question. The completed questionnaire and financial 2368
statement shall be verified under oath by the prospective bidder 2369
or lessee. Questionnaires and financial statements submitted under 2370
this division are confidential and are not open to public 2371
inspection. Nothing in this division shall be construed to prevent 2372
use of or reference to questionnaires and financial statements in 2373
a civil action or criminal prosecution commenced by the state. 2374

The director shall publish the statement of intent in at 2375
least three daily newspapers of general circulation in the state 2376
at least once each week for four consecutive weeks. The director 2377
then shall accept proposals in response to the statement of intent 2378
for at least thirty days following the final publication of the 2379
statement. At the end of the period during which proposals may be 2380
submitted under this division, the director shall select the 2381
proposal that the director determines best complies with the 2382
statement of intent and may negotiate a lease and contract with 2383
the person that submitted that proposal. 2384

(C) Any lease and contract negotiated under this section 2385
shall include in its terms and conditions all of the following: 2386

(1) The legal description of the leasehold; 2387

(2) The duration of the lease and contract, which shall not 2388
exceed forty years, and a requirement that the lease and contract 2389
be nonrenewable; 2390

(3) A requirement that the lessee maintain in full force and 2391
effect during the term of the lease and contract comprehensive 2392
liability insurance for injury, death, or loss to persons or 2393
property and fire casualty insurance for the public service 2394

facility and all its structures in an amount established by the	2395
director and naming the department as an additional insured;	2396
(4) A requirement that the lessee maintain in full force and	2397
effect suitable performance bonds or other adequate security	2398
pertaining to the construction and operation of the public service	2399
facility;	2400
(5) Detailed plans and specifications controlling the	2401
construction of the public service facility that shall include all	2402
of the following:	2403
(a) The size and capacity of the facility;	2404
(b) The type and quality of construction;	2405
(c) Other criteria that the department considers necessary	2406
and advisable.	2407
(6) The manner of rental payment;	2408
(7) A stipulation that the director shall have control and	2409
supervision over all of the following:	2410
(a) The operating season of the public service facility;	2411
(b) The facility's hours of operation;	2412
(c) The maximum rates to be charged guests using the	2413
facility;	2414
(d) The facility's sanitary conditions;	2415
(e) The quality of food and service furnished the guests of	2416
the facility;	2417
(f) The lessee's general and structural maintenance	2418
responsibilities at the facility.	2419
(8) The disposition of the leasehold and improvements at the	2420
expiration of the lease and contract;	2421
(9) A requirement that the public service facility be	2422

available to all members of the public without regard to sex, 2423
race, color, creed, ancestry, national origin, or disability as 2424
defined in section 4112.01 of the Revised Code; 2425

(10) Other terms and conditions that the director considers 2426
necessary and advisable to carry out the purposes of this section. 2427

(D) The attorney general shall approve the form of the lease 2428
and contract prior to its execution by the director. 2429

(E) The authority granted in this section to the director is 2430
in addition and supplemental to any other authority granted the 2431
director under state law. 2432

Sec. 1501.02. The director of natural resources may enter 2433
into cooperative or contractual arrangements with the United 2434
States or any agency or department thereof, other states, other 2435
departments and subdivisions of this state, or any other person or 2436
body politic for the accomplishment of the purposes for which the 2437
department of natural resources was created. The director shall 2438
cooperate with, and not infringe upon the rights of, other state 2439
departments, divisions, boards, commissions, and agencies, 2440
political subdivisions, and other public officials and public and 2441
private agencies in the conduct of conservation plans and other 2442
matters in which the interests of the department of natural 2443
resources and the other departments and agencies overlap. 2444

The director, by mutual agreement, may utilize the facilities 2445
and staffs of state-supported educational institutions in order to 2446
promote the conservation and development of the natural resources 2447
of the state. 2448

All funds made available by the United States for the 2449
exclusive use of any division shall be expended only by that 2450
division and only for the purposes for which the funds were 2451
appropriated. In accepting any such funds for the acquisition of 2452

lands or interests in them to be used for open-space purposes 2453
including park, recreational, historical, or scenic purposes, or 2454
for conservation of land or other natural resources, the director 2455
may agree on behalf of the state that lands or interests in them 2456
acquired in part with those funds shall not be converted to other 2457
uses except pursuant to further agreement between the director and 2458
the United States. 2459

The director shall adopt rules in accordance with Chapter 2460
119. of the Revised Code establishing guidelines for entering into 2461
and may enter into a cooperative or contractual arrangement with 2462
any individual, agency, organization, or business entity to assist 2463
the department in funding a program or project of the department, 2464
its divisions, or its offices, through securing, without 2465
limitation, donations, sponsorships, marketing, advertising, and 2466
licensing arrangements. State moneys appropriated to the 2467
department shall continue to be used as authorized and shall not 2468
be redirected to any other purpose as a result of financial 2469
savings resulting from the department's entering into the 2470
cooperative or contractual arrangement. 2471

The director may enter into a mutual aid compact with the 2472
chief law enforcement officer of any federal agency, state agency, 2473
county, township, municipal corporation, or other political 2474
subdivision or with the superintendent of the state highway patrol 2475
to enable ~~forest officers, preserve officers, park officers,~~ 2476
forest-fire investigators and ~~state watercraft~~ natural resources 2477
officers and the law enforcement officers of the respective 2478
federal or state agencies or political subdivisions or the state 2479
highway patrol to assist each other in the provision of police 2480
services within each other's jurisdiction. 2481

Sec. 1501.07. The department of natural resources through the 2482
division of parks and ~~recreation~~ watercraft may plan, supervise, 2483

acquire, construct, enlarge, improve, erect, equip, and furnish 2484
public service facilities such as inns, lodges, hotels, cottages, 2485
camping sites, scenic trails, picnic sites, restaurants, 2486
commissaries, golf courses, boating and bathing facilities, and 2487
other similar facilities in state parks reasonably necessary and 2488
useful in promoting the public use of state parks under its 2489
control and may purchase lands or interests in lands in the name 2490
of the state necessary for those purposes. 2491

The chief of the division of parks and ~~recreation~~ watercraft 2492
shall administer state parks, establish rules, fix fees and 2493
charges for admission to parks and for the use of public service 2494
facilities therein, establish rentals for the lease of lands or 2495
interests therein within a state park the chief is authorized by 2496
law to lease, and exercise all powers of the chief, in conformity 2497
with all covenants of the director of natural resources in or with 2498
respect to state park revenue bonds and trust agreements securing 2499
such bonds and all terms, provisions, and conditions of such bonds 2500
and trust agreements. In the administration of state parks with 2501
respect to which state park revenue bonds are issued and 2502
outstanding, or any part of the moneys received from fees and 2503
charges for admission to or the use of facilities, from rentals 2504
for the lease of lands or interests or facilities therein, or for 2505
the lease of public service facilities are pledged for any such 2506
bonds, the chief shall exercise the powers and perform the duties 2507
of the chief subject to the control and approval of the director. 2508
The acquisition of such lands or interests therein and facilities 2509
shall be planned with regard to the needs of the people of the 2510
state and with regard to the purposes and uses of such state parks 2511
and, except for facilities constructed in consideration of a lease 2512
under section 1501.012 of the Revised Code, shall be paid for from 2513
the state park fund created in section ~~1541.22~~ 1546.21 of the 2514
Revised Code or from the proceeds of the sale of bonds issued 2515
under sections 1501.12 to 1501.15 of the Revised Code. Sections 2516

125.81 and 153.04 of the Revised Code, insofar as they require a 2517
certification by the chief of the division of capital planning and 2518
improvement, do not apply to the acquisition of lands or interests 2519
therein and public service facilities to be paid for from the 2520
proceeds of bonds issued under sections 1501.12 to 1501.15 of the 2521
Revised Code. 2522

As used in sections 1501.07 to 1501.14 of the Revised Code, 2523
state parks are all of the following: 2524

(A) State reservoirs described and identified in section 2525
~~1541.06~~ 1546.11 of the Revised Code; 2526

(B) All lands or interests therein that are denominated as 2527
state parks in section ~~1541.083~~ 1546.14 of the Revised Code; 2528

(C) All lands or interests therein of the state identified as 2529
administered by the division of parks and ~~recreation~~ watercraft in 2530
the "inventory of state owned lands administered by department of 2531
natural resources as of June 1, 1963," as recorded in the journal 2532
of the director, which inventory was prepared by the real estate 2533
section of the department and is supported by maps on file with 2534
the division; 2535

(D) All lands or interests in lands of the state hereafter 2536
designated as state parks in the journal of the director with the 2537
approval of the recreation and resources council created in 2538
section 1501.04 of the Revised Code. 2539

All such state parks shall be exclusively under the control 2540
and administration of the division of parks and ~~recreation~~ 2541
watercraft. With the approval of the council, the director by 2542
order may remove from the classification as state parks any of the 2543
lands or interests therein so classified by divisions (C) and (D) 2544
of this section, subject to the limitations, provisions, and 2545
conditions in any order authorizing state park revenue bonds or in 2546
any trust agreement securing such bonds. Lands or interests 2547

therein so removed shall be transferred to other divisions of the 2548
department for administration or may be sold as provided by law. 2549
Proceeds of any sale shall be used or transferred as provided in 2550
the order authorizing state park revenue bonds or in the trust 2551
agreement and, if no such provision is made, shall be transferred 2552
to the state park fund. State parks do not include any lands or 2553
interest in lands of the state administered jointly by two or more 2554
divisions of the department. The designation of lands as state 2555
parks under divisions (A) to (D) of this section shall be 2556
conclusive, and those lands shall be under the control of and 2557
administered by the division of parks and ~~recreation~~ watercraft. 2558
No order or proceeding designating lands as state parks or park 2559
purchase areas shall be subject to any appeal or review by any 2560
officer, board, commission, or court. 2561

Sec. 1501.09. The public service facilities mentioned in 2562
section 1501.07 of the Revised Code may be leased by the 2563
department of natural resources for the operation thereof as 2564
provided in section 1501.10 of the Revised Code, or may be 2565
operated by any person, firm, partnership, association, or 2566
corporation under contract with the director of natural resources 2567
as provided in section 1501.012 or 1501.091 of the Revised Code, 2568
or may be operated by the department through the division of parks 2569
and ~~recreation~~ watercraft. The leases for facilities may be bid 2570
individually or in any combination. 2571

Any of those facilities may be leased or operated under 2572
contract without the necessity of competitive bidding for not more 2573
than two years. 2574

Sec. 1501.11. (A) The revenue derived from the operation or 2575
ownership of state parks or public service facilities shall be 2576
paid into the state park fund in accordance with section ~~1541.22~~ 2577
1546.21 of the Revised Code; provided, that at such times and to 2578

the extent and in the manner provided in the order of the director 2579
authorizing state park revenue bonds, or in the bond proceedings 2580
applicable to obligations issued pursuant to section 154.22 of the 2581
Revised Code, such revenues shall be set aside on their receipt 2582
and be paid directly to depositories or trustees designated in 2583
such order or in the trust agreement securing such state park 2584
revenue bonds, or shall be paid and credited as provided in such 2585
bond proceedings. 2586

(B) The department of natural resources shall reimburse any 2587
township from the state park fund for any reasonable expenses the 2588
township incurs incident to the maintenance of roads under the 2589
jurisdiction of the department. The department may contract with 2590
the township trustees for the maintenance of land under the 2591
jurisdiction of the department. 2592

Sec. 1501.12. (A) The director of natural resources, with the 2593
approval of the governor, may provide, at one time or from time to 2594
time, for the issuance of state park revenue bonds of the state, 2595
for the purpose of paying the cost of acquiring by purchase lands 2596
or interests therein to be used in the establishment or 2597
enlargement of state parks, and for the purpose of paying the cost 2598
of acquiring, constructing, enlarging, equipping, furnishing, and 2599
improving public service facilities in state parks and making land 2600
improvements incidental thereto. The principal of and interest on 2601
these bonds is payable solely from the revenues provided in 2602
section 1501.14 of the Revised Code. The bonds shall be authorized 2603
by order of the director of natural resources, approved by the 2604
governor, which shall recite an estimate by the director of the 2605
costs to be paid from the proceeds of the bond issue and provide 2606
for the issuance of bonds in an amount not in excess of the 2607
estimated cost. The bonds of each issue shall be dated, bear 2608
interest at a rate or rates not to exceed the rate provided in 2609
section 9.95 of the Revised Code, and mature at a time or times, 2610

not to exceed forty years from their date or dates, as determined 2611
by the director, and may be made redeemable before maturity, at 2612
the option of the director, at the price or prices and under the 2613
terms and conditions as fixed by the director prior to the 2614
issuance of the bonds. The director shall determine the form of 2615
the bonds, including the interest coupons to be attached thereto, 2616
and fix the denomination of the bonds and the place of payment of 2617
principal and interest thereof, which may be at any bank or trust 2618
company within or without the state. 2619

The bonds shall be signed by the governor, the secretary of 2620
state, and the director, provided that all but one of these 2621
signatures may be a facsimile, and shall have affixed the great 2622
seal of Ohio or a facsimile thereof. Coupons attached thereto 2623
shall bear the facsimile signature of the director. The bonds 2624
shall contain a statement on their face that the state is not 2625
obligated to pay the same or the interest thereon and that they do 2626
not constitute a debt, or a pledge of the faith and credit, of the 2627
state or of any political subdivision thereof, but that the bonds 2628
and the interest thereon are payable solely from the revenues 2629
provided in section 1501.14 of the Revised Code. In case any of 2630
the officers whose signatures or facsimiles thereof appear on the 2631
bonds or coupons ceases to be such an officer before delivery of 2632
the bonds, the signatures or facsimiles are nevertheless valid and 2633
sufficient for all purposes as if they had remained in office 2634
until delivery. All the bonds shall have all the qualities and 2635
incidents of negotiable instruments under the applicable law of 2636
this state, and the bonds and the interest thereon are exempt from 2637
all taxation within this state. The bonds are lawful investments 2638
of banks, savings banks, trust companies, savings and loan 2639
associations, deposit guarantee associations, fiduciaries, 2640
trustees, trustees of the sinking fund or officer in charge of the 2641
bond retirement fund of municipal corporations and other 2642
subdivisions of the state, and of domestic insurance companies 2643

notwithstanding sections 3907.14 and 3925.08 of the Revised Code, 2644
and are acceptable as security for deposit of public money. 2645

The bonds may be issued in coupon or registered form, or 2646
both, as the director determines, and provision may be made for 2647
the registration of any coupon bonds as to principal alone and for 2648
the exchange of coupon bonds for bonds registered as to both 2649
principal and interest, and for the reconversion into coupon bonds 2650
of any bonds registered as to both principal and interest. 2651

For the purpose of refunding any state park revenue bonds 2652
then outstanding that have been issued under sections 1501.12 to 2653
1501.15 of the Revised Code, including payment of any redemption 2654
premium thereon and any interest accrued or to accrue to the date 2655
of redemption of the bonds, the director, with the approval of the 2656
governor, may provide by order for the issuance of state park 2657
revenue refunding bonds of the state. The issuance of the bonds, 2658
the maturities, revenues pledged for their payment, and other 2659
details thereof, the rights of the holders thereof, and the 2660
rights, duties, and obligations of the director and chief of the 2661
division of parks and ~~recreation~~ watercraft in respect to the 2662
bonds is governed by the sections insofar as they are applicable. 2663

(B) The bonds shall be sold by the director to the highest 2664
bidder therefor, but for not less than the par value thereof plus 2665
accrued interest thereon, after a notice of sale has been 2666
published once a week for three consecutive weeks in one newspaper 2667
in each of the three most populous counties in the state. The 2668
notice of sale shall state the day, hour, and place of sale, the 2669
total principal amount of the bonds to be sold, their 2670
denominations, date, and the dates and amounts of their 2671
maturities, whether or not they are callable, information relative 2672
to the rates of interest that the bonds shall bear, and the dates 2673
upon which interest is payable, and any other information the 2674
director deems advisable. 2675

(C) The proceeds of the bonds of each issue shall be used 2676
solely for the payment of the costs for which the bonds were 2677
issued, which cost shall include financing charges, interest 2678
during construction, legal fees, trustees' fees, and all other 2679
expenses incurred in connection with the issuance of the bonds, 2680
and shall be disbursed in a manner and under restrictions as the 2681
director provides in the order authorizing the issuance of the 2682
bonds or in the trust agreement, as provided in section 1501.13 of 2683
the Revised Code, securing the same. If the proceeds of the bonds 2684
of any issue, by error of estimates or otherwise, are less than 2685
that cost, additional bonds may in like manner be issued to 2686
provide the amount of the deficit, and, unless otherwise provided 2687
in the order authorizing the issuance of the bonds or in the trust 2688
agreement securing them, are deemed to be of the same issue and 2689
entitled to payments from the same fund, without preference or 2690
priority of the bonds first issued for the same facilities. If the 2691
proceeds of the bonds of any issue exceed the cost, the surplus 2692
shall be paid into a special fund to be established for payment of 2693
the principal and interest of the bonds as specified in the trust 2694
agreement securing them. 2695

Sec. 1501.13. In the discretion of the director of natural 2696
resources any bonds issued under sections 1501.12 to 1501.15, 2697
inclusive, of the Revised Code, may be secured by a trust 2698
agreement between the director and a corporate trustee, which 2699
trustee may be any trust company or bank having the powers of a 2700
trust company within or without the state. Such bonds may also be 2701
secured by mortgage on such property wholly acquired through the 2702
proceeds of the sale of bonds. 2703

Any such trust agreement may pledge or assign revenues to the 2704
payment of the principal of and interest on such bonds and 2705
reserves therefor as provided in section 1501.14 of the Revised 2706
Code but shall not convey or mortgage any property of the state, 2707

except as provided in sections 1501.07, 1501.11, 1501.12, and 2708
1501.14 of the Revised Code. Any such trust agreement may contain 2709
such provisions for protecting and enforcing the rights and 2710
remedies of the bondholders as are reasonable and proper and not 2711
in violation of law including provisions for issue of additional 2712
revenue bonds for the purposes set forth in section 1501.12 of the 2713
Revised Code to be secured ratably with any revenue bonds 2714
theretofore or thereafter issued under said section, covenants 2715
setting forth the duties of the director and chief of the division 2716
of parks and ~~recreation~~ watercraft in relation to the acquisition, 2717
improvement, maintenance, operation, repair, and insurance of the 2718
lands or interests therein or public service facilities in 2719
connection with which such bonds are authorized, the custody, 2720
safeguarding, and application of all moneys, the insurance of 2721
moneys on hand or on deposit, and the rights and remedies of the 2722
trustee and the holders of the bonds, including therein provisions 2723
restricting the individual right of action of bondholders as is 2724
customary in trust agreements respecting bonds and debentures of 2725
corporations, and of the security given by those who contract to 2726
construct the project, and by any bank or trust company in which 2727
the proceeds of bonds or revenues shall be deposited, and such 2728
other provisions as the director deems reasonable and proper for 2729
the security of the bondholders. All expenses incurred in carrying 2730
out the provisions of any such trust agreement may be treated as a 2731
part of the cost of maintenance, operation, and repair of the 2732
facilities for which the bonds were issued. 2733

The director shall covenant and agree to maintain, so long as 2734
there are outstanding any such bonds payable from revenues, 2735
adequate fees, charges, and rentals for the payment of the 2736
principal and interest on such bonds and for the creation and 2737
maintenance of reserves therefor and reserves for operation, 2738
maintenance, replacement, and renewal. 2739

Sec. 1501.14. To the extent provided in the order of the 2740
director or in the trust agreement securing the bonds, all 2741
admission fees, charges, and rentals and all other revenues 2742
derived from the lands and interests therein and public service 2743
facilities, for the acquisition, construction, enlargement, 2744
equipment, furnishing, or improvement of which bonds are issued, 2745
except such part as is necessary to pay the cost of maintaining, 2746
repairing, and operating them during any period in which such cost 2747
is not otherwise provided for, shall be pledged to the payment of 2748
the principal of and interest on such bonds. In any case in which 2749
the director deems it advisable, he has authority in the order 2750
providing for issuance of the bonds to pledge the admission fees, 2751
charges, and rentals and all other revenues derived from any or 2752
all state parks and public service facilities in any state park or 2753
parks, except such part as is necessary to pay the cost of 2754
maintaining, repairing, and operating such state parks and 2755
facilities, as additional security for the payment of any bonds 2756
issued under the provisions of sections 1501.12 to 1501.15, 2757
inclusive, of the Revised Code. 2758

Any order authorizing issuance of state park revenue bonds 2759
may provide for the payment of a proportionate share of the 2760
expenses of the operation of the department and the division of 2761
parks and ~~recreation~~ watercraft as a charge prior to the payment 2762
of principal of and interest on such bonds, and all other payments 2763
required to be made by such order or the trust agreement securing 2764
such bonds. 2765

Sec. 1501.24. (A) The director of natural resources may 2766
appoint natural resources officers for purposes of custodial or 2767
patrol service on lands and waters owned, controlled, maintained, 2768
or administered by the department of natural resources under 2769
Chapters 1503., 1517., 1546., and 1547. of the Revised Code, and 2770

waters in this state. The department shall employ a natural 2771
resources officer in conformity with the law applicable to the 2772
classified service of the state. 2773

(B)(1) On any lands or waters in this state and on highways 2774
adjacent to those lands and waters, a natural resources officer 2775
has the authority specified under division (A)(2) of section 2776
2935.03 of the Revised Code for peace officers, including doing 2777
both of the following: 2778

(a) Keeping the peace; 2779

(b) Enforcing all laws and rules governing those lands and 2780
waters, including sections 1503.01 to 1503.07, sections 1503.12 to 2781
1503.99; Chapters 1517., 1518., 1546., 1547., 1548., 2925., and 2782
3719. of the Revised Code; and section 3767.32 of the Revised Code 2783
and any other laws prohibiting the dumping of refuse into or along 2784
waters. 2785

(2) A natural resources officer may serve and execute any 2786
citation, summons, warrant, or other process issued with respect 2787
to any law that the officer has the authority to enforce. 2788

(3) A natural resources officer shall exercise the authority 2789
established under divisions (B)(1) and (2) of this section on 2790
lands or waters administered by the division of wildlife only 2791
pursuant to an agreement with the chief of that division or 2792
pursuant to a request for assistance by an enforcement officer of 2793
that division in an emergency. 2794

(4) The jurisdiction of a natural resources officer is 2795
concurrent with that of the peace officers of the county, 2796
township, or municipal corporation in which a violation occurs. 2797

(C) The governor, upon the recommendation of the director, 2798
shall issue to each natural resources officer a commission 2799
indicating authority to make arrests as provided in this section. 2800

(D)(1) A natural resources officer may render assistance to a state or local law enforcement officer at the request of that officer or may render assistance to a state or local law enforcement officer in the event of an emergency.

(2) The service of a natural resources officer outside the authority established under this section or under the terms of a mutual aid compact authorized under section 1501.02 of the Revised Code is considered the performance of services within the officer's regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which the officer may be entitled as incidents of the officer's regular employment.

(3) A natural resources officer serving outside the authority established under this section or under a mutual aid compact retains personal immunity from civil liability as specified in section 9.86 of the Revised Code and is not considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code. A political subdivision that uses a natural resources officer under this section or under the terms of a mutual aid compact authorized under section 1501.02 of the Revised Code is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of the officer acting under this section or under a mutual aid compact.

(E) As used in this section "highway" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 1501.25. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) The director of natural resources shall not appoint a person as a natural resources officer under section 1501.24 of the Revised Code on a permanent or temporary basis or for a probationary term if the person previously has been convicted of

or has pleaded guilty to a felony. 2832

(2)(a) The director shall terminate the employment of a 2833
natural resources officer if the officer does either of the 2834
following: 2835

(i) Pleads guilty to a felony; 2836

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2837
plea agreement as provided in division (D) of section 2929.43 of 2838
the Revised Code in which the officer agrees to surrender the 2839
certificate awarded to the officer under section 109.77 of the 2840
Revised Code. 2841

(b) The director shall suspend a natural resources officer 2842
from employment if that person is convicted, after trial, of a 2843
felony. If the natural resources officer files an appeal from that 2844
conviction and the conviction is upheld by the highest court to 2845
which the appeal is taken or if the officer does not file a timely 2846
appeal, the director shall terminate the employment of that 2847
officer. If the officer files an appeal that results in the 2848
officer's acquittal of the felony or conviction of a misdemeanor, 2849
or in the dismissal of the felony charge against the officer, the 2850
director shall reinstate that officer. A natural resources officer 2851
who is reinstated under division (B)(2)(b) of this section shall 2852
not receive any back pay unless that officer's conviction of the 2853
felony was reversed or dismissed on appeal because the court found 2854
insufficient evidence to convict the officer of the felony. 2855

(3) Division (B) of this section does not apply regarding an 2856
offense that was committed prior to January 1, 1997. 2857

(4) The director shall suspend or terminate the employment of 2858
a natural resources officer under division (B)(2) of this section 2859
in accordance with Chapter 119. of the Revised Code. 2860

Sec. 1501.45. (A) As used in this section: 2861

(1) "Forfeiture laws" means provisions that are established 2862
in Title XXIX of the Revised Code and that govern the forfeiture 2863
and disposition of certain property that is seized pursuant to a 2864
law enforcement investigation. 2865

(2) "Law enforcement division" means the division of 2866
forestry, the division of natural areas and preserves, the 2867
division of wildlife, or the division of parks and ~~recreation, or~~ 2868
~~the division of~~ watercraft in the department of natural resources. 2869

(3) "Law enforcement fund" means a fund created in this 2870
section. 2871

(B) Except as otherwise provided in this section and 2872
notwithstanding any provision of the Revised Code that is not in 2873
Title XV of the Revised Code to the contrary, the forfeiture laws 2874
apply to a law enforcement division that substantially conducts an 2875
investigation that results in the ordered forfeiture of property 2876
and also apply to the involved forfeiture of property, and the law 2877
enforcement division shall comply with those forfeiture laws. 2878
Accordingly, the portion of the forfeiture laws that authorizes 2879
certain proceeds from forfeited property to be distributed to the 2880
law enforcement agency that substantially conducted the 2881
investigation that resulted in the seizure of the subsequently 2882
forfeited property apply to the law enforcement divisions except 2883
as provided in division (C)(2)(a) of this section. If a law 2884
enforcement division is eligible to receive such proceeds, the 2885
proceeds shall be deposited into the state treasury to the credit 2886
of the applicable law enforcement fund. 2887

(C)(1) There are hereby created in the state treasury the 2888
division of wildlife law enforcement fund, ~~the division of parks~~ 2889
~~and recreation law enforcement fund,~~ and the ~~division of~~ 2890
~~watercraft~~ natural resources law enforcement fund. 2891

(2) The funds shall consist of proceeds from forfeited 2892

property that are deposited as follows: 2893

(a) Proceeds from forfeited property resulting from an 2894
investigation conducted by the division of forestry, the division 2895
of natural areas and preserves, or the division of parks and 2896
~~recreation watercraft~~ shall be deposited in the ~~division of parks~~ 2897
~~and recreation~~ natural resources law enforcement fund. 2898

(b) Proceeds from forfeited property resulting from an 2899
investigation conducted by the division of wildlife shall be 2900
deposited in the division of wildlife law enforcement fund. 2901

~~(c) Proceeds from forfeited property resulting from an 2902
investigation conducted by the division of watercraft shall be 2903
deposited in the division of watercraft law enforcement fund. 2904~~

(3) The funds shall be used for law enforcement purposes 2905
specified in the forfeiture laws as follows: 2906

(a) Money in the ~~division of parks and recreation~~ natural 2907
resources law enforcement fund shall be used by the division of 2908
parks and ~~recreation~~ watercraft. 2909

(b) Money in the division of wildlife law enforcement fund 2910
shall be used by the division of wildlife. 2911

~~(c) Money in the division of watercraft law enforcement fund 2912
shall be used by the division of watercraft. 2913~~

(4) A law enforcement division shall not use its fund to pay 2914
the salaries of its employees or to provide for any other 2915
remuneration of personnel. 2916

(D) If the forfeiture laws conflict with any provisions that 2917
govern forfeitures and that are established in another section of 2918
Title XV of the Revised Code, the provisions established in the 2919
other section of Title XV apply. 2920

Sec. 1503.011. The chief of the division of forestry shall be 2921

responsible for the conservation and development of forests within 2922
this state. The chief shall be concerned with silvicultural 2923
practices, including the proper planting, growing, protecting, 2924
harvesting, and managing of trees for such purposes as watershed 2925
and soil protection, timber production and utilization, 2926
recreation, aesthetics, wildlife habitat development, and urban 2927
enhancement and for all benefits that forests provide. 2928

The chief may do any or all of the following: 2929

(A) Provide rural forestry assistance to nonindustrial 2930
private forest landowners, including advice in tree planting, 2931
forest improvement, harvesting, and all aspects of conservation; 2932

(B) Provide urban forestry assistance to individuals, 2933
nonprofit organizations, and political subdivisions to manage 2934
their urban forest resource and develop comprehensive tree care 2935
programs; 2936

(C) Provide wood utilization, marketing, and rural forestry 2937
development assistance to forest industries, political 2938
subdivisions and agencies thereof, and state and federal agencies 2939
for the purpose of establishing and maintaining a viable, 2940
economically sound wood-based industry while expanding the forest 2941
resource of this state; 2942

(D) Provide forest pest protection assistance to forest 2943
landowners, political subdivisions and agencies thereof, and state 2944
and federal agencies on assessing and evaluating the health and 2945
vigor of the forest resource; 2946

(E) Provide technical assistance to landowners in developing 2947
forest windbreaks, filter strips, and other forest management 2948
practices that provide conservation benefits; 2949

(F) Provide awareness of and education concerning the 2950
programs provided for under divisions (A) to (E) of this section; 2951

(G) Enter into agreements with political subdivisions and 2952
agencies thereof, state and federal agencies, firefighting 2953
agencies and private fire companies, as those terms are defined in 2954
section 9.60 of the Revised Code, nonprofit organizations, and 2955
individuals to meet the needs of forestry assistance in this state 2956
and, in accordance with section 1503.01 of the Revised Code, 2957
develop and administer grant programs for any of those entities 2958
requesting assistance. The chief shall adopt, and may amend and 2959
rescind, rules in accordance with Chapter 119. of the Revised Code 2960
establishing such requirements and procedures as are necessary to 2961
implement this division; 2962

(H) Administer the state recreational vehicle fund created in 2963
section 4519.11 of the Revised Code. 2964

As used in this section, "nonprofit organization" has the 2965
same meaning as in section 4141.01 of the Revised Code. 2966

Sec. 1503.012. There is hereby created in the state treasury 2967
the forestry mineral royalties fund. The fund shall consist of 2968
money deposited into it under section 1509.73 of the Revised Code. 2969
Any investment proceeds earned on money in the fund shall be 2970
credited to the fund. 2971

Money in the fund shall be used by the division of forestry 2972
to acquire land and to pay capital costs, including equipment and 2973
repairs and renovations of facilities, that are owned by the state 2974
and administered by the division. Expenditures from the fund for 2975
those purposes shall be approved by the director of natural 2976
resources. 2977

The director of natural resources also may request the 2978
director of budget and management to transfer money from the 2979
forestry mineral royalties fund to the parks mineral royalties 2980
fund created in section ~~1541.26~~ 1546.24 of the Revised Code. The 2981
director of budget and management shall transfer the money 2982

pursuant to the request if the director consents to the request. 2983
Money that is transferred to the parks mineral royalties fund 2984
shall be used for the purposes specified in section ~~1541.26~~ 2985
1546.24 of the Revised Code. 2986

Sec. 1503.03. The chief of the division of forestry shall 2987
cooperate with ~~the Ohio agricultural research and development~~ 2988
~~center~~, all state operated universities, and the department of 2989
agriculture. The chief, with the approval of the director of 2990
natural resources, may purchase or acquire by gift, donations, or 2991
contributions any interest in land suitable for forestry purposes. 2992
The chief may enter into agreements with the federal government or 2993
other agencies for the acquisition, by lease, purchase, or 2994
otherwise, of such lands as in the judgment of the chief and 2995
director are desirable for state forests, building sites, or 2996
nursery lands. The chief may expend funds, not otherwise 2997
obligated, for the management, development, and utilization of 2998
such lands. 2999

The chief, with the approval of the director, may acquire by 3000
lease, purchase, gift, or otherwise, in the name of the state, 3001
forested or other lands in the state suitable for the growth of 3002
forest trees to the amount of the appropriation for that purpose. 3003
The chief shall prepare and submit to the director maps and 3004
descriptions of such areas including and adjacent to the existing 3005
state forest lands, the lands within which, not at the time 3006
belonging to the state, are properly subject to purchase as state 3007
forest lands for reasons of protection, utilization, and 3008
administration. When such an area is approved by the director and 3009
the recreation and resources council created in section 1501.04 of 3010
the Revised Code, it shall be known as a state forest purchase 3011
area and the map and description, with the approval of the 3012
director indorsed thereon, shall be filed in duplicate with the 3013
auditor of state and the attorney general. 3014

All lands purchased for forest purposes shall be deeded to 3015
the state, but the purchase price of such lands shall not be paid 3016
until the title thereof has been approved by the attorney general. 3017
The price of such lands shall not exceed the appropriation for 3018
such purposes. 3019

Sec. 1503.05. (A) The chief of the division of forestry may 3020
sell timber and other forest products from the state forest and 3021
state forest nurseries whenever the chief considers such a sale 3022
desirable and, with the approval of the attorney general and the 3023
director of natural resources, may sell portions of the state 3024
forest lands when such a sale is advantageous to the state. 3025

(B) Except as otherwise provided in this section, a timber 3026
sale agreement shall not be executed unless the person or 3027
governmental entity bidding on the sale executes and files a 3028
surety bond conditioned on completion of the timber sale in 3029
accordance with the terms of the agreement in an amount ~~equal to~~ 3030
~~twenty five per cent of the highest value cutting section~~ 3031
determined by the chief. All bonds shall be given in a form 3032
prescribed by the chief and shall run to the state as obligee. 3033

The chief shall not approve any bond until it is personally 3034
signed and acknowledged by both principal and surety, or as to 3035
either by the attorney in fact thereof, with a certified copy of 3036
the power of attorney attached. The chief shall not approve the 3037
bond unless there is attached a certificate of the superintendent 3038
of insurance that the company is authorized to transact a fidelity 3039
and surety business in this state. 3040

In lieu of a bond, the bidder may deposit any of the 3041
following: 3042

(1) Cash in an amount equal to the amount of the bond; 3043

(2) United States government securities having a par value 3044

equal to or greater than the amount of the bond; 3045

(3) Negotiable certificates of deposit or irrevocable letters 3046
of credit issued by any bank organized or transacting business in 3047
this state having a par value equal to or greater than the amount 3048
of the bond. 3049

The cash or securities shall be deposited on the same terms 3050
as bonds. If one or more certificates of deposit are deposited in 3051
lieu of a bond, the chief shall require the bank that issued any 3052
of the certificates to pledge securities of the aggregate market 3053
value equal to the amount of the certificate or certificates that 3054
is in excess of the amount insured by the federal deposit 3055
insurance corporation. The securities to be pledged shall be those 3056
designated as eligible under section 135.18 of the Revised Code. 3057
The securities shall be security for the repayment of the 3058
certificate or certificates of deposit. 3059

Immediately upon a deposit of cash, securities, certificates 3060
of deposit, or letters of credit, the chief shall deliver them to 3061
the treasurer of state, who shall hold them in trust for the 3062
purposes for which they have been deposited. The treasurer of 3063
state is responsible for the safekeeping of the deposits. A bidder 3064
making a deposit of cash, securities, certificates of deposit, or 3065
letters of credit may withdraw and receive from the treasurer of 3066
state, on the written order of the chief, all or any portion of 3067
the cash, securities, certificates of deposit, or letters of 3068
credit upon depositing with the treasurer of state cash, other 3069
United States government securities, or other negotiable 3070
certificates of deposit or irrevocable letters of credit issued by 3071
any bank organized or transacting business in this state, equal in 3072
par value to the par value of the cash, securities, certificates 3073
of deposit, or letters of credit withdrawn. 3074

A bidder may demand and receive from the treasurer of state 3075
all interest or other income from any such securities or 3076

certificates as it becomes due. If securities so deposited with 3077
and in the possession of the treasurer of state mature or are 3078
called for payment by their issuer, the treasurer of state, at the 3079
request of the bidder who deposited them, shall convert the 3080
proceeds of the redemption or payment of the securities into other 3081
United States government securities, negotiable certificates of 3082
deposit, or cash as the bidder designates. 3083

When the chief finds that a person or governmental agency has 3084
failed to comply with the conditions of the person's or 3085
governmental agency's bond, the chief shall make a finding of that 3086
fact and declare the bond, cash, securities, certificates, or 3087
letters of credit forfeited. The chief thereupon shall certify the 3088
total forfeiture to the attorney general, who shall proceed to 3089
collect the amount of the bond, cash, securities, certificates, or 3090
letters of credit. 3091

In lieu of total forfeiture, the surety, at its option, may 3092
cause the timber sale to be completed or pay to the treasurer of 3093
state the cost thereof. 3094

All moneys collected as a result of forfeitures of bonds, 3095
cash, securities, certificates, and letters of credit under this 3096
section shall be credited to the state forest fund created in this 3097
section. 3098

(C) The chief may grant easements and leases on portions of 3099
the state forest lands and state forest nurseries under terms that 3100
are advantageous to the state, and the chief may grant mineral 3101
rights on a royalty basis on those lands and nurseries, with the 3102
approval of the attorney general and the director. 3103

(D) All moneys received from the sale of state forest lands, 3104
or in payment for easements or leases on or as rents from those 3105
lands or from state forest nurseries, shall be paid into the state 3106
treasury to the credit of the state forest fund, which is hereby 3107

created. In addition, all moneys received from federal grants, 3108
payments, and reimbursements, from the sale of reforestation tree 3109
stock, from the sale of forest products, other than standing 3110
timber, and from the sale of minerals taken from the state forest 3111
lands and state forest nurseries, together with royalties from 3112
mineral rights, shall be paid into the state treasury to the 3113
credit of the state forest fund. Any other revenues derived from 3114
the operation of the state forests and related facilities or 3115
equipment also shall be paid into the state treasury to the credit 3116
of the state forest fund, as shall contributions received for the 3117
issuance of Smokey Bear license plates under section 4503.574 of 3118
the Revised Code and any other moneys required by law to be 3119
deposited in the fund. 3120

The state forest fund shall not be expended for any purpose 3121
other than the administration, operation, maintenance, 3122
development, or utilization of the state forests, forest 3123
nurseries, and forest programs, for facilities or equipment 3124
incident to them, or for the further purchase of lands for state 3125
forest or forest nursery purposes and, in the case of 3126
contributions received pursuant to section 4503.574 of the Revised 3127
Code, for fire prevention purposes. 3128

All moneys received from the sale of standing timber taken 3129
from state forest lands and state forest nurseries shall be 3130
deposited into the state treasury to the credit of the forestry 3131
holding account redistribution fund, which is hereby created. The 3132
moneys shall remain in the fund until they are redistributed in 3133
accordance with this division. 3134

The redistribution shall occur at least once each year. To 3135
begin the redistribution, the chief first shall determine the 3136
amount of all standing timber sold from state forest lands and 3137
state forest nurseries, together with the amount of the total sale 3138
proceeds, in each county, in each township within the county, and 3139

in each school district within the county. The chief next shall 3140
determine the amount of the direct costs that the division of 3141
forestry incurred in association with the sale of that standing 3142
timber. The amount of the direct costs shall be subtracted from 3143
the amount of the total sale proceeds and shall be transferred 3144
from the forestry holding account redistribution fund to the state 3145
forest fund. 3146

The remaining amount of the total sale proceeds equals the 3147
net value of the standing timber that was sold. The chief shall 3148
determine the net value of standing timber sold from state forest 3149
lands and state forest nurseries in each county, in each township 3150
within the county, and in each school district within the county 3151
and shall send to each county treasurer a copy of the 3152
determination at the time that moneys are paid to the county 3153
treasurer under this division. 3154

Thirty-five per cent of the net value of standing timber sold 3155
from state forest lands and state forest nurseries located in a 3156
county shall be transferred from the forestry holding account 3157
redistribution fund to the state forest fund. The remaining 3158
sixty-five per cent of the net value shall be transferred from the 3159
forestry holding account redistribution fund and paid to the 3160
county treasurer for the use of the general fund of that county. 3161

The county auditor shall do all of the following: 3162

(1) Retain for the use of the general fund of the county 3163
one-fourth of the amount received by the county under division (D) 3164
of this section; 3165

(2) Pay into the general fund of any township located within 3166
the county and containing such lands and nurseries one-fourth of 3167
the amount received by the county from standing timber sold from 3168
lands and nurseries located in the township; 3169

(3) Request the board of education of any school district 3170

located within the county and containing such lands and nurseries 3171
to identify which fund or funds of the district should receive the 3172
moneys available to the school district under division (D)(3) of 3173
this section. After receiving notice from the board, the county 3174
auditor shall pay into the fund or funds so identified one-half of 3175
the amount received by the county from standing timber sold from 3176
lands and nurseries located in the school district, distributed 3177
proportionately as identified by the board. 3178

The division of forestry shall not supply logs, lumber, or 3179
other forest products or minerals, taken from the state forest 3180
lands or state forest nurseries, to any other agency or 3181
subdivision of the state unless payment is made therefor in the 3182
amount of the actual prevailing value thereof. This section is 3183
applicable to the moneys so received. 3184

(E) The chief may enter into a personal service contract for 3185
consulting services to assist the chief with the sale of timber or 3186
other forest products and related inventory. Compensation for 3187
consulting services shall be paid from the proceeds of the sale of 3188
timber or other forest products and related inventory that are the 3189
subject of the personal service contract. 3190

Sec. 1503.08. The chief of the division of forestry, with the 3191
approval of the director of natural resources, shall establish 3192
fire protection areas for the state. When establishing fire 3193
protection areas, the chief shall consider all of the following: 3194

(A) The amount of forest cover; 3195

(B) The actual and potential fire occurrence; 3196

(C) The threat to forest resources; 3197

(D) The population of the areas; 3198

(E) Any other pertinent forest resource information. 3199

Sec. 1503.09. The chief of the division of forestry may 3200
appoint forest-fire wardens and forest-fire investigators, whose 3201
jurisdiction shall extend over ~~such territory as the chief~~ 3202
~~determines, subject to the approval of the director of natural~~ 3203
resources fire protection areas established under section 1503.08 3204
of the Revised Code. Forest-fire investigators shall conduct 3205
investigations and gather evidence for purposes of the enforcement 3206
of this chapter and sections 2909.02, 2909.03, 2909.06, and 3207
3767.32 of the Revised Code with respect to forest fires in fire 3208
protection areas. Any ~~such~~ forest-fire warden or forest-fire 3209
investigator shall hold office ~~for the term of one year or~~ until 3210
his the warden's or investigator's successor is appointed, but ~~he~~ 3211
any such warden or investigator may at any time be summarily 3212
removed by the chief. 3213

The chief may designate a forest-fire warden as a forest-fire 3214
investigator. The chief shall establish a policy for the required 3215
training of forest-fire investigators, which shall include 3216
successful completion of basic wildland fire suppression training 3217
and training as a peace officer. Division (D) of section 1501.24 3218
and section 1501.25 of the Revised Code apply to a forest-fire 3219
investigator in the same manner as those provisions of law apply 3220
to a natural resources officer. Forest-fire investigators shall 3221
have jurisdiction, with permission from the chief, to enter public 3222
and private lands. 3223

Sec. 1503.10. The chief of the division of forestry or the 3224
chief's designee shall supervise all forest-fire wardens and 3225
forest-fire investigators, shall instruct them in their duties, 3226
shall enforce all laws of this state for the prevention and 3227
suppression of forest fires, and shall ~~cause those who violate~~ 3228
direct investigations of alleged violations of such laws ~~to be~~ 3229
prosecuted within fire protection areas established under section 3230

1503.08 of the Revised Code. 3231

Sec. 1503.11. Forest-fire wardens shall prevent and 3232
extinguish forest fires in the territory over which they have 3233
jurisdiction and shall have control and direction of all persons 3234
and apparatus while engaged in extinguishing forest fires. 3235

In case of fire threatening any forest or woodland, the 3236
wardens having authority in that locality shall attend immediately 3237
and use all necessary means to confine and extinguish the fire. 3238
The Forest-fire wardens or forest-fire investigators may cut trees 3239
or other vegetation, destroy fences, plow land, or set backfires 3240
to check any fire. 3241

Sec. 1503.14. The chief of the division of forestry may 3242
establish and put into effect a system for aerial or ground 3243
detection and observation of forest fires which shall cover the 3244
regions determined by the chief to be subject to forest fires, 3245
purchase the necessary equipment and material, and hire the 3246
necessary labor for the installation and maintenance of the 3247
system. 3248

The chief may enter into agreements or contracts with 3249
firefighting agencies and private fire companies for the purpose 3250
of providing mutual aid and assistance in the protection of 3251
forests from forest fires in fire protection areas established 3252
under section 1503.08 of the Revised Code. The agreements or 3253
contracts may provide for at least technical assistance, 3254
assistance in training personnel, and fire suppression assistance 3255
and such other forms of aid as may be available and appropriate. 3256

The chief, with the approval of the director of natural 3257
resources, may transfer title to or ownership of vehicles, 3258
equipment, materials, and supplies that are determined to be in 3259
excess of the needs of the department of natural resources and the 3260

division to a firefighting agency or private fire company for the 3261
purpose of accomplishing fire suppression in fire protection 3262
areas. 3263

As used in this section, "firefighting agency" and "private 3264
fire company" have the same meanings as in section 9.60 of the 3265
Revised Code. 3266

Sec. 1503.141. There is hereby created in the state treasury 3267
the wildfire suppression fund. The fund shall consist of any 3268
federal moneys received for the purposes of this section and 3269
donations, gifts, bequests, and other moneys received for those 3270
purposes. In addition, the chief of the division of forestry 3271
annually may request that the director of budget and management 3272
transfer, and, if so requested, the director shall transfer, not 3273
more than one hundred thousand dollars to the wildfire suppression 3274
fund from the state forest fund created in section 1503.05 of the 3275
Revised Code. The amount transferred shall consist only of money 3276
deposited into the state forest fund from the sale of standing 3277
timber taken from state forest lands as set forth in that section. 3278

The chief ~~shall~~ may use moneys in the wildfire suppression 3279
fund to reimburse firefighting agencies and private fire companies 3280
for their costs incurred in the suppression of wildfires in 3281
counties within fire protection areas established under section 3282
1503.08 of the Revised Code where there is a state forest or 3283
national forest, or portion thereof. The chief, with the approval 3284
of the director of natural resources, may provide such 3285
reimbursement in additional counties. The chief shall provide such 3286
reimbursement pursuant to agreements and contracts entered into 3287
under section 1503.14 of the Revised Code and in accordance with 3288
the following schedule: 3289

(A) For wildfire suppression on private land, an initial 3290
seventy-dollar payment to the firefighting agency or private fire 3291

company; 3292

(B) For wildfire suppression on land under the administration 3293
or care of the department of natural resources or on land that is 3294
part of any national forest administered by the United States 3295
department of agriculture forest service, an initial 3296
one-hundred-dollar payment to the firefighting agency or private 3297
fire company; 3298

(C) For any wildfire suppression on land specified in 3299
division (A) or (B) of this section lasting more than two hours, 3300
an additional payment of thirty-five dollars per hour. 3301

If at any time moneys in the fund exceed two hundred thousand 3302
dollars, the chief shall ~~disburse~~ transfer the moneys that exceed 3303
that amount to the ~~firefighting agencies and private fire~~ 3304
~~companies in accordance with rules that the chief shall adopt in~~ 3305
~~accordance with Chapter 119. of the Revised Code. The rules shall~~ 3306
~~establish requirements and procedures that are similar in purpose~~ 3307
~~and operation to the federal rural community fire protection~~ 3308
~~program established under the "Cooperative Forestry Assistance Act~~ 3309
~~of 1978," 92 Stat. 365, 16 U.S.C.A. 2101, as amended~~ state forest 3310
fund. 3311

As used in this section, "firefighting agency" and "private 3312
fire company" have the same meanings as in section 9.60 of the 3313
Revised Code. 3314

Sec. 1503.15. A forest-fire warden or forest-fire 3315
investigator is not personally liable for any act required or 3316
authorized under sections 1503.07 to 1503.27 of the Revised Code 3317
while acting within the scope of ~~his~~ official duties as warden or 3318
investigator. 3319

Sec. 1503.18. (A) No person shall kindle a fire upon public 3320
land without the written permission of the forest-fire warden 3321

having jurisdiction or on land of another without the written 3322
permission of the owner or ~~his~~ the owner's agent. 3323

(B) No person shall kindle or authorize another to kindle a 3324
fire in or near any woodland, brushland, or land containing tree 3325
growth or in any place from which the fire is likely to escape 3326
unless all leaves, grass, wood, and inflammable material 3327
surrounding the place where the fire is kindled have first been 3328
removed to a safe distance and all other reasonable precautions 3329
have been taken to prevent its escape from control. No fire shall 3330
be left until extinguished or safely covered. 3331

(C) Excepting fires kindled in a plowed field, garden, or 3332
public highway at a distance of not less than two hundred feet 3333
from any woodland, brushland, or field containing dry grass or 3334
other inflammable material, no person shall kindle or authorize 3335
another to kindle a fire in the open air, outside the limits of 3336
any municipal corporation or land controlled by any railroad 3337
company, for the purpose of burning wood, brush, weeds, grass, or 3338
rubbish of any kind between the hours of six a.m. and six p.m. 3339
during the months of March, April, May, October, and November in 3340
any year. The chief of the division of forestry may adopt rules in 3341
accordance with Chapter 119. of the Revised Code to expand the 3342
times and places for kindling fires ~~if the chief gives notice by~~ 3343
~~publishing one notice in a newspaper of general circulation in the~~ 3344
~~area affected or giving written authorization to the~~ for any 3345
affected ~~person~~ persons. 3346

(D) The times and places for kindling fires established under 3347
division (C) of this section may be restricted or eliminated by 3348
executive order of the governor if environmental conditions so 3349
warrant. 3350

(E) Fires kindled by improperly disposing of a lighted match, 3351
cigar, or other burning or glowing substance are kindled fires 3352
within the meaning of this section. 3353

Sec. 1504.01. There is hereby created in the department of 3354
natural resources the office of real estate and land management. 3355
The director of natural resources shall appoint a chief to 3356
administer the office. The chief shall act as the director's 3357
designee and carry out the duties of the chief on behalf of the 3358
director. Subject to the approval of the director, the chief shall 3359
employ assistants and other employees as necessary to execute the 3360
duties of the office as prescribed by this chapter. 3361

Sec. 1504.02. (A) The office of real estate and land 3362
management shall do all of the following: 3363

(1) Except as otherwise provided in the Revised Code, 3364
coordinate and conduct all real estate functions for the 3365
department of natural resources, including acquiring land by 3366
purchase, lease, gift, devise, bequest, appropriation, or 3367
otherwise; administering grants through sales, leases, exchanges, 3368
easements, and licenses; performing inventories of land; and 3369
performing other related general management duties; 3370

(2) Cooperate with federal agencies and political 3371
subdivisions in administering federal recreation moneys under the 3372
"Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 3373
U.S.C. 4601-8, and prepare and distribute the statewide 3374
comprehensive outdoor recreation plan; 3375

(3) Prepare special studies and execute any other duties, 3376
functions, and responsibilities requested by the director of 3377
natural resources; 3378

(4) Administer the real estate services associated with canal 3379
lands on behalf of the director under Chapter 1520. of the Revised 3380
Code. 3381

(B) The office may do any of the following: 3382

(1) Coordinate environmental matters concerning the 3383

department and the state as are necessary to comply with the 3384
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 3385
U.S.C. 4321, the "Intergovernmental Cooperation Act of 1968," 82 3386
Stat. 1098, 31 U.S.C. 6506, and the "Federal Water Pollution 3387
Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, and 3388
regulations adopted under those acts; 3389

(2) Survey land; 3390

(3) As considered necessary by the director, administer any 3391
state or federally funded grant program that is related to natural 3392
resources or recreation; 3393

(4) Coordinate department projects, programs, policies, 3394
procedures, and activities with the United States army corps of 3395
engineers and other federal agencies; 3396

(5) Coordinate department activities associated with the 3397
completion of drainage ditch improvements in accordance with 3398
Chapters 6131. and 6133. of the Revised Code; 3399

(6) Prepare and distribute the statewide comprehensive 3400
outdoor recreation plan. 3401

Sec. 1504.03. The chief of the office of real estate and land 3402
management or an employee of the office may enter upon lands to 3403
make surveys and inspections when necessary for the purposes of 3404
this chapter. The chief shall provide reasonable notice of any 3405
proposed entry to the owner or person in possession of the land to 3406
be surveyed or inspected not less than forty-eight hours and not 3407
more than thirty days prior to the date of entry. An entry 3408
conducted under this section does not constitute trespass. 3409

Sec. 1506.35. (A) The director of natural resources may 3410
suspend or revoke, in accordance with Chapter 119. of the Revised 3411
Code, a permit issued under section 1506.32 of the Revised Code if 3412
the permit holder has done either of the following: 3413

(1) Failed to comply with sections 1506.30 to 1506.36 of the Revised Code, any rules adopted under those sections, or any provision or condition of the holder's permit;

(2) Damaged abandoned property other than in accordance with the provisions or conditions of the permit.

(B) Any motor vehicle, as defined in section 4501.01 of the Revised Code, watercraft, as defined in section ~~1547.01~~ 1546.01 of the Revised Code, mechanical or other assistance, scuba gear, sonar equipment, or other equipment used by any person in the course of committing a third or subsequent violation of division (K) of section 1506.32 of the Revised Code shall be considered contraband for the purposes of Chapter 2981. of the Revised Code, except that proceeds from the sale of such contraband shall be disposed of in the following order:

(1) To the payment of the costs incurred in the forfeiture proceedings under Chapter 2981. of the Revised Code;

(2) To the payment of the balance due on any security interest preserved under division (F) of section 2981.04 of the Revised Code;

(3) To the payment of any costs incurred by the seizing agency under Chapter 2981. of the Revised Code in connection with the storage, maintenance, security, and forfeiture of the contraband;

(4) Fifty per cent of the remaining money to the credit of the Lake Erie submerged lands preserves fund created in division (C) of this section, and fifty per cent of the remaining money to the Ohio history connection for deposit into the fund created pursuant to division (C) of section 149.56 of the Revised Code.

(C) There is hereby created in the state treasury the Lake Erie submerged lands preserves fund. The fund shall be composed of moneys credited to it under division (B)(4) of this section and

division (D)(2) of section 1506.33 of the Revised Code, all 3445
appropriations, contributions, and gifts made to it, and any 3446
federal grants received by the department of natural resources for 3447
the purposes of sections 1506.30 to 1506.36 of the Revised Code. 3448
The director shall use the moneys in the Lake Erie submerged lands 3449
preserves fund solely to implement and administer sections 1506.30 3450
to 1506.36 of the Revised Code. 3451

(D) The director may request the attorney general to, and the 3452
attorney general shall, bring a civil action in any court of 3453
competent jurisdiction for any of the following purposes: 3454

(1) To enforce compliance with or restrain violation of 3455
sections 1506.30 to 1506.36 of the Revised Code, any rules adopted 3456
under those sections, or any permit issued under section 1506.32 3457
of the Revised Code; 3458

(2) To enjoin the further removal of abandoned property or 3459
archaeological material from Lake Erie; 3460

(3) To order the restoration of an area affected by a 3461
violation of sections 1506.30 to 1506.36 of the Revised Code or of 3462
a permit issued under section 1506.32 of the Revised Code to its 3463
prior condition. 3464

Any action under this division is a civil action governed by 3465
the Rules of Civil Procedure. 3466

(E) A peace officer of a county, township, or municipal 3467
corporation, ~~and a preserve officer, wildlife officer, park~~ 3468
~~officer, or watercraft officer~~ designated under section ~~1517.10,~~ 3469
~~1531.13, 1541.10, or 1547.521~~ of the Revised Code, ~~as applicable,~~ 3470
and a natural resources officer appointed under section 1501.24 of 3471
the Revised Code may enforce compliance with sections 1506.30 to 3472
1506.36 of the Revised Code, any rules adopted under those 3473
sections, and any permit issued under section 1506.32 of the 3474
Revised Code and may make arrests for violation of those laws, 3475

rules, and permits. 3476

Sec. 1509.73. (A)(1) Beginning on ~~the effective date of this~~ 3477
~~section September 30, 2011,~~ and ending on the effective date of 3478
the rules adopted under section 1509.74 of the Revised Code, a 3479
state agency, in consultation with the oil and gas leasing 3480
commission, may lease a formation within a parcel of land that is 3481
owned or controlled by the state agency for the exploration for 3482
and development and production of oil or natural gas. The state 3483
agency shall establish bid fees, signing fees, rentals, and at 3484
least a one-eighth landowner royalty. On and after the effective 3485
date of the rules adopted under section 1509.74 of the Revised 3486
Code, a formation within a parcel of land that is owned or 3487
controlled by a state agency may be leased for the exploration for 3488
and development and production of oil or natural gas only in 3489
accordance with divisions (A)(2) to (H) of this section and those 3490
rules. 3491

(2) Not earlier than two hundred seventy days after ~~the~~ 3492
~~effective date of this section September 30, 2011,~~ a person that 3493
is an owner and that is interested in leasing a formation within a 3494
parcel of land that is owned or controlled by a state agency for 3495
the exploration for and the development and production of oil or 3496
natural gas may submit to the oil and gas leasing commission a 3497
nomination that identifies the parcel of land. A person submitting 3498
a nomination shall submit it in the manner and form established in 3499
rules adopted under section 1509.74 of the Revised Code and shall 3500
include with the nomination both of the following: 3501

(a) The information required by those rules; 3502

(b) The nomination fee established in those rules. 3503

(B)(1) Not less than thirty days, but not more than one 3504
hundred twenty days following the receipt of a nomination of a 3505
parcel of land, the commission shall conduct a meeting for the 3506

purpose of determining whether to approve or disapprove the 3507
nomination for the purpose of leasing a formation within the 3508
parcel of land that is identified in the nomination. The 3509
commission also shall review the nomination of the parcel of land 3510
and determine if the parcel of land has been classified under 3511
section 1509.72 of the Revised Code. If the parcel of land that is 3512
the subject of the nomination has not been classified, the 3513
commission immediately shall send a copy of the nomination to the 3514
state agency that owns or controls the parcel that is the subject 3515
of the nomination. Not later than fifteen days after receipt of a 3516
copy of the nomination, the state agency shall classify the parcel 3517
of land as a class 1, class 2, class 3, or class 4 property and 3518
submit the classification to the commission. On receipt of the 3519
state agency's classification of the parcel of land, the 3520
commission shall provide the department of natural resources the 3521
information necessary for the department to comply with divisions 3522
(C) and (D) of section 1509.72 of the Revised Code. 3523

After a parcel of land that is the subject of a nomination 3524
has been classified under section 1509.72 of the Revised Code or 3525
division (B)(1) of this section, as applicable, the commission 3526
shall approve or disapprove the nomination. In making its decision 3527
to approve or disapprove the nomination of the parcel of land, the 3528
commission shall consider all of the following: 3529

(a) The economic benefits, including the potential income 3530
from an oil or natural gas operation, that would result if the 3531
lease of a formation that is the subject of the nomination were 3532
approved; 3533

(b) Whether the proposed oil or gas operation is compatible 3534
with the current uses of the parcel of land that is the subject of 3535
the nomination; 3536

(c) The environmental impact that would result if the lease 3537
of a formation that is the subject of the nomination were 3538

approved;	3539
(d) Any potential adverse geological impact that would result if the lease of a formation that is the subject of the nomination were approved;	3540 3541 3542
(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;	3543 3544
(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;	3545 3546 3547 3548 3549
(g) Any objections to the nomination submitted to the commission by the state agency that owns or controls the land on which the proposed oil or natural gas operation would take place;	3550 3551 3552
(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;	3553 3554 3555
(i) Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code.	3556 3557
(2) The commission shall disapprove a nomination of a parcel of land that is a class 3 property. The commission shall send notice of the disapproval by certified mail to the person that submitted the nomination.	3558 3559 3560 3561
(3) Prior to making its decision to approve or disapprove a nomination, the commission shall notify the state agency that owns or controls the land on which the oil or gas operation would take place.	3562 3563 3564 3565
(4) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the commission shall be sent	3566 3567 3568

by certified mail to the person that submitted the nomination. 3569

(5) If the commission approves a nomination, the commission 3570
shall notify the state agency that owns or controls the parcel of 3571
land that is the subject of a nomination of the commission's 3572
approval of the nomination. The notification shall request the 3573
state agency to submit to the commission special terms and 3574
conditions that will apply to the lease of a formation within the 3575
parcel of land because of specific conditions related to the 3576
parcel of land. The state agency shall submit the special terms 3577
and conditions not later than sixty days after receipt of a notice 3578
from the commission. 3579

(6) If the commission approves a nomination for a parcel of 3580
land that is a class 1 property, the commission shall offer for 3581
lease each formation that is within the parcel of land. If the 3582
commission approves a nomination for a parcel of land that is a 3583
class 2 or class 4 property, the commission shall not offer for 3584
lease any formation that is within the parcel of land unless the 3585
state agency that owns or controls the parcel of land notifies the 3586
commission that a formation or formations that are within the 3587
parcel of land may be offered for lease. 3588

(C) Each calendar quarter, the commission shall proceed to 3589
advertise for bids for a lease for a formation within a parcel of 3590
land that was the subject of a nomination approved during the 3591
previous calendar quarter that is a class 1 property or that is a 3592
class 2 or class 4 property for which the commission has received 3593
notice from the state agency that owns or controls the parcel of 3594
land under division (B)(6) of this section that a formation or 3595
formations that are within the parcel of land may be offered for 3596
lease. The advertisement shall be provided to the department of 3597
natural resources, and the department shall publish the 3598
advertisement on its web site for a period of time established by 3599
the commission. The advertisement shall include all of the 3600

following: 3601

(1) The procedure for the submission of a bid to enter into a 3602
lease for a formation within a parcel of land; 3603

(2) A statement that a standard lease form that is consistent 3604
with the practices of the oil and natural gas industries will be 3605
used for the lease of a formation within the parcel of land; 3606

(3) A copy of the standard lease form that will be used for 3607
the lease of a formation within the parcel of land; 3608

(4) Special terms and conditions, if applicable, that apply 3609
to the lease because of specific conditions related to the parcel 3610
of land; 3611

(5) The amount of the bid fee that is required to be 3612
submitted with a bid; 3613

(6) Any other information that the commission considers 3614
pertinent to the advertisement for bids. 3615

(D) A person submitting a bid to enter into a lease under 3616
this section shall pay a bid fee established in rules adopted 3617
under section 1509.74 of the Revised Code. 3618

(E) In order to encourage the submission of bids and the 3619
responsible and reasonable development of the state's natural 3620
resources, the information that is contained in a bid submitted to 3621
the commission under this section shall be confidential and shall 3622
not be disclosed before a person is selected under division (F) of 3623
this section unless the commission determines otherwise. 3624

(F) The commission shall establish a deadline for the 3625
submission of bids for each lease regarding a particular parcel of 3626
land and shall notify the department of the deadline. The 3627
department shall post the deadline for the submission of bids for 3628
each lease on the department's web site. A person shall submit a 3629
bid in accordance with the procedures and requirements established 3630

by the commission in rules adopted under section 1509.74 of the Revised Code.

The commission shall select the person who submits the highest and best bid for each formation within that parcel of land, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission.

(G)(1) Except as otherwise provided in division (G)(2) of this section, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.

(2) Money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section on land owned or controlled by the division of forestry, wildlife, or parks and ~~recreation~~ watercraft in the department of natural resources shall be deposited into one of the following funds, as applicable:

(a) The forestry mineral royalties fund created in section 1503.012 of the Revised Code if the lease pertains to land owned or controlled by the division of forestry;

(b) The wildlife habitat fund created in section 1531.33 of the Revised Code if the lease pertains to land owned or controlled by the division of wildlife;

(c) The parks mineral royalties fund created in section ~~1541.26~~ 1546.24 of the Revised Code if the lease pertains to land

owned or controlled by the division of parks and ~~recreation~~ 3662
watercraft. 3663

(H) All money received from nomination fees and bid fees 3664
shall be paid into the state treasury to the credit of the oil and 3665
gas leasing commission administration fund created in section 3666
1509.75 of the Revised Code. 3667

(I) Notwithstanding any other provision of this section to 3668
the contrary, a nature preserve as defined in section 1517.01 of 3669
the Revised Code that is owned or controlled by a state agency 3670
shall not be nominated or leased under this section for the 3671
purpose of exploring for and developing and producing oil and 3672
natural gas resources. 3673

Sec. 1509.78. Notwithstanding any other provision of the 3674
Revised Code, not less than thirty per cent of the proceeds from a 3675
lease executed on and after ~~the effective date of this section~~ 3676
September 30, 2011, for the exploration and production of oil or 3677
gas within or under a state park established under Chapter ~~1541-~~ 3678
1546. of the Revised Code shall be credited to the applicable fund 3679
created in the state treasury that supports the state park. The 3680
department of natural resources shall use the money credited to 3681
the applicable fund from a lease for expenses associated with the 3682
state park within or under which the oil or gas exploration and 3683
production occurred. Money credited shall be used for capital 3684
improvements. 3685

Sec. 1514.10. No person shall: 3686

(A)(1) Engage in surface mining without a permit; 3687

(2) Engage in in-stream mining or conduct an in-stream mining 3688
operation without an in-stream mining permit issued by the chief 3689
of the division of mineral resources management. A person who, on 3690
March 15, 2002, holds a valid permit to conduct in-stream mining 3691

that is issued under section 10 of the "Rivers and Harbors
Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as
amended, shall not be required to obtain an in-stream mining
permit from the chief under this chapter until the existing permit
expires.

(B) Exceed the limits of a surface or in-stream mining permit
or amendment to a permit by mining land contiguous to an area of
land affected under a permit or amendment, which contiguous land
is not under a permit or amendment;

(C) Purposely misrepresent or omit any material fact in an
application for a surface or in-stream mining permit or amendment,
an annual or final report, or any hearing or investigation
conducted by the chief or the reclamation commission;

(D) Fail to perform any measure set forth in the approved
plan of mining and reclamation that is necessary to prevent damage
to adjoining property or to achieve a performance standard
required in division (A)(10) of section 1514.02 of the Revised
Code, or violate any other requirement of this chapter, a rule
adopted thereunder, or an order of the chief;

(E) Conduct surface excavations of minerals within any of the
following:

(1) One hundred twenty feet horizontal distance outward from
the highwater mark on each bank of an area designated as a wild,
scenic, or recreational river area under sections 1547.81 to
~~1547.87~~ 1547.86 of the Revised Code or of a portion of a river
designated as a component of the national wild and scenic river
system under the "Wild and Scenic Rivers Act," 82 Stat. 906
(1968), 16 U.S.C. 1274, as amended;

(2) Seventy-five feet horizontal distance outward from the
highwater mark on each bank of a watercourse that drains a surface
area of more than one hundred square miles;

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief.

(F) Conduct any surface mining activity within any of the following:

(1) Seventy-five feet horizontal distance outward from the highwater mark on each bank of an area designated as a wild, scenic, or recreational river area under sections 1547.81 to 1547.87 of the Revised Code or of a portion of a river designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended;

(2) Seventy-five feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than one hundred square miles;

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief.

A person who has been issued a surface mining permit prior to March 15, 2002 may continue to operate under that permit and shall not be subject to the prohibitions established in divisions (E) and (F) of this section until the permit is renewed.

The number of square miles of surface area that a watercourse drains shall be determined by consulting the "gazetteer of Ohio streams," which is a portion of the Ohio water plan inventory published in 1960 by the division of water in the department of natural resources, or its successor, if any.

(G) Engage in any part of a process that is followed in the 3754
production of minerals from the bottom of the channel of a 3755
watercourse in any of the following circumstances or areas: 3756

(1) In an area designated as a wild, scenic, or recreational 3757
river area under sections 1547.81 to ~~1547.87~~ 1547.86 of the 3758
Revised Code, in a portion of a river designated as a component of 3759
the national wild and scenic river system under the "Wild and 3760
Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as 3761
amended, or within one-half mile upstream of any portion of such 3762
an area or component; 3763

(2) During periods other than periods of low flow, as 3764
determined by rules adopted under section 1514.08 of the Revised 3765
Code; 3766

(3) During critical fish or mussel spawning seasons as 3767
determined by the chief of the division of wildlife under Chapter 3768
1531. of the Revised Code and rules adopted under it; 3769

(4) In an area known to possess critical spawning habitat for 3770
a species of fish or mussel that is on the federal endangered 3771
species list established in accordance with the "Endangered 3772
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 3773
amended, or the state endangered species list established in rules 3774
adopted under section 1531.25 of the Revised Code. 3775

Division (G) of this section does not apply to the activities 3776
described in divisions (M)(1) and (2) of section 1514.01 of the 3777
Revised Code. 3778

Sec. 1519.03. The director of natural resources, through the 3779
chief of the division of parks and ~~recreation~~ watercraft, shall 3780
prepare and maintain a current inventory of trails, abandoned or 3781
unmaintained roads, streets, and highways, abandoned railroad 3782
rights-of-way, utility easements, canals, and other scenic or 3783

historic corridors or rights-of-way that are suitable for 3784
recreational use. The director shall prepare and publish a 3785
comprehensive plan for development of a statewide trails system to 3786
serve present and future trail recreation needs of the state. Any 3787
state department, agency, political subdivision, or planning 3788
commission shall furnish available maps, descriptions, and other 3789
pertinent information to the director or provide access to the 3790
director's representatives for inspection and duplication, upon 3791
request by the director, for trail inventory and planning 3792
purposes. 3793

Sec. 1519.04. No person shall violate any rule adopted by the 3794
director of natural resources under this chapter. 3795

Every sheriff, deputy sheriff, marshal, deputy marshal, 3796
member of the organized police department of any municipal 3797
corporation, police constable of any township, wildlife officer, 3798
~~park officer, forest officer, preserve~~ natural resources officer, 3799
conservancy district police officer, and other law enforcement 3800
officer, within the area of ~~his~~ the law enforcement officer's 3801
authority, may enforce this chapter and rules adopted under it. 3802

Sec. 1520.02. (A) The director of natural resources has 3803
exclusive authority to administer, manage, and establish policies 3804
governing canal lands. 3805

(B)(1) The director may sell, lease, exchange, give, or grant 3806
all or part of the state's interest in any canal lands in 3807
accordance with section 1501.01 of the Revised Code. The director 3808
may stipulate that an appraisal or survey need not be conducted 3809
for, and may establish any terms or conditions that the director 3810
determines appropriate for, any such conveyance. 3811

Prior to proposing the conveyance of any canal lands, the 3812
director shall consider the local government needs and economic 3813

development potential with respect to the canal lands and the 3814
recreational, ecological, and historical value of the canal lands. 3815
In addition, the conveyance of canal lands shall be conducted in 3816
accordance with the director's policies governing the protection 3817
and conservation of canal lands established under this section. 3818

(2) With regard to canal lands, the chief of the ~~division~~ 3819
office of parks real estate and recreation land management, with 3820
the approval of the director, may sell, lease, or transfer 3821
minerals or mineral rights when the chief, with the approval of 3822
the director, determines that the sale, lease, or transfer is in 3823
the best interest of the state. Consideration for minerals and 3824
mineral rights shall be by rental or on a royalty basis as 3825
prescribed by the chief, with the approval of the director, and 3826
payable as prescribed by contract. Moneys collected under division 3827
(B)(2) of this section shall be paid into the state treasury to 3828
the credit of the canal lands fund created in section 1520.05 of 3829
the Revised Code. 3830

(C) The director may transfer to the Ohio history connection 3831
any equipment, maps, and records used on or related to canal lands 3832
that are of historical interest and that are not needed by the 3833
director to administer this chapter. 3834

(D) If the director determines that any canal lands are a 3835
necessary part of a county's drainage or ditch system and are not 3836
needed for any purpose of the department of natural resources, the 3837
director may sell, grant, or otherwise convey those canal lands to 3838
that county in accordance with division (B) of this section. The 3839
board of county commissioners shall accept the transfer of canal 3840
lands. 3841

(E) Notwithstanding any other section of the Revised Code, 3842
the county auditor shall transfer any canal lands conveyed under 3843
this section, and the county recorder shall record the deed for 3844
those lands in accordance with section 317.12 of the Revised Code. 3845

Sec. 1520.03. (A) The director of natural resources may 3846
appropriate real property in accordance with Chapter 163. of the 3847
Revised Code for the purpose of administering this chapter. 3848

(B)(1) The director shall operate and maintain all canals and 3849
canal reservoirs owned by the state except those canals that are 3850
operated by the Ohio history connection on July 1, 1989. 3851

(2) On behalf of the director, the division of parks and 3852
~~recreation~~ watercraft shall have the care and control of all 3853
canals and canal reservoirs owned by the state, the water in them, 3854
and canal lands and shall protect, operate, and maintain them and 3855
keep them in repair. The chief of the division ~~of parks and~~ 3856
~~recreation~~ may remove obstructions from or on them and shall make 3857
any alterations or changes in or to them and construct any 3858
feeders, dikes, reservoirs, dams, locks, or other works, devices, 3859
or improvements in or on them that are necessary in the discharge 3860
of the chief's duties. 3861

In accordance with Chapter 119. of the Revised Code, the 3862
chief may adopt, amend, and rescind rules that are necessary for 3863
the administration of this division. 3864

(C) The director may sell or lease water from any canal or 3865
canal reservoir that the director operates and maintains only to 3866
the extent that the water is in excess of the quantity that is 3867
required for navigation, recreation, and wildlife purposes. With 3868
the approval of the director, the chief may adopt, amend, and 3869
rescind rules in accordance with Chapter 119. of the Revised Code 3870
necessary to administer this division. 3871

The withdrawal of water from any canal or canal reservoir for 3872
domestic use is exempt from this division. However, the director 3873
may require water conservation measures for water that is 3874
withdrawn from any canal or canal reservoir for domestic use 3875
during drought conditions or other emergencies declared by the 3876

governor. 3877

(D) No person shall take or divert water from any canal or 3878
canal reservoir operated and maintained by the director except in 3879
accordance with division (C) of this section. 3880

(E) At the request of the director, the attorney general may 3881
commence a civil action for civil penalties and injunctions, in a 3882
court of common pleas, against any person who has violated or is 3883
violating division (D) of this section. The court of common pleas 3884
in which an action for injunctive relief is filed has jurisdiction 3885
to and shall grant preliminary and permanent injunctive relief 3886
upon a showing that the person against whom the action is brought 3887
has violated or is violating that division. 3888

Upon a finding of a violation, the court shall assess a civil 3889
penalty of not more than one thousand dollars for each day of each 3890
violation if the violator is an individual who took or diverted 3891
the water in question for residential or agricultural use. The 3892
court shall assess a civil penalty of not more than five thousand 3893
dollars for each day of each violation if the violator is any 3894
other person who took or diverted the water in question for 3895
industrial or commercial use excluding agricultural use. Moneys 3896
from civil penalties assessed under this division shall be paid 3897
into the state treasury to the credit of the canal lands fund 3898
created in section 1520.05 of the Revised Code. 3899

Any action under this division is a civil action, governed by 3900
the rules of civil procedure and other rules of practice and 3901
procedure applicable to civil actions. 3902

(F) As used in this section, "person" means any agency of 3903
this state, any political subdivision of this state or of the 3904
United States, or any legal entity defined as a person under 3905
section 1.59 of the Revised Code. 3906

Sec. 1533.89. Any sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, ~~park,~~ ~~preserve,~~ or forest natural resources officer, conservancy district police officer, or other law enforcement officer, within the limits of the officer's jurisdiction, may enforce sections 1533.86 to 1533.90 of the Revised Code and rules adopted pursuant to section 1533.88 of the Revised Code, and any wildlife officer may enforce those sections and rules throughout the state.

Sec. 1546.01. As used in this chapter and Chapter 1547. of the Revised Code:

"Canoe" means a paddlecraft that is normally an open, narrow vessel of shallow draft, typically pointed at both ends and propelled by its occupants through the use of paddles while kneeling or sitting on a raised seat, including a flat-backed canoe and a racing canoe.

"Coast guard approved" means bearing an approval number assigned by the United States coast guard.

"Conditional approval" means a personal flotation device approval that has one or more conditions with which the user must comply in order for the device to be considered appropriate for meeting the requirements for personal flotation devices for the vessel on which it is being used.

"Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

"Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails

capabilities similar to these technologies. 3937

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. 3938
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"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record. 3941
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"Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability. 3943
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"Impoundment" means the reservoir created by a dam or other artificial barrier across a watercourse that causes water to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, but does not include water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than ten feet above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow. 3945
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"Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. An inflatable watercraft propelled by a motor is a powercraft. An inflatable watercraft propelled by a sail is a sailboat. An inflatable watercraft propelled by human muscular effort utilizing a paddle or pole is a paddlecraft. An inflatable watercraft propelled by human muscular effort utilizing an oar with the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar arrangements is a rowboat. 3953
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"In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state. 3964
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"Kayak" means a paddlecraft that is typically pointed at both ends and is propelled by human muscular effort by one or more 3966
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seated individuals who use a double-bladed paddle, including an 3968
open kayak with an open deck for operator seating, an enclosed 3969
kayak designed to enclose an occupant within a cockpit, a tandem 3970
kayak designed for multiple occupants, and a racing kayak. 3971

"Law enforcement vessel" means any vessel used in law 3972
enforcement or under the command of a law enforcement officer. 3973

"Muffler" means an acoustical suppression device or system 3974
that is designed and installed to abate the sound of exhaust gases 3975
emitted from an internal combustion engine and that prevents 3976
excessive or unusual noise. 3977

"Navigable waters" means waters that come under the 3978
jurisdiction of the department of the army of the United States 3979
and any waterways within or adjacent to this state, except inland 3980
lakes having neither a navigable inlet nor outlet. 3981

"No wake" has the same meaning as "idle speed." 3982

"Operator" includes any person who uses, navigates, employs, 3983
or has under the person's control a vessel, or vessel and 3984
detachable motor, on the waters in this state. 3985

"Owner" includes any person, other than a secured party, who 3986
claims lawful possession of a vessel by virtue of legal title or 3987
equitable interest therein that entitled the person to use or 3988
possess the vessel, including a person entitled to use or possess 3989
a vessel subject to a security interest in another person, but 3990
does not include a lessee under a lease not intended as a 3991
security. 3992

"Paddlecraft" means any type of canoe, kayak, paddleboard, or 3993
other vessel powered only by its occupants using a single or 3994
double-bladed paddle as a lever without the aid of a fulcrum 3995
provided by oarlocks, tholepins, crutches, or similar mechanisms. 3996

"Performance type" means the in-water performance 3997

classification of a personal flotation device as determined by the 3998
United States coast guard. 3999

"Person" includes any legal entity defined as a person in 4000
section 1.59 of the Revised Code and any body politic, except the 4001
United States and this state, and includes any agent, trustee, 4002
executor, receiver, assignee, or other representative thereof. 4003

"Personal flotation device" means a United States coast guard 4004
approved personal safety device designed to provide buoyancy to 4005
support a person in the water. 4006

"Personal watercraft" means a vessel, less than sixteen feet 4007
in length, that is propelled by a water-jet pump or other 4008
machinery and designed to be operated by an individual sitting, 4009
standing, or kneeling on the vessel rather than by an individual 4010
sitting or standing inside the vessel. 4011

"Powercraft" means any vessel propelled by machinery, fuel, 4012
rockets, or similar device. 4013

"Recreational river area" means an area declared a 4014
recreational river area by the director under this chapter and 4015
includes those rivers or sections of rivers that are readily 4016
accessible by road or railroad, that may have some development 4017
along their shorelines, and that may have undergone some 4018
impoundment or diversion in the past. 4019

"Rowboat" means an open vessel, other than a paddlecraft, 4020
that is designed to be rowed and that is propelled by human 4021
muscular effort by oars and upon which no mechanical propulsion 4022
device, electric motor, internal combustion engine, or sail has 4023
been affixed or is used for the operation of the vessel. "Rowboat" 4024
includes a racing shell and a rowing skull regardless of length or 4025
construction. 4026

"Rules" means rules adopted by the chief of the division of 4027
parks and watercraft under this chapter or Chapter 1547. of the 4028

Revised Code, unless the context indicates otherwise. 4029

"Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation. 4030
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A vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method of propulsion is an auxiliary sail. 4033
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Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation. 4036
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"Scenic river area" means an area declared a scenic river area by the director under this chapter and includes those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. 4039
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"Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste. 4044
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"Throwable personal flotation device" means a device that is intended to be thrown to a person in the water. "Throwable personal flotation device" includes a personal flotation device marked as "Type IV" or "Type V with Type IV performance." 4046
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"Throwable personal flotation device" does not include a wearable personal flotation device unless it is specifically marked otherwise. 4050
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"Towed watersport" means any activity that involves being towed by or riding in the wake of a recreational vessel, including both of the following: 4053
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(1) Riding or attempting to ride on one or more water skis, a wakeboard, a surfboard, an inflatable device, or any other device manufactured or used for the purpose of being towed by a 4056
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recreational vessel; 4059

(2) Engaging or attempting to engage in barefoot skiing or parasailing. 4060
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"Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy. 4062
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"Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy. 4067
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"Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy. 4072
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"Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy. 4076
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"Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, any of the following: 4080
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(1) A designation that states the device is approved only for use while participating in specific activities; 4084
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(2) A designation that states the device is approved only for use by an operator or passenger of specific types of vessels; 4086
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(3) A designation that states the device is specifically 4088

approved as a substitute for the type of personal flotation device 4089
required for use while engaged in certain activities or as an 4090
operator or passenger of a vessel. 4091

"Vessel" includes every description of craft, including 4092
nondisplacement craft, multimodal craft, and submersibles, being 4093
used or capable of being used as a means of transportation on 4094
water. 4095

"Visible" means visible on a dark night with clear 4096
atmosphere. 4097

"Watercourse" means a substantially natural channel with 4098
recognized banks and bottom in which a flow of water occurs, with 4099
an average of at least ten feet mean surface water width and at 4100
least five miles of length. 4101

"Watercraft" means any of the following when used or capable 4102
of being used for transportation on the water: 4103

(1) A vessel operated by machinery either permanently or 4104
temporarily affixed; 4105

(2) A sailboat other than a sailboard; 4106

(3) An inflatable, manually propelled vessel that is required 4107
by federal law to have a hull identification number meeting the 4108
requirements of the United States coast guard; 4109

(4) A canoe, kayak, pedalboat, or rowboat; 4110

(5) Any of the following multimodal craft being operated on 4111
waters in this state: 4112

(a) An amphibious vehicle; 4113

(b) A submersible; 4114

(c) An airboat or hovercraft. 4115

(6) A vessel that has been issued a certificate of 4116
documentation with a recreational endorsement under 46 C.F.R. 67. 4117

<u>"Watercraft" does not include ferries as referred to in</u>	4118
<u>Chapter 4583. of the Revised Code.</u>	4119
<u>Watercraft subject to section 1547.54 of the Revised Code are</u>	4120
<u>divided into five classes as follows:</u>	4121
<u>Class A: Less than sixteen feet in length;</u>	4122
<u>Class 1: At least sixteen feet, but less than twenty-six feet</u>	4123
<u>in length;</u>	4124
<u>Class 2: At least twenty-six feet, but less than forty feet</u>	4125
<u>in length;</u>	4126
<u>Class 3: At least forty feet, but less than sixty-five feet</u>	4127
<u>in length;</u>	4128
<u>Class 4: At least sixty-five feet in length.</u>	4129
<u>"Watercraft dealer" means any person who is regularly engaged</u>	4130
<u>in the business of manufacturing, selling, displaying, offering</u>	4131
<u>for sale, or dealing in vessels at an established place of</u>	4132
<u>business that is used primarily for the selling, displaying,</u>	4133
<u>offering for sale, or dealing of vessels. "Watercraft dealer" does</u>	4134
<u>not include a person who is a marine salvage dealer or any other</u>	4135
<u>person who dismantles, salvages, or rebuilds vessels using used</u>	4136
<u>parts.</u>	4137
<u>"Waters in this state" means all streams, rivers, lakes,</u>	4138
<u>ponds, marshes, watercourses, waterways, and other bodies of</u>	4139
<u>water, natural or humanmade, that are situated wholly or partially</u>	4140
<u>within this state or within its jurisdiction and are used for</u>	4141
<u>recreational boating.</u>	4142
<u>"Wearable personal flotation device" means a device that is</u>	4143
<u>intended to be worn or otherwise attached to a person's body.</u>	4144
<u>"Wearable personal flotation device" includes a personal flotation</u>	4145
<u>device marked as "Type I," "Type II," "Type III," "Type V with</u>	4146
<u>Type II performance," or "Type V with Type III performance."</u>	4147

"Wild river area" means an area declared a wild river area by 4148
the director of natural resources under this chapter and includes 4149
those rivers or sections of rivers that are free of impoundments 4150
and generally inaccessible except by trail, with watersheds or 4151
shorelines essentially primitive and waters unpolluted, 4152
representing vestiges of primitive America. 4153

Sec. 1546.02. (A) There is hereby created in the department 4154
of natural resources the division of parks and watercraft. The 4155
division shall do all of the following: 4156

(1) Administer and enforce all laws relative to the 4157
identification, numbering, registration, titling, use, and 4158
operation of vessels operated on the waters in this state; 4159

(2) Promote, and educate and inform the citizens of the state 4160
about, conservation, navigation, safety practices, and the 4161
benefits of recreational boating; 4162

(3) Provide for and assist in the development, maintenance, 4163
and operation of marine recreational facilities, docks, launching 4164
facilities, and harbors for the benefit of public navigation, 4165
recreation, or commerce if the chief of the division determines 4166
that they are in the best interests of the state; 4167

(4) Provide wild, scenic, and recreational river area 4168
conservation education and provide for corridor protection, 4169
restoration, habitat enhancement, and clean-up projects in those 4170
areas; 4171

(5) Coordinate and plan trails in accordance with section 4172
1519.03 of the Revised Code; 4173

(6) Administer any state or federally funded grant program 4174
that is related to natural resources and recreation as considered 4175
necessary by the director of natural resources. 4176

(B) The division shall create, supervise, operate, protect, 4177

and maintain, and promote the use by the public of, a system of 4178
state parks and wild, scenic, and recreational river areas. As 4179
part of that responsibility, the division shall control and manage 4180
all lands and waters dedicated and set apart for state park 4181
purposes. The division shall do all of the following regarding 4182
those lands and waters: 4183

(1) Protect and maintain them; 4184

(2) Make alterations and improvements; 4185

(3) Construct and maintain dikes, wharves, landings, docks, 4186
dams, and other works; 4187

(4) Construct and maintain roads and drives in, around, upon, 4188
and to the lands and waters to make them conveniently accessible 4189
and useful to the public. 4190

Sec. 1546.021. The division of parks and watercraft may 4191
accept, receive, and expend gifts, devises, or bequests of money, 4192
lands, or other properties under the terms set forth in section 4193
9.20 of the Revised Code. 4194

Sec. 1546.03. (A) The chief of the division of parks and 4195
watercraft shall act as a designee of the director of natural 4196
resources. The chief, with approval of the director, shall select 4197
such number of technical and administrative assistants as the 4198
chief deems necessary to assist the chief in administering the 4199
division and fix their compensation in accordance with sections 4200
124.14, 124.15, 124.152, 124.18, and 1501.05 of the Revised Code. 4201

The chief, with the approval of the director, shall determine 4202
policies and programs for the division. 4203

(B) The chief may designate license agents with the approval 4204
of the director. 4205

(C) The division is hereby designated as the agency to 4206

administer the Ohio boating safety program. The division also 4207
shall administer federal funds allocated under the "Federal Boat 4208
Safety Act of 1971," 85 Stat. 222, 46 U.S.C. 1475(a)(6), as 4209
amended. The chief shall prepare and submit reports in such form 4210
as may be required by that act. 4211

(D) The chief may sell any of the following: 4212

(1) Items related to or that promote boating safety, 4213
including pins, badges, books, bulletins, maps, publications, 4214
calendars, and other educational articles; 4215

(2) Artifacts pertaining to boating; 4216

(3) Confiscated or forfeited items; 4217

(4) Surplus equipment. 4218

(E) The chief may enforce any rules adopted under section 4219
1546.04 of the Revised Code. 4220

Sec. 1546.04. (A) Except as provided in this section, the 4221
chief of the division of parks and watercraft, with the approval 4222
of the director of natural resources, shall adopt rules in 4223
accordance with Chapter 119. of the Revised Code that are 4224
necessary for the proper management of state parks, bodies of 4225
water, and the lands adjacent to them under its jurisdiction and 4226
control, including rules: 4227

(1) Governing opening and closing times and dates of state 4228
parks; 4229

(2) Establishing fees and charges for use of facilities in 4230
state parks; 4231

(3) Governing camps, camping, and fees for camps and camping; 4232

(4) Governing the application for and rental of, rental fees 4233
for, and the use of cottages; 4234

(5) Relating to public use of state park lands, and governing 4235

the operation of motor vehicles, including speeds and parking on 4236
those lands; 4237

(6) Governing all advertising within state parks and 4238
requirements for the operation of places selling tangible personal 4239
property and food service sales on lands and waters under the 4240
control of the division. The rules shall establish uniform 4241
requirements for those operations and sales. 4242

(7) Providing uniform standards relating to the size, type, 4243
location, construction, and maintenance of structures and devices 4244
used for fishing or moorage of watercraft, rowboats, sailboats, 4245
and powercraft over waters under the control of the division and 4246
establishing reasonable fees for the construction of, and annual 4247
use permits for, those structures and devices; 4248

(8) Governing state beaches, swimming, inflatable devices, 4249
and fees for them; 4250

(9) Governing the removal and disposition of any watercraft, 4251
rowboat, sailboat, or powercraft left unattended for more than 4252
seven days on any lands or waters under the control of the 4253
division; 4254

(10) Governing the establishment and collection of check 4255
collection charges for checks that are returned to the division or 4256
dishonored for any reason; 4257

(11) Governing natural resources officers in all parks and 4258
bodies of water and lands adjacent to those bodies under the 4259
supervision and control of the division as are necessary to the 4260
proper management of such parks and bodies of water. 4261

(B) The chief shall adopt rules in accordance with Chapter 4262
119. of the Revised Code establishing a discount program for all 4263
persons who are issued a golden buckeye card under section 173.06 4264
of the Revised Code. The discount program shall provide a discount 4265
for all park services and rentals, but shall not provide a 4266

<u>discount for the purchase of merchandise.</u>	4267
<u>(C) The chief, with the approval of the director of natural resources, may adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:</u>	4268
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<u>(1) Requirements governing the administration of state parks;</u>	4271
<u>(2) Requirements considered necessary by the chief to supplement the identification, operation, titling, use, registration, and numbering of watercraft or vessels as provided in Chapters 1547. and 1548. of the Revised Code;</u>	4272
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<u>(3) Requirements governing the navigation of vessels on waters in this state, including rules regarding steering and sailing, the conduct of vessels in sight of one another or in restricted visibility, lights and shapes of lights used on vessels, and sound and light signals. As the chief considers necessary, the chief shall ensure that those rules are consistent with and equivalent to the regulations and interpretive rulings governing inland waters adopted or issued under the "Inland Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 2073.</u>	4276
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<u>(4) Requirements governing the use, visitation, protection, and administration of wild, scenic, and recreational river areas;</u>	4286
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<u>(5) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;</u>	4288
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<u>(6) Fees and charges for all of the following:</u>	4292
<u>(a) Boating skill development classes and other educational classes;</u>	4293
	4294
<u>(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;</u>	4295
	4296

(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code; 4297
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(d) The conducting of stream impact reviews of any planned or proposed construction, modification, renovation, or development project that may potentially impact a watercourse within a designated wild, scenic, or recreational river area. 4299
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(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park. 4303
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Sec. 1546.05. (A) Every disabled veteran is exempt from the fees for camping established by rule. To claim this exemption, the disabled veteran shall carry in the state park such evidence of the veteran's disability as prescribed by rule. 4306
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(B) Unless otherwise provided by rule, an elderly or disabled resident shall be charged one-half of the regular fee for camping, except on the weekends and holidays designated by the division of parks and watercraft. In addition, the elderly or disabled resident shall not be charged more than ninety per cent of the regular charges for state recreational facilities, equipment, services, and food service operations utilized by the resident at any time of year, whether maintained or operated by the state or leased for operation by another entity. 4310
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(C) Any person who has been a prisoner of war, was honorably discharged from the armed forces of the United States, and is a resident of this state is exempt from the fees for camping. To claim this exemption, the person shall present written evidence in the form of a record of separation, a letter from one of the military forces of the United States, or such other evidence as the chief prescribes by rule that satisfies the eligibility criteria established by this section. 4319
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(D) As used in this section: 4327

(1) "Disabled veteran" means either of the following: 4328

(a) A resident of this state with a disability that has been 4329
determined by the veterans administration to be permanently and 4330
totally disabling, who receives a pension or compensation from the 4331
veterans administration, and who received an honorable discharge 4332
from the armed forces of the United States; 4333

(b) A veteran to whom the registrar of motor vehicles has 4334
issued a set of license plates under section 4503.41 of the 4335
Revised Code. 4336

(2) "Elderly or disabled resident" means a resident of this 4337
state who is sixty-five years of age or older or who is 4338
permanently and totally disabled and who furnishes evidence of 4339
that age or disability in a manner prescribed by rule. 4340

(3) "Food service operations" means restaurants that are 4341
owned by the department of natural resources at Hocking Hills, 4342
Lake Hope, Malabar Farm, and Rocky Fork state parks or are part of 4343
a state park lodge. "Food service operations" does not include 4344
automatic vending machines, concession stands, or snack bars. 4345

(4) "Prisoner of war" means any regularly appointed, 4346
enrolled, enlisted, or inducted member of the armed forces of the 4347
United States who was captured, separated, and incarcerated by an 4348
enemy of the United States. 4349

Sec. ~~1541.02~~ 1546.06. The chief of the division of parks and 4350
~~recreation~~ watercraft shall prepare and submit to the director of 4351
natural resources maps and descriptions of the areas of lands and 4352
waters which the chief intends to designate as state park purchase 4353
areas. Such state park purchase areas may include lands and waters 4354
at the time belonging to the state, together with lands and waters 4355
not belonging to the state but which for reasons of protection, 4356

utilization, and administration should be subject to purchase by 4357
the state for park purposes. If such area is approved by the 4358
director and the recreation and resources council created in 4359
section 1501.04 of the Revised Code, it shall be known as a state 4360
park purchase area, and the map and description thereof, with the 4361
approval of the director indorsed thereon, shall be filed in 4362
duplicate with the auditor of state and the attorney general. 4363

All moneys appropriated for the purchase of lands and waters 4364
by the state for park purposes, unless specifically appropriated 4365
for the purchase of particular tracts or areas, may be expended 4366
for the purchase of lands or waters within any legally established 4367
state park purchase area. If, after the purchase of specifically 4368
designated tracts or areas, moneys from such appropriations remain 4369
unexpended, upon the request of the director, the controlling 4370
board shall release such funds, in whole or in part, for the 4371
purchase of lands or waters within any state park purchase area. 4372

Sec. ~~1541.031~~ 1546.07. The chief of the division of parks and 4373
~~recreation~~ watercraft shall have the power to contract with any 4374
telephone company, which provides telephone service in the area of 4375
which a state park is located, for the establishment or 4376
maintenance of any telephone service in any location in such state 4377
park, ~~the.~~ The board of directors of a conservancy district shall 4378
have the power to contract with any telephone company which 4379
provides telephone service in the area in which a park, parkway, 4380
forest preserve, bathing beach, playground, or other recreational 4381
facility of the conservancy district is located, for the 4382
establishment or maintenance of public telephone service in any 4383
location in such conservancy district park, parkway, forest 4384
preserve, or recreational facility, ~~and the.~~ The director of 4385
transportation shall have the power to contract with any telephone 4386
company which provides telephone service in the area in which a 4387
highway right-of-way is located, for the establishment or 4388

maintenance of public telephone service in any location in ~~such a~~ 4389
state park or on ~~such a~~ highway right-of-way ~~and for these~~ 4390
~~purposes.~~ 4391

For purposes of this section, the chief ~~of division of parks~~ 4392
~~and recreation, in state parks, the board of directors of a~~ 4393
~~conservancy district, in conservancy district parks, parkways,~~ 4394
~~forest preserves, or recreational facilities,~~ and the director of 4395
~~transportation on highway right-of ways,~~ may agree to comply with 4396
any rules and regulations of ~~such~~ the telephone company with 4397
respect to public telephone service contained in its schedules on 4398
file with the public utilities commission of Ohio or applied by 4399
such telephone company to others in similar locations. For the 4400
purpose of establishing or maintaining such public telephone 4401
service, the chief ~~of the division of parks and recreation~~ in 4402
state parks or the director of transportation on highway 4403
right-of-ways may grant to such telephone company, without charge, 4404
appropriate permits for right-of-way for its facilities necessary 4405
to establish and maintain such public telephone service which 4406
permits shall remain valid as long as such public telephones 4407
remain in service. 4408

Sec. ~~1541.032~~ 1546.08. (A) As used in this section, "public 4409
swimming beach" means land along a shoreline that is under the 4410
control of the division of parks and ~~recreation~~ watercraft and is 4411
used by the public when swimming and bathing in waters adjacent to 4412
the beach. 4413

(B) The chief of the division of parks and ~~recreation~~ 4414
watercraft shall ensure that the waters of this state that are 4415
adjacent to public swimming beaches are sampled and tested in 4416
accordance with the techniques and procedures established by the 4417
director of health under section 3701.18 of the Revised Code. The 4418
department of health may assist the division ~~of parks and~~ 4419

~~recreation~~ in the sampling and testing of the waters. 4420

(C) On receipt of notification by the director of health 4421
under section 3701.18 of the Revised Code that the bacteria levels 4422
in the waters tested present a possible health risk to persons 4423
using the waters for swimming and bathing and that the posting of 4424
signs advising the public of the condition is warranted, the chief 4425
~~of the division of parks and recreation~~ shall ensure that 4426
appropriate signs are posted in appropriate locations at the 4427
affected area. 4428

Sec. ~~1541.04~~ 1546.09. The division of parks and ~~recreation~~ 4429
watercraft shall include in its annual report to the governor a 4430
statement of its action on all matters pertaining to the 4431
management and control of all state reservoirs, lakes, and lands 4432
set apart for public parks or pleasure resorts, which statement 4433
shall include a statement of the receipts and expenditures on 4434
account thereof. 4435

Sec. ~~1541.05~~ 1546.10. (A) The chief of the division of parks 4436
and ~~recreation~~ watercraft, with the approval of the director of 4437
natural resources, may dispose of any of the following by sale, 4438
donation, trade, trade-in, recycling, or any other lawful means, 4439
in a manner that will benefit the division: 4440

(1) Standing timber that as a result of wind, storm, 4441
pestilence, or any other natural occurrence may present a hazard 4442
to life or property, timber that has weakened or fallen on lands 4443
under the control and management of the division, or any timber or 4444
other forest products that require management to improve wildlife 4445
habitat, protect against wildfires, provide access to recreational 4446
facilities, implement sustainable forestry practices, or improve 4447
the safety, quality, or appearance of any state park area; 4448

(2) Spoils of a dredging operation conducted by the division 4449

in waters under the control and management of the division. Prior 4450
to the disposition of any spoils under this division, the chief 4451
shall notify the director of environmental protection of the 4452
chief's intent so that the director may determine if the spoils 4453
constitute solid wastes or hazardous waste, as those terms are 4454
defined in section 3734.01 of the Revised Code, that must be 4455
disposed of in accordance with Chapter 3734. of the Revised Code. 4456
If the director does not notify the chief within thirty days after 4457
receiving notice of the disposition that the spoils must be 4458
disposed of in accordance with Chapter 3734. of the Revised Code, 4459
the chief may proceed with the disposition. 4460

(3) Notwithstanding sections 125.12 to 125.14 of the Revised 4461
Code, excess supplies and surplus supplies, as those terms are 4462
defined in section 125.12 of the Revised Code; 4463

(4) Agricultural products that are grown or raised by the 4464
division. As used in this division, "agricultural products" 4465
includes products of apiculture, animal husbandry, or poultry 4466
husbandry, field crops, fruits, and vegetables. 4467

(5) Abandoned personal property, including golf balls that 4468
are found on property under the control and management of the 4469
division. 4470

(B) In accordance with Chapter 119. of the Revised Code, the 4471
chief shall adopt, and may amend and rescind, such rules as are 4472
necessary to administer this section. 4473

(C) Except as provided in division (D) of this section, 4474
proceeds from the disposition of items under this section shall be 4475
deposited in the state treasury to the credit of the state park 4476
fund created in section ~~1541.22~~ 1546.21 of the Revised Code. 4477

(D) The chief of the division of parks and ~~recreation~~ 4478
watercraft may enter into a memorandum of understanding with the 4479
chief of the division of forestry to allow the division of 4480

forestry to administer the sale of timber and forest products on 4481
lands that are owned or controlled by the division of parks and 4482
~~recreation~~ watercraft. Proceeds from the sale of timber or forest 4483
products pursuant to the memorandum of understanding shall be 4484
apportioned as follows: 4485

(1) Seventy-five per cent of the proceeds shall be deposited 4486
in the state treasury to the credit of the state park fund. 4487

(2) Twenty-five per cent of the proceeds shall be deposited 4488
in the state treasury to the credit of the state forest fund 4489
created in section 1503.05 of the Revised Code. 4490

Sec. ~~1541.06~~ 1546.11. The following bodies of water and lands 4491
are hereby dedicated and set apart forever for the use of the 4492
public as public parks or pleasure resorts: 4493

(A) The body of water and adjacent state lands in Licking, 4494
Fairfield, and Perry counties, known as the Licking reservoir or 4495
Buckeye Lake; 4496

(B) The body of water and adjacent state lands in the 4497
northwestern part of Logan county, known as the Lewistown 4498
reservoir or Indian Lake; 4499

(C) The body of water and adjacent lands owned by the state 4500
in Mercer county, known as the Lake St. Marys; 4501

(D) The bodies of water and adjacent lands owned by the state 4502
consisting of the Summit county lakes and reservoirs of the Ohio 4503
canal, known as the Portage-Summit reservoirs, together with the 4504
Summit lake and enough of the Summit level of the Ohio canal to 4505
maintain the present water level of Summit and Nesmith lakes, and 4506
the body of water and exterior lands adjacent thereto that are 4507
included in the reservoir constructed by the board of public works 4508
in Coventry township for the purpose of supplying water for the 4509
Ohio canal, known as North reservoir, all situated in Summit 4510

county; 4511

(E) The body of water and adjacent lands owned by the state 4512
in Shelby and Auglaize counties, and known as the Loramie 4513
reservoir. 4514

The bodies of water mentioned in this section shall, in the 4515
order in which they are described, be named and designated as 4516
follows: "Buckeye Lake," "Indian Lake," "Lake St. Marys," "The 4517
Portage Lakes," and "Lake Loramie." 4518

Sec. ~~1541.07~~ 1546.12. The lakes named in section ~~1541.06~~ 4519
~~1546.11~~ of the Revised Code shall at all times be open to the 4520
public as resorts for recreation and pleasure, including hunting, 4521
fishing, and boating. The privileges of hunting and fishing shall 4522
be subject to the fish and game laws of the state, and the boating 4523
privileges shall be subject to the rules and regulations 4524
prescribed by law and the division of parks and ~~recreation~~ 4525
watercraft. 4526

Sec. ~~1541.082~~ 1546.13. When buildings located on state land 4527
are sold on foreclosure in a delinquent tax suit or in a mortgage 4528
foreclosure suit, the state immediately shall transfer to the 4529
purchaser of the buildings the lease for the state lands on which 4530
the buildings are located or shall cancel the former lease and 4531
execute a new lease to the purchaser. If a new lease is executed, 4532
it shall be for the same annual rental, contain the same 4533
restrictions, and grant the same privileges enjoyed by the former 4534
owner, including the privilege of purchasing the land in 4535
accordance with section 1501.01 of the Revised Code. 4536

Sec. ~~1541.083~~ 1546.14. The chief of the division of parks and 4537
~~recreation~~ watercraft, with the approval of the director of 4538
natural resources, the attorney general, and the governor, may 4539
make leases to parties making application for leases granting 4540

permission to take and remove halite from beneath the surface of 4541
Headlands state park in Lake county, and coal by underground 4542
mining methods from beneath the surface of Jefferson state park in 4543
Jefferson county and from beneath the surface of Burr Oak state 4544
park in Athens and Morgan counties pursuant to lease agreements 4545
and real estate transactions that have been entered into not later 4546
than January 1, 2011, if the chief finds that such taking and 4547
removal will in no way affect the surface of the land or the use 4548
of the land as a public park. As the chief deems in the best 4549
interest of the state, those leases may be made either upon a 4550
royalty or rental basis, and may be either for a term of years or 4551
until the economic extraction of the mineral covered by the lease 4552
has been completed. Upon request from the lessee of any such 4553
lease, the chief may consent to its cancellation, but any 4554
equipment or improvement thereon owned by the lessee may be held 4555
as security by the chief for payment of all rentals, royalties, 4556
and damages due the state at the time of cancellation. 4557

Sec. ~~1541.09~~ 1546.15. The division of parks and ~~recreation~~ 4558
watercraft shall make and enforce such rules and regulations, 4559
including the appointment and government of park and patrol 4560
officers in all parks and bodies of water and lands adjacent 4561
thereto under the supervision and control of the division, as are 4562
necessary to the proper management of such parks and bodies of 4563
water, and in accordance with sections 119.01 to 119.13, 4564
inclusive, of the Revised Code. 4565

Sec. ~~1541.16~~ 1546.16. The chief of the division of parks and 4566
~~recreation~~ watercraft shall issue pilot licenses and engineer 4567
licenses to all persons employed by a boat owner or operator to 4568
act as pilot or engineer on any boat carrying passengers for hire 4569
on reservoir parks or other bodies of water under the supervision 4570
and control of the division. The applicant for such license shall 4571

be over eighteen years of age and of good character. The violation 4572
of any of the sections of the Revised Code relating to reservoir 4573
parks or other bodies of water under supervision and control of 4574
the division or any rule or regulation of the division for the 4575
management of such reservoir parks or other bodies of water shall 4576
be cause for the chief to revoke such license. 4577

Sec. ~~1541.17~~ 1546.17. The chief of the division of parks and 4578
~~recreation~~ watercraft shall inspect all boats and watercraft 4579
maintained and operated in or upon the waters of any state 4580
reservoir, lakes, canals, and feeders, and may condemn any such 4581
boat or watercraft which is unsafe for the carrying of passengers. 4582
No owner of a boat or watercraft so condemned shall offer it for 4583
hire. If such owner violates this section, the permit issued to 4584
~~him~~ the owner shall be revoked and annulled. 4585

Sec. ~~1541.18~~ 1546.18. A ~~reservoir park police patrolman~~ 4586
natural resources officer appointed under section 1501.24 of the 4587
Revised Code may take possession of and hold a boat or other 4588
property if such action appears necessary in the course of making 4589
an arrest of a person violating sections ~~1541.09~~ 1546.15 to 4590
~~1541.17, inclusive,~~ 1546.17 of the Revised Code. ~~He~~ A natural 4591
resources officer shall not be held liable for the loss of or any 4592
damage done to such boat or other property taken and held by 4593
reason of the failure to comply with such sections, provided 4594
ordinary care is exercised in the handling of such property. No 4595
person shall take possession of a boat or other property which has 4596
been taken in charge by a ~~police patrolman or other~~ natural 4597
resources officer as provided in this section, until ~~such~~ 4598
~~patrolman or~~ the officer has released same. 4599

Sec. ~~1541.19~~ 1546.19. No person shall engage in the hunting 4600
of wildlife, either with a gun or with a bow and arrow, on lands 4601

or waters operated or administered by the division of parks and recreation watercraft, except on such lands or waters as are exempted by the chief of the division ~~of parks and recreation~~, under specific orders adopted in conformity with sections 119.01 to 119.13 of the Revised Code. No person shall engage in the discharge of firearms except during open season for hunting of wildlife on lands or waters exempted as provided in this section, or except in such places where there is provided by the division, skeet, trap shooting, or other shooting ranges. No person shall engage in the discharge of fireworks on lands or waters operated or administered by the division, except a licensed exhibitor of fireworks who is acting in accordance with sections 3743.50 to 3743.55 of the Revised Code and who has obtained the written permission of the chief of the division ~~of parks and recreation~~ for a particular public fireworks exhibition.

Sec. ~~1541.20~~ 1546.20. No person shall injure, alter, destroy, remove, or change any tree, building, dock, or land, or part thereof, within a state reservoir park or other body of water under the supervision and control of the division of parks and recreation watercraft, or construct any building or dock within such reservoir park, without the written permission of the chief of the division ~~of parks and recreation~~. All lessees of state lands or lots shall keep the premises in good condition and free of weeds, inflammable substances, garbage, and all other unsightly or dangerous things. Proof that any state premises under lease are used for illegal or immoral purposes shall be just cause for the chief to cancel the leasehold for such state property.

Sec. ~~1541.22~~ 1546.21. (A) The chief of the division of parks and recreation watercraft shall collect all rentals from leases of state lands and moneys for pipe permits, dock licenses, concession fees, and special privileges of any nature from all lands and

waters operated and administered by the division ~~of parks and~~ 4633
~~recreation~~. The chief shall keep a record of all such payments 4634
showing the amounts received, from whom, and for what purpose 4635
collected. All such payments shall be credited to the state park 4636
fund, which is hereby created in the state treasury, except such 4637
revenues required to be set aside or paid into depositories or 4638
trust funds for the payment of bonds issued under sections 1501.12 4639
to 1501.15 of the Revised Code, and to maintain the required 4640
reserves therefor as provided in the orders authorizing the 4641
issuance of such bonds or the trust agreements securing such 4642
bonds, and except such revenues required to be paid and credited 4643
pursuant to the bond proceedings applicable to obligations issued 4644
pursuant to section 154.22 of the Revised Code. All moneys derived 4645
from the operation of the lands, waters, facilities, and equipment 4646
by the division, except such revenues required to be set aside or 4647
paid into depositories or trust funds for the payment of bonds 4648
issued under sections 1501.12 to 1501.15 of the Revised Code, and 4649
to maintain the required reserves therefor as provided in the 4650
orders authorizing the issuance of such bonds or the trust 4651
agreements securing such bonds, and except such revenues required 4652
to be paid and credited pursuant to the bond proceedings 4653
applicable to obligations issued pursuant to section 154.22 of the 4654
Revised Code, shall accrue to the credit of the state park fund. 4655

Except as otherwise provided in division (B) of this section 4656
and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, 4657
such fund shall not be expended for any purpose other than the 4658
administration, operation, maintenance, development, and 4659
utilization of lands and waters, and for facilities and equipment 4660
incident thereto, administered by the division, or for the further 4661
purchase of lands and waters by the state for park and 4662
recreational purposes. 4663

(B) The chief shall use moneys in the fund from the issuance 4664

of Ohio state parks license plates under section 4503.575 of the Revised Code only to pay the costs of state park interpretive and educational programs and displays and the development and operation of state park interpretive centers.

Sec. ~~1541.23~~ 1546.22. There is hereby created in the state treasury the parks capital expenses fund. The fund shall consist of moneys transferred to it from the parks and recreation improvement fund created in section 154.22 of the Revised Code. The parks capital expenses fund shall be used to pay design, engineering, and planning costs that are incurred by the department of natural resources for parks-related capital projects.

Sec. ~~1541.24~~ 1546.23. The dedication or setting apart of any state reservoir or lake as a public park or pleasure resort shall not interfere with or affect the use of such reservoir or lake for canal reservoir purposes, and the chief of the division of parks and ~~recreation~~ watercraft shall not be restricted in any manner from making such repairs and improvements thereon as are necessary for maintaining the safety and usefulness of such reservoir or lake for canal purposes. The authority for the division to manage and control such reservoir or lake for canal purposes is the same as if no dedication of such reservoir or lake for park and pleasure resort purposes had been made.

Sec. ~~1541.26~~ 1546.24. There is hereby created in the state treasury the parks mineral royalties fund. The fund shall consist of money deposited into it under section 1509.73 of the Revised Code and money transferred to it under section 1503.012 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund.

Money in the fund shall be used by the division of parks and

~~recreation watercraft~~ to acquire land and to pay capital costs, 4695
including equipment and repairs and renovations of facilities, 4696
that are owned by the state and administered by the division. 4697
Expenditures from the fund shall be approved by the director of 4698
natural resources. 4699

Sec. ~~1541.40~~ 1546.30. There is hereby created in the division 4700
of parks and ~~recreation watercraft~~ an Ohio parks and recreation 4701
council, which shall consist of seven members to be appointed by 4702
the governor with the advice and consent of the senate. By reason 4703
of vocation, employment, or affiliation one of the members shall 4704
be classed as a representative of municipal parks, one as a 4705
representative of metropolitan park districts, one as a 4706
representative of conservancy districts, one as a representative 4707
of soil and water conservation districts, one as a representative 4708
of private recreational facilities, and two as representatives of 4709
the public. 4710

Terms of office shall be for three years, commencing on the 4711
first day of February and ending on the thirty-first day of 4712
January. Each member shall hold office from the date of 4713
appointment until the end of the term for which the member was 4714
appointed. Any member appointed to fill a vacancy occurring prior 4715
to the expiration of the term for which the member's predecessor 4716
was appointed shall hold office for the remainder of that term. 4717
Any member shall continue in office subsequent to the expiration 4718
date of the member's term until the member's successor takes 4719
office, or until a period of sixty days has elapsed, whichever 4720
occurs first. 4721

The council shall annually select from among its members a 4722
chairperson and a vice-chairperson. 4723

Members of the council shall receive no compensation, but 4724
shall be reimbursed for their actual and necessary expenses 4725

incurred in the performance of their official duties as members of 4726
the council. 4727

The council shall hold at least one regular meeting in each 4728
quarter of each calendar year, and shall keep a record of its 4729
proceedings, which shall be open to the public for inspection. 4730
Special meetings may be called by the chairperson, and shall be 4731
called by the chairperson upon receipt of a written request 4732
therefor signed by two or more members of the council. A written 4733
notice of the time and place of each meeting shall be sent to each 4734
member of the council. A majority of the members of the council 4735
shall constitute a quorum. 4736

The chief of the division of parks and ~~recreation~~ watercraft 4737
shall act as secretary of the council. Technical, legal, and other 4738
services required by the council in the performance of its 4739
official duties shall be furnished by the personnel of the 4740
division of parks and ~~recreation~~ watercraft. 4741

The governor may remove any member of the council at any time 4742
for inefficiency, neglect of duty, or malfeasance in office. 4743

Sec. ~~1541.41~~ 1546.31. For the purpose of assisting in the 4744
development of recreational facilities throughout the state for 4745
public use, the Ohio parks and recreation council may: 4746

(A) Advise with and recommend to the chief of the division of 4747
parks and ~~recreation~~ watercraft the development of broad park and 4748
recreation policies for the state and the formulation of a long 4749
range plan to implement them; 4750

(B) Make a continuing appraisal of the total state park and 4751
recreation needs and adequacy of current efforts to meet them, 4752
including the planning, programming, and financing thereof; 4753

(C) Advise with and recommend to the chief the co-ordination 4754
of related park and recreation programs administered by all units 4755

of government and by private enterprise; 4756

(D) Advise with and recommend to the chief policies and 4757
programs for the division of parks and ~~recreation~~ watercraft, 4758
including the acquisition of lands for parks and recreational 4759
development, and the development of the criteria therefor; 4760

(E) Advise with and recommend to the chief the standards and 4761
criteria to be established as a basis for extending financial 4762
assistance to local subdivisions of the state for the acquisition 4763
of recreational lands and facilities; 4764

(F) Advise with and recommend the encouragement of private 4765
park and recreational development; 4766

(G) Have access to all information, statistics, plans, and 4767
data which any governmental agency within the state has available 4768
and which the council deems pertinent in reviewing plans and 4769
programs for the development of parks and recreational facilities. 4770

Sec. ~~1541.31~~ 1546.90. That the compact or agreement mentioned 4771
below and every article, matter, and thing therein is hereby 4772
ratified and approved and shall be and hereafter remain in force 4773
agreeable to the true tenor and intent thereof. 4774

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA 4775

AND THE STATE OF OHIO RE PYMATUNING LAKE 4776

This agreement made and concluded between the commonwealth of 4777
Pennsylvania, acting by and through its lawfully authorized 4778
agency, namely, the water and power resources board, as party of 4779
the first part, and the state of Ohio, acting by and through its 4780
lawfully authorized agency, namely, its conservation commissioner, 4781
as party of the second part, 4782

Witnesseth: 4783

Whereas, By act of assembly of Pennsylvania approved May 2, 4784
1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84, 4785

April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the 4786
department of forests and waters of Pennsylvania, acting through 4787
the water and power resources board, was authorized, inter alia, 4788
to complete the work begun and continued under an act approved 4789
July 25, 1913, P. L. 1270, entitled "An act providing for the 4790
erection of a dam at the outlet of Pymatuning swamp, and the 4791
establishment of a reservoir to conserve the waters thereof; 4792
providing for the taking of land and materials necessary thereto; 4793
vesting certain powers and duties in the water supply commission; 4794
and making an appropriation", and did duly complete said work, 4795
whereby there was created a lake or reservoir, now known and 4796
hereinafter called Pymatuning Lake, extending in part across the 4797
boundary line between said states of Ohio and Pennsylvania into 4798
the state of Ohio, and 4799

Whereas, The primary purposes of the project by which said 4800
lake was created was to conserve water draining said swamp, all of 4801
which has its source in Pennsylvania, as well as control floods 4802
and regulate the flow of water in the Shenango and Beaver rivers, 4803
and secondary thereto, permit the water and the land surrounding 4804
the same to be used for fishing, hunting, recreation and park 4805
purposes, under such terms and conditions as the water and power 4806
resources board might determine, in such way or ways as in the 4807
opinion of the said board will not materially interfere with the 4808
primary purpose in said acts of assembly and hereinbefore 4809
specifically referred to, and 4810

Whereas, In view of the fact that a certain part of the lake 4811
extends into the state of Ohio, whereby it is necessary and 4812
desirable that the use of the lake for the secondary purposes, 4813
namely, hunting, fishing, and recreational use, be uniformly 4814
provided for, as well as to guard against inconvenience and 4815
mischiefs which might hereafter arise from the uncertainty of 4816
jurisdiction within and on said lake, to the end that the lake may 4817

be adequately policed and conflicts of jurisdiction for the arrest 4818
and punishment of offenders be avoided. 4819

Now, then, therefore, in order that law and justice may in 4820
all such cases be executed and take effect upon said lake from 4821
shore to shore in all parts and places thereof where the lake is a 4822
boundary between said states, the said parties hereto do agree for 4823
and in behalf of their respective states in the manner following: 4824

1. General use. It is hereby agreed that the entire 4825
Pymatuning lake or reservoir, subject to the primary use thereof 4826
by the commonwealth of Pennsylvania for regulating the flow of the 4827
water in the Shenango and Beaver rivers as in paragraph 9 4828
hereinafter more specifically mentioned, shall be open for 4829
recreational use equally to the citizens of both contracting 4830
parties, save as restricted as to hunting, fishing, and boating in 4831
this agreement set forth, or hereafter mutually agreed upon by 4832
both parties but no person shall be permitted to hunt or fish 4833
therein or thereon unless the lawful holder of a fishing or 4834
hunting license, authorizing the holder so to do, issued by the 4835
proper authorities of Pennsylvania or of Ohio. 4836

2. Arrest and prosecution of offenders. That each state shall 4837
enjoy and exercise a concurrent jurisdiction upon the water (but 4838
not upon the dry land), between the shores of said lake, including 4839
the islands therein, with respect to the arrest and prosecution of 4840
offenders, but in such sort that any boat or vessel fastened to or 4841
aground on the shore of either state shall be considered 4842
exclusively within the jurisdiction of said state; but that all 4843
capital and other offenses, trespasses, or damages committed on or 4844
over said lake, the judicial investigation and determination 4845
thereof shall be exclusively vested in the state wherein the 4846
offender or person charged with such offense shall be first 4847
apprehended, arrested, prosecuted, or first brought to trial; it 4848
being the intent of this agreement that an offender may be pursued 4849

and arrested anywhere on or over said lake or shores thereof or 4850
islands therein, regardless of the boundary lines, by any peace 4851
officers or persons of either state authorized to make arrests, 4852
whether the offenses be committed on or over any part of the lake, 4853
on the shores or islands therein, regardless of the state in which 4854
the place where the offense was committed lies. 4855

3. Islands. All islands within the lake shall be considered 4856
as part of the state of Pennsylvania. 4857

4. Pollution of water. The lake shall be forever protected 4858
against pollution of its waters by industrial trade waste, 4859
individual, or municipal sewage from shore or boat, and the 4860
discharge of any noxious or deleterious substance, liquid or 4861
solid, into the waters of the lake which is or may become 4862
inimical, or injurious, to public health or to animal or aquatic 4863
life is hereby expressly forbidden. 4864

No sewage may be discharged into the waters of the lake 4865
except after complete treatment and then only upon permit first 4866
approved by the health department of both states. 4867

5. Watercraft. No person shall operate any watercraft 4868
propelled by a single motor, or any combination of motors, that 4869
produces a horsepower rating in excess of twenty horsepower on 4870
Pymatuning Lake, except police or administration watercraft, the 4871
number of which shall be mutually agreed upon by the parties 4872
hereto. 4873

No person shall operate a watercraft without first obtaining 4874
a license from the respective state of which the owner is a 4875
resident under such regulations as each party to this agreement 4876
may now have or hereafter adopt. Provided nevertheless that the 4877
use of any type of watercraft equipped with a motor is expressly 4878
limited and restricted to that portion of the lake extending from 4879
the main dam near Jamestown northwardly to the causeway at or near 4880

Linesville. Watercraft equipped with a motor in excess of a twenty 4881
horsepower rating may be operated on said lake so long as such 4882
motor is not used. 4883

No person shall ride or attempt to ride upon one or more 4884
water skis, surfboards, towed inflatable devices, or similar 4885
devices or use or operate any watercraft to tow a person thereon. 4886

Nothing contained in this subdivision shall be interpreted to 4887
effect a change in the level or flow of water as determined or 4888
fixed by the department of conservation and natural resources. 4889

Any one who violates any of the provisions of this 4890
subdivision shall, upon conviction thereof, be sentenced in 4891
accordance with the applicable laws for the same or similar 4892
violations within the prosecuting jurisdiction, provided that the 4893
penalty for said violation shall not exceed a fine of five hundred 4894
dollars or imprisonment for thirty days. 4895

6. Fishing. Any person possessing a duly issued fishing 4896
license by either state shall be permitted to fish anywhere on the 4897
entire lake (except such portion thereof as is closed to fishing 4898
by paragraph 8 hereof or such further portion as may hereafter by 4899
regulation be mutually agreed to by the parties hereto), but no 4900
fisher shall be entitled to fish from the shores of the state of 4901
which the fisher is a nonresident unless the fisher complies with 4902
the nonresident fishing license law of said state. 4903

In order to permit the fish to fully propagate and develop, 4904
no part of the lake shall be open for fishing until July 1, 1937, 4905
and thereafter shall be closed in each year between December 10 4906
and June 30. 4907

Unless otherwise mutually agreed to by both parties hereto, 4908
the creel, size, and season limits for the respective kinds of 4909
fish caught shall be such as may hereafter be agreed upon between 4910
the two states. 4911

7. Reciprocal hunting rights. Reciprocal hunting rights are 4912
hereby granted to the licensed hunters of each state on the water 4913
of that portion of the lake, both in Pennsylvania and Ohio, over 4914
the area bounded on the south by an east and west line crossing 4915
the state boundary 0.5 of a mile north of Simons, Ohio, and on the 4916
north by a line drawn between the point at which the Padanaram 4917
road crosses the state boundary and a point formerly known as the 4918
Polleck bridge, but such reciprocal hunting rights hereby granted 4919
shall extend only to such wild migratory birds as are covered by 4920
the federal migratory bird treaty and federal laws adopted 4921
thereunder. 4922

Hunting in such portions of the lake as are not included in 4923
the area above described and designated shall be and remain under 4924
the jurisdiction of the commonwealth of Pennsylvania. 4925

No permanent blinds shall be erected anywhere on the lake and 4926
shores thereof, but this provision shall not be interpreted as 4927
forbidding the use of a boat as a blind temporarily moored to or 4928
grounded on the shore of the lake or islands thereof. 4929

8. Wild game and fish sanctuaries. A. The game commission of 4930
the state of Pennsylvania, having established a wild migratory 4931
bird and game sanctuary or refuge in that part of the lake located 4932
southeast of the Pennsylvania railroad crossing, it is expressly 4933
agreed that nothing herein contained shall be interpreted as 4934
entitling the residents of either state, whether licensed to fish 4935
or hunt, or otherwise, to fish in, hunt, trespass, or enter upon 4936
said sanctuary for any purpose whatsoever. Anyone so doing shall 4937
become amenable to prosecution therefor under the game laws of the 4938
state of Pennsylvania applicable to game refuges. 4939

B. The conservation division of the department of agriculture 4940
of the state of Ohio, having established a fish sanctuary and game 4941
refuge in the following portion of the lake: 4942

Being the southerly parts of lots Nos. 79 and 80, Richmond township; all of lot No. 41, and all of lot No. 42, except the westerly 1000 feet thereof, in Andover township, Ashtabula county, Ohio:

Beginning at a point in the west line of lot No. 79, that is 1523 feet south of the north line of lot No. 79; also being the center line of Padanaram road; thence southerly along the county highway along the westerly side of lot No. 79, 1869.5 feet to the north line of Andover township; thence westerly along the northerly line of Andover township, 939.7 feet to the northwest corner of lot No. 41; thence southerly along the highway that marks the westerly line of lot No. 41, 2809.8 feet to the north line of lot No. 42; thence easterly along the north line of lot No. 42, 1000 feet to a point; thence in a southerly direction parallel to and 1000 feet easterly from the westerly line of lot No. 42, 2734 feet, more or less, to the southerly line of lot No. 42; thence easterly along the said southerly line of lot No. 42, 5180.4 feet to the Ohio and Pennsylvania state line; thence northerly along the said Ohio and Pennsylvania state line, 7297.6 feet, more or less, to a point that is 1523 feet southerly from the north line of lot No. 80; thence in a westerly direction, 1523 feet southerly from and parallel to the north lines of lots Nos. 79 and 80, 5260 feet, more or less, to the place of beginning.

It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state, whether licensed to fish or otherwise, to fish in, hunt, trespass, or enter upon said sanctuary for any purpose whatsoever. Anyone so doing shall become amenable to prosecution therefor under the laws of the state of Ohio applicable thereto.

9. Reservation of Pennsylvania's right to the body of the water. It is expressly agreed that nothing herein contained shall operate to deny, limit, or restrict the right of the water and

power resources board of Pennsylvania, or any authority 4975
established hereafter by said state to exercise such power, to at 4976
any time now or hereafter, raise or draw off so much of the waters 4977
of the lake as in its sole judgment may be necessary to maintain 4978
or regulate the flow of the Shenango and Beaver rivers in 4979
furtherance of the primary purpose for which said lake was 4980
established, and said water and power resources board shall, 4981
without let or hindrance, have the full right irrespective of 4982
other considerations, to release so much of the water as they may 4983
deem proper to maintain the flow of the Shenango and Beaver 4984
rivers, irrespective of its effect on the level of the lake or use 4985
thereof for other purposes. 4986

Sec. ~~1541.32~~ 1546.91. The director of natural resources, as 4987
successor to the conservation commissioner mentioned in the 4988
compact set forth in section ~~1541.31~~ 1546.90 of the Revised Code, 4989
shall be administrator of said compact. 4990

Sec. ~~1541.42~~ 1546.92. On receipt of a notice pursuant to 4991
section 3123.43 of the Revised Code, the chief of the division of 4992
parks and ~~recreation~~ watercraft shall comply with sections 3123.41 4993
to 3123.50 of the Revised Code and any applicable rules adopted 4994
under section 3123.63 of the Revised Code with respect to a 4995
license issued pursuant to this chapter. 4996

Sec. ~~1541.99~~ 1546.99. Whoever violates sections ~~1541.09~~ 4997
1546.15 to ~~1541.20~~ 1546.20 of the Revised Code or any rules of the 4998
division of parks and ~~recreation~~ watercraft shall be fined not 4999
less than ten nor more than one hundred dollars. 5000

Sec. 1547.05. (A) Except as provided in division (B) of this 5001
section, no person born on or after January 1, 1982, shall operate 5002
on the waters in this state a powercraft powered by more than ten 5003

horsepower, unless the operator successfully has completed either 5004
a safe boater course approved by the national association of state 5005
boating law administrators or a proctored or nonproctored 5006
proficiency examination that tests knowledge of information 5007
included in the curriculum of such a course, and has received a 5008
certificate as evidence of successful completion of the course or 5009
examination. 5010

(B) Division (A) of this section does not apply to an 5011
individual who possesses valid merchant mariner credentials issued 5012
by the United States coast guard in accordance with 46 C.F.R. 5013
10.109 with at least one endorsement of master or operator as 5014
defined in 46 C.F.R. 10.107. Such an individual, while operating 5015
any recreational vessel on the waters in this state, shall carry 5016
onboard documentation of the merchant mariner credentials and 5017
required endorsements and shall present the documentation to a 5018
~~watercraft~~ natural resources officer or law enforcement officer 5019
upon request. 5020

(C) No person shall permit a powercraft to be operated on the 5021
waters in this state in violation of division (A) of this section. 5022

Sec. 1547.051. A person born on or after January 1, 1982, who 5023
is operating on the waters in this state a powercraft powered by 5024
more than ten horsepower and who is stopped by a law enforcement 5025
officer in the enforcement of Chapter 1547. of the Revised Code or 5026
rules ~~adopted under~~ it shall present to the law enforcement 5027
officer, not later than seventy-two hours after being stopped, a 5028
certificate obtained by the person pursuant to section 1547.05 of 5029
the Revised Code prior to being stopped or proof of holding such a 5030
certificate. Failure of the person to present the certificate or 5031
proof of holding it within seventy-two hours constitutes 5032
prima-facie evidence of a violation of section 1547.05 of the 5033
Revised Code. 5034

Sec. 1547.052. (A) No rental business shall lease, hire, or rent a powercraft powered by more than ten horsepower for operation on the waters in this state to a person born on or after January 1, 1982, unless the person meets one of the following requirements:

(1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the national association of state boating law administrators or has successfully completed a proficiency examination as provided in section 1547.05 of the Revised Code.

(2) The person receives educational materials from the rental business and successfully passes, with a score of ninety per cent or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(B) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall:

(1) Meet the requirements for boater education of division (A) of this section.

(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.

(C) The division of parks and watercraft shall make available to all watercraft rental businesses in Ohio boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (A)(2) of this section.

Sec. 1547.06. (A) Except as otherwise provided in this

division, no person under sixteen years of age shall operate a 5065
personal watercraft on the waters in this state. A person who is 5066
not less than twelve, nor more than fifteen years of age may 5067
operate a personal watercraft if a supervising person eighteen 5068
years of age or older is aboard the personal watercraft and, in 5069
the case of a supervising person born on or after January 1, 1982, 5070
if the supervising person holds a certificate obtained under 5071
section 1547.05 of the Revised Code or, in the case of a rented 5072
powercraft, meets the requirements of section 1547.052 of the 5073
Revised Code. 5074

(B) No person under twelve years of age shall operate any 5075
vessel on the waters in this state unless the person is under the 5076
direct visual and audible supervision, during the operation, of a 5077
person who is eighteen years of age or older. This division does 5078
not apply to a personal watercraft, which shall be governed by 5079
division (A) of this section, or to a powercraft, other than a 5080
personal watercraft, powered by more than ten horsepower, which 5081
shall be governed by division (C) of this section. 5082

(C) No person under twelve years of age shall operate on the 5083
waters in this state a powercraft, other than a personal 5084
watercraft, powered by more than ten horsepower unless the person 5085
is under the direct visual and audible supervision, during the 5086
operation, of a person eighteen years of age or older who is 5087
aboard the powercraft and, in the case of such a supervising 5088
person born on or after January 1, 1982, who holds a certificate 5089
obtained under section 1547.05 of the Revised Code or, in the case 5090
of a rented powercraft, meets the requirements of section 1547.052 5091
of the Revised Code. 5092

(D) No supervising person eighteen years of age or older 5093
shall permit any person who is under the supervising person's 5094
supervision and who is operating a vessel on the waters in this 5095
state to violate any section of this chapter or a rule adopted 5096

~~under it.~~ 5097

Sec. 1547.08. (A) No person shall operate a vessel within or 5098
through a designated bathing area or within or through any area 5099
that has been buoyed off designating it as an area in which 5100
vessels are prohibited. 5101

(B)(1) No person shall operate a vessel at greater than idle 5102
speed or at a speed that creates a wake under any of the following 5103
circumstances: 5104

(a) Within three hundred feet of any marina, boat docking 5105
facility, boat gasoline dock, launch ramp, recreational boat 5106
harbor, or harbor entrance on Lake Erie or on the Ohio river; 5107

(b) During the period from sunset to sunrise according to 5108
local time within any water between the Dan Beard bridge and the 5109
Brent Spence bridge on the Ohio river for any vessel not 5110
documented by the United States coast guard as commercial; 5111

(c) Within any area buoyed or marked as a no wake area on the 5112
waters in this state. 5113

(2) Division (B)(1) of this section does not apply in either 5114
of the following places: 5115

(a) An area designated by the chief of the division of parks 5116
and watercraft unless it is marked by a buoy or sign as a no wake 5117
or idle speed area; 5118

(b) Within any water between the Dan Beard bridge and the 5119
Brent Spence bridge on the Ohio river when the United States coast 5120
guard has authorized the holding of a special event of a community 5121
nature on that water. 5122

(C) No person shall operate a vessel in any area of 5123
restricted or controlled operation in violation of the designated 5124
restriction. 5125

(D) No person shall operate a vessel within three hundred feet of an official diver's flag unless the person is tendering the diving operation.

(E) All areas of restricted or controlled operation as described in division (A) of this section or as provided for in section 1547.14 or 1547.61 of the Revised Code shall be marked by a buoy or sign designating the restriction. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation of any vessel.

Markings on buoys designating areas of restricted or controlled operation shall be so spaced as to show all around the horizon. Lineal spacing between the buoys shall be such that under normal conditions of visibility any buoy shall be readily visible from the next adjacent buoy. No colors or symbols, except as provided for in rules ~~of the chief~~, shall be used on buoys or signs for marking closed or controlled areas of boating waters.

Any state department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters may place such buoys or signs on its waters. Any political subdivision may apply to the chief for permission to place such buoys or signs on other waters within its territorial limits. No person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this state unless the person has complied with all the provisions of this chapter.

(F) No person shall enter, operate a vessel that enters, or allow a vessel to enter a federally declared security zone as defined in 33 C.F.R. Chapter I, subparts 6.01-1, 6.01-2, 6.01-3, 6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8.

(G) No person shall permit any vessel to be operated on the waters in this state in violation of this section.

Sec. 1547.111. (A)(1)(a) Any person who operates or is in 5157
physical control of a vessel or manipulates any water skis, 5158
aquaplane, or similar device upon any waters in this state shall 5159
be deemed to have given consent to a chemical test or tests to 5160
determine the alcohol, drug of abuse, controlled substance, 5161
metabolite of a controlled substance, or combination content of 5162
the person's whole blood, blood serum or plasma, breath, or urine 5163
if arrested for operating or being in physical control of a vessel 5164
or manipulating any water skis, aquaplane, or similar device in 5165
violation of section 1547.11 of the Revised Code or a 5166
substantially equivalent municipal ordinance. 5167

(b) The test or tests under division (A)(1) of this section 5168
shall be administered at the request of a law enforcement officer 5169
having reasonable grounds to believe the person was operating or 5170
in physical control of a vessel or manipulating any water skis, 5171
aquaplane, or similar device in violation of section 1547.11 of 5172
the Revised Code or a substantially equivalent municipal 5173
ordinance. The law enforcement agency by which the officer is 5174
employed shall designate which test or tests shall be 5175
administered. 5176

(2) Any person who is dead or unconscious or who otherwise is 5177
in a condition rendering the person incapable of refusal shall be 5178
deemed to have consented as provided in division (A)(1) of this 5179
section, and the test or tests may be administered, subject to 5180
sections 313.12 to 313.16 of the Revised Code. 5181

(B)(1) If a law enforcement officer arrests a person for 5182
operating or being in physical control of a vessel or manipulating 5183
any water skis, aquaplane, or similar device in violation of 5184
section 1547.11 of the Revised Code or a substantially equivalent 5185
municipal ordinance and if the person previously has been 5186
convicted of or pleaded guilty to two or more violations of 5187

section 1547.11 of the Revised Code or other equivalent offenses, 5188
the law enforcement officer shall request the person to submit, 5189
and the person shall submit, to a chemical test or tests of the 5190
person's whole blood, blood serum or plasma, breath, or urine for 5191
the purpose of determining the alcohol, drug of abuse, controlled 5192
substance, metabolite of a controlled substance, or combination 5193
content of the person's whole blood, blood serum or plasma, 5194
breath, or urine. A law enforcement officer who makes a request 5195
pursuant to this division that a person submit to a chemical test 5196
or tests is not required to advise the person of the consequences 5197
of refusing to submit to the test or tests and is not required to 5198
give the person the form described in division (C) of this 5199
section, but the officer shall advise the person at the time of 5200
the arrest that if the person refuses to take a chemical test the 5201
officer may employ whatever reasonable means are necessary to 5202
ensure that the person submits to a chemical test of the person's 5203
whole blood or blood serum or plasma. The officer shall also 5204
advise the person at the time of the arrest that the person may 5205
have an independent chemical test taken at the person's own 5206
expense. The advice shall be in written form prescribed by the 5207
chief of the division of parks and watercraft and shall be read to 5208
the person. The form shall contain a statement that the form was 5209
shown to the person under arrest and read to the person by the 5210
arresting officer. The reading of the form shall be witnessed by 5211
one or more persons, and the witnesses shall certify to this fact 5212
by signing the form. Divisions (A)(1)(b) and (A)(2) of this 5213
section apply to the administration of a chemical test or tests 5214
pursuant to this division. 5215

(2) If a person refuses to submit to a chemical test upon a 5216
request made pursuant to division (B)(1) of this section, the law 5217
enforcement officer who made the request may employ whatever 5218
reasonable means are necessary to ensure that the person submits 5219
to a chemical test of the person's whole blood or blood serum or 5220

plasma. A law enforcement officer who acts pursuant to this 5221
division to ensure that a person submits to a chemical test of the 5222
person's whole blood or blood serum or plasma is immune from 5223
criminal and civil liability based upon a claim for assault and 5224
battery or any other claim for the acts, unless the officer so 5225
acted with malicious purpose, in bad faith, or in a wanton or 5226
reckless manner. 5227

(C) Except as provided in division (B) of this section, any 5228
person under arrest for violating section 1547.11 of the Revised 5229
Code or a substantially equivalent municipal ordinance shall be 5230
advised of the consequences of refusing to submit to a chemical 5231
test or tests designated as provided in division (A) of this 5232
section. The advice shall be in a written form prescribed by the 5233
chief of the division of parks and watercraft and shall be read to 5234
the person. The form shall contain a statement that the form was 5235
shown to the person under arrest and read to the person by the 5236
arresting officer. The reading of the form shall be witnessed by 5237
one or more persons, and the witnesses shall certify to this fact 5238
by signing the form. The person must submit to the chemical test 5239
or tests, subsequent to the request of the arresting officer, 5240
within two hours of the time of the alleged violation, and if the 5241
person does not submit to the test or tests within that two-hour 5242
time limit, the failure to submit automatically constitutes a 5243
refusal to submit to the test or tests. 5244

(D) Except as provided in division (B) of this section, if a 5245
law enforcement officer asks a person under arrest for violating 5246
section 1547.11 of the Revised Code or a substantially equivalent 5247
municipal ordinance to submit to a chemical test or tests as 5248
provided in division (A) of this section, if the arresting officer 5249
advises the person of the consequences of the person's refusal as 5250
provided in division (C) of this section, and if the person 5251
refuses to submit, no chemical test shall be given. Upon receipt 5252

of a sworn statement of the officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person violated section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (C) of this section certifying that the arrested person was advised of the consequences of the refusal, the chief of the division of parks and watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering any watercraft in accordance with section 1547.54 of the Revised Code, for one year following the date of the alleged violation. The suspension of these operation, physical control, manipulation, and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.

If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the chief. The chief shall retain the impounded registration certificate and tags and shall impound all other registration certificates and tags issued to the person in accordance with sections 1547.54 and 1547.57 of the Revised Code, for a period of one year following the date of the alleged violation, subject to review as provided in this section.

If the arrested person fails to surrender the registration certificate because it is not on the person of the arrested person or in the watercraft, the law enforcement officer who made the arrest shall order the person to surrender it within twenty-four hours to the law enforcement officer or the law enforcement agency

that employs the law enforcement officer. If the person fails to 5285
do so, the law enforcement officer shall notify the chief of that 5286
fact in the statement the officer submits to the chief under this 5287
division. 5288

(E) Upon suspending a person's operation, physical control, 5289
manipulation, and registration privileges in accordance with 5290
division (D) of this section, the chief shall notify the person in 5291
writing, at the person's last known address, and inform the person 5292
that the person may petition for a hearing in accordance with 5293
division (F) of this section. If a person whose operation, 5294
physical control, manipulation, and registration privileges have 5295
been suspended petitions for a hearing or appeals any adverse 5296
decision, the suspension shall begin at the termination of any 5297
hearing or appeal unless the hearing or appeal results in a 5298
decision favorable to the person. 5299

(F) Any person who has been notified by the chief that the 5300
person is prohibited from operating or being in physical control 5301
of a vessel or manipulating any water skis, aquaplane, or similar 5302
device and from registering any watercraft in accordance with 5303
section 1547.54 of the Revised Code, or who has had the 5304
registration certificate and tags of the person's watercraft 5305
impounded pursuant to division (D) of this section, within twenty 5306
days of the notification or impoundment, may file a petition in 5307
the municipal court or the county court, or if the person is a 5308
minor in juvenile court, with jurisdiction over the place at which 5309
the arrest occurred, agreeing to pay the cost of the proceedings 5310
and alleging error in the action taken by the chief under division 5311
(D) of this section or alleging one or more of the matters within 5312
the scope of the hearing as provided in this section, or both. The 5313
petitioner shall notify the chief of the filing of the petition 5314
and send the chief a copy of the petition. 5315

The scope of the hearing is limited to the issues of whether 5316

the law enforcement officer had reasonable grounds to believe the 5317
petitioner was operating or in physical control of a vessel or 5318
manipulating any water skis, aquaplane, or similar device in 5319
violation of section 1547.11 of the Revised Code or a 5320
substantially equivalent municipal ordinance, whether the 5321
petitioner was placed under arrest, whether the petitioner refused 5322
to submit to the chemical test upon request of the officer, and 5323
whether the petitioner was advised of the consequences of the 5324
petitioner's refusal. 5325

(G)(1) The chief shall furnish the court a copy of the 5326
affidavit as provided in division (C) of this section and any 5327
other relevant information requested by the court. 5328

(2) In hearing the matter and in determining whether the 5329
person has shown error in the decision taken by the chief as 5330
provided in division (D) of this section, the court shall decide 5331
the issue upon the relevant, competent, and material evidence 5332
submitted by the chief or the person whose operation, physical 5333
control, manipulation, and registration privileges have been 5334
suspended. 5335

In the proceedings, the chief shall be represented by the 5336
prosecuting attorney of the county in which the petition is filed 5337
if the petition is filed in a county court or juvenile court, 5338
except that if the arrest occurred within a city or village within 5339
the jurisdiction of the county court in which the petition is 5340
filed, the city director of law or village solicitor of that city 5341
or village shall represent the chief. If the petition is filed in 5342
the municipal court, the chief shall be represented as provided in 5343
section 1901.34 of the Revised Code. 5344

(3) If the court finds from the evidence submitted that the 5345
person has failed to show error in the action taken by the chief 5346
under division (D) of this section or in one or more of the 5347
matters within the scope of the hearing as provided in division 5348

(F) of this section, or both, the court shall assess the cost of 5349
the proceeding against the person and shall uphold the suspension 5350
of the operation, physical control, use, and registration 5351
privileges provided in division (D) of this section. If the court 5352
finds that the person has shown error in the action taken by the 5353
chief under division (D) of this section or in one or more of the 5354
matters within the scope of the hearing as provided in division 5355
(F) of this section, or both, the cost of the proceedings shall be 5356
paid out of the county treasury of the county in which the 5357
proceedings were held, the chief shall reinstate the operation, 5358
physical control, manipulation, and registration privileges of the 5359
person without charge, and the chief shall return the registration 5360
certificate and tags, if impounded, without charge. 5361

(4) The court shall give information in writing of any action 5362
taken under this section to the chief. 5363

(H) At the end of any period of suspension or impoundment 5364
imposed under this section, and upon request of the person whose 5365
operation, physical control, use, and registration privileges were 5366
suspended or whose registration certificate and tags were 5367
impounded, the chief shall reinstate the person's operation, 5368
physical control, manipulation, and registration privileges by 5369
written notice and return the certificate and tags. 5370

(I) No person who has received written notice from the chief 5371
that the person is prohibited from operating or being in physical 5372
control of a vessel, from manipulating any water skis, aquaplane, 5373
or similar device, and from registering a watercraft, or who has 5374
had the registration certificate and tags of the person's 5375
watercraft impounded, in accordance with division (D) of this 5376
section, shall operate or be in physical control of a vessel or 5377
manipulate any water skis, aquaplane, or similar device for a 5378
period of one year following the date of the person's alleged 5379
violation of section 1547.11 of the Revised Code or the 5380

substantially equivalent municipal ordinance. 5381

Sec. 1547.14. (A) Except on the waters of the Ohio River or 5382
Lake Erie and immediately connected harbors and bays, any person 5383
who rides or attempts to ride upon one or more water skis, 5384
surfboard, or similar device, or who engages or attempts to engage 5385
in barefoot skiing, and any person who operates a vessel towing a 5386
person riding or attempting to ride on one or more water skis, 5387
surfboard, or similar device, or engaging or attempting to engage 5388
in barefoot skiing, shall confine that activity to the water area 5389
within a designated ski zone on all bodies of water on which a ski 5390
zone has been established. 5391

(B) On all bodies of water where no specific activity zones 5392
have been established, the activities described in division (A) of 5393
this section shall be confined to areas where the activities are 5394
not specifically restricted by this chapter and rules ~~adopted~~ 5395
~~under it.~~ 5396

(C) Divisions (A) and (B) of this section do not apply to an 5397
activity described in division (A) of this section if the vessel 5398
involved in the activity is traveling at idle speed in a 5399
designated no wake zone and the activity is not being conducted in 5400
any of the following areas: 5401

(1) Within three hundred feet of a gas dock, marina, launch 5402
ramp, or harbor entrance; 5403

(2) Within a designated anchorage area, swim zone, boat swim 5404
zone, or boat camping area; 5405

(3) Under a bridge or within three hundred feet of a bridge 5406
underpass; 5407

(4) Any area designated as a no ski zone. 5408

(D) No person shall operate or permit to be operated any 5409
vessel on the waters in this state in violation of this section. 5410

Sec. 1547.18. (A) ~~No~~ Except as provided in division (B) of 5411
this section, no person shall ride or attempt to ride on one or 5412
more water skis, surfboard, inflatable device, or similar device 5413
being towed by a vessel engage in any form of towed watersports 5414
without wearing an adequate and effective coast guard approved 5415
~~type one, two, or three personal flotation device or type five~~ 5416
wearable personal flotation device specifically designed for water 5417
skiing towed watersports, in good and serviceable condition and of 5418
appropriate size, except upon special permit issued by ~~the state~~ 5419
~~department, conservancy district, or one of the following persons~~ 5420
or entities that manages the waterway: 5421

(1) The political subdivision having primary jurisdiction and 5422
control of the water; 5423

(2) The administrator of a federal agency; 5424

(3) The director of a state agency; 5425

(4) The board of directors of a conservancy district; 5426

(5) Any other governing body having jurisdiction. 5427

(B) ~~No~~ Division (A) of this section does not apply to a 5428
person ~~shall engage~~ engaging or ~~attempt~~ attempting to engage in 5429
barefoot skiing ~~without wearing an adequate and effective coast~~ 5430
~~guard approved type one, two, or three personal flotation device~~ 5431
~~or type five personal flotation device specifically designed for~~ 5432
~~water skiing, in good and serviceable condition and of appropriate~~ 5433
~~size, or a~~ if the person is wearing a wet suit specifically 5434
designed for barefoot skiing that is in good and serviceable 5435
condition and of appropriate size. 5436

(C) No operator of a vessel shall ~~tow~~ allow any person who 5437
fails to comply with division (A) or (B) of this section to engage 5438
in any form of towed watersports. 5439

Sec. 1547.20. No person or organization shall conduct any 5440
race, regatta, or other special event upon the waters in this 5441
state without first obtaining written permission, upon application 5442
not less than thirty days prior to the time of the proposed race, 5443
regatta, or event, of the federal agency, state department, 5444
conservancy district, or political subdivision having jurisdiction 5445
and control over such waters. Any state department, conservancy 5446
district, or political subdivision may suspend its respective 5447
rules during a race, regatta, or special event. Nothing in this 5448
section shall be construed to mean that the operator of a vessel 5449
competing in a specially authorized race, regatta, or special 5450
event shall not attempt to attain high speeds on a marked racing 5451
course. 5452

On any waters in this state over which no federal agency, 5453
state department, conservancy district, or political subdivision 5454
has jurisdiction and control, no person or organization shall 5455
conduct any race, regatta, or other special event without first 5456
obtaining written permission, upon application not less than 5457
thirty days prior to the time of the proposed race, regatta, or 5458
event, of the chief of the division of parks and watercraft. The 5459
chief may, ~~if he determines~~ after determining that the public 5460
safety will be adequately protected, grant written permission for 5461
holding such race, regatta, or special event. This section does 5462
not apply to privately owned lakes or ponds nor to canoes or 5463
rowboats. 5464

Sec. 1547.24. No person shall operate or permit to be 5465
operated any vessel under eighteen feet in length while there is 5466
present in the vessel any person under ten years of age, not 5467
wearing a coast guard approved ~~type one, two, three, or five~~ 5468
wearable personal flotation device in good and serviceable 5469
condition of appropriate size securely attached to the person 5470

under ten years of age. 5471

Sec. 1547.25. (A) No person shall operate or permit to be 5472
operated any vessel, other than a ~~commercial vessel or other~~ 5473
vessel exempted by rules ~~adopted under section 1547.52 of the~~ 5474
~~Revised Code~~, on the waters in this state: 5475

(1) That is sixteen feet or greater in length without 5476
carrying aboard one ~~type one, two, or three~~ wearable personal 5477
flotation device for each person aboard and one ~~type four~~ 5478
throwable personal flotation device; 5479

(2) That is less than sixteen feet in length, including 5480
~~canoes and kayaks~~ paddlecraft of any length, without carrying 5481
aboard one ~~type one, two, or three~~ wearable personal flotation 5482
device for each person aboard. 5483

(B) ~~A type five personal flotation device may be carried in~~ 5484
~~lieu of a type one, two, or three personal flotation device~~ 5485
~~required under division (A) of this section.~~ 5486

~~(C)~~ No person shall operate or permit to be operated any 5487
commercial vessel on the waters in this state: 5488

(1) That is less than forty feet in length and is not 5489
carrying persons for hire without carrying aboard at least one 5490
~~type one, two, or three~~ wearable personal flotation device for 5491
each person aboard; 5492

(2) That is carrying persons for hire or is forty feet in 5493
length or longer and is not carrying persons for hire without 5494
carrying aboard at least one ~~type one~~ wearable personal flotation 5495
device for each person aboard; that complies with all of the 5496
following: 5497

(a) It is designed to support the person wearing the wearable 5498
personal flotation device in the water in an upright or slightly 5499
backward position and provides support to the head so that the 5500

face of an unconscious or exhausted person is held above the 5501
water. 5502

(b) It is capable of turning the person wearing the wearable 5503
personal flotation device, upon entering the water, to a safe 5504
flotation position. 5505

(c) It is capable of being worn inside out. 5506

(d) It is capable of supporting a minimum of twenty-two 5507
pounds in fresh water for forty-eight hours. 5508

(e) It is a highly visible color. 5509

(3) That is twenty-six feet in length or longer without 5510
carrying aboard at least one ~~type four ring life buoy~~ throwable 5511
personal flotation device in addition to the applicable 5512
requirements of divisions ~~(C)~~(B)(1) and (2) of this section. 5513

~~(D)~~(C) Each personal flotation device carried aboard a 5514
vessel, including a commercial vessel, pursuant to this section 5515
shall be coast guard approved and in good and serviceable 5516
condition, of appropriate size for the wearer, ~~and~~ readily 5517
accessible to each person aboard the vessel at all times, and used 5518
in accordance with any requirements on its approval label or in 5519
accordance with requirements in its owner's manual if the approval 5520
label refers to such a manual. 5521

~~(E)~~(D) A personal flotation device shall not be used in a 5522
manner that is inconsistent with any limitations or restrictions 5523
related to federal approval under 46 C.F.R. 160 or special 5524
instructions for use provided by the manufacturer. Appropriate use 5525
shall be indicated on the label of an approved personal flotation 5526
device with one or more of the following designations: 5527

(1) Conditional approval; 5528

(2) Performance type; 5529

(3) Type one personal flotation device; 5530

- (4) Type two personal flotation device; 5531
- (5) Type three personal flotation device; 5532
- (6) Type four personal flotation device; 5533
- (7) Type five personal flotation device; 5534
- (8) Throwable personal flotation device; 5535
- (9) Wearable personal flotation device. 5536

(E) As used in this section, "commercial vessel" means any 5537
vessel used in the carriage of any person or property for a 5538
valuable consideration whether flowing directly or indirectly from 5539
the owner, partner, or agent or any other person interested in the 5540
vessel. "Commercial vessel" does not include any vessel that is 5541
manufactured or used primarily for noncommercial use or that is 5542
leased, rented, or chartered to another for noncommercial use. 5543

Sec. 1547.26. All watercraft, except sailboats less than 5544
sixteen feet long having a cockpit depth of less than twelve 5545
inches and except canoes, shall carry an anchor and line of 5546
sufficient weight and length to anchor the watercraft securely. 5547
The chief of the division of parks and watercraft, by rule, may 5548
exempt other types of watercraft from this section after 5549
determining that carrying such an anchor and line would constitute 5550
a hazard. 5551

No person shall operate or permit to be operated any 5552
watercraft on the waters in this state in violation of this 5553
section. 5554

Sec. 1547.30. (A) As used in this section and sections 5555
1547.301, 1547.302, and 1547.304 of the Revised Code: 5556

(1) "Vessel or outboard motor" excludes an abandoned junk 5557
vessel or outboard motor, as defined in section 1547.303 of the 5558
Revised Code, or any watercraft or outboard motor under section 5559

4585.31 of the Revised Code. 5560

(2) "Law enforcement agency" means any organization or unit 5561
comprised of law enforcement officers, as defined in section 5562
2901.01 of the Revised Code. 5563

(B)(1) The sheriff of a county, chief of police of a 5564
municipal corporation, township, township police district, or 5565
joint police district, or other chief of a law enforcement agency, 5566
within the sheriff's or chief's respective territorial 5567
jurisdiction, upon complaint of any person adversely affected, may 5568
order into storage any vessel or outboard motor that has been left 5569
on private property, other than a private dock or mooring facility 5570
or structure, for at least seventy-two hours without the 5571
permission of the person having the right to the possession of the 5572
property. The sheriff or chief, upon complaint of the owner of a 5573
marine repair facility or place of storage, may order into storage 5574
any vessel or outboard motor that has been left at the facility or 5575
place of storage for a longer period than that agreed upon. The 5576
place of storage shall be designated by the sheriff or chief. When 5577
ordering a vessel or motor into storage under division (B)(1) of 5578
this section, a sheriff or chief, whenever possible, shall arrange 5579
for the removal of the vessel or motor by a private tow truck 5580
operator or towing company. 5581

(2)(a) Except as provided in division (B)(2)(d) of this 5582
section, no person, without the consent of the owner or other 5583
person authorized to give consent, shall moor, anchor, or tie a 5584
vessel or outboard motor at a private dock or mooring facility or 5585
structure owned by another person if the owner has posted, in a 5586
conspicuous manner, a prohibition against the mooring, anchoring, 5587
or tying of vessels or outboard motors at the dock, facility, or 5588
structure by any person not having the consent of the owner or 5589
other person authorized to give consent. 5590

(b) If the owner of a private dock or mooring facility or 5591

structure has posted at the dock, facility, or structure, in a 5592
conspicuous manner, conditions and regulations under which the 5593
mooring, anchoring, or tying of vessels or outboard motors is 5594
permitted at the dock, facility, or structure, no person, except 5595
as provided in division (B)(2)(d) of this section, shall moor, 5596
anchor, or tie a vessel or outboard motor at the dock, facility, 5597
or structure in violation of the posted conditions and 5598
regulations. 5599

(c) The owner of a private dock or mooring facility or 5600
structure may order towed into storage any vessel or outboard 5601
motor found moored, anchored, or tied in violation of division 5602
(B)(2)(a) or (b) of this section, provided that the owner of the 5603
dock, facility, or structure posts on it a sign that states that 5604
the dock, facility, or structure is private, is visible from all 5605
entrances to the dock, facility, or structure, and contains all of 5606
the following information: 5607

(i) The information specified in division (B)(2)(a) or (b) of 5608
this section, as applicable; 5609

(ii) A notice that violators will be towed and that violators 5610
are responsible for paying the cost of the towing; 5611

(iii) The telephone number of the person from whom a towed 5612
vessel or outboard motor may be recovered, and the address of the 5613
place to which the vessel or outboard motor will be taken and the 5614
place from which it may be recovered. 5615

(d) Divisions (B)(2)(a) and (b) of this section do not 5616
prohibit a person from mooring, anchoring, or tying a vessel or 5617
outboard motor at a private dock or mooring facility or structure 5618
if either of the following applies: 5619

(i) The vessel or outboard motor is disabled due to a 5620
mechanical or structural malfunction, provided that the person 5621
immediately removes the vessel or outboard motor from the dock, 5622

facility, or structure when the malfunction is corrected or when a 5623
reasonable attempt has been made to correct it; 5624

(ii) Weather conditions are creating an imminent threat to 5625
safe operation of the vessel or outboard motor, provided that the 5626
person immediately removes the vessel or outboard motor from the 5627
dock, facility, or structure when the weather conditions permit 5628
safe operation of the vessel or outboard motor. 5629

(e) A person whose vessel or outboard motor is towed into 5630
storage under division (B)(2)(c) of this section either shall pay 5631
the costs of the towing of the vessel or outboard motor or shall 5632
reimburse the owner of the dock or mooring facility or structure 5633
for the costs that the owner incurs in towing the vessel or 5634
outboard motor. 5635

(3) Subject to division (C) of this section, the owner of a 5636
vessel or motor that has been removed under division (B) of this 5637
section may recover the vessel or motor only in accordance with 5638
division (F) of this section. 5639

(C) If the owner or operator of a vessel or outboard motor 5640
that has been ordered into storage under division (B) of this 5641
section arrives after the vessel or motor has been prepared for 5642
removal, but prior to its actual removal from the property, the 5643
owner or operator shall be given the opportunity to pay a fee of 5644
not more than one-half of the charge for the removal of vessels or 5645
motors under division (B) of this section that normally is 5646
assessed by the person who has prepared the vessel or motor for 5647
removal, in order to obtain release of the vessel or motor. Upon 5648
payment of that fee, the vessel or motor shall be released to the 5649
owner or operator, and upon its release, the owner or operator 5650
immediately shall move it so that it is not on the private 5651
property without the permission of the person having the right to 5652
possession of the property, or is not at the facility or place of 5653
storage without the permission of the owner, whichever is 5654

applicable. 5655

(D) Each county sheriff, each chief of police of a municipal 5656
corporation, township, township police district, or joint police 5657
district, and each other chief of a law enforcement agency shall 5658
maintain a record of vessels or outboard motors that are ordered 5659
into storage under division (B)(1) of this section. The record 5660
shall include an entry for each such vessel or motor that 5661
identifies the vessel's hull identification number or serial 5662
number, if any, the vessel's or motor's make, model, and color, 5663
the location from which it was removed, the date and time of its 5664
removal, the telephone number of the person from whom it may be 5665
recovered, and the address of the place to which it has been taken 5666
and from which it may be recovered. Any information in the record 5667
that pertains to a particular vessel or motor shall be provided to 5668
any person who, pursuant to a statement the person makes either in 5669
person or by telephone, is identified as the owner or operator of 5670
the vessel or motor and requests information pertaining to its 5671
location. 5672

(E) Any person who registers a complaint that is the basis of 5673
a sheriff's or chief's order for the removal and storage of a 5674
vessel or outboard motor under division (B)(1) of this section 5675
shall provide the identity of the law enforcement agency with 5676
which the complaint was registered to any person who, pursuant to 5677
a statement the person makes, is identified as the owner or 5678
operator of the vessel or motor and requests information 5679
pertaining to its location. 5680

(F)(1) The owner of a vessel or outboard motor that is 5681
ordered into storage under division (B) of this section may 5682
reclaim it upon payment of any expenses or charges incurred in its 5683
removal, in an amount not to exceed two hundred dollars, and 5684
storage, in an amount not to exceed five dollars per 5685
twenty-four-hour period, and upon presentation of proof of 5686

ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States coast guard documentation, or certificate of registration if the vessel or motor is not subject to titling under section 1548.01 of the Revised Code.

(2) If a vessel or outboard motor that is ordered into storage under division (B)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 1547.301 and 1547.302 of the Revised Code shall apply.

(3) If a vessel or outboard motor ordered into storage under division (B)(2) of this section remains unclaimed for seventy-two hours after being stored, the tow truck operator or towing company that removed the vessel or outboard motor shall provide notice of the removal and storage to the sheriff of a county, chief of police of a municipal corporation, township, township police district, or joint police district, or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored, or tied in violation of division (B)(2) of this section. The notice shall be in writing and include the vessel's hull identification number or serial number, if any, the vessel's or outboard motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

Upon receipt of the notice, the sheriff or chief immediately shall cause a search to be made of the records of the division of parks and watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at the owner's and lienholder's last known address by certified mail, return receipt requested, that the vessel or outboard motor will be declared a nuisance and

disposed of if not claimed not later than thirty days after the 5719
date of the mailing of the notice. 5720

If the owner or lienholder makes no claim to the vessel or 5721
outboard motor within thirty days of the date of the mailing of 5722
the notice, the sheriff or chief shall file with the clerk of 5723
courts of the county in which the place of storage is located an 5724
affidavit showing compliance with the requirements of division 5725
(F)(3) of this section, and the vessel or outboard motor shall be 5726
disposed of in accordance with section 1547.302 of the Revised 5727
Code. 5728

(G) No person shall remove, or cause the removal of, any 5729
vessel or outboard motor from private property other than in 5730
accordance with division (B) of this section or section 1547.301 5731
of the Revised Code. 5732

Sec. 1547.301. The sheriff of a county, chief of police of a 5733
municipal corporation, township, township police district, or 5734
joint police district, or other chief of a law enforcement agency, 5735
within the sheriff's or chief's respective territorial 5736
jurisdiction, or a state highway patrol trooper, upon notification 5737
to the sheriff or chief of such action and of the location of the 5738
place of storage, may order into storage any vessel or outboard 5739
motor that has been left in a sunken, beached, or drifting 5740
condition for any period of time, or in a docked condition, on a 5741
public street or other property open to the public, or upon or 5742
within the right-of-way of any waterway, road, or highway, for 5743
forty-eight hours or longer without notification to the sheriff or 5744
chief of the reasons for leaving the vessel or motor in any such 5745
place or condition. The sheriff or chief shall designate the place 5746
of storage of any vessel or motor ordered removed by the sheriff 5747
or chief. 5748

The sheriff or chief shall immediately cause a search to be 5749

made of the records of the division of parks and watercraft to 5750
ascertain the owner and any lienholder of a vessel or outboard 5751
motor ordered into storage by the sheriff or chief, and, if known, 5752
shall send notice to the owner and lienholder, if any, at the 5753
owner's or lienholder's last known address by certified mail, 5754
return receipt requested, that the vessel or motor will be 5755
declared a nuisance and disposed of if not claimed within ten days 5756
of the date of mailing of the notice. The owner or lienholder of 5757
the vessel or motor may reclaim it upon payment of any expenses or 5758
charges incurred in its removal and storage, and presentation of 5759
proof of ownership, which may be evidenced by a certificate of 5760
title to the vessel or motor, certificate of United States coast 5761
guard documentation, or certificate of registration if the vessel 5762
or motor is not subject to titling under section 1548.01 of the 5763
Revised Code. 5764

If the owner or lienholder makes no claim to the vessel or 5765
outboard motor within ten days of the date of mailing of the 5766
notice, and if the vessel or motor is to be disposed of at public 5767
auction as provided in section 1547.302 of the Revised Code, the 5768
sheriff or chief shall file with the clerk of courts of the county 5769
in which the place of storage is located an affidavit showing 5770
compliance with the requirements of this section. Upon 5771
presentation of the affidavit, the clerk of courts shall without 5772
charge issue a salvage certificate of title, free and clear of all 5773
liens and encumbrances, to the sheriff or chief and shall send a 5774
copy of the affidavit to the chief of the division of parks and 5775
watercraft. If the vessel or motor is to be disposed of to a 5776
marine salvage dealer or other facility as provided in section 5777
1547.302 of the Revised Code, the sheriff or chief shall execute 5778
in triplicate an affidavit, as prescribed by the chief of the 5779
division of parks and watercraft, describing the vessel or motor 5780
and the manner in which it was disposed of, and that all 5781
requirements of this section have been complied with. The sheriff 5782

or chief shall retain the original of the affidavit for the 5783
sheriff's or chief's records and shall furnish two copies to the 5784
marine salvage dealer or other facility. Upon presentation of a 5785
copy of the affidavit by the marine salvage dealer or other 5786
facility, the clerk of courts shall issue to such owner a salvage 5787
certificate of title, free and clear of all liens and 5788
encumbrances. 5789

Whenever the marine salvage dealer or other facility receives 5790
an affidavit for the disposal of a vessel or outboard motor as 5791
provided in this section, such owner shall not be required to 5792
obtain an Ohio certificate of title to the vessel or motor in the 5793
owner's own name if the vessel or motor is dismantled or destroyed 5794
and both copies of the affidavit are delivered to the clerk of 5795
courts. Upon receipt of such an affidavit, the clerk of courts 5796
shall send one copy of it to the chief of the division of parks 5797
and watercraft. 5798

Sec. 1547.303. (A) As used in this section and section 5799
1547.304 of the Revised Code: 5800

(1) "Abandoned junk vessel or outboard motor" means any 5801
vessel or outboard motor meeting all of the following 5802
requirements: 5803

(a) It has been left on private property for at least 5804
seventy-two hours without the permission of the person having the 5805
right to the possession of the property; left in a sunken, 5806
beached, or drifting condition for any period of time; or left in 5807
a docked condition, on a public street or other property open to 5808
the public, or upon or within the right-of-way of any waterway, 5809
road, or highway, for forty-eight hours or longer without 5810
notification to the sheriff of the county, the chief of police of 5811
the municipal corporation, township, township police district, or 5812
joint police district, or other chief of a law enforcement agency, 5813

having territorial jurisdiction with respect to the location of 5814
the vessel or motor, of the reasons for leaving the vessel or 5815
motor in any such place or condition; 5816

(b) It is three years old, or older; 5817

(c) It is extensively damaged, such damage including but not 5818
limited to any of the following: missing deck, hull, transom, 5819
gunwales, motor, or outdrive; 5820

(d) It is apparently inoperable; 5821

(e) It has a fair market value of two hundred dollars or 5822
less. 5823

(2) "Law enforcement agency" means any organization or unit 5824
comprised of law enforcement officers, as defined in section 5825
2901.01 of the Revised Code. 5826

(B) The sheriff of a county, chief of police of a municipal 5827
corporation, township, township police district, or joint police 5828
district, or other chief of a law enforcement agency, within the 5829
sheriff's or chief's respective territorial jurisdiction, or a 5830
state highway patrol trooper, upon notification to the sheriff or 5831
chief of such action, shall order any abandoned junk vessel or 5832
outboard motor to be photographed by a law enforcement officer. 5833
The officer shall record the make of vessel or motor, the hull 5834
identification number or serial number when available, and shall 5835
also detail the damage or missing equipment to substantiate the 5836
value of two hundred dollars or less. The sheriff or chief shall 5837
thereupon immediately dispose of the abandoned junk vessel or 5838
outboard motor to a marine salvage dealer or other facility owned, 5839
operated, or under contract to the state, the county, township, or 5840
municipal corporation for the destruction of such vessels or 5841
motors. The records and photographs relating to the abandoned junk 5842
vessel or outboard motor shall be retained by the law enforcement 5843
agency ordering the disposition of the vessel or motor for a 5844

period of at least two years. The law enforcement agency shall 5845
execute in quadruplicate an affidavit, as prescribed by the chief 5846
of the division of parks and watercraft, describing the vessel or 5847
motor and the manner in which it was disposed of, and that all 5848
requirements of this section have been complied with, and shall 5849
sign and file the same with the clerk of courts of the county in 5850
which the vessel or motor was abandoned. The clerk of courts shall 5851
retain the original of the affidavit for the clerk's files, shall 5852
furnish one copy thereof to the chief of the division of parks and 5853
watercraft, one copy to the marine salvage dealer or other 5854
facility handling the disposal of the vessel or motor, and one 5855
copy to the law enforcement agency ordering the disposal, who 5856
shall file such copy with the records and photographs relating to 5857
the disposal. Any moneys arising from the disposal of an abandoned 5858
junk vessel or outboard motor shall be credited to the general 5859
revenue fund, or to the general fund of the county, township, 5860
municipal corporation, or other political subdivision, as 5861
appropriate. 5862

Notwithstanding section 1547.301 of the Revised Code, any 5863
vessel or outboard motor meeting the requirements of divisions 5864
(A)(1)(c) to (e) of this section which has remained unclaimed by 5865
the owner or lienholder for a period of ten days or longer 5866
following notification as provided in section 1547.301 of the 5867
Revised Code may be disposed of as provided in this section. 5868

Sec. 1547.31. (A) Every powercraft operated on the waters in 5869
this state shall be equipped at all times with a muffler or a 5870
muffler system that is in good working order, in constant 5871
operation, and effectively installed to prevent excessive or 5872
unusual noise. 5873

(B)(1) No person shall operate or give permission for the 5874
operation of a powercraft on the waters in this state in such a 5875

manner as to exceed a noise level of ninety decibels on the "A" 5876
scale when subjected to a stationary sound level test as 5877
prescribed by SAE J2005. 5878

(2) No person shall operate or give permission for the 5879
operation of a powercraft on the waters in this state in such a 5880
manner as to exceed a noise level of seventy-five decibels on the 5881
"A" scale measured as specified by SAE J1970. Measurement of a 5882
noise level of not more than seventy-five decibels on the "A" 5883
scale of a powercraft in operation does not preclude the 5884
conducting of a stationary sound level test as prescribed by ~~SAE~~ 5885
~~J2005~~ SAE J2005. 5886

(C) No person shall operate or give permission for the 5887
operation of a powercraft on the waters in this state that is 5888
equipped with an altered muffler or muffler cutout, or operate or 5889
give permission for the operation of a powercraft on the waters in 5890
this state in any manner that bypasses or otherwise reduces or 5891
eliminates the effectiveness of any muffler or muffler system 5892
installed in accordance with this section, unless the applicable 5893
mechanism has been permanently disconnected or made inoperable. 5894

(D) No person shall remove, alter, or otherwise modify in any 5895
way a muffler or muffler system in a manner that will prevent it 5896
from being operated in accordance with this section. 5897

(E) No person shall manufacture, sell, or offer for sale a 5898
powercraft that is not equipped with a muffler or muffler system 5899
that prevents noise levels in excess of those established in 5900
division (B)(1) of this section. 5901

(F) This section does not apply to any of the following: 5902

(1) A powercraft that is designed, manufactured, and sold for 5903
the sole purpose of competing in racing events. The exception 5904
established under division (F)(1) of this section shall be 5905
documented in each sale agreement and shall be acknowledged 5906

formally by the signatures of the buyer and the seller. The buyer 5907
and the seller shall maintain copies of the sale agreement. A copy 5908
of the sale agreement shall be kept aboard the powercraft when it 5909
is operated. A powercraft to which the exception established under 5910
division (F)(1) of this section applies shall be operated on the 5911
waters in this state only in accordance with division (F)(2) of 5912
this section. 5913

(2) A powercraft that is actually participating in a 5914
sanctioned racing event or in tune-up periods for a sanctioned 5915
racing event on the waters in this state and that is being 5916
operated in accordance with division (F)(2) of this section. For 5917
the purposes of division (F)(2) of this section, a sanctioned 5918
racing event is a racing event that is conducted in accordance 5919
with section 1547.20 of the Revised Code or that is approved by 5920
the United States coast guard. The operator of a powercraft that 5921
is operated on the waters in this state for the purpose of a 5922
sanctioned racing event shall comply with that section and 5923
requirements established under it or with requirements established 5924
by the coast guard, as appropriate. Failure to comply subjects the 5925
operator to this section. 5926

(3) A powercraft that is being operated on the waters in this 5927
state by or for a boat or engine manufacturer for the purpose of 5928
testing, development, or both and that complies with division 5929
(F)(3) of this section. The operator of such a powercraft shall 5930
have aboard at all times and shall produce on demand of a law 5931
enforcement officer a current, valid letter issued by the chief of 5932
the division of parks and watercraft in accordance with rules 5933
adopted under division (I)(1) of this section. Failure to produce 5934
the letter subjects the operator to this section. 5935

(G) A law enforcement officer who is trained in accordance 5936
with rules adopted under division (I)(2) of this section and who 5937
has reason to believe that a powercraft is not in compliance with 5938

the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The officer may remain aboard the powercraft during the test at the officer's discretion.

If the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

(H) A law enforcement officer who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under division (I)(2) of this section.

(I) In accordance with Chapter 119. of the Revised Code, the chief shall adopt rules establishing both of the following:

(1) Requirements and procedures for the issuance of letters under division (F)(3) of this section. The rules shall require, without limitation, that each such letter adequately identify the powercraft concerning which the letter is issued and specify the purposes for which the powercraft is being operated.

(2) Requirements and procedures for the training of law enforcement officers who conduct powercraft noise level tests pursuant to this section. The rules shall require the training to include, without limitation, the selection of a site where noise level is measured and the calibration and use of noise measurement equipment.

Sec. 1547.36. The operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this

state of a vessel owned by a nonresident if operated with ~~his~~ 5969
nonresident's consent, express or implied, shall be deemed 5970
equivalent to an appointment by the nonresident of the secretary 5971
of state to be ~~his~~ nonresident's true and lawful attorney, upon 5972
whom may be served the summons in any action against ~~him~~ the 5973
nonresident, growing out of any accident or collision in which the 5974
nonresident may be involved while operating a vessel on the waters 5975
in this state, or in which the vessel may be involved while being 5976
so operated on the waters in this state. The operation shall be 5977
deemed a signification of ~~his~~ the nonresident's agreement that any 5978
summons against ~~him~~ the nonresident which is so served shall have 5979
the same legal force and validity as if served on ~~him~~ the 5980
nonresident personally within this state. Service of summons shall 5981
be made by leaving a copy thereof with the secretary of state, or 5982
~~his~~ the secretary of state's deputy, who shall keep a record of 5983
each process and the day and hour of service and service shall be 5984
sufficient services upon the nonresident, if notice of the service 5985
and a copy of the summons are forthwith either served upon the 5986
defendant personally by the sheriff or constable of the county in 5987
which ~~he~~ the defendant resides or sent by certified mail by the 5988
plaintiff or ~~his~~ the plaintiff's attorney to the defendant. If 5989
personal service of the notice and copy of summons is had upon the 5990
defendant, the officer making the service shall so certify in ~~his~~ 5991
the officer's return which shall be filed with the court having 5992
jurisdiction of the cause. If service is made by certified mail 5993
then the plaintiff or ~~his~~ the plaintiff's attorney shall make an 5994
affidavit showing that ~~he has made~~ service of the notice and 5995
summons upon the defendant was made by certified mail and the 5996
affiant shall attach thereto a true copy of the summons and notice 5997
so served and the return receipt of the defendant and shall file 5998
the affidavit and attached papers with the court having 5999
jurisdiction of the cause. The court in which the action is 6000
pending may order such extension of time as may be necessary to 6001

afford the defendant reasonable opportunity to defend the action. 6002

The death of a nonresident shall not operate to revoke the 6003
appointment by ~~him~~ the nonresident of the secretary of state as 6004
~~his~~ the nonresident's true and lawful attorney upon whom may be 6005
served the summons in an action against ~~him~~ the nonresident 6006
growing out of ~~any~~ the accident or collision; and in the event of 6007
~~his~~ the nonresident's death, any action growing out of such 6008
accident or collision may be commenced or prosecuted against ~~his~~ 6009
the nonresident's executor or administrator duly appointed by the 6010
state, territory, or districts of the United States or foreign 6011
country in which the nonresident resided at the time of ~~his~~ death, 6012
and service of the summons shall be made upon the secretary of 6013
state, and personal service of the notice and the copy of the 6014
summons be had upon ~~his~~ the nonresident's executor or 6015
administrator, as the case may be, in like manner, with the same 6016
force and effect as service upon the nonresident during ~~his~~ the 6017
nonresident's lifetime. 6018

Any action or proceeding pending in any court of this state, 6019
in which the court has obtained jurisdiction of the nonresident 6020
pursuant to sections ~~1547.01~~ 1547.02 to 1547.36 of the Revised 6021
Code, shall not abate by reason of the death of the nonresident, 6022
but ~~his~~ the nonresident's executor or administrator duly appointed 6023
in the state, territory, or district of the United States or 6024
foreign country in which ~~he~~ the nonresident resided at the time of 6025
~~his~~ death, upon the application of the plaintiff in the action and 6026
upon such notice as the court may prescribe, shall be brought in 6027
and substituted in the place of the decedent and the action or 6028
proceeding shall continue. 6029

The court shall include as taxable costs, in addition to 6030
other legal costs, against the plaintiff in case the defendant 6031
prevails in the action, the actual traveling expenses of the 6032
defendant from ~~his~~ the defendant's residence to the place of trial 6033

and return, not to exceed the sum of one hundred dollars. 6034

This section applies to actions commenced in all courts of 6035
this state having civil jurisdiction. 6036

Sec. 1547.38. No person who lets vessels for hire, or the 6037
agent or employee thereof, shall rent, lease, charter, or 6038
otherwise permit the use of a vessel, unless the person provides 6039
the vessel with the equipment required under sections 1547.25, 6040
1547.251, 1547.26, 1547.27, 1547.28, 1547.29, and 1547.31 of the 6041
Revised Code and rules ~~adopted under this chapter~~ regarding the 6042
equipment of vessels, and complies with the requirements of 6043
sections 1547.24, 1547.40, 1547.53, 1547.57, and either 1547.54 or 6044
1547.542 of the Revised Code and rules ~~adopted under this chapter~~ 6045
to implement and enforce those sections. 6046

Sec. 1547.41. (A)(1) No person shall operate or permit the 6047
operation of a personal watercraft unless each person on the 6048
watercraft is wearing a ~~type one, two, three, or five~~ coast guard 6049
approved wearable personal flotation device used in compliance 6050
with manufacturer labeling. 6051

(2) A person operating a personal watercraft that is equipped 6052
by the manufacturer with a lanyard type engine cutoff switch shall 6053
attach the lanyard to the person, the person's clothing, or the 6054
personal flotation device as appropriate for the specific 6055
watercraft. 6056

(3) No person shall operate a personal watercraft at any time 6057
between sunset and sunrise. 6058

(4) No person who owns a personal watercraft or who has 6059
charge over or control of a personal watercraft shall authorize or 6060
knowingly permit the personal watercraft to be operated in 6061
violation of this chapter. 6062

(B) This section does not apply to a person who is 6063

participating in a regatta, race, marine parade, tournament, or 6064
exhibition that is operated in accordance with section 1547.20 of 6065
the Revised Code or that is coast guard approved. 6066

Sec. 1547.51. (A) A natural resources officer shall conduct 6067
educational programs in vessel safety, sanitation, and operation 6068
and in other related subjects that the director of natural 6069
resources, in consultation with the chief of the division of parks 6070
and watercraft, considers appropriate or necessary. 6071

(B) Except as authorized by division (C) of this section, no 6072
natural resources officer or other law enforcement officer as 6073
described in section 1547.63 of the Revised Code shall stop or 6074
board any vessel solely for the purpose of conducting a safety 6075
inspection of the vessel unless the owner or operator voluntarily 6076
requests the officer to conduct a safety inspection of the vessel. 6077

(C) A natural resources officer or other law enforcement 6078
officer as described in section 1547.63 of the Revised Code may 6079
stop, board, and conduct a safety inspection of any vessel if 6080
either of the following applies: 6081

(1) The officer has a reasonable suspicion that the vessel, 6082
the vessel's equipment, or the vessel's operator is in violation 6083
of this chapter or rules or is otherwise engaged in a violation of 6084
a law of this state or a local ordinance, resolution, rule, or 6085
regulation adopted in compliance with the provisions of Chapter 6086
1547. of the Revised Code within the territorial jurisdiction of 6087
the officer; 6088

(2) The officer is conducting a vessel safety inspection in 6089
the course of an authorized checkpoint operation in accordance 6090
with rules. 6091

Sec. 1547.53. Every watercraft operated on the waters in this 6092
state shall be numbered by this state in accordance with federal 6093

law or a federally approved numbering system of another state. A 6094
watercraft numbered by this state shall display the number on the 6095
watercraft as provided in section 1547.57 of the Revised Code. 6096
Watercraft exempt from numbering by the state are: 6097

(A) Those currently documented by the United States coast 6098
guard or its successor; 6099

(B) Those whose principal use is not on the waters in this 6100
state and that have not been used within this state for more than 6101
sixty days and have a valid number assigned under a federally 6102
approved numbering system by another state if the number is 6103
displayed in accordance with the requirements of that system and 6104
the certificate of number is available for inspection whenever the 6105
watercraft is on waters in this state; 6106

(C) Those from a country other than the United States, 6107
temporarily using the waters in this state; 6108

(D) Those whose owner is the United States, a state, or a 6109
political subdivision of a state, that fit either of the following 6110
descriptions, and that are clearly identifiable as such: 6111

(1) A powercraft that principally is used for governmental 6112
purposes other than recreational purposes; 6113

(2) A watercraft other than a powercraft. 6114

(E) A ship's lifeboat. As used in this division, "lifeboat" 6115
means a watercraft that is held aboard another vessel and used 6116
exclusively for emergency purposes. 6117

(F) Those that have been exempted from numbering by the chief 6118
of the division of parks and watercraft after the chief has found 6119
that the numbering of the watercraft will not materially aid in 6120
their identification and, if an agency of the United States has a 6121
numbering system applicable to the watercraft, after the chief has 6122
further found that they also would be exempt from numbering by the 6123

United States government if they were subject to the federal law; 6124

(G) Those temporarily using the waters in this state under a 6125
waiver issued by the chief to an organization sponsoring a race, 6126
regatta, or special event. The chief may issue a waiver upon 6127
application by the sponsoring organization at least fifteen days 6128
before the date of the proposed race, regatta, or special event. 6129
The waiver shall be effective for ten days including the day or 6130
days of the proposed race, regatta, or special event. Such a 6131
waiver does not obviate the need for compliance with section 6132
1547.20 of the Revised Code. 6133

(H) Canoes, rowboats, and inflatable watercraft that are 6134
registered under section 1547.54 of the Revised Code and that an 6135
owner, in accordance with this division, chooses not to have 6136
numbered under this section. An owner of a canoe, rowboat, or 6137
inflatable watercraft may choose to do either of the following: 6138

(1) Have it numbered under this section, pay a lesser 6139
registration fee under division (A)(2)(a) of section 1547.54 of 6140
the Revised Code, and obtain square tags under division (A) of 6141
section 1547.57 of the Revised Code; 6142

(2) Not have it numbered under this section, pay a higher 6143
registration fee under division (A)(2)(b) of section 1547.54 of 6144
the Revised Code, and obtain a rectangular tag under division (C) 6145
of section 1547.57 of the Revised Code. 6146

Sec. 1547.531. (A)(1) Except as provided in division (A)(2) 6147
or (B) of this section, no person shall operate or give permission 6148
for the operation of any watercraft on the waters in this state 6149
unless the watercraft is registered in the name of the current 6150
owner in accordance with section 1547.54 of the Revised Code, and 6151
the registration is valid and in effect. 6152

(2) On and after January 1, 1999, if a watercraft that is 6153

required to be issued a certificate of title under Chapter 1548. 6154
of the Revised Code is transferred to a new owner, it need not be 6155
registered under section 1547.54 of the Revised Code for 6156
~~forty-five~~ sixty days following the date of the transfer, provided 6157
that the new owner purchases a temporary watercraft registration 6158
under division (A) of this section or holds a bill of sale from a 6159
watercraft dealer. 6160

For the purposes of division (A)(2) of this section, a 6161
temporary watercraft registration or a bill of sale from a 6162
watercraft dealer shall contain at least all of the following 6163
information: 6164

(a) The hull identification number or serial number of the 6165
watercraft; 6166

(b) The make of the watercraft; 6167

(c) The length of the watercraft; 6168

(d) The type of propulsion, if any; 6169

(e) The state in which the watercraft principally is 6170
operated; 6171

(f) The name of the owner; 6172

(g) The address of the owner, including the zip code; 6173

(h) The signature of the owner; 6174

(i) The date of purchase; 6175

(j) A notice to the owner that the temporary watercraft 6176
registration expires ~~forty-five~~ sixty days after the date of 6177
purchase of the watercraft or that the watercraft cannot be 6178
operated on the waters in this state solely under the bill of sale 6179
beginning ~~forty-five~~ sixty days after the date of purchase of the 6180
watercraft, as applicable. 6181

(3) A person may purchase a temporary watercraft registration 6182

from the chief of the division of parks and watercraft or from an 6183
authorized agent designated under section 1547.54 of the Revised 6184
Code. The chief shall furnish forms for temporary watercraft 6185
registrations to authorized agents. In addition to completing the 6186
registration form with the information specified in divisions 6187
(A)(2)(a) to (i) of this section, the person shall pay one of the 6188
applicable fees required under divisions (A)(2)(a) to (g) of 6189
section 1547.54 of the Revised Code as provided in that section. 6190

Moneys received for the payment of temporary watercraft 6191
registrations shall be deposited to the credit of the waterways 6192
safety fund created in section 1547.75 of the Revised Code. 6193

(4) In addition to the applicable fee required under division 6194
(A)(3) of this section, the chief or an authorized agent shall 6195
charge an additional writing fee of three dollars for a temporary 6196
watercraft registration that the chief or the authorized agent 6197
issues. When the temporary watercraft registration is issued by an 6198
authorized agent, the agent may retain the additional writing fee. 6199
When the temporary watercraft registration is issued by the chief, 6200
the additional writing fee shall be deposited to the credit of the 6201
waterways safety fund. 6202

(5) A person who purchases a temporary watercraft 6203
registration for a watercraft and who subsequently applies for a 6204
registration certificate under section 1547.54 of the Revised Code 6205
need not pay the fee required under division (A)(2) of that 6206
section for the initial registration certificate issued for that 6207
watercraft, provided that at the time of application for the 6208
registration certificate, the person furnishes proof of payment 6209
for the temporary watercraft registration. 6210

(6) A person who purchases a temporary watercraft 6211
registration, who subsequently applies for a registration 6212
certificate under section 1547.54 of the Revised Code, and who is 6213
exempt from payment for the registration certificate under 6214

division (P) of that section may apply to the chief for a refund 6215
of the amount paid for the temporary watercraft registration at 6216
the time that the person applies for a registration certificate. 6217
The chief shall refund that amount upon issuance to the person of 6218
a registration certificate. 6219

(7) All records of the division of parks and watercraft made 6220
or maintained for the purposes of divisions (A)(2) to (8) of this 6221
section are public records. The records shall be available for 6222
inspection at reasonable hours and in a manner that is compatible 6223
with normal operations of the division. 6224

(8) Pursuant to division ~~(A)(1)(C)(2)~~ of section ~~1547.52~~ 6225
1546.04 of the Revised Code, the chief may adopt rules 6226
establishing all of the following: 6227

(a) Record-keeping requirements governing the issuance of 6228
temporary watercraft registrations and the use of bills of sale 6229
from watercraft dealers for the purposes of division (A)(2) of 6230
this section; 6231

(b) Procedures and requirements for the refund of fees under 6232
division (A)(6) of this section; 6233

(c) Any other procedures and requirements necessary for the 6234
administration and enforcement of divisions (A)(2) to (8) of this 6235
section. 6236

(B) All of the following watercraft are exempt from 6237
registration: 6238

(1) Those that are exempt from numbering by the state under 6239
divisions (B) to (G) of section 1547.53 of the Revised Code; 6240

(2) Those that have been issued a commercial documentation by 6241
the United States coast guard or its successor and are used 6242
exclusively for commercial purposes; 6243

(3) Those that have been documented by the United States 6244

coast guard or its successor as temporarily transitting, whose 6245
principal use is not on the waters in this state, and that have 6246
not been used within this state for more than sixty days. 6247

(C) No person shall operate a watercraft documented by the 6248
United States coast guard or its successor unless the certificate 6249
of documentation is valid, is on the watercraft for which it has 6250
been issued, and is available for inspection whenever the 6251
watercraft is in operation. In accordance with 46 C.F.R. part 67, 6252
as amended, the watercraft shall display the official number, the 6253
vessel name, and the home port listed on the certificate of 6254
documentation. 6255

(D)(1) For the purposes of this section and section 1547.53 6256
of the Revised Code, a watercraft is principally using the waters 6257
in this state if any of the following applies: 6258

(a) The owner resides in this state and declares that the 6259
watercraft principally is using the waters in this state. 6260

(b) The owner resides in another state, but declares that the 6261
watercraft principally is using the waters in this state. 6262

(c) The watercraft is registered in another state or 6263
documented by the United States coast guard and is used within 6264
this state for more than sixty days regardless of whether it has 6265
been assigned a seasonal or permanent mooring at any public or 6266
private docking facility in this state. 6267

(2) Notwithstanding division (D)(1)(c) of this section, a 6268
person on active duty in the armed forces of the United States may 6269
register a watercraft in the person's state of permanent residence 6270
in lieu of registering it in this state regardless of the number 6271
of days that the watercraft is used in this state. 6272

Sec. 1547.532. (A) All of the following are exempt from 6273
registration under this chapter: 6274

(1) Sailboards;	6275
(2) Kiteboards;	6276
(3) Paddleboards;	6277
(4) Belly boats or float tubes.	6278
(B) As used in this section:	6279
(1) "Belly boat" or "float tube" means a <u>an inflatable</u> vessel	6280
that is inflatable, with a built-in seat or harness that is	6281
propelled solely by human muscular effort without using an oar,	6282
paddle, or pole, and designed to accommodate a single individual	6283
as an operator in such a manner that the operator remains	6284
partially submerged in the water.	6285
(2) "Kiteboard" means a recreational vessel that is	6286
inherently buoyant, has no cockpit, and is operated by an	6287
individual who is standing on the vessel while using <u>utilizes</u>	6288
<u>control lines while tethered to a kite as that provides</u> a means of	6289
propulsion and lift.	6290
(3) "Paddleboard" means a <u>long, narrow, somewhat rounded,</u>	6291
<u>inherently buoyant</u> recreational vessel that is inherently buoyant	6292
<u>constructed of a flat, or nearly flat, rigid material,</u> is	6293
propelled by human muscular effort using a pole or single- or	6294
double-bladed paddle, and is operated by an individual who is	6295
kneeling, standing, or lying on the vessel.	6296
(4) "Sailboard" means a <u>long, narrow, somewhat rounded</u>	6297
recreational vessel that is inherently buoyant, has no cockpit, <u>is</u>	6298
<u>constructed of a flat, or nearly flat, rigid material,</u> has a	6299
single sail mounted on a mast that is connected to the vessel by a	6300
free-rotating, flexible joint, and is operated by an individual	6301
who is standing on the vessel.	6302
Sec. 1547.54. (A)(1) Except as otherwise provided in section	6303
1547.542 of the Revised Code, the owner of every watercraft	6304

requiring registration under this chapter shall file an 6305
application for a triennial registration certificate with the 6306
chief of the division of parks and watercraft on forms that shall 6307
be provided by the chief or by an electronic means approved by the 6308
chief. The application shall be signed by the following: 6309

(a) If the watercraft is owned by two persons under joint 6310
ownership with right of survivorship established under section 6311
2131.12 of the Revised Code, by both of those persons as owners of 6312
the watercraft. The signatures may be done by electronic signature 6313
if the owners themselves are renewing the registration and there 6314
are no changes in the registration information since the issuance 6315
of the immediately preceding registration certificate. In all 6316
other instances, the signatures shall be done manually. 6317

(b) If the watercraft is owned by a minor, by the minor and a 6318
parent or legal guardian. The signatures may be done by electronic 6319
signature if the parent or legal guardian and the minor themselves 6320
are renewing the registration and there are no changes in the 6321
registration information since the issuance of the immediately 6322
preceding registration certificate. In all other instances, the 6323
signatures shall be done manually. 6324

(c) In all other cases, by the owner of the watercraft. The 6325
signature may be done by electronic signature if the owner is 6326
renewing the registration personally and there are no changes in 6327
the registration information since the issuance of the immediately 6328
preceding registration certificate. In all other instances, the 6329
signatures shall be done manually. 6330

(2) An application for a triennial registration of a 6331
watercraft filed under division (A)(1) of this section shall be 6332
accompanied by the following fee: 6333

(a) For canoes, rowboats, and inflatable watercraft that are 6334
numbered under section 1547.53 of the Revised Code, twelve 6335

dollars; 6336

(b) For canoes, row boats, and inflatable watercraft that are 6337
not numbered under section 1547.53 of the Revised Code, seventeen 6338
dollars; 6339

(c) For class A watercraft, including motorized canoes, 6340
thirty dollars; 6341

(d) For class 1 watercraft, forty-five dollars; 6342

(e) For class 2 watercraft, sixty dollars; 6343

(f) For class 3 watercraft, seventy-five dollars; 6344

(g) For class 4 watercraft, ninety dollars. 6345

(3) For the purpose of registration, any watercraft operated 6346
by means of power, sail, or any other mechanical or electrical 6347
means of propulsion, except motorized canoes, shall be registered 6348
by length as prescribed in this section. 6349

(4) If an application for registration is filed by two 6350
persons as owners under division (A)(1)(a) of this section, the 6351
person who is listed first on the title shall serve as and perform 6352
the duties of the "owner" and shall be considered the person "in 6353
whose name the watercraft is registered" for purposes of divisions 6354
(B) to (R) of this section and for purposes of all other sections 6355
in this chapter. 6356

(B) All registration certificates issued under this section 6357
are valid for three years and are renewable on a triennial basis 6358
unless sooner terminated or discontinued in accordance with this 6359
chapter. The renewal date shall be printed on the registration 6360
certificate. A registration certificate may be renewed by the 6361
owner in the manner prescribed by the chief. All fees shall be 6362
charged according to a proration of the time remaining in the 6363
registration cycle to the nearest year. 6364

(C) In addition to the fees set forth in this section, the 6365

chief, or any authorized agent, shall charge an additional writing fee of three dollars for any registration certificate the chief or authorized agent issues. When the registration certificate is issued by an authorized agent, the additional writing fee of three dollars shall be retained by the issuing agent. When the registration certificate is issued by the chief, the additional writing fee of three dollars shall be deposited to the credit of the waterways safety fund established in section 1547.75 of the Revised Code.

(D) In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee of five dollars. The fee shall be collected at the time of the issuance of a triennial watercraft registration under division (A)(2) of this section and deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code.

(E)(1) Upon receipt of the application in approved form, the chief shall enter the same upon the records of the office of the division of parks and watercraft, assign a number to the watercraft if a number is required under section 1547.53 of the Revised Code, and issue to the applicant a registration certificate. If a number is assigned by the chief, it shall be set forth on the certificate. The registration certificate shall be on the watercraft for which it is issued and available at all times for inspection whenever the watercraft is in operation, except that livery operators may retain the registration certificate at the livery where it shall remain available for inspection at all times and except as otherwise provided in division (E)(2) of this section.

(2) A person who is operating on the waters of this state a canoe, rowboat, or inflatable watercraft that has not been

numbered under section 1547.53 of the Revised Code and who is 6398
stopped by a law enforcement officer in the enforcement of this 6399
chapter or rules ~~adopted under it~~ shall present to the officer, 6400
not later than seventy-two hours after being stopped, a 6401
registration certificate. The registration certificate shall have 6402
been obtained under this section for the canoe, rowboat, or 6403
inflatable watercraft prior to the time that it was stopped. 6404
Failure of the person to present the registration certificate 6405
within seventy-two hours constitutes prima-facie evidence of a 6406
violation of this section. 6407

(F) No person shall issue or be issued a registration 6408
certificate for a watercraft that is required to be issued a 6409
certificate of title under Chapter 1548. of the Revised Code 6410
except upon presentation of a certificate of title for the 6411
watercraft as provided in that chapter, proof of current 6412
documentation by the United States coast guard, a renewal 6413
registration form provided by the division of parks and 6414
watercraft, or a certificate of registration issued under this 6415
section that has expired if there is no change in the ownership or 6416
description of the watercraft. 6417

(G) Whenever the ownership of a watercraft changes, a new 6418
application form together with the prescribed fee shall be filed 6419
with the chief or the chief's agent and a new registration 6420
certificate shall be issued. The application shall be signed 6421
manually by the person or persons specified in divisions (A)(1)(a) 6422
to (c) of this section and shall be accompanied by a two-dollar 6423
transfer fee. Any remaining time on the registration shall be 6424
transferred. An authorized agent of the chief shall charge an 6425
additional writing fee of three dollars, which shall be retained 6426
by the issuing agent. If the certificate is issued by the chief, 6427
an additional writing fee of three dollars for each certificate 6428
issued shall be collected and deposited to the credit of the 6429

waterways safety fund. 6430

(H) If an agency of the United States has in force an overall 6431
system of identification numbering for watercraft or certain types 6432
of watercraft within the United States, the numbering system 6433
employed by the division shall be in conformity with that system. 6434

(I)(1) The chief may assign any registration certificates to 6435
any authorized agent for the assignment of the registration 6436
certificates. If a person accepts that authorization, the person 6437
may be assigned a block of numbers and certificates that upon 6438
assignment, in conformity with this chapter and Chapter 1548. of 6439
the Revised Code and with rules ~~of the division~~, shall be valid as 6440
if assigned directly by the division. Any person so designated as 6441
an agent by the chief shall post with the division security as may 6442
be required by the director of natural resources. The chief may 6443
issue an order temporarily or permanently restricting or 6444
suspending an agent's authorization without a hearing if the chief 6445
finds that the agent has violated this chapter or Chapter 1548. of 6446
the Revised Code, rules ~~adopted under them~~, or any agreements 6447
prescribed by the chief. 6448

(2) A clerk of the court of common pleas may apply for 6449
designation as an authorized agent of the chief. The division 6450
shall accept the clerk's bond that is required under section 6451
2303.02 of the Revised Code for any security that is required for 6452
agents under this division, provided that the bond includes a 6453
rider or other provision specifically covering the clerk's duties 6454
as an authorized agent of the chief. 6455

(J) All records of the division made or kept pursuant to this 6456
section shall be public records. Those records shall be available 6457
for inspection at reasonable hours and in a manner compatible with 6458
normal operations of the division. 6459

(K) The owner shall furnish the division notice within 6460

fifteen days of the following: 6461

(1) The transfer, other than through the creation of a 6462
security interest in any watercraft, of all or any part of the 6463
owner's interest or, if the watercraft is owned by two persons 6464
under joint ownership with right of survivorship established under 6465
section 2131.12 of the Revised Code, of all or any part of the 6466
joint interest of either of the two persons. The transfer shall 6467
not terminate the registration certificate. 6468

(2) Any change in the address appearing on the certificate. 6469
As a part of the notification, the owner shall furnish the chief 6470
with the owner's new address. 6471

(3) The destruction or abandonment of the watercraft. 6472

(L) The chief may issue duplicate registration certificates 6473
or duplicate tags to owners of currently registered watercraft, 6474
the fee for which shall be four dollars. 6475

(M) If the chief finds that a registration certificate 6476
previously issued to an owner is in error to a degree that would 6477
impair its basic purpose and use, the chief may issue a corrected 6478
certificate to the owner without charge. 6479

(N) No authorized agent shall issue and no person shall 6480
receive or accept from an authorized agent a registration 6481
certificate assigned to the authorized agent under division (I) of 6482
this section unless the exact month, day, and year of issue are 6483
plainly written on the certificate by the agent. Certificates 6484
issued with incorrect dates of issue are void from the time they 6485
are issued. 6486

(O) The chief, in accordance with Chapter 119. of the Revised 6487
Code, shall adopt rules governing the renewal of watercraft 6488
registrations by electronic means. 6489

(P) As used in this section: 6490

(1) "Disabled veteran" means a person who is included in 6491
either of the following categories: 6492

(a) Because of a service-connected disability, has been or is 6493
awarded funds for the purchase of a motor vehicle under the 6494
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 6495
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 6496

(b) Has a service-connected disability rated at one hundred 6497
per cent by the veterans administration. 6498

(2) "Prisoner of war" means any regularly appointed, 6499
enrolled, enlisted, or inducted member of the military forces of 6500
the United States who was captured, separated, and incarcerated by 6501
an enemy of the United States at any time, and any regularly 6502
appointed, enrolled, or enlisted member of the military forces of 6503
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 6504
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 6505
South Africa, or the republics formerly associated with the Union 6506
of Soviet Socialist Republics or Yugoslavia who was a citizen of 6507
the United States at the time of the appointment, enrollment, or 6508
enlistment, and was captured, separated, and incarcerated by an 6509
enemy of this country during World War II. 6510

(Q) Any disabled veteran, congressional medal of honor 6511
awardee, or prisoner of war may apply to the chief for a 6512
certificate of registration, or for a renewal of the certificate 6513
of registration, without the payment of any fee required by this 6514
section. The application for a certificate of registration shall 6515
be accompanied by evidence of disability or by documentary 6516
evidence in support of a congressional medal of honor that the 6517
chief requires by rule. The application for a certificate of 6518
registration by any person who has been a prisoner of war shall be 6519
accompanied by written evidence in the form of a record of 6520
separation, a letter from one of the armed forces of a country 6521
listed in division (P)(2) of this section, or other evidence that 6522

the chief may require by rule, that the person was honorably 6523
discharged or is currently residing in this state on active duty 6524
with one of the branches of the armed forces of the United States, 6525
or was a prisoner of war and was honorably discharged or received 6526
an equivalent discharge or release from one of the armed forces of 6527
a country listed in division (P)(2) of this section. 6528

(R) Annually by the fifteenth day of January, the director of 6529
natural resources shall determine the amount of fees that would 6530
have been collected in the prior calendar year for each 6531
certificate of registration issued or renewed pursuant to division 6532
(Q) of this section and shall certify the total amount of foregone 6533
revenue to the director of budget and management for 6534
reimbursement. The director of budget and management shall 6535
transfer the amount certified from the general revenue fund to the 6536
waterways safety fund. 6537

Sec. 1547.541. The owner of a watercraft that is more than 6538
twenty-five years old, is essentially as originally constructed, 6539
and is owned primarily as a collector's item and for participation 6540
in club activities, exhibitions, tours, parades, and similar uses, 6541
but is not used for general recreation may apply to the chief of 6542
the division of parks and watercraft for ~~an~~ a historic watercraft 6543
identification plate. The chief, by rule, may establish additional 6544
criteria for the registration of historic watercraft that the 6545
chief considers necessary. 6546

The chief shall prescribe the form of application and shall 6547
issue ~~an~~ a historic watercraft identification plate, which shall 6548
be securely affixed to the watercraft. The plate shall bear no 6549
date, but shall bear the inscription "historic watercraft." A 6550
registration number assigned by the chief shall be shown on the 6551
plate. The plate is valid without renewal as long as the 6552
watercraft exists and ownership does not change. The fee for the 6553

plate is twenty-five dollars. 6554

Whenever the ownership of ~~an~~ a historic watercraft changes, 6555
an application for transfer of registration, together with a fee 6556
of ten dollars, shall be filed with the division of parks and 6557
watercraft, and a new certificate of registration shall be issued. 6558

The historic watercraft identification plate shall be shown 6559
on the watercraft in the same manner as a number required under 6560
sections 1547.53 and 1547.57 of the Revised Code. 6561

If the watercraft is to be used for general recreation, it 6562
also shall be registered as required by section 1547.54 of the 6563
Revised Code. 6564

Sec. 1547.542. (A) Any person or organization owning any 6565
number of canoes, rowboats, inflatable watercraft, or sailboats 6566
for the purpose of rental to the public may apply with the chief 6567
of the division of parks and watercraft for and receive an annual 6568
certificate of livery registration. No watercraft shall be rented 6569
to the public from a livery or other place of business in this 6570
state unless it first has been numbered and registered in 6571
accordance with this section or section 1547.54 of the Revised 6572
Code. Certificates of livery registration shall be issued by an 6573
authorized agent who is selected by the chief from among those 6574
designated under section 1547.54 of the Revised Code. The 6575
certificate shall display all of the following: 6576

(1) The name of the owner of the livery; 6577

(2) The date of issuance; 6578

(3) The date of expiration; 6579

(4) The number of watercraft registered; 6580

(5) The fee paid; 6581

(6) An authorized facsimile of the signature of the chief 6582

provided by the authorized agent who is selected to issue the certificate;

(7) The signature of the livery owner;

(8) The livery watercraft registration number assigned to the livery owner.

The owner of the livery shall be issued a tag for each watercraft that has been registered in accordance with this section. The tag shall be affixed to each such watercraft in accordance with this section prior to the watercraft's being rented to the public. The chief shall prescribe the content and form of the tag in rules ~~adopted under section 1547.52 of the Revised Code.~~

The owner of a livery shall obtain an amended certificate of livery registration from the chief whenever the composition of the fleet changes.

(B) Not later than March 15, 2015, the owner of a livery shall identify each watercraft in the fleet for which a certificate of registration has been issued under this section in one of the following ways:

(1) By displaying the livery watercraft registration number assigned to the livery owner on the forward half of both sides of the watercraft in block characters that are of a single color that contrasts with the color of the hull and are at least three inches in height. The livery watercraft registration number shall be displayed in such a manner that the number is visible under normal operating conditions. In addition, the tag that has been issued to the watercraft under this section shall be placed not more than six inches from the livery watercraft registration number on the port side of the watercraft.

(2) By displaying the livery name on the rear half of the watercraft in such a manner that it is clearly visible under

normal operating conditions. If there is insufficient space or it is impractical to display the livery name on the sides of the watercraft, the livery name may be displayed on the rear half of the watercraft's deck, provided that the display of the name does not interfere with the placement of the tag that has been issued to the watercraft. In addition, the tag shall be placed in one of the following locations:

(a) In the upper right corner of the transom so that the tag does not interfere with the legibility of the hull identification number of the watercraft;

(b) Six inches from the stern on the outside of the watercraft below the port side gunwale;

(c) On the inside of the watercraft on the upper portion of the starboard side gunwale so that the tag is visible from the port side of the watercraft;

(d) On a deck on the rear half of the watercraft.

For purposes of division (B) of this section, each watercraft in a livery fleet shall be identified in a uniform and consistent manner.

(C) The fee for each watercraft registered under this section shall be an annual registration fee. The fee shall be one-third of the triennial registration fees prescribed in section 1547.54 of the Revised Code. However, if the size of the fleet does not increase, the fee for an amended certificate of livery registration shall be the fee prescribed for issuing a duplicate registration certificate under section 1547.54 of the Revised Code, and the chief shall not refund to the livery owner all or any portion of an annual registration fee applicable to a watercraft transferred or abandoned by the livery owner. If the size of the fleet increases, the livery owner shall be required to pay the applicable annual registration fee for each watercraft

registered under an amended certificate of livery registration 6645
that is in excess of the number of watercraft contained in the 6646
annual certificate of livery registration. 6647

In addition to the fees established in this section, 6648
watercraft that are not powercraft shall be charged a waterways 6649
conservation assessment fee. The fee shall be collected at the 6650
time of the issuance of an annual livery registration under this 6651
section and shall be one dollar and fifty cents for each 6652
watercraft included in the registration. The fee shall be 6653
deposited in the state treasury and credited to a distinct account 6654
in the waterways safety fund created in section 1547.75 of the 6655
Revised Code. 6656

(D) The certificate of livery registration, rental 6657
agreements, and required safety equipment are subject to 6658
inspection at any time at the livery's place of business by any 6659
authorized representative of the division of parks and watercraft 6660
or any law enforcement officer in accordance with section 1547.63 6661
of the Revised Code. 6662

(E) Except as provided in this section, all watercraft 6663
registered under this section are subject to this chapter and 6664
Chapter 1548. of the Revised Code. 6665

(F) The chief may issue an order temporarily restricting or 6666
suspending a livery certificate of registration and the privileges 6667
associated with it without a hearing if the chief finds that the 6668
holder of the certificate has violated this chapter. 6669

Sec. 1547.543. (A) Any bona fide dealer in watercraft, or any 6670
manufacturer of watercraft, upon annual application to the 6671
division of parks and watercraft, may receive for each separate 6672
place of business a dealer or manufacturer registration 6673
certificate assigning a dealer number for use while operating 6674
watercraft on the waters in this state. ~~A dealer or manufacturer~~ 6675

~~registration certificate shall not be used for any commercial~~ 6676
~~purpose such as the rental or chartering of watercraft, nor shall~~ 6677
~~the certificate be loaned~~ 6678

A watercraft dealer, prospective purchaser, or third party 6679
operating the watercraft may use a registration certificate on a 6680
watercraft when any of the following occurs: 6681

(1) The dealer or third party is transporting the watercraft 6682
to the person who purchased it from the dealer; 6683

(2) The dealer is demonstrating the capabilities of the 6684
watercraft for purposes of selling or leasing the watercraft; 6685

(3) The dealer or, with the permission of the dealer, the 6686
prospective purchaser or third party is otherwise utilizing the 6687
watercraft. 6688

However, a watercraft dealer shall not use a registration 6689
certificate for any commercial purpose, such as the rental or 6690
chartering of watercraft. In addition, a watercraft dealer shall 6691
not loan a certificate to any person for the purpose of 6692
circumventing any law of this state. 6693

The fee for such a certificate shall be fifty dollars 6694
annually. 6695

The chief of the division ~~of watercraft~~ shall select an 6696
authorized agent from among those designated under section 1547.54 6697
of the Revised Code to issue dealer and manufacturer registration 6698
certificates. The agent shall provide an authorized facsimile of 6699
the signature of the chief on each registration certificate and on 6700
each pocket-sized certificate issued under this section. 6701

(B) Registration certificates issued to marine dealers or 6702
manufacturers shall be available for inspection at all times at 6703
the dealers' or manufacturers' place of business for which the 6704
certificates were issued. 6705

(C) The division shall issue to each registered dealer or manufacturer one or more pocket-sized certificates bearing the dealer or manufacturer registration number, which shall be carried by the dealer, the manufacturer, or an employee aboard any watercraft being operated on the waters in this state.

(D) Each dealer in or manufacturer of watercraft shall display on both sides of any watercraft being operated on the waters in this state the dealer or manufacturer registration number and the validation decals assigned by the authorized agent selected by the chief under this section so that the decals and number are clearly visible under normal operating conditions. The authorized agent selected by the chief shall furnish with each dealer or manufacturer registration certificate one or more sets of registration validation decals of a size and shape prescribed by the chief. Additional sets of decals may be purchased for a two-dollar fee.

In accordance with federal law, no person shall recklessly display or affix a dealer or manufacturer registration number on a watercraft in a manner that causes permanent alteration to the watercraft's hull prior to a final sale.

(E) The chief may issue an order temporarily or permanently restricting or suspending a dealer or manufacturer registration certificate without a hearing if the chief finds that the holder of the certificate has violated this section.

Sec. 1547.544. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the division of parks and watercraft shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to section 1547.542 or 1547.543 of the Revised Code.

Sec. 1547.55. All moneys collected by the chief of the 6736
division of parks and watercraft under this chapter shall be paid 6737
into the waterways safety fund established in section 1547.75 of 6738
the Revised Code. All expenses for salaries, operation, and 6739
administration of the division ~~of watercraft~~ relating to boating 6740
shall be paid from the fund. The chief may make expenditures from 6741
the fund for publishing statutes and rules concerning watercraft, 6742
for publications which are solely for the purpose of providing 6743
education in watercraft safety, sanitation, or operation, and for 6744
other educational devices for that purpose. The chief shall make 6745
payments to the division of parks and recreation, the division of 6746
wildlife, conservancy districts, and political subdivisions of 6747
this state as further provided in section 1547.56 of the Revised 6748
Code. No moneys paid into the fund shall be used or paid out for 6749
any purposes other than those for which the fund is appropriated. 6750
All investment earnings of the fund shall be credited to the fund. 6751

Sec. 1547.56. All applications for a registration certificate 6752
filed with the chief of the division of parks and watercraft shall 6753
bear a notation as to water principally used by the watercraft. 6754
The ~~division of parks and recreation,~~ the division of wildlife, 6755
conservancy districts, and other political subdivisions having 6756
impounded bodies of water upon which boating is permitted and 6757
authorized shall file annually with the chief an application for 6758
refund. The chief shall annually reimburse ~~the division of parks~~ 6759
~~and recreation,~~ the division of wildlife, conservancy districts, 6760
and such other political subdivisions which have made proper 6761
application, in the amount of money collected by the chief as fees 6762
for the issuance of registration certificates commensurate with 6763
the number of watercraft having designated the waters of the 6764
division, conservancy district, or political subdivision as the 6765
water principally used. The amounts so refunded shall not be less 6766

than ninety per cent of the amounts separately collected by ~~the~~ 6767
~~division of parks and recreation,~~ the division of wildlife, 6768
conservancy districts, and other political subdivisions, in the 6769
calendar year 1959, for watercraft license fees so long as the 6770
total revenue received by the division of parks and watercraft in 6771
each succeeding license year thereafter is equal to, or in excess 6772
of, the total revenue derived by all state departments, 6773
conservancy districts, and political subdivisions of this state, 6774
requiring licenses, and received by them in the calendar year 6775
1959. The chief shall first deduct from the amount to be refunded 6776
the applicable pro rata share of all costs of operation of the 6777
division of watercraft determined by the ratio between the amount 6778
to be so refunded and the total fees received by the division ~~of~~ 6779
~~watercraft~~ for issuances of registration certificates. On all 6780
applications which have designated water other than those 6781
specified above as water principally used, the chief shall pay the 6782
fees received from the applications to the waterways safety fund 6783
established in section 1547.75 of the Revised Code. 6784

Sec. 1547.57. (A) Except as otherwise provided in division 6785
(C) of this section, when the chief of the division of parks and 6786
watercraft issues a registration certificate under section 1547.54 6787
of the Revised Code, the chief also shall issue to the applicant 6788
two tags not larger than three inches square, color coded, 6789
indicating the expiration date of the certificate. The owner of 6790
watercraft currently documented by the United States coast guard 6791
and for which a registration certificate is issued shall securely 6792
affix one tag to the watercraft's port side and the other tag to 6793
the starboard side so that the tags are clearly visible under 6794
normal operating conditions. The tags shall be removed from the 6795
watercraft when they become invalid. The owner of any other 6796
watercraft for which a registration certificate is issued shall 6797
securely affix one tag to the watercraft's port side, six inches 6798

toward the stern from the identification number, and the other tag 6799
to the starboard side, six inches toward the stern from the 6800
identification number. The tags shall be securely affixed to the 6801
watercraft prior to its operation, but shall be removed from the 6802
watercraft when they become invalid. A person may operate without 6803
a registration certificate issued under section 1547.54 of the 6804
Revised Code, for a period not to exceed forty-five days, any 6805
watercraft required to be titled on the waters in this state if 6806
the person is in compliance with section 1547.531 of the Revised 6807
Code. 6808

(B) The owner of every watercraft requiring numbering by this 6809
state shall attach to each side of the bow of the watercraft the 6810
permanent identification number in such manner as may be 6811
prescribed by applicable federal standards in order that it shall 6812
be clearly visible. The number shall be maintained in a legible 6813
condition at all times. No number other than the number assigned 6814
to a watercraft or granted by reciprocity pursuant to this chapter 6815
shall be painted, attached, or otherwise displayed on either side 6816
of the bow of the watercraft. 6817

(C) When the chief issues a registration certificate under 6818
section 1547.54 of the Revised Code for a canoe, rowboat, or 6819
inflatable watercraft that has not been numbered under section 6820
1547.53 of the Revised Code, the chief also shall issue to the 6821
applicant a tag not larger than three inches by six inches, with 6822
distinguishing color coding and a number for identification 6823
purposes. The owner of the canoe, rowboat, or inflatable 6824
watercraft for which the registration certificate is issued shall 6825
affix the tag securely to a location on the canoe, rowboat, or 6826
inflatable watercraft as prescribed by rules ~~adopted by the chief~~ 6827
~~under section 1547.52 of the Revised Code.~~ 6828

(D) No person shall operate or permit to be operated any 6829
watercraft on the waters in this state in violation of this 6830

section. 6831

Sec. 1547.59. The operator of a vessel involved in a 6832
collision, accident, or other casualty, so far as the operator can 6833
do so without serious danger to the operator's own vessel, crew, 6834
and passengers, shall render to other persons affected by the 6835
collision, accident, or other casualty such assistance as may be 6836
practicable and as may be necessary in order to save them from or 6837
minimize any danger caused by the collision, accident, or other 6838
casualty. The operator also shall give the operator's name, 6839
address, and identification of the operator's vessel in writing to 6840
any person injured and to the owner of any property damaged in the 6841
collision, accident, or other casualty. 6842

Any person who renders assistance at the scene of a 6843
collision, accident, or other casualty involving a vessel is not 6844
liable in a civil action for damages or injury to persons or 6845
property resulting from any act or omission in rendering 6846
assistance or in providing or arranging salvage, towage, medical 6847
treatment, or other assistance, except that the person is liable 6848
for willful or wanton misconduct in rendering assistance. Nothing 6849
in this section precludes recovery from any tortfeasor causing a 6850
collision, accident, or other casualty of damages caused or 6851
aggravated by the rendering of assistance. 6852

In the case of collision, accident, or other casualty 6853
involving a vessel, the operator thereof, if the collision, 6854
accident, or other casualty results in loss of life, personal 6855
injury requiring medical treatment beyond first aid, ~~or~~ damage to 6856
property in excess of five hundred dollars, or the total loss of a 6857
vessel, shall file with the chief of the division of parks and 6858
watercraft a full description of the collision, accident, or other 6859
casualty on a form prescribed by the chief. ~~The report so filed~~ 6860
~~shall be used for statistical purposes only and shall not be~~ 6861

~~admissible for any purpose in any civil, criminal, or~~ 6862
~~administrative action at law.~~ 6863

If the operator of the vessel involved in a collision, 6864
accident, or other casualty is incapacitated, the investigating 6865
law enforcement officer shall file the required form as prescribed 6866
by the chief. 6867

Sec. 1547.61. This chapter and other applicable laws of this 6868
state govern the operation, equipment, registration, numbering, 6869
and all other matters relating thereto whenever any vessel is 6870
operated on the waters in this state, whether the waters are under 6871
the jurisdiction and control of a state department, conservancy 6872
district, or political subdivision, or when any activity regulated 6873
by this chapter takes place thereon; but nothing in this chapter 6874
prevents the adoption of any rule or ordinance relating to 6875
operation and equipment of vessels the provisions of which are 6876
identical to the provisions of this chapter or rules ~~adopted under~~ 6877
~~it~~; provided, that such rules or ordinances shall be operative 6878
only so long as and to the extent that they continue to be 6879
identical to the provisions of this chapter or rules ~~adopted under~~ 6880
~~it~~. Conservancy districts and political subdivisions may adopt 6881
ordinances or rules limiting the horsepower of inboard or outboard 6882
motors, the maximum and minimum size and type of vessels, and the 6883
speed at which vessels may be operated, except that, upon 6884
impounded bodies of water covering three thousand five hundred 6885
acres of land or more, no conservancy district or political 6886
subdivision shall prohibit the use of motors of one hundred twenty 6887
horsepower or less when used in conjunction with properly 6888
proportioned boats in a reasonable area to be designed for the use 6889
of those motors and boats and for water skiing; and provided that 6890
upon Tappan Lake no conservancy district or political subdivision 6891
shall prohibit the use of motors of sixty-five horsepower or less 6892
when used in conjunction with properly proportioned boats in a 6893

reasonable area to be designated for the use of those motors and 6894
boats and for water skiing. 6895

Any state department, conservancy district, or political 6896
subdivision may, at any time, but only after public notice 6897
published in a newspaper of local circulation, make formal 6898
application to the chief of the division of parks and watercraft 6899
for special rules with reference to the operation of vessels on 6900
any waters within its territorial limits and shall set forth 6901
therein the reasons which make such special rules necessary or 6902
appropriate. 6903

The division of parks and watercraft may make special rules 6904
governing the operation of vessels on any waters within the 6905
territorial limits of any political subdivision. 6906

No political subdivision or conservancy district shall charge 6907
any license fee or other charge against the owner of any vessel 6908
for the right or privilege of operating the vessel upon the waters 6909
of any such political subdivision or conservancy district, and no 6910
license or number in addition to those provided for under this 6911
chapter shall be required by any state department, conservancy 6912
district, or political subdivision. 6913

Sec. 1547.63. Every sheriff, deputy sheriff, marshal, deputy 6914
marshal, member of the organized police department of any 6915
municipal corporation, police constable of any township, wildlife 6916
officer, ~~park officer, preserve~~ natural resources officer, 6917
conservancy district police officer, and other law enforcement 6918
officer, within the area of ~~his~~ any such law enforcement officer's 6919
authority, may enforce this chapter and rules ~~adopted by the chief~~ 6920
~~of the division of watercraft~~ and, in the exercise thereof, may 6921
stop and board any vessel subject to this chapter and rules 6922
~~adopted under it.~~ 6923

Sec. 1547.65. (A) A watercraft constructed on or after 6924
November 1, 1972, shall have a hull identification number 6925
permanently displayed and affixed to it in accordance with federal 6926
law. 6927

(B) A watercraft constructed before November 1, 1972, shall 6928
have a hull identification number assigned to it by the chief of 6929
the division of parks and watercraft at the time of registration, 6930
at the time of application for title, after transfer of ownership, 6931
or at the time of a change to this state as the principal location 6932
of operation. The number shall be permanently displayed and 6933
affixed as prescribed by rules ~~adopted under section 1547.52 of~~ 6934
~~the Revised Code.~~ 6935

(C) A person who builds a watercraft or imports a watercraft 6936
from another country for personal use and not for the purpose of 6937
sale shall request a hull identification number from the chief and 6938
permanently display and affix the number as prescribed by rules 6939
~~adopted under section 1547.52 of the Revised Code.~~ 6940

(D) No person shall operate or permit to be operated any 6941
watercraft on the waters in this state in violation of this 6942
section. 6943

Sec. 1547.66. No person shall deface or alter any serial 6944
number, model designation, or other identifying mark on any 6945
watercraft or motor as placed thereon by the manufacturer thereof, 6946
or remove, deface, or alter the registration number of any 6947
watercraft as the registration number appears on the bow thereof 6948
except by specific order of the chief of the division of parks and 6949
watercraft. 6950

No person shall give purposely false information concerning 6951
any watercraft or motor when applying for registration of the 6952
watercraft. Any certificate issued which is found to be based on 6953

such false information is void. 6954

Sec. 1547.67. The division of parks and watercraft, with the 6955
approval of the director of natural resources, may expend, for the 6956
purpose of assisting political subdivisions, conservancy 6957
districts, and state departments to establish or maintain and 6958
operate a marine patrol for the purpose of enforcing this chapter 6959
and Chapter 1548. of the Revised Code and rules adopted under them 6960
and to provide emergency response to boating accidents on the 6961
water, such funds as are appropriated by the general assembly for 6962
that purpose and, in addition, such moneys from the waterways 6963
safety fund established in section 1547.75 of the Revised Code as 6964
determined to be necessary by the division not to exceed ten per 6965
cent of all moneys accruing to the fund. In no case shall the 6966
grant to a political subdivision, conservancy district, or state 6967
department, not including the department of natural resources, 6968
total more than thirty-five thousand dollars in a calendar year. 6969
Moneys so allocated may be used for the purchase, maintenance, and 6970
operation of vessels and marine equipment, educational materials, 6971
and personnel salaries that are necessary for enforcement of this 6972
chapter and Chapter 1548. of the Revised Code and rules adopted 6973
under them and to provide emergency response to boating accidents 6974
on the water. 6975

The division shall disburse the moneys as provided in this 6976
section in accordance with its determination of need in the 6977
enforcement of this chapter and Chapter 1548. of the Revised Code 6978
and rules adopted under them and shall disburse those moneys only 6979
on a cost share basis to supplement funds allocated by a political 6980
subdivision, conservancy district, or state department for that 6981
purpose. A grantee shall provide at least twenty-five per cent of 6982
the total program cost. 6983

Sec. 1547.68. To assist political subdivisions, conservancy 6984

districts, state departments, or nonprofit organizations in 6985
establishing or participating in boating safety education 6986
programs, the division of parks and watercraft, with the approval 6987
of the director of natural resources, may expend moneys 6988
appropriated by the general assembly for those purposes and, 6989
additionally, moneys from the waterways safety fund established in 6990
section 1547.75 of the Revised Code determined to be necessary by 6991
the division, but not to exceed ten per cent of all moneys 6992
accruing to the fund. In no case shall a grant to any one 6993
political subdivision, conservancy district, state department, or 6994
nonprofit organization total more than thirty thousand dollars in 6995
a calendar year. Moneys so allocated may be used for personnel 6996
salaries and training, materials, supplies, equipment, and related 6997
expenses needed to conduct boating education programs. 6998

The division shall disburse the moneys as provided in this 6999
section in accordance with its determination of need in the 7000
enforcement of this chapter and rules ~~adopted under it~~ or for the 7001
establishment of or participation in a boating safety education 7002
program. The division shall disburse moneys only on a cost share 7003
basis. A grantee shall provide at least twenty-five per cent of 7004
the total program cost and may do so with cash, in-kind services 7005
or contributions, or a combination. The cost share shall be 7006
allocated by a political subdivision, conservancy district, state 7007
department, or nonprofit organization for those purposes. 7008

Sec. 1547.71. The division of parks and watercraft shall act 7009
as the refuge and small boat harbor agency of the state for the 7010
purpose of participating with, and co-operating with the 7011
department of the army, corps of engineers, pursuant to the 7012
enabling provisions in the act known as the "Fletcher Act of 1932" 7013
and its amendments and successors, including Public Law 14 of the 7014
79th congress authorized March 2, 1945, pursuant to House Document 7015
No. 446 of the 78th congress. 7016

The division of ~~watercraft~~ shall participate and co-operate 7017
with the corps of engineers in acquiring, constructing, and 7018
maintaining refuge and light draft vessel harbor projects, 7019
channels, and facilities for vessels in the navigable waters lying 7020
within the boundaries of the state. 7021

Sec. 1547.72. (A) The division of parks and watercraft, 7022
whenever it considers it in the best interests of the state, and 7023
as an aid to lake commerce and navigation or recreational boating, 7024
may construct, maintain, repair, and operate refuge harbors and 7025
other projects for the harboring, mooring, docking, launching, and 7026
storing of light draft vessels, and marine recreational 7027
facilities. Subject to section 1547.77 of the Revised Code, those 7028
harbors, projects, and facilities may be constructed on waters in 7029
this state. If a refuge harbor lies between the shoreline and a 7030
harbor line established by the United States government so as to 7031
interfere with the wharfing out by a littoral owner to navigable 7032
waters, the littoral owner shall consent thereto in writing before 7033
the location and construction thereof. 7034

The division may lease any space in those refuge harbors or 7035
other projects for the harboring, mooring, docking, launching, and 7036
storing of light draft vessels. The rental therefor shall be 7037
determined by the division. 7038

(B) The division, with the approval of the director of 7039
natural resources, may expend for the acquisition of any rights in 7040
land; for the construction, maintenance, repair, and operation of 7041
refuge harbors and other projects for the harboring, mooring, 7042
docking, launching, and storing of light draft vessels, and marine 7043
recreational facilities on waters in this state; for planning, 7044
studies, surveys, and engineering therefor; or for the improvement 7045
of harbors, channels, and waterways to foster vessel safety, funds 7046
appropriated by the general assembly for those purposes and, in 7047

addition, moneys accruing to the waterways safety fund established 7048
in section 1547.75 of the Revised Code. 7049

(C) The division, with the approval of the director, may 7050
distribute moneys for the purpose of administering federal 7051
assistance to public and private entities in accordance with 7052
guidelines established under each federal grant program. Public 7053
and private entities that receive moneys under this division may 7054
charge fees at the facilities in accordance with the applicable 7055
federal guidelines. 7056

Sec. 1547.73. There is hereby created in the division of 7057
parks and watercraft a waterways safety council composed of five 7058
members appointed by the governor with the advice and consent of 7059
the senate. Not more than three of such appointees shall belong to 7060
the same political party. Terms of office shall be for five years, 7061
commencing on the first day of February and ending on the 7062
thirty-first day of January. Each member shall hold office from 7063
the date of appointment until the end of the term for which the 7064
member was appointed. The chief of the division of parks and 7065
watercraft shall act as secretary of the council. In the event of 7066
the death, removal, resignation, or incapacity of a member of the 7067
council, the governor, with the advice and consent of the senate, 7068
shall appoint a successor to fill the unexpired term who shall 7069
hold office for the remainder of the term for which the member's 7070
predecessor was appointed. Any member shall continue in office 7071
subsequent to the expiration date of the member's term until the 7072
member's successor takes office, or until a period of sixty days 7073
has elapsed, whichever occurs first. The governor may remove any 7074
appointed member of the council for misfeasance, nonfeasance, or 7075
malfeasance in office. 7076

The council may: 7077

(A) Advise with and recommend to the chief as to plans and 7078

programs for the construction, maintenance, repair, and operation 7079
of refuge harbors and other projects for the harboring, mooring, 7080
docking, and storing of light draft vessels as provided in 7081
sections 1547.71, 1547.72, and 1547.78 of the Revised Code; 7082

(B) Advise with and recommend to the chief as to the methods 7083
of coordinating the shore erosion projects of the department of 7084
natural resources with the refuge of light draft vessel harbor 7085
projects; 7086

(C) Advise with and recommend to the chief as to plans and 7087
programs for the acquisition, protection, construction, 7088
maintenance, and administration of wild river areas, scenic river 7089
areas, and recreational river areas; 7090

(D) Consider and make recommendations upon any matter which 7091
is brought to its attention by any person or that the chief may 7092
submit to it; 7093

(E) Submit to the governor biennially recommendations for 7094
amendments to the laws of the state relative to refuge and light 7095
draft vessel harbor projects. 7096

Before entering upon the discharge of official duties, each 7097
member of the council shall take and subscribe to an oath of 7098
office, which oath, in writing, shall be filed in the office of 7099
the secretary of state. 7100

The members of the council shall serve without compensation, 7101
but shall be entitled to receive their actual and necessary 7102
expenses incurred in the performance of their official duties from 7103
the waterways safety fund as provided in section 1547.75 of the 7104
Revised Code. 7105

The council shall, by a majority vote of all its members, 7106
adopt and amend bylaws. 7107

To be eligible for appointment as a member of the council, a 7108

person shall be a citizen of the United States and an elector of 7109
the state and possess a knowledge of and have an interest in small 7110
boat operations. 7111

The council shall hold at least four regular quarterly 7112
meetings each year. Special meetings shall be held at such times 7113
as the bylaws of the council provide, or at the behest of a 7114
majority of its members. Notices of all meetings shall be given in 7115
such manner as the bylaws provide. The council shall choose 7116
annually from among its members a chairperson to preside over its 7117
meetings. A majority of the members of the council shall 7118
constitute a quorum. No advice shall be given or recommendation 7119
made without a majority of the members of the council concurring 7120
therein. 7121

Sec. 1547.74. Facilities in harbors and connecting waterways 7122
established under sections 1546.021, 1547.71, and 1547.72, ~~and~~ 7123
~~1547.78~~ of the Revised Code shall be open to all on equal and 7124
reasonable terms. 7125

Sec. 1547.75. There is hereby created in the state treasury 7126
the waterways safety fund ~~for the purposes provided in this~~ 7127
~~chapter and Chapter 1548. of the Revised Code. All moneys~~ 7128
~~collected or received to implement the chapters shall be deposited~~ 7129
~~in the state treasury to the credit of the fund. The fund shall~~ 7130
consist of money credited to it under this chapter and Chapters 7131
1546. and 1548. of the Revised Code. The fund shall be used for 7132
boating-related activities under those chapters. 7133

Sec. 1547.77. Any action taken by the chief of the division 7134
of parks and watercraft under ~~sections 1547.71 to 1547.78~~ Chapters 7135
1546. and 1547. relating to refuge and small boat harbors of the 7136
Revised Code shall not be deemed in conflict with certain powers 7137
and duties conferred upon and delegated to federal agencies and to 7138

municipal corporations under Section 7 of Article XVIII, Ohio 7139
Constitution, or as provided by sections 721.04 to 721.11 of the 7140
Revised Code. 7141

Sec. 1547.79. All fines, forfeitures, and penalties arising 7142
from prosecutions, convictions, confiscations, or other actions 7143
commenced by department of natural resources law enforcement 7144
officers, including, but not limited to, wildlife officers, ~~park~~ 7145
~~officers,~~ and ~~state watercraft~~ natural resources officers under 7146
this chapter or Chapter 1548. of the Revised Code, or commenced by 7147
~~state watercraft~~ natural resources officers under any law 7148
prohibiting the dumping of refuse, trash, or litter into the 7149
waters in this state, shall be paid to the director of natural 7150
resources and by ~~him~~ the director paid into the waterways safety 7151
fund established in section 1547.75 of the Revised Code for the 7152
purposes provided in sections 1547.55, 1547.67, 1547.71, and 7153
1547.72 of the Revised Code. 7154

Sec. 1547.80. (A) Notwithstanding any provision of the 7155
Revised Code to the contrary, the ~~department of natural resources,~~ 7156
division of parks and watercraft, in consultation with the 7157
department of public safety, shall adopt rules regarding the 7158
security of ports on waterways in this state and the facilities 7159
associated with those ports. The rules shall include but not be 7160
limited to provisions that do the following: 7161

(1) Designate the ports, located in whole or in part within 7162
this state, to which the requirements of this section apply, 7163
considering the size and activity of the port, its proximity to a 7164
metropolitan location, its proximity to a sensitive site as 7165
defined in section 4563.30 of the Revised Code, and any other 7166
criteria related to security that the department considers 7167
reasonable; 7168

(2) Require the designated ports to register biennially with the department of natural resources;	7169 7170
(3) Require the designated ports to do all of the following:	7171
(a) Prepare a written security plan that is consistent with the most recent security guidelines established pursuant to the national maritime transportation security plan by the secretary in the department in which the United States coast guard is located;	7172 7173 7174 7175
(b) Develop a written list of emergency contacts and telephone numbers;	7176 7177
(c) Restrict access to vessels by unauthorized persons;	7178
(d) Require those piloting or renting vessels to provide identification;	7179 7180
(e) Create an emergency locator <u>locator</u> map that identifies areas of the port facilities;	7181 7182
(f) Familiarize local law enforcement agencies with the facilities and consult with them in the development of the port's security procedures.	7183 7184 7185
(4) Require all owners of vessels or pilots to secure their vessels;	7186 7187
(5) Require all persons who rent a vessel to present government-issued identification, in addition to any required license, to the person who rents them the vessel;	7188 7189 7190
(6) Address the security of port facilities located in whole or in part in this state in any other manner the department determines to be necessary.	7191 7192 7193
(B) The security plan and the emergency locator map this section describes shall display prominently the following statement: "This document may contain information that, if disclosed, could endanger the life or safety of the public; therefore, this document is to be maintained and used in a manner	7194 7195 7196 7197 7198

that preserves the confidentiality of the information it contains 7199
in a manner consistent with law." 7200

(C) Each port facility designated pursuant to division (A) of 7201
this section shall provide a copy of the registration this section 7202
requires and the port's security plan and emergency locator map to 7203
the department of public safety, to the department of natural 7204
resources, to the sheriff of the county in which the port is 7205
located in whole or in part, and if the facility is located in 7206
whole or in part in a municipal corporation, to the chief of 7207
police of each municipal corporation in which the port is located. 7208
Copies of registration, emergency locator maps, and security plans 7209
provided under this division are not public records under section 7210
149.43 of the Revised Code and are not subject to mandatory 7211
disclosure under that section. 7212

(D) This section shall not be construed to replace or 7213
supersede any standards for facilities the United States 7214
department of homeland security and the transportation security 7215
administration require, safety standards of the United States 7216
department of transportation, or any standard or law related to 7217
maritime security enforced by the secretary of the department in 7218
which the United States coast guard is located. 7219

Sec. 1547.81. The director of natural resources or the 7220
director's representative may create, supervise, operate, protect, 7221
and maintain wild, scenic, and recreational river areas. In 7222
creating wild, scenic, and recreational river areas, the director 7223
shall classify each such area as either a wild river area, a 7224
scenic river area, or a recreational river area. The director or 7225
the director's representative may prepare and maintain a plan for 7226
the establishment, development, use, and administration of those 7227
areas as a part of the comprehensive state plans for water 7228
management and outdoor recreation. The director or the director's 7229

representative may cooperate with federal agencies administering 7230
any federal program concerning wild, scenic, or recreational river 7231
areas. 7232

The director may propose for establishment as a wild, scenic, 7233
or recreational river area a part or parts of any watercourse in 7234
this state, with adjacent lands, that in the director's judgment 7235
possesses water conservation, scenic, fish, wildlife, historic, or 7236
outdoor recreation values that should be preserved. The area shall 7237
include lands adjacent to the watercourse in sufficient width to 7238
preserve, protect, and develop the natural character of the 7239
watercourse, but shall not include any lands more than one 7240
thousand feet from the normal waterlines of the watercourse unless 7241
an additional width is necessary to preserve water conservation, 7242
scenic, fish, wildlife, historic, or outdoor recreation values. 7243

The director shall publish the intention to declare an area a 7244
wild, scenic, or recreational river area at least once in a 7245
newspaper of general circulation in each county, any part of which 7246
is within the area, and shall send written notice of the intention 7247
to the legislative authority of each county, township, and 7248
municipal corporation and to each conservancy district established 7249
under Chapter 6101. of the Revised Code, any part of which is 7250
within the area, and to the director of transportation, the 7251
director of development, the director of administrative services, 7252
and the director of environmental protection. The notices shall 7253
include a copy of a map and description of the area. 7254

After thirty days from the last date of publication or 7255
dispatch of written notice as required in this section, the 7256
director shall enter a declaration in the director's journal that 7257
the area is a wild river area, scenic river area, or recreational 7258
river area. When so entered, the area is a wild, scenic, or 7259
recreational river area, as applicable. The director, after thirty 7260
days' notice as prescribed in this section and upon the approval 7261

of the recreation and resources commission created in section 7262
1501.04 of the Revised Code, may terminate the status of an area 7263
as a wild river area, scenic river area, or recreational river 7264
area by an entry in the director's journal. 7265

Declaration by the director that an area is a wild, scenic, 7266
or recreational river area does not authorize the director or any 7267
governmental agency or political subdivision to restrict the use 7268
of land by the owner thereof or any person acting under the 7269
landowner's authority or to enter upon the land and does not 7270
expand or abridge the regulatory authority of any governmental 7271
agency or political subdivision over the area. 7272

The director may enter into a lease or other agreement with a 7273
political subdivision to administer all or part of a wild, scenic, 7274
or recreational river area and may acquire real property or any 7275
estate, right, or interest therein in order to provide for the 7276
protection and public recreational use of a wild, scenic, or 7277
recreational river area. 7278

The chief of the division of parks and watercraft or the 7279
chief's representative may participate in watershed-wide planning 7280
with federal, state, and local agencies in order to protect the 7281
values of wild, scenic, and recreational river areas. 7282

Sec. 1547.83. The chief of the division of parks and 7283
watercraft shall administer the state programs for wild river 7284
areas, scenic river areas, and recreational river areas. The chief 7285
may accept and administer state and federal financial assistance 7286
for the maintenance, protection, and administration of wild, 7287
scenic, and recreational river areas and for construction of 7288
facilities within those areas. The chief, with the approval of the 7289
director of natural resources, may expend for the purpose of 7290
administering the state programs for wild, scenic, and 7291
recreational river areas money that is appropriated by the general 7292

assembly for that purpose, money that is in the scenic rivers 7293
protection fund created in section 4501.24 of the Revised Code, 7294
and money that is in the waterways safety fund created in section 7295
1547.75 of the Revised Code, including money generated by the 7296
waterways conservation assessment fee levied by sections 1547.54 7297
and 1547.542 of the Revised Code, as determined to be necessary by 7298
the division of parks and watercraft not to exceed six hundred 7299
fifty thousand dollars per fiscal year. The chief may condition 7300
any expenditures, maintenance activities, or construction of 7301
facilities on the adoption and enforcement of adequate floodplain 7302
zoning or land use rules. 7303

Any instrument by which real property is acquired pursuant to 7304
this section shall identify the agency of the state that has the 7305
use and benefit of the real property as specified in section 7306
5301.012 of the Revised Code. 7307

The chief may cooperate with federal agencies administering 7308
any federal program concerning wild, scenic, or recreational river 7309
areas. 7310

Sec. 1547.85. The director of natural resources may 7311
participate in the federal program for the protection of certain 7312
selected rivers that are located within the boundaries of the 7313
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 7314
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 7315
authorize the chief of the division of parks and watercraft to 7316
participate in any other federal program established for the 7317
purpose of protecting, conserving, or developing recreational 7318
access to waters in this state that possess outstanding scenic, 7319
recreational, geologic, fish and wildlife, historic, cultural, or 7320
other similar values. 7321

Sec. 1547.86. Any action taken by the chief of the division 7322

of parks and watercraft under sections 1547.81 to ~~1547.87~~ 1547.86 7323
of the Revised Code shall not be deemed in conflict with certain 7324
powers and duties conferred on and delegated to federal agencies 7325
and to municipal corporations under Section 7 of Article XVIII, 7326
Ohio Constitution, or as provided by sections 721.04 to 721.11 of 7327
the Revised Code. 7328

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 7329
Revised Code is guilty of a felony of the fourth degree. 7330

(B) Whoever violates division (F) of section 1547.08, section 7331
1547.10, division (I) of section 1547.111, section 1547.13, or 7332
section 1547.66 of the Revised Code is guilty of a misdemeanor of 7333
the first degree. 7334

(C) Whoever violates a provision of this chapter or a rule 7335
~~adopted thereunder~~, for which no penalty is otherwise provided, is 7336
guilty of a minor misdemeanor. 7337

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 7338
the Revised Code without causing injury to persons or damage to 7339
property is guilty of a misdemeanor of the fourth degree. 7340

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 7341
the Revised Code causing injury to persons or damage to property 7342
is guilty of a misdemeanor of the third degree. 7343

(F) Whoever violates division (N) of section 1547.54, 7344
division (G) of section 1547.30, or section 1547.131, 1547.25, 7345
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 7346
of the Revised Code or a rule ~~adopted under division (A)(2) of~~ 7347
~~section 1547.52 of the Revised Code~~ is guilty of a misdemeanor of 7348
the fourth degree. 7349

(G) Whoever violates section 1547.11 of the Revised Code is 7350
guilty of a misdemeanor of the first degree and shall be punished 7351
as provided in division (G)(1), (2), or (3) of this section. 7352

(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by division (G)(1) of this section if the court places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to one violation of section
1547.11 of the Revised Code or one other equivalent offense, the
court shall sentence the offender to a jail term of ten
consecutive days and may sentence the offender pursuant to section
2929.24 of the Revised Code to a longer jail term. In addition,
the court shall impose upon the offender a fine of not less than
one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 5119.38
of the Revised Code.

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation or
offense identified in division (G)(2) of this section, the court
shall sentence the offender to a jail term of thirty consecutive
days and may sentence the offender to a longer jail term of not
more than one year. In addition, the court shall impose upon the
offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 5119.38
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory

jail term of three, ten, or thirty consecutive days that the court 7418
is required by division (G)(1), (2), or (3) of this section to 7419
impose. The duration of the work release shall not exceed the time 7420
necessary each day for the offender to commute to and from the 7421
place of employment and the place in which the jail term is served 7422
and the time actually spent under employment. 7423

(5) Notwithstanding any section of the Revised Code that 7424
authorizes the suspension of the imposition or execution of a 7425
sentence or the placement of an offender in any treatment program 7426
in lieu of being imprisoned or serving a jail term, no court shall 7427
suspend the mandatory jail term of ten or thirty consecutive days 7428
required to be imposed by division (G)(2) or (3) of this section 7429
or place an offender who is sentenced pursuant to division (G)(2) 7430
or (3) of this section in any treatment program in lieu of being 7431
imprisoned or serving a jail term until after the offender has 7432
served the mandatory jail term of ten or thirty consecutive days 7433
required to be imposed pursuant to division (G)(2) or (3) of this 7434
section. Notwithstanding any section of the Revised Code that 7435
authorizes the suspension of the imposition or execution of a 7436
sentence or the placement of an offender in any treatment program 7437
in lieu of being imprisoned or serving a jail term, no court, 7438
except as specifically authorized by division (G)(1) of this 7439
section, shall suspend the mandatory jail term of three 7440
consecutive days required to be imposed by division (G)(1) of this 7441
section or place an offender who is sentenced pursuant to division 7442
(G)(1) of this section in any treatment program in lieu of 7443
imprisonment until after the offender has served the mandatory 7444
jail term of three consecutive days required to be imposed 7445
pursuant to division (G)(1) of this section. 7446

(6) As used in division (G) of this section: 7447

(a) "Equivalent offense" has the same meaning as in section 7448
4511.181 of the Revised Code. 7449

(b) "Jail term" and "mandatory jail term" have the same 7450
meanings as in section 2929.01 of the Revised Code. 7451

(H) Whoever violates section 1547.304 of the Revised Code is 7452
guilty of a misdemeanor of the fourth degree and also shall be 7453
assessed any costs incurred by the state or a county, township, 7454
municipal corporation, or other political subdivision in disposing 7455
of an abandoned junk vessel or outboard motor, less any money 7456
accruing to the state, county, township, municipal corporation, or 7457
other political subdivision from that disposal. 7458

(I) Whoever violates division (B) or (C) of section 1547.49 7459
of the Revised Code is guilty of a minor misdemeanor. 7460

(J) Whoever violates section 1547.31 of the Revised Code is 7461
guilty of a misdemeanor of the fourth degree on a first offense. 7462
On each subsequent offense, the person is guilty of a misdemeanor 7463
of the third degree. 7464

(K) Whoever violates section 1547.05 or 1547.051 of the 7465
Revised Code is guilty of a misdemeanor of the fourth degree if 7466
the violation is not related to a collision, injury to a person, 7467
or damage to property and a misdemeanor of the third degree if the 7468
violation is related to a collision, injury to a person, or damage 7469
to property. 7470

(L) The sentencing court, in addition to the penalty provided 7471
under this section for a violation of this chapter or a rule 7472
~~adopted under it~~ that involves a powercraft powered by more than 7473
ten horsepower and that, in the opinion of the court, involves a 7474
threat to the safety of persons or property, shall order the 7475
offender to complete successfully a boating course approved by the 7476
national association of state boating law administrators before 7477
the offender is allowed to operate a powercraft powered by more 7478
than ten horsepower on the waters in this state. Violation of a 7479
court order entered under this division is punishable as contempt 7480

under Chapter 2705. of the Revised Code. 7481

Sec. 1548.01. (A) As used in this chapter, "electronic" and 7482
"watercraft" have the same meanings as in section ~~1547.01~~ 1546.01 7483
of the Revised Code. 7484

(B) This chapter does not apply to any of the following: 7485

(1) A watercraft covered by a marine document in effect that 7486
has been assigned to it by the United States government pursuant 7487
to federal law; 7488

(2) A watercraft from a country other than the United States 7489
temporarily using the waters in this state; 7490

(3) A watercraft whose owner is the United States, a state, 7491
or a political subdivision of a state; 7492

(4) A ship's lifeboat. As used in division (B)(4) of this 7493
section, "lifeboat" means a watercraft that is held aboard another 7494
vessel and used exclusively for emergency purposes. 7495

(5) A canoe; 7496

(6) A watercraft less than fourteen feet in length without a 7497
permanently affixed mechanical means of propulsion; 7498

(7) A watercraft less than fourteen feet in length with a 7499
permanently fixed mechanical means of propulsion of less than ten 7500
horsepower as determined by the manufacturer's rating; 7501

(8) Outboard motors of less than ten horsepower as determined 7502
by the manufacturer's rating. 7503

(C) The various certificates, applications, and assignments 7504
necessary to provide certificates of title for watercraft and 7505
outboard motors shall be made on appropriate forms approved by the 7506
chief of the division of parks and watercraft. 7507

Sec. 1548.02. The chief of the division of parks and 7508

watercraft shall adopt such rules as the chief considers necessary 7509
to ensure uniform and orderly operation of this chapter, and the 7510
clerks of the courts of common pleas shall conform to those rules. 7511
The chief shall receive and file in the chief's office all 7512
information forwarded to the chief by the clerks under this 7513
chapter and shall maintain indexes covering the state at large for 7514
that information. These indexes shall be for the state at large 7515
and not for individual counties. 7516

The chief shall check with the chief's record all duplicate 7517
certificates of title received in the chief's office from the 7518
clerks. 7519

If it appears that any certificate of title has been 7520
improperly issued or is no longer required, the chief shall cancel 7521
the certificate. Upon the cancellation of any certificate of 7522
title, the chief shall notify the clerk who issued it, and the 7523
clerk shall enter the cancellation in the clerk's records. The 7524
chief also shall notify the person to whom the certificate of 7525
title was issued, as well as any lienholders appearing on it, of 7526
the cancellation and, if it is a physical certificate of title, 7527
shall demand the surrender of the certificate of title, but the 7528
cancellation shall not affect the validity of any lien noted on 7529
it. The holder of a physical certificate of title shall return it 7530
to the chief immediately. 7531

The clerks shall keep on hand a sufficient supply of blank 7532
forms that, except certificate of title and memorandum certificate 7533
forms, shall be furnished and distributed without charge to 7534
registered manufacturers or dealers or to other persons residing 7535
within the county. The clerks shall provide the certificates of 7536
title and ribbons, cartridges, or other devices necessary for the 7537
operation of the certificate of title processing equipment as 7538
determined by the automated title processing board pursuant to 7539
division (C) of section 4505.09 of the Revised Code from moneys 7540

provided to the clerks from the automated title processing fund in 7541
accordance with division (B) of section 4505.09 of the Revised 7542
Code. The clerks shall furnish all other supplies from other 7543
moneys available to the clerks. 7544

Sec. 1548.031. (A) No minor under eighteen years of age shall 7545
sell or otherwise dispose of a watercraft or outboard motor or 7546
purchase or otherwise acquire a watercraft or outboard motor 7547
unless the application for a certificate of title is accompanied 7548
by a form prescribed by the chief of the division of parks and 7549
watercraft and signed in the presence of a clerk or deputy clerk 7550
of a court of common pleas or any notary public by one of the 7551
minor's parents, the minor's guardian, or another person having 7552
custody of the minor authorizing the sale, disposition, purchase, 7553
or acquisition of the watercraft or outboard motor. At the time 7554
the adult signs the form, the adult shall provide identification 7555
establishing that the adult is the individual whose signature 7556
appears on the form. 7557

(B) No right, title, or claim to or interest in a watercraft 7558
or outboard motor shall be acquired by or from a minor unless the 7559
application for a certificate of title is accompanied by the form 7560
required by this section. 7561

(C) No clerk of a court of common pleas shall be held liable 7562
in any civil action that arises under the law of this state for 7563
injury or loss to persons or property caused when a person has 7564
obtained a certificate of title in violation of this section 7565
unless the clerk failed to use reasonable diligence in 7566
ascertaining the age of the minor or the identity of the adult who 7567
signed the form authorizing the sale, disposition, purchase, or 7568
acquisition of the watercraft or outboard motor by the minor. 7569

Sec. 1548.032. (A)(1) If a person who is not an electronic 7570

watercraft dealer owns a watercraft or outboard motor for which a 7571
physical certificate of title has not been issued by a clerk of a 7572
court of common pleas and the person sells the watercraft or 7573
outboard motor to a watercraft dealer registered under section 7574
1547.543 of the Revised Code, the person is not required to obtain 7575
a physical certificate of title to the watercraft or outboard 7576
motor in order to transfer ownership to the dealer. The person 7577
shall present the dealer, in a manner approved by the chief of the 7578
division of parks and watercraft, with sufficient proof of the 7579
person's identity and complete and sign a form prescribed by the 7580
chief attesting to the person's identity and assigning the 7581
watercraft or outboard motor to the dealer. Except as otherwise 7582
provided in this section, the watercraft dealer shall present the 7583
assignment form to any clerk of a court of common pleas together 7584
with an application for a certificate of title and payment of the 7585
fees prescribed by section 1548.10 of the Revised Code. 7586

In a case in which an electronic certificate of title has 7587
been issued and either the buyer or seller of the watercraft or 7588
outboard motor is an electronic watercraft dealer, the electronic 7589
watercraft dealer instead may inform a clerk of a court of common 7590
pleas via electronic means of the sale of the watercraft or 7591
outboard motor and assignment of ownership of the watercraft or 7592
outboard motor. The clerk shall enter the information relating to 7593
the assignment into the automated title processing system, and 7594
ownership of the watercraft or outboard motor passes to the 7595
applicant when the clerk enters this information into the system. 7596
The dealer is not required to obtain a physical certificate of 7597
title to the watercraft or outboard motor in the dealer's name. 7598

(2) A clerk shall charge and collect from a dealer a fee of 7599
five dollars for each watercraft or outboard motor assignment sent 7600
by the dealer to the clerk under division (A)(1) of this section. 7601
The fee shall be distributed in accordance with section 1548.10 of 7602

the Revised Code. 7603

(B) If a person who is not an electronic watercraft dealer 7604
owns a watercraft or outboard motor for which a physical 7605
certificate of title has not been issued by a clerk of a court of 7606
common pleas and the person sells the watercraft or outboard motor 7607
to a person who is not a watercraft dealer registered under 7608
section 1547.543 of the Revised Code, the person shall obtain a 7609
physical certificate of title to the watercraft or outboard motor 7610
in order to transfer ownership of the watercraft or outboard motor 7611
to that person. 7612

Sec. 1548.05. No manufacturer, importer, dealer, or other 7613
person shall sell or otherwise dispose of a new watercraft or 7614
outboard motor to a dealer to be used by the dealer for purposes 7615
of display and resale without delivering to the dealer a 7616
manufacturer's or importer's certificate executed in accordance 7617
with this section and with such assignments on it as are necessary 7618
to show title in the name of the purchaser. No dealer shall 7619
purchase or acquire a new watercraft or outboard motor without 7620
obtaining from the seller the manufacturer's or importer's 7621
certificate. 7622

A manufacturer's or importer's certificate of the origin of a 7623
watercraft or outboard motor shall contain the following 7624
information in such form and together with such further 7625
information as the chief of the division of parks and watercraft 7626
may require: 7627

(A) Description of the watercraft, including the make, year, 7628
length, series or model, if any, body type, hull identification 7629
number or serial number, and make, manufacturer's serial number, 7630
and horsepower of any inboard motor or motors; or description of 7631
the outboard motor, including the make, year, series or model, if 7632
any, manufacturer's serial number, and horsepower; 7633

(B) Certification of the date of transfer of the watercraft 7634
or outboard motor to a distributor or dealer or other transferee, 7635
and the name and address of the transferee; 7636

(C) Certification that this was the first transfer of the new 7637
watercraft or outboard motor in ordinary trade and commerce; 7638

(D) Signature and address of a representative of the 7639
transferor. 7640

An assignment of a manufacturer's or importer's certificate 7641
before a notary public or other officer empowered to administer 7642
oaths shall be printed on the reverse side of the manufacturer's 7643
or importer's certificate in the form to be prescribed by the 7644
chief. The assignment form shall include the name and address of 7645
the transferee, a certification that the watercraft or outboard 7646
motor is new, and a warranty that the title at the time of 7647
delivery is subject only to such liens and encumbrances as are set 7648
forth and described in full in the assignment. 7649

Sec. 1548.06. (A)(1) Application for a certificate of title 7650
for a watercraft or outboard motor shall be made upon a form 7651
prescribed by the chief of the division of parks and watercraft 7652
and shall be sworn to before a notary public or other officer 7653
empowered to administer oaths. The application shall be filed with 7654
the clerk of any court of common pleas. An application for a 7655
certificate of title may be filed electronically by any electronic 7656
means approved by the chief in any county with the clerk of the 7657
court of common pleas of that county. The application shall be 7658
accompanied by the fee prescribed in section 1548.10 of the 7659
Revised Code. The fee shall be retained by the clerk who issues 7660
the certificate of title and shall be distributed in accordance 7661
with that section. If a clerk of a court of common pleas, other 7662
than the clerk of the court of common pleas of an applicant's 7663
county of residence, issues a certificate of title to the 7664

applicant, the clerk shall transmit data related to the 7665
transaction to the automated title processing system. 7666

(2) If a certificate of title previously has been issued for 7667
the watercraft or outboard motor, the application for a 7668
certificate of title also shall be accompanied by the certificate 7669
of title duly assigned unless otherwise provided in this chapter. 7670
If a certificate of title previously has not been issued for the 7671
watercraft or outboard motor in this state, the application, 7672
unless otherwise provided in this chapter, shall be accompanied by 7673
a manufacturer's or importer's certificate; by a sworn statement 7674
of ownership if the watercraft or outboard motor was purchased by 7675
the applicant on or before October 9, 1963, or if the watercraft 7676
is less than fourteen feet long with a permanently affixed 7677
mechanical means of propulsion and was purchased by the applicant 7678
on or before January 1, 2000; or by a certificate of title, bill 7679
of sale, or other evidence of ownership required by the law of 7680
another state from which the watercraft or outboard motor was 7681
brought into this state. Evidence of ownership of a watercraft or 7682
outboard motor for which an Ohio certificate of title previously 7683
has not been issued and which watercraft or outboard motor does 7684
not have permanently affixed to it a manufacturer's serial number 7685
shall be accompanied by the certificate of assignment of a hull 7686
identification number assigned by the chief as provided in section 7687
1548.07 of the Revised Code. 7688

(3) The clerk shall retain the evidence of title presented by 7689
the applicant and on which the certificate of title is issued, 7690
except that, if an application for a certificate of title is filed 7691
electronically, by a vendor on behalf of a purchaser of a 7692
watercraft or outboard motor, the clerk shall retain the completed 7693
electronic record to which the vendor converted the certificate of 7694
title application and other required documents. The chief, after 7695
consultation with the attorney general, shall adopt rules that 7696

govern the location at which, and the manner in which, are stored 7697
the actual application and all other documents relating to the 7698
sale of a watercraft or outboard motor when a vendor files the 7699
application for a certificate of title electronically on behalf of 7700
a purchaser. 7701

(B) The clerk shall use reasonable diligence in ascertaining 7702
whether the facts in the application are true by checking the 7703
application and documents accompanying it or the electronic record 7704
to which a vendor converted the application and accompanying 7705
documents with the records of watercraft and outboard motors in 7706
the clerk's office. If the clerk is satisfied that the applicant 7707
is the owner of the watercraft or outboard motor and that the 7708
application is in the proper form, the clerk shall issue a 7709
physical certificate of title over the clerk's signature and 7710
sealed with the clerk's seal unless the applicant specifically 7711
requests the clerk not to issue a physical certificate of title 7712
and instead to issue an electronic certificate of title. However, 7713
if the evidence indicates and an investigation shows that one or 7714
more Ohio titles already exist for the watercraft or outboard 7715
motor, the chief may cause the redundant title or titles to be 7716
canceled. 7717

(C) In the case of the sale of a watercraft or outboard motor 7718
by a vendor to a general purchaser or user, the certificate of 7719
title shall be obtained in the name of the purchaser by the vendor 7720
upon application signed by the purchaser. In all other cases, the 7721
certificate shall be obtained by the purchaser. In all cases of 7722
transfer of watercraft or outboard motors, the application for 7723
certificate of title shall be filed within thirty days after the 7724
later of the date of purchase or assignment of ownership of the 7725
watercraft or outboard motor. If the application for certificate 7726
of title is not filed within thirty days after the later of the 7727
date of purchase or assignment of ownership of the watercraft or 7728

outboard motor, the clerk shall charge a late penalty fee of five 7729
dollars in addition to the fee prescribed by section 1548.10 of 7730
the Revised Code. The clerk shall retain the entire amount of each 7731
late penalty fee. 7732

(D) The clerk shall refuse to accept an application for 7733
certificate of title unless the applicant either tenders with the 7734
application payment of all taxes levied by or pursuant to Chapter 7735
5739. or 5741. of the Revised Code based on the applicant's county 7736
of residence less, in the case of a sale by a vendor, any discount 7737
to which the vendor is entitled under section 5739.12 of the 7738
Revised Code, or submits any of the following: 7739

(1) A receipt issued by the tax commissioner or a clerk of 7740
courts showing payment of the tax; 7741

(2) A copy of the unit certificate of exemption completed by 7742
the purchaser at the time of sale as provided in section 5739.03 7743
of the Revised Code; 7744

(3) An exemption certificate, in a form prescribed by the tax 7745
commissioner, that specifies why the purchase is not subject to 7746
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 7747

Payment of the tax shall be in accordance with rules issued 7748
by the tax commissioner, and the clerk shall issue a receipt in 7749
the form prescribed by the tax commissioner to any applicant who 7750
tenders payment of the tax with the application for the 7751
certificate of title. 7752

(E)(1) For receiving and disbursing the taxes paid to the 7753
clerk by a resident of the clerk's county, the clerk may retain a 7754
poundage fee of one and one one-hundredth per cent of the taxes 7755
collected, which shall be paid into the certificate of title 7756
administration fund created by section 325.33 of the Revised Code. 7757
The clerk shall not retain a poundage fee from payments of taxes 7758
by persons who do not reside in the clerk's county. 7759

(2) A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The chief of the division of parks and watercraft, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(F) In the case of casual sales of watercraft or outboard motors that are subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code, the purchase price for the purpose of determining the tax shall be the purchase price on an affidavit executed and filed with the clerk by the vendor on a form to be prescribed by the chief, which shall be prima-facie evidence of the price for the determination of the tax. In addition to the information required by section 1548.08 of the Revised Code, each certificate of title shall contain in bold lettering the following notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER). You are required by law to state the true selling price. A false statement is a violation of section 2921.13 of the Revised Code and is punishable by six months imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(G) Each county clerk of courts shall forward to the treasurer of state all sales and use tax collections resulting from sales of titled watercraft and outboard motors during a

calendar week on or before the Friday following the close of that 7792
week. If, on any Friday, the offices of the clerk of courts or the 7793
state are not open for business, the tax shall be forwarded to the 7794
treasurer of state on or before the next day on which the offices 7795
are open. Every remittance of tax under this division shall be 7796
accompanied by a remittance report in such form as the tax 7797
commissioner prescribes. Upon receipt of a tax remittance and 7798
remittance report, the treasurer of state shall date stamp the 7799
report and forward it to the tax commissioner. If the tax due for 7800
any week is not remitted by a clerk of courts as required under 7801
this division, the clerk shall forfeit the poundage fees for the 7802
sales made during that week. The treasurer of state may require 7803
the clerks of courts to transmit tax collections and remittance 7804
reports electronically. 7805

(H) For purposes of a transfer of a certificate of title, if 7806
the clerk is satisfied that a secured party has discharged a lien 7807
but has not canceled the lien notation with a clerk, the clerk may 7808
cancel the lien notation on the automated title processing system 7809
and notify the clerk of the county of origin. 7810

(I) Every clerk shall have the capability to transact by 7811
electronic means all procedures and transactions relating to the 7812
issuance of watercraft or outboard motor certificates of title 7813
that are described in the Revised Code as being accomplished by 7814
electronic means. 7815

Sec. 1548.061. Notwithstanding any general requirement in 7816
this chapter to the effect that an application for a certificate 7817
of title to a watercraft or outboard motor shall be "sworn to" or 7818
shall be "sworn to before a notary public or other officer 7819
empowered to administer oaths," that requirement shall apply only 7820
in the case of a transfer of a watercraft or outboard motor 7821
between parties in the course of a sale by a person other than a 7822

registered watercraft dealer, as defined in section ~~1547.01~~ 7823
1546.01 of the Revised Code, to a person who purchases the 7824
watercraft or outboard motor for use as a consumer. 7825

Sec. 1548.07. (A) An application for a certificate of title 7826
shall be sworn to before a notary public or other officer 7827
empowered to administer oaths by the lawful owner or purchaser of 7828
the watercraft or outboard motor and shall contain the following 7829
information in the form and together with any other information 7830
that the chief of the division of parks and watercraft may 7831
require: 7832

(1) Name, address, and social security number or employer's 7833
tax identification number of the applicant; 7834

(2) Statement of how the watercraft or outboard motor was 7835
acquired; 7836

(3) Name and address of the previous owner; 7837

(4) A statement of all liens, mortgages, or other 7838
encumbrances on the watercraft or outboard motor, including a 7839
description of the nature and amount of each lien, mortgage, or 7840
encumbrance, and the name and address of each holder of the lien, 7841
mortgage, or encumbrance; 7842

(5) If there are no outstanding liens, mortgages, or other 7843
encumbrances, a statement of that fact; 7844

(6) A description of the watercraft, including the make, 7845
year, length, series or model, if any, body type, and hull 7846
identification number or serial number; or a description of the 7847
outboard motor, including the make, year, series or model, if any, 7848
manufacturer's serial number, and horsepower; 7849

(7) The purchase price, trade-in allowed, and amount of sales 7850
or use tax paid under Chapter 5739. or 5741. of the Revised Code. 7851

(B) If the application is made by two persons regarding a 7852

watercraft or outboard motor in which they wish to establish joint 7853
ownership with right of survivorship, they may do so as provided 7854
in section 2131.12 of the Revised Code. 7855

(C) If the applicant wishes to designate a watercraft or 7856
outboard motor in beneficiary form, the applicant may do so as 7857
provided in section 2131.13 of the Revised Code. 7858

(D) If the watercraft or outboard motor contains a permanent 7859
identification number placed on the watercraft or outboard motor 7860
by the manufacturer, this number shall be used as the serial 7861
number or hull identification number. If there is no 7862
manufacturer's identification number, or if the manufacturer's 7863
identification number has been removed or obliterated, the chief, 7864
upon receipt of a prescribed application and proof of ownership, 7865
may assign an identification number for the watercraft or outboard 7866
motor, and this number shall be permanently affixed or imprinted 7867
by the applicant, at the place and in the manner designated by the 7868
chief, upon the watercraft or outboard motor for which it is 7869
assigned. 7870

Sec. 1548.08. (A) When the clerk of a court of common pleas 7871
issues a physical certificate of title for a watercraft or 7872
outboard motor, the clerk shall issue it over the clerk's official 7873
seal. All physical certificates of title to watercraft or outboard 7874
motors shall contain the information required in the application 7875
for them as prescribed by section 1548.07 of the Revised Code, as 7876
well as spaces for the dates of notation and cancellation of each 7877
lien, mortgage, or encumbrance, over the signature of the clerk. 7878
If any certificate of title is issued for a watercraft or outboard 7879
motor in which two persons are establishing joint ownership with 7880
right of survivorship under section 2106.17 of the Revised Code, 7881
the certificate, in addition to the information required by this 7882
section, shall show that the two persons have established joint 7883

ownership with right of survivorship in the watercraft or outboard motor. 7884
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An assignment of certificate of title before a notary public or other officer empowered to administer oaths shall appear on the reverse side of each physical certificate of title in the form to be prescribed by the chief of the division of parks and watercraft. The assignment form shall include a warranty that the signer is the owner of the watercraft or outboard motor and that there are no mortgages, liens, or encumbrances on the watercraft or outboard motor except as are noted on the face of the certificate of title. 7886
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(B) An electronic certificate of title is an electronic record stored in the automated title processing system that establishes ownership of a watercraft or outboard motor, as well as any security interests that exist in that watercraft or outboard motor. 7895
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Sec. 1548.09. When the clerk of a court of common pleas issues a physical certificate of title, the clerk shall issue the certificate of title on a form and in a manner prescribed by the chief of the division of parks and watercraft. The clerk shall file a copy of the physical evidence for the creation of the certificate of title in a manner prescribed by the chief of the division of ~~watercraft~~. A clerk may retain digital images of documents used as evidence for issuance of a certificate of title. Certified printouts of documents retained as digital images shall have the same evidentiary value as the original physical documents. The record of the issuance of the certificate of title shall be maintained in the automated title processing system. The clerk shall sign and affix the clerk's seal to the original certificate of title and, if there are no liens on the watercraft or outboard motor, shall deliver the certificate to the applicant. 7900
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If there are one or more liens on the watercraft or outboard motor, the clerk shall deliver the certificate of title to the holder of the first lien. 7915
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The chief shall approve a uniform method of numbering certificates of title. The numbering shall be in such manner that the county of issuance is indicated. Numbers shall be assigned to certificates of title in the manner approved by the chief. The clerk shall file all certificates of title according to policies prescribed by the chief, and the clerk shall maintain in the clerk's office indexes for the certificates of title. 7918
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The clerk need not retain on file any certificate of title, duplicate certificate of title, or memorandum certificate of title, or supporting evidence of them, covering any watercraft or outboard motor for a period longer than seven years after the date of its filing; thereafter, the certificate and supporting information may be destroyed. The clerk shall issue a duplicate title, when duly applied for, of any title that has been destroyed as provided in this section. 7925
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The clerk shall issue a physical certificate of title to an applicant unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. The fact that a physical certificate of title is not issued for a watercraft or outboard motor does not affect ownership of the watercraft or outboard motor. In that case, when the clerk completes the process of entering certificate of title application information into the automated title processing system, the effect of the completion of the process is the same as if the clerk actually issued a physical certificate of title for the watercraft or outboard motor. 7933
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Sec. 1548.10. (A) The clerk of the court of common pleas shall charge and retain fees as follows: 7944
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(1) Fifteen dollars for each duplicate copy of a certificate of title. The clerk shall retain that entire fee. 7946
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(2) Fifteen dollars for each certificate of title, which shall include any notation or indication of any lien or security interest on a certificate of title and any memorandum certificate of title or non-negotiable evidence of ownership requested at the time the certificate of title is issued. The clerk shall retain ten dollars and fifty cents of that fee when there is a notation of a lien or security interest on the certificate of title and twelve dollars when there is no lien or security interest noted on the certificate of title. 7948
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(3) Five dollars for each certificate of title with no security interest noted that is issued to a licensed watercraft dealer for resale purposes. The clerk shall retain two dollars of that fee. 7957
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(4) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee. 7961
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(B) The fees charged for a certificate of title and the notation or indication of any lien or security interest on a certificate of title that are not retained by the clerk shall be paid to the chief of the division of parks and watercraft by monthly returns, which shall be forwarded to the chief not later than the fifth day of the month next succeeding that in which the certificate is forwarded, or that in which the chief is notified of a lien or security interest or cancellation of a lien or security interest. 7964
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The chief shall deposit one dollar of the amount the chief receives for each certificate of title in the automated title processing fund created in section 4505.09 of the Revised Code. Moneys deposited in that fund under this section shall be used for 7973
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the purpose specified in division (B)(3)(b) of that section. 7977

Sec. 1548.11. (A) In the event of the transfer of ownership 7978
of a watercraft or outboard motor by operation of law, as upon 7979
inheritance, devise, bequest, order in bankruptcy, insolvency, 7980
replevin, or execution of sale, or whenever the engine of a 7981
watercraft is replaced by another engine, a watercraft or outboard 7982
motor is sold to satisfy storage or repair charges, or 7983
repossession is had upon default in performance of the terms of a 7984
security agreement as provided in Chapter 1309. of the Revised 7985
Code, a clerk of a court of common pleas, upon the surrender of 7986
the prior certificate of title or the manufacturer's or importer's 7987
certificate, or, when that is not possible, upon presentation of 7988
satisfactory proof to the clerk of ownership and rights of 7989
possession to the watercraft or outboard motor, and upon payment 7990
of the fee prescribed in section 1548.10 of the Revised Code and 7991
presentation of an application for certificate of title, may issue 7992
to the applicant a certificate of title to the watercraft or 7993
outboard motor. Only an affidavit by the person or agent of the 7994
person to whom possession of the watercraft or outboard motor has 7995
passed, setting forth the facts entitling the person to possession 7996
and ownership, together with a copy of the journal entry, court 7997
order, or instrument upon which the claim of possession and 7998
ownership is founded, is satisfactory proof of ownership and right 7999
of possession. If the applicant cannot produce such proof of 8000
ownership, the applicant may apply directly to the chief of the 8001
division of parks and watercraft and submit such evidence as the 8002
applicant has, and the chief, if the chief finds the evidence 8003
sufficient, may authorize the clerk to issue a certificate of 8004
title. If the chief finds the evidence insufficient, the applicant 8005
may petition the court of common pleas for a court order ordering 8006
the clerk to issue a certificate of title. The court shall grant 8007
or deny the petition based on the sufficiency of the evidence 8008

presented to the court. If, from the records in the office of the clerk, there appears to be any lien on the watercraft or outboard motor, the certificate of title shall contain a statement of the lien unless the application is accompanied by proper evidence of its extinction.

(B) Upon the death of one of the persons who have established joint ownership with right of survivorship under section 2131.12 of the Revised Code in a watercraft or outboard motor and the presentation to the clerk of the title and the certificate of death of the deceased person, the clerk shall enter into the records the transfer of the watercraft or outboard motor to the surviving person, and the title to the watercraft or outboard motor immediately passes to the surviving person. The transfer does not affect any liens on the watercraft or outboard motor.

(C) The clerk shall transfer a decedent's interest in one watercraft, one watercraft trailer, one outboard motor, or one of each to the decedent's surviving spouse as provided in section 2106.19 of the Revised Code.

(D) Upon the death of an owner of a watercraft or outboard motor designated in beneficiary form under section 2131.13 of the Revised Code, upon application of the transfer-on-death beneficiary or beneficiaries designated pursuant to that section, and upon presentation to the clerk of the certificate of title and the certificate of death of the deceased owner, the clerk shall transfer the watercraft or outboard motor and issue a certificate of title to the transfer-on-death beneficiary or beneficiaries. The transfer does not affect any liens upon any watercraft or outboard motor so transferred.

Sec. 1548.12. Each owner of a watercraft or outboard motor and each person mentioned as owner in the last certificate of title, when the watercraft or outboard motor is dismantled,

destroyed, or changed in such manner that it loses its character 8040
as a watercraft or outboard motor, or changed in such manner that 8041
it is not the watercraft or outboard motor described in the 8042
certificate of title, shall surrender the certificate of title to 8043
a clerk of a court of common pleas, and the clerk, with the 8044
consent of any holders of any liens noted on the certificate of 8045
title, then shall enter a cancellation upon the clerk's records 8046
and shall notify the chief of the division of parks and watercraft 8047
of the cancellation. 8048

Upon the cancellation of a certificate of title in the manner 8049
prescribed by this section, the clerk and the chief may cancel and 8050
destroy all certificates and all memorandum certificates in that 8051
chain of title. 8052

Sec. 1548.13. In the event of a lost or destroyed certificate 8053
of title, application shall be made to a clerk of a court of 8054
common pleas by the owner of the watercraft or outboard motor, or 8055
the holder of a lien on it, for a certified copy of the 8056
certificate upon a form prescribed by the chief of the division of 8057
parks and watercraft and accompanied by the fee prescribed by 8058
section 1548.10 of the Revised Code. The application shall be 8059
signed and sworn to by the person making the application, and the 8060
clerk shall issue a certified copy of the certificate of title to 8061
the person entitled to receive it under this chapter. The 8062
certified copy shall be plainly marked across its face with the 8063
word "duplicate," and any subsequent purchaser of the watercraft 8064
or outboard motor in the chain of title originating through the 8065
certified copy acquires only such rights in the watercraft or 8066
outboard motor as the original holder of the certified copy had. 8067
Any purchaser of the watercraft or outboard motor, at the time of 8068
purchase, may require the seller to indemnify the purchaser and 8069
all subsequent purchasers of the watercraft or outboard motor 8070
against any loss that the purchaser or any subsequent purchaser 8071

may suffer by reason of any claim presented upon the original 8072
certificate. In the event of the recovery of the original 8073
certificate of title by the owner, the owner shall surrender it 8074
immediately to a clerk for cancellation. 8075

The holder of a certificate of title for a watercraft or 8076
outboard motor upon which is noted an existing lien, encumbrance, 8077
or mortgage may apply at any time to a clerk for a memorandum 8078
certificate, on a form prescribed by the chief, that is signed and 8079
sworn to by the applicant. Upon receipt of the application 8080
together with the fee prescribed by section 1548.10 of the Revised 8081
Code, and if the application appears to be regular, the clerk 8082
shall issue to the applicant a memorandum certificate for the 8083
watercraft or outboard motor. If the memorandum certificate is 8084
lost or destroyed, the holder of it may obtain a certified copy of 8085
it by applying for the copy on a form prescribed by the chief, 8086
accompanied by the fee prescribed in section 1548.10 of the 8087
Revised Code. In the event of the recovery of the original 8088
memorandum certificate by the owner, the owner shall surrender it 8089
immediately to a clerk for cancellation. Such a memorandum 8090
certificate is not assignable and constitutes no evidence of title 8091
or of right to transfer or encumber the watercraft or outboard 8092
motor described in it. 8093

The owner of a watercraft or outboard motor may apply at any 8094
time to a clerk for a non-negotiable evidence of ownership for the 8095
watercraft or outboard motor. 8096

Sec. 1548.14. The chief of the division of parks and 8097
watercraft, upon the application of any person and payment of the 8098
proper fees, may prepare and furnish title information in such 8099
form and subject to such territorial division or other 8100
classification as ~~he~~ the chief may direct. The chief may search 8101
the records of the division of parks and watercraft and make 8102

reports thereof, and make photographic copies of the division 8103
records and attestations thereof. 8104

Fees therefor shall be charged and collected as follows: 8105

(A) For searches of the records and reports thereof, two 8106
dollars for each name, number, or fact reported on; 8107

(B) For photographic copies of records and attestations 8108
thereof, under the signature of the chief, two dollars per copy. 8109

Such copies shall be taken as prima-facie evidence of the 8110
facts therein stated in any court of the state. The chief and the 8111
clerk of the court of common pleas shall furnish information on 8112
any title without charge to state highway patrol troopers, 8113
sheriffs, or chiefs of police. 8114

Fees collected as provided in this section shall be received 8115
by the chief. 8116

Sec. 1548.141. The chief of the division of parks and 8117
watercraft shall enable the public to access watercraft and 8118
outboard motor title information via electronic means. No fee 8119
shall be charged for this access. The title information that must 8120
be so accessible is only the title information that is in an 8121
electronic format at the time a person requests this access. 8122

The chief shall establish procedures governing this access. 8123
The procedures may be established by rule in accordance with 8124
Chapter 119. of the Revised Code. In adopting these procedures, 8125
the chief shall confer with the clerks of the courts of common 8126
pleas. 8127

Access by the public to watercraft and outboard motor title 8128
information under this section shall comply with all restrictions 8129
contained in the Revised Code and federal law that govern the 8130
disclosure of that information. 8131

Sec. 1548.15. Manufacturers and importers shall appoint and 8132
authorize agents who shall sign manufacturer's or importer's 8133
certificates. The chief of the division of parks and watercraft 8134
may require that a certified copy of a list containing the names 8135
and the facsimile signatures of the authorized agents be furnished 8136
~~him~~ to the chief and be forwarded to each clerk of the court of 8137
common pleas in the respective counties within the state, and the 8138
chief may prescribe the form of authorization to be used by 8139
manufacturers or importers and the method of certification of the 8140
names of said agents. 8141

Sec. 1548.17. Every peace officer, sheriff, ~~watercraft~~ 8142
~~officer, division of parks and recreation~~ natural resources 8143
officer, division of wildlife officer, conservancy district 8144
officer, constable, or state highway patrol trooper, having 8145
knowledge of a stolen watercraft or outboard motor, shall 8146
immediately furnish the chief of the division of parks and 8147
watercraft with full information concerning the theft. 8148

The chief, whenever a report of the theft or conversion of a 8149
watercraft or outboard motor is received, shall make a distinctive 8150
record of it, including the make of the stolen watercraft or 8151
outboard motor and its manufacturer's or assigned serial number, 8152
and shall file the record in the numerical order of the 8153
manufacturer's or assigned serial number with the index records of 8154
the watercraft or outboard motors of such make. The chief shall 8155
prepare a report listing watercraft and outboard motors stolen and 8156
recovered as disclosed by the reports submitted to the chief, to 8157
be distributed as the chief deems advisable. 8158

If, under section 1548.02 of the Revised Code, the chief 8159
learns of the issuance of a certificate of title to such a 8160
watercraft or outboard motor, the chief shall immediately notify 8161
the rightful owner of the watercraft or outboard motor and the 8162

clerk who issued the certificate of title, and if, upon 8163
investigation, it appears that the certificate of title was 8164
improperly issued, the chief shall immediately cancel it. 8165

In the event of the recovery of a stolen or converted 8166
watercraft or outboard motor, the owner shall immediately notify 8167
the chief, who shall remove the record of the theft or conversion 8168
from the chief's file. 8169

Sec. 1548.18. No person shall do any of the following: 8170

(A) Operate in this state a watercraft for which a 8171
certificate of title is required or a watercraft powered by an 8172
outboard motor for which a certificate of title is required 8173
without having the certificate, or a valid temporary permit and 8174
number, in accordance with this chapter or, if a physical 8175
certificate of title has not been issued for it, operate the 8176
watercraft or outboard motor in this state knowing that the 8177
ownership information relating to the watercraft or outboard motor 8178
has not been entered into the automated title processing system by 8179
a clerk of a court of common pleas; 8180

(B) Operate in this state a watercraft for which a 8181
certificate of title is required or a watercraft powered by an 8182
outboard motor for which a certificate of title is required upon 8183
which the certificate of title has been canceled; 8184

(C) Fail to surrender any certificate of title upon 8185
cancellation of it by the chief of the division of parks and 8186
watercraft and notice of the cancellation as prescribed in this 8187
chapter; 8188

(D) Fail to surrender the certificate of title to a clerk of 8189
a court of common pleas as provided in this chapter, in case of 8190
the destruction or dismantling or change of a watercraft or 8191
outboard motor in such respect that it is not the watercraft or 8192

outboard motor described in the certificate of title;	8193
(E) Violate any provision of this chapter for which no penalty is otherwise provided, or any lawful rules adopted pursuant to this chapter;	8194 8195 8196
(F) Operate in this state a watercraft or outboard motor knowing that the certificate of title to or ownership of the watercraft or outboard motor as otherwise reflected in the automated title processing system has been canceled.	8197 8198 8199 8200
Sec. 1548.20. (A) Chapter 1309. of the Revised Code does not permit or require the deposit, filing, or other record of a security interest covering a watercraft or outboard motor for which a certificate of title is required. Any security agreement covering a security interest in a watercraft or outboard motor, if it is accompanied by delivery of a manufacturer's or importer's certificate and followed by actual and continued possession of that certificate by the holder of the instrument, or, in the case of a certificate of title, if a notation of the security agreement has been made by a clerk of a court of common pleas on the face of the certificate of title or the clerk has entered a notation of the agreement into the automated title processing system and a physical certificate of title for the watercraft or outboard motor has not been issued, shall be valid as against the creditors of the debtor, whether armed with process or not, and against subsequent purchasers, secured parties, and other lienholders or claimants. All security interests, liens, mortgages, and encumbrances entered into the automated title processing system in relation to a particular certificate of title, regardless of whether a physical certificate of title is issued, take priority according to the order of time in which they are entered into the automated title processing system by the clerk. Exposure for sale of any watercraft or outboard motor by its owner, with the	8201 8202 8203 8204 8205 8206 8207 8208 8209 8210 8211 8212 8213 8214 8215 8216 8217 8218 8219 8220 8221 8222 8223

knowledge or with the knowledge and consent of the holder of any 8224
security interest, lien, mortgage, or encumbrance on the 8225
watercraft or outboard motor, shall not render the security 8226
interest lien, mortgage, or encumbrance ineffective as against the 8227
creditors of the owner or against holders of subsequent security 8228
interests, liens, mortgages, or encumbrances upon the watercraft 8229
or outboard motor. 8230

(B) If a secured party presents evidence of the security 8231
interest to a clerk of a court of common pleas together with the 8232
certificate of title, if a physical certificate of title for the 8233
watercraft or outboard motor exists, and the fee prescribed by 8234
section 1548.10 of the Revised Code, the clerk, unless the secured 8235
party specifically requests the clerk not to issue a physical 8236
certificate of title, shall issue a new original certificate of 8237
title from the automated title processing records. The new 8238
certificate shall indicate the security interest and the date of 8239
the security interest. The clerk also shall note the security 8240
interest and its date in the clerk's files and enter that 8241
information into the automated title processing system, and on 8242
that day shall notify the chief of the division of parks and 8243
watercraft. The clerk shall indicate by appropriate notation on 8244
the security agreement itself the fact that the security interest 8245
has been noted on the certificate of title. 8246

(C) If a security interest is fully discharged as a result of 8247
its holder's receipt of good funds in the correct amount and if 8248
the holder holds a physical certificate of title, the holder shall 8249
note the discharge of the security interest over the holder's 8250
signature on the face of the certificate of title, or, if there is 8251
not sufficient space for the notation on the face of the 8252
certificate of title, the holder shall note the discharge over the 8253
holder's signature on a form prescribed by the chief. Except as 8254
otherwise provided in this section, prior to delivering the 8255

certificate of title to the owner, the holder or the holder's 8256
agent shall convey the certificate of title or a separate sworn 8257
statement of the discharge of the security interest and any 8258
additional information the chief requires to a clerk. The 8259
conveyance shall occur not more than seven business days after the 8260
date good funds in the correct amount to fully discharge the 8261
security interest have been credited to an account of the holder, 8262
provided the holder has been provided accurate information 8263
concerning the watercraft or outboard motor. Conveyance of the 8264
certificate of title or separate sworn statement of the discharge 8265
within the required seven business days may be indicated by 8266
postmark or receipt by a clerk within that period. If the 8267
discharge of the security interest appears to be genuine, the 8268
clerk shall note the discharge of the security interest on the 8269
face of the certificate of title, if it was so conveyed, and note 8270
it in the automated title processing system. 8271

If a security interest is fully discharged as a result of its 8272
holder's receipt of good funds in the correct amount and the 8273
holder does not hold a physical certificate of title, when the 8274
holder notifies a clerk of the discharge of its security interest, 8275
the holder at that time also may request the clerk to issue a 8276
physical certificate of title to the watercraft or outboard motor. 8277
The request shall specify whether the clerk is to send the 8278
certificate of title directly to the owner or to the holder or the 8279
holder's agent for transmission to the owner. If such a request is 8280
made, the clerk shall issue a physical certificate of title and 8281
send it to the specified person. 8282

The clerk shall not honor such a request for a physical 8283
certificate of title if it is not made by the holder at the same 8284
time as the holder's notification to the clerk of the discharge of 8285
its security interest. 8286

(D)(1) In all cases, a secured party may choose to present a 8287

clerk with evidence of a security interest via electronic means, 8288
and the clerk shall enter the security interest into the automated 8289
title processing system. A secured party also may choose to notify 8290
a clerk of the discharge of its security interest via electronic 8291
means, and the clerk shall enter the cancellation into the 8292
automated title processing system. 8293

(2) In the case of a security interest that is being 8294
satisfied by a watercraft dealer to whom a certificate of title is 8295
being transferred, the cancellation of the security interest shall 8296
occur during the course of the transfer. The dealer shall submit a 8297
discharge request to the secured party. A discharge request shall 8298
include good funds in the correct amount to fully discharge the 8299
security interest and accurate information concerning the 8300
watercraft or outboard motor. 8301

(3)(a) Upon receiving a discharge request that complies with 8302
division (D)(2) of this section, except as otherwise provided in 8303
this division, a secured party shall convey the certificate of 8304
title, with the discharge of the security interest noted on its 8305
face, to the dealer within seven business days after the date good 8306
funds in the correct amount to fully discharge the security 8307
interest have been credited to an account of the secured party. 8308

If a secured party is unable to convey to the dealer a 8309
certificate of title within the required seven business days, the 8310
secured party instead shall convey to the dealer an affidavit 8311
stating that the security interest has been discharged, together 8312
with payment for a duplicate certificate of title, within that 8313
period. 8314

(b) Conveyance of a certificate of title, or affidavit and 8315
required payment, from a secured party to a dealer under the 8316
circumstances described in division (D)(3)(a) of this section 8317
within the required seven business days may be indicated by a 8318
postmark within that period. 8319

(4) A secured party is liable to a dealer for a late fee of 8320
ten dollars per day for each certificate of title, or affidavit 8321
and required payment, conveyed to the dealer more than seven 8322
business days but less than twenty-one days after the date 8323
specified in division (D)(3)(a) of this section and, from then on, 8324
twenty-five dollars per day until the certificate of title, or 8325
affidavit and required payment, are conveyed to the dealer. 8326

(E) If a physical certificate of title has not been issued 8327
for a watercraft or outboard motor and all the security interests 8328
relating to that watercraft or outboard motor have been 8329
discharged, the owner of the watercraft or outboard motor may 8330
obtain a physical certificate of title from the clerk of any court 8331
of common pleas upon payment of the fee specified in section 8332
1548.10 of the Revised Code. 8333

(F) If a clerk of a court of common pleas, other than the 8334
clerk of the court of common pleas of the county in which the 8335
owner of a watercraft or outboard motor resides, enters a notation 8336
of the existence of, or the cancellation of, a security interest 8337
relating to the watercraft or outboard motor, the clerk shall 8338
transmit the data relating to the notation to the automated title 8339
processing system. 8340

(G) The electronic transmission of security interest and 8341
other information under this section shall comply with rules 8342
adopted by the registrar of motor vehicles under section 4505.13 8343
of the Revised Code. 8344

(H) As used in this section: 8345

(1) "Accurate information" means the serial number of the 8346
watercraft or outboard motor, if any; the make and model of the 8347
watercraft or outboard motor; and the name and address of the 8348
owner of the watercraft or outboard motor as they appear on the 8349
certificate of title that is to be conveyed. 8350

(2) "Good funds" has the same meaning as in section 4505.13 of the Revised Code. 8351
8352

(3) "Watercraft dealer" has the same meaning as in section ~~1547.01~~ 1546.01 of the Revised Code. 8353
8354

Sec. 1548.22. The chief of the division of parks and 8355
watercraft, after deducting the necessary and actual expenses 8356
incurred by the division in administering Chapter 1548. of the 8357
Revised Code, shall pay to the treasurer of state to the credit of 8358
the waterways safety fund the fees received by ~~him~~ the chief under 8359
sections 1548.10 and 1548.14 of the Revised Code. 8360

Sec. 1557.06. (A) The parks and natural resources local 8361
assistance grant program is hereby established to provide grants 8362
to local government entities for capital improvements for the 8363
acquisition, construction, reconstruction, expansion, improvement, 8364
planning, and equipping of capital projects that enhance the use 8365
and enjoyment of natural resources by individuals. Such projects 8366
include, but are not limited to, the acquisition of lands, 8367
facilities, and waters for public recreation, or for the 8368
preservation of wetlands or unique habitats; the development, 8369
construction, reconstruction, expansion, or rehabilitation of 8370
recreation areas and facilities; and projects to provide public 8371
park and recreation opportunities by improving public access or 8372
safety. Grants shall not be awarded for administrative, operating, 8373
or maintenance costs; or for areas, facilities, or structures for 8374
athletics, arts, historic sites, or other purposes, that are not 8375
used primarily for public recreation. 8376

The director of natural resources shall administer the parks 8377
and natural resources local assistance grant program in accordance 8378
with procedures and criteria that the director shall develop with 8379
the approval of the recreation and resources council created in 8380

section 1501.04 of the Revised Code. 8381

(B) Grants awarded under this section may provide up to 8382
seventy-five per cent of the total project costs approved by the 8383
director. At least twenty per cent of such costs must be provided 8384
by the grant recipient from nonstate, nonfederal sources. Local 8385
government entities may apply for grants individually or jointly. 8386

(C) The criteria developed for the administration of the 8387
program shall require a local government entity receiving a grant 8388
for a project under this section to have sufficient real property 8389
interests in the project for the purposes of the obligations 8390
issued under this chapter, and shall require that the projects be 8391
retained and used in a manner consistent with the purposes of 8392
Section 21 of Article VIII, Ohio Constitution. 8393

(D) The director shall allocate to each county a portion of 8394
the proceeds of the first two hundred million dollars principal 8395
amount in obligations issued under this chapter, for projects of 8396
local government entities within each county. The director shall 8397
determine each county's allocation by calculating both of the 8398
following for each county: 8399

(1) Its per capita share of forty million dollars; 8400

(2) Its per capita share of thirty million dollars plus one 8401
hundred thirteen thousand six hundred thirty-six dollars. 8402

The larger of the amount calculated under division (D)(1) or 8403
(2) of this section for each county shall be that county's 8404
allocation, and whatever percentage of the first two hundred 8405
million dollars principal amount in obligations issued under this 8406
chapter that is necessary to satisfy the requirements of division 8407
(D) of this section, shall be so allocated. 8408

(E) The director shall allocate to each county a portion of 8409
twenty per cent of the proceeds in excess of the first two hundred 8410
million dollars principal amount in obligations issued under this 8411

chapter, for projects of local government entities within each 8412
county. The director shall determine each county's allocation by 8413
calculating both of the following and combining the amounts 8414
calculated for each county: 8415

(1) One-third of twenty per cent of the proceeds to be 8416
divided equally among all of the counties; 8417

(2) Two-thirds of twenty per cent of the proceeds to be 8418
distributed on a per capita basis to each county. 8419

(F) Any moneys granted under division (E) of this section and 8420
not obligated within a county after two funding cycles, at the 8421
discretion of the director, shall be reallocated to projects 8422
either in the county to which they originally were allocated or in 8423
other counties demonstrating a need for the funds. 8424

Sec. 2905.05. (A) No person, by any means and without 8425
privilege to do so, shall knowingly solicit, coax, entice, or lure 8426
any child under fourteen years of age to accompany the person in 8427
any manner, including entering into any vehicle or onto any 8428
vessel, whether or not the offender knows the age of the child, if 8429
both of the following apply: 8430

(1) The actor does not have the express or implied permission 8431
of the parent, guardian, or other legal custodian of the child in 8432
undertaking the activity. 8433

(2) The actor is not a law enforcement officer, medic, 8434
firefighter, or other person who regularly provides emergency 8435
services, and is not an employee or agent of, or a volunteer 8436
acting under the direction of, any board of education, or the 8437
actor is any of such persons, but, at the time the actor 8438
undertakes the activity, the actor is not acting within the scope 8439
of the actor's lawful duties in that capacity. 8440

(B) No person, with a sexual motivation, shall violate 8441

division (A) of this section. 8442

(C) No person, for any unlawful purpose other than, or in 8443
addition to, that proscribed by division (A) of this section, 8444
shall engage in any activity described in division (A) of this 8445
section. 8446

(D) It is an affirmative defense to a charge under division 8447
(A) of this section that the actor undertook the activity in 8448
response to a bona fide emergency situation or that the actor 8449
undertook the activity in a reasonable belief that it was 8450
necessary to preserve the health, safety, or welfare of the child. 8451

(E) Whoever violates division (A), (B), or (C) of this 8452
section is guilty of criminal child enticement, a misdemeanor of 8453
the first degree. If the offender previously has been convicted of 8454
a violation of this section, section 2907.02 or 2907.03 or former 8455
section 2907.12 of the Revised Code, or section 2905.01 or 2907.05 8456
of the Revised Code when the victim of that prior offense was 8457
under seventeen years of age at the time of the offense, criminal 8458
child enticement is a felony of the fifth degree. 8459

(F) As used in this section: 8460

(1) "Sexual motivation" has the same meaning as in section 8461
2971.01 of the Revised Code. 8462

(2) "Vehicle" has the same meaning as in section 4501.01 of 8463
the Revised Code. 8464

(3) "Vessel" has the same meaning as in section ~~1547.01~~ 8465
1546.01 of the Revised Code. 8466

Sec. 2909.09. (A) As used in this section: 8467

(1) "Highway" means any highway as defined in section 4511.01 8468
of the Revised Code or any lane, road, street, alley, bridge, or 8469
overpass. 8470

(2) "Alley," "street," "streetcar," "trackless trolley," and "vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(3) "Vessel" and "waters in this state" have the same meanings as in section ~~1547.01~~ 1546.01 of the Revised Code.

(B) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

(1) Any vehicle, streetcar, or trackless trolley on a highway;

(2) Any boat or vessel on any of the waters in this state.

(C) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this division, vehicular vandalism is a misdemeanor of the first degree. Except as otherwise provided in this division, if the violation of this section creates a substantial risk of physical harm to any person or the violation of this section causes serious physical harm to property, vehicular vandalism is a felony of the fourth degree. Except as otherwise provided in this division, if the violation of this section causes physical harm to any person, vehicular vandalism is a felony of the third degree. If the violation of this section causes serious physical harm to any person, vehicular vandalism is a felony of the second degree.

Sec. 2930.01. As used in this chapter:

(A) "Crime" means any of the following:

(1) A felony;

(2) A violation of section 2903.05, 2903.06, 2903.13, 2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the Revised Code, a violation of section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or a violation of a substantially equivalent municipal ordinance;

(3) A violation of division (A) or (B) of section 4511.19, 8501
division (A) or (B) of section 1547.11, or division (A)(3) of 8502
section 4561.15 of the Revised Code or of a municipal ordinance 8503
substantially similar to any of those divisions that is the 8504
proximate cause of a vehicle, streetcar, trackless trolley, 8505
aquatic device, or aircraft accident in which the victim receives 8506
injuries for which the victim receives medical treatment either at 8507
the scene of the accident by emergency medical services personnel 8508
or at a hospital, ambulatory care facility, physician's office, 8509
specialist's office, or other medical care facility. 8510

(4) A motor vehicle accident to which both of the following 8511
apply: 8512

(a) The motor vehicle accident is caused by a violation of a 8513
provision of the Revised Code that is a misdemeanor of the first 8514
degree or higher. 8515

(b) As a result of the motor vehicle accident, the victim 8516
receives injuries for which the victim receives medical treatment 8517
either at the scene of the accident by emergency medical services 8518
personnel or at a hospital, ambulatory care facility, physician's 8519
office, specialist's office, or other medical care facility. 8520

(B) "Custodial agency" means one of the following: 8521

(1) The entity that has custody of a defendant or an alleged 8522
juvenile offender who is incarcerated for a crime, is under 8523
detention for the commission of a specified delinquent act, or who 8524
is detained after a finding of incompetence to stand trial or not 8525
guilty by reason of insanity relative to a crime, including any of 8526
the following: 8527

(a) The department of rehabilitation and correction or the 8528
adult parole authority; 8529

(b) A county sheriff; 8530

(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	8531 8532
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	8533 8534 8535
(e) The department of mental health and addiction services or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.	8536 8537 8538
(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children.	8539 8540 8541 8542 8543
(C) "Defendant" means a person who is alleged to be the perpetrator of a crime in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference.	8544 8545 8546 8547 8548
(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with, convicted of, or adjudicated to be a delinquent child for the crime or specified delinquent act against the victim or another crime or specified delinquent act arising from the same conduct, criminal episode, or plan.	8549 8550 8551 8552 8553 8554 8555
(E) "Prosecutor" means one of the following:	8556
(1) With respect to a criminal case, it has the same meaning as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general.	8557 8558 8559 8560 8561

(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.

(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(H) "Victim" means either of the following:

(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.

(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A)(3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A)(4) of this section and who receives medical treatment as described in division (A)(3) or (4) of this section, whichever is applicable.

(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.

(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.

(K) "Delinquency proceeding" means all proceedings in a

juvenile court that are related to a case in which a complaint has
been filed alleging that a child is a delinquent child.

(L) "Case" means a delinquency proceeding and all related
activity or a criminal prosecution and all related activity.

(M) The "defense" means the defense against criminal charges
in a criminal prosecution or the defense against a delinquent
child complaint in a delinquency proceeding.

(N) The "prosecution" means the prosecution of criminal
charges in a criminal prosecution or the prosecution of a
delinquent child complaint in a delinquency proceeding.

(O) "Specified delinquent act" means any of the following:

(1) An act committed by a child that if committed by an adult
would be a felony;

(2) An act committed by a child that is a violation of a
section listed in division (A)(1) or (2) of this section or is a
violation of a substantially equivalent municipal ordinance;

(3) An act committed by a child that is described in division
(A)(3) or (4) of this section.

(P)(1) "Alleged juvenile offender" means a child who is
alleged to have committed a specified delinquent act in a police
report or in a complaint in juvenile court that charges the
commission of a specified delinquent act and that provides the
basis for the delinquency proceeding and all subsequent
proceedings to which this chapter makes reference.

(2) As used in divisions (O) and (P)(1) of this section,
"child" has the same meaning as in section 2151.011 of the Revised
Code.

(Q) "Motor vehicle accident" means any accident involving a
motor vehicle.

(R) "Motor vehicle" has the same meaning as in section

4509.01 of the Revised Code.	8622
(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.	8623 8624
(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device.	8625 8626
(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.	8627 8628
(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft.	8629 8630 8631
(W) "Vessel" has the same meaning as in section 1547.01 <u>1546.01</u> of the Revised Code.	8632 8633
Sec. 2935.01. As used in this chapter:	8634
(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.	8635 8636
(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section	8637 8638 8639 8640 8641 8642 8643 8644 8645 8646 8647 8648 8649 8650 8651

5743.45 of the Revised Code; employee of the department of natural 8652
resources who is a natural resources law enforcement staff officer 8653
designated pursuant to section 1501.013 of the Revised Code, a 8654
~~forest officer designated~~ forest-fire investigator appointed 8655
pursuant to section ~~1503.29~~ 1503.09 of the Revised Code, a 8656
~~preserve~~ natural resources officer ~~designated~~ appointed pursuant 8657
to section ~~1517.10~~ 1501.24 of the Revised Code, or a wildlife 8658
officer designated pursuant to section 1531.13 of the Revised 8659
Code, ~~a park officer designated pursuant to section 1541.10 of the~~ 8660
~~Revised Code, or a state watercraft officer designated pursuant to~~ 8661
~~section 1547.521 of the Revised Code;~~ individual designated to 8662
perform law enforcement duties under section 511.232, 1545.13, or 8663
6101.75 of the Revised Code; veterans' home police officer 8664
appointed under section 5907.02 of the Revised Code; special 8665
police officer employed by a port authority under section 4582.04 8666
or 4582.28 of the Revised Code; police constable of any township; 8667
police officer of a township or joint police district; a special 8668
police officer employed by a municipal corporation at a municipal 8669
airport, or other municipal air navigation facility, that has 8670
scheduled operations, as defined in section 119.3 of Title 14 of 8671
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 8672
that is required to be under a security program and is governed by 8673
aviation security rules of the transportation security 8674
administration of the United States department of transportation 8675
as provided in Parts 1542. and 1544. of Title 49 of the Code of 8676
Federal Regulations, as amended; the house of representatives 8677
sergeant at arms if the house of representatives sergeant at arms 8678
has arrest authority pursuant to division (E)(1) of section 8679
101.311 of the Revised Code; an assistant house of representatives 8680
sergeant at arms; the senate sergeant at arms; an assistant senate 8681
sergeant at arms; officer or employee of the bureau of criminal 8682
identification and investigation established pursuant to section 8683
109.51 of the Revised Code who has been awarded a certificate by 8684

the executive director of the Ohio peace officer training 8685
commission attesting to the officer's or employee's satisfactory 8686
completion of an approved state, county, municipal, or department 8687
of natural resources peace officer basic training program and who 8688
is providing assistance upon request to a law enforcement officer 8689
or emergency assistance to a peace officer pursuant to section 8690
109.54 or 109.541 of the Revised Code; a state fire marshal law 8691
enforcement officer described in division (A)(23) of section 8692
109.71 of the Revised Code; and, for the purpose of arrests within 8693
those areas, for the purposes of Chapter 5503. of the Revised 8694
Code, and the filing of and service of process relating to those 8695
offenses witnessed or investigated by them, the superintendent and 8696
troopers of the state highway patrol. 8697

(C) "Prosecutor" includes the county prosecuting attorney and 8698
any assistant prosecutor designated to assist the county 8699
prosecuting attorney, and, in the case of courts inferior to 8700
courts of common pleas, includes the village solicitor, city 8701
director of law, or similar chief legal officer of a municipal 8702
corporation, any such officer's assistants, or any attorney 8703
designated by the prosecuting attorney of the county to appear for 8704
the prosecution of a given case. 8705

(D) "Offense," except where the context specifically 8706
indicates otherwise, includes felonies, misdemeanors, and 8707
violations of ordinances of municipal corporations and other 8708
public bodies authorized by law to adopt penal regulations. 8709

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 8710
deputy marshal, municipal police officer, township constable, 8711
police officer of a township or joint police district, member of a 8712
police force employed by a metropolitan housing authority under 8713
division (D) of section 3735.31 of the Revised Code, member of a 8714
police force employed by a regional transit authority under 8715

division (Y) of section 306.35 of the Revised Code, state 8716
university law enforcement officer appointed under section 3345.04 8717
of the Revised Code, veterans' home police officer appointed under 8718
section 5907.02 of the Revised Code, special police officer 8719
employed by a port authority under section 4582.04 or 4582.28 of 8720
the Revised Code, or a special police officer employed by a 8721
municipal corporation at a municipal airport, or other municipal 8722
air navigation facility, that has scheduled operations, as defined 8723
in section 119.3 of Title 14 of the Code of Federal Regulations, 8724
14 C.F.R. 119.3, as amended, and that is required to be under a 8725
security program and is governed by aviation security rules of the 8726
transportation security administration of the United States 8727
department of transportation as provided in Parts 1542. and 1544. 8728
of Title 49 of the Code of Federal Regulations, as amended, shall 8729
arrest and detain, until a warrant can be obtained, a person found 8730
violating, within the limits of the political subdivision, 8731
metropolitan housing authority housing project, regional transit 8732
authority facilities or areas of a municipal corporation that have 8733
been agreed to by a regional transit authority and a municipal 8734
corporation located within its territorial jurisdiction, college, 8735
university, veterans' home operated under Chapter 5907. of the 8736
Revised Code, port authority, or municipal airport or other 8737
municipal air navigation facility, in which the peace officer is 8738
appointed, employed, or elected, a law of this state, an ordinance 8739
of a municipal corporation, or a resolution of a township. 8740

(2) A peace officer of the department of natural resources, a 8741
state fire marshal law enforcement officer described in division 8742
(A)(23) of section 109.71 of the Revised Code, or an individual 8743
designated to perform law enforcement duties under section 8744
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 8745
detain, until a warrant can be obtained, a person found violating, 8746
within the limits of the peace officer's, state fire marshal law 8747
enforcement officer's, or individual's territorial jurisdiction, a 8748

law of this state. 8749

(3) The house sergeant at arms, if the house sergeant at arms 8750
has arrest authority pursuant to division (E)(1) of section 8751
101.311 of the Revised Code, and an assistant house sergeant at 8752
arms shall arrest and detain, until a warrant can be obtained, a 8753
person found violating, within the limits of the sergeant at 8754
arms's or assistant sergeant at arms's territorial jurisdiction 8755
specified in division (D)(1)(a) of section 101.311 of the Revised 8756
Code or while providing security pursuant to division (D)(1)(f) of 8757
section 101.311 of the Revised Code, a law of this state, an 8758
ordinance of a municipal corporation, or a resolution of a 8759
township. 8760

(4) The senate sergeant at arms and an assistant senate 8761
sergeant at arms shall arrest and detain, until a warrant can be 8762
obtained, a person found violating, within the limits of the 8763
sergeant at arms's or assistant sergeant at arms's territorial 8764
jurisdiction specified in division (B) of section 101.312 of the 8765
Revised Code, a law of this state, an ordinance of a municipal 8766
corporation, or a resolution of a township. 8767

(B)(1) When there is reasonable ground to believe that an 8768
offense of violence, the offense of criminal child enticement as 8769
defined in section 2905.05 of the Revised Code, the offense of 8770
public indecency as defined in section 2907.09 of the Revised 8771
Code, the offense of domestic violence as defined in section 8772
2919.25 of the Revised Code, the offense of violating a protection 8773
order as defined in section 2919.27 of the Revised Code, the 8774
offense of menacing by stalking as defined in section 2903.211 of 8775
the Revised Code, the offense of aggravated trespass as defined in 8776
section 2911.211 of the Revised Code, a theft offense as defined 8777
in section 2913.01 of the Revised Code, or a felony drug abuse 8778
offense as defined in section 2925.01 of the Revised Code, has 8779
been committed within the limits of the political subdivision, 8780

metropolitan housing authority housing project, regional transit 8781
authority facilities or those areas of a municipal corporation 8782
that have been agreed to by a regional transit authority and a 8783
municipal corporation located within its territorial jurisdiction, 8784
college, university, veterans' home operated under Chapter 5907. 8785
of the Revised Code, port authority, or municipal airport or other 8786
municipal air navigation facility, in which the peace officer is 8787
appointed, employed, or elected or within the limits of the 8788
territorial jurisdiction of the peace officer, a peace officer 8789
described in division (A) of this section may arrest and detain 8790
until a warrant can be obtained any person who the peace officer 8791
has reasonable cause to believe is guilty of the violation. 8792

(2) For purposes of division (B)(1) of this section, the 8793
execution of any of the following constitutes reasonable ground to 8794
believe that the offense alleged in the statement was committed 8795
and reasonable cause to believe that the person alleged in the 8796
statement to have committed the offense is guilty of the 8797
violation: 8798

(a) A written statement by a person alleging that an alleged 8799
offender has committed the offense of menacing by stalking or 8800
aggravated trespass; 8801

(b) A written statement by the administrator of the 8802
interstate compact on mental health appointed under section 8803
5119.71 of the Revised Code alleging that a person who had been 8804
hospitalized, institutionalized, or confined in any facility under 8805
an order made pursuant to or under authority of section 2945.37, 8806
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8807
Revised Code has escaped from the facility, from confinement in a 8808
vehicle for transportation to or from the facility, or from 8809
supervision by an employee of the facility that is incidental to 8810
hospitalization, institutionalization, or confinement in the 8811
facility and that occurs outside of the facility, in violation of 8812

section 2921.34 of the Revised Code; 8813

(c) A written statement by the administrator of any facility 8814
in which a person has been hospitalized, institutionalized, or 8815
confined under an order made pursuant to or under authority of 8816
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8817
2945.402 of the Revised Code alleging that the person has escaped 8818
from the facility, from confinement in a vehicle for 8819
transportation to or from the facility, or from supervision by an 8820
employee of the facility that is incidental to hospitalization, 8821
institutionalization, or confinement in the facility and that 8822
occurs outside of the facility, in violation of section 2921.34 of 8823
the Revised Code. 8824

(3)(a) For purposes of division (B)(1) of this section, a 8825
peace officer described in division (A) of this section has 8826
reasonable grounds to believe that the offense of domestic 8827
violence or the offense of violating a protection order has been 8828
committed and reasonable cause to believe that a particular person 8829
is guilty of committing the offense if any of the following 8830
occurs: 8831

(i) A person executes a written statement alleging that the 8832
person in question has committed the offense of domestic violence 8833
or the offense of violating a protection order against the person 8834
who executes the statement or against a child of the person who 8835
executes the statement. 8836

(ii) No written statement of the type described in division 8837
(B)(3)(a)(i) of this section is executed, but the peace officer, 8838
based upon the peace officer's own knowledge and observation of 8839
the facts and circumstances of the alleged incident of the offense 8840
of domestic violence or the alleged incident of the offense of 8841
violating a protection order or based upon any other information, 8842
including, but not limited to, any reasonably trustworthy 8843
information given to the peace officer by the alleged victim of 8844

the alleged incident of the offense or any witness of the alleged 8845
incident of the offense, concludes that there are reasonable 8846
grounds to believe that the offense of domestic violence or the 8847
offense of violating a protection order has been committed and 8848
reasonable cause to believe that the person in question is guilty 8849
of committing the offense. 8850

(iii) No written statement of the type described in division 8851
(B)(3)(a)(i) of this section is executed, but the peace officer 8852
witnessed the person in question commit the offense of domestic 8853
violence or the offense of violating a protection order. 8854

(b) If pursuant to division (B)(3)(a) of this section a peace 8855
officer has reasonable grounds to believe that the offense of 8856
domestic violence or the offense of violating a protection order 8857
has been committed and reasonable cause to believe that a 8858
particular person is guilty of committing the offense, it is the 8859
preferred course of action in this state that the officer arrest 8860
and detain that person pursuant to division (B)(1) of this section 8861
until a warrant can be obtained. 8862

If pursuant to division (B)(3)(a) of this section a peace 8863
officer has reasonable grounds to believe that the offense of 8864
domestic violence or the offense of violating a protection order 8865
has been committed and reasonable cause to believe that family or 8866
household members have committed the offense against each other, 8867
it is the preferred course of action in this state that the 8868
officer, pursuant to division (B)(1) of this section, arrest and 8869
detain until a warrant can be obtained the family or household 8870
member who committed the offense and whom the officer has 8871
reasonable cause to believe is the primary physical aggressor. 8872
There is no preferred course of action in this state regarding any 8873
other family or household member who committed the offense and 8874
whom the officer does not have reasonable cause to believe is the 8875
primary physical aggressor, but, pursuant to division (B)(1) of 8876

this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of this section whether to arrest a person pursuant to division (B)(1) of this section, a peace officer described in division (A) of this section shall not consider as a factor any possible shortage of cell space at the detention facility to which the

person will be taken subsequent to the person's arrest or any possibility that the person's arrest might cause, contribute to, or exacerbate overcrowding at that detention facility or at any other detention facility.

(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and

circumstances as the report of the alleged incident of the offense 8972
of domestic violence or the alleged incident of the offense of 8973
violating a protection order to which the officer who seized the 8974
deadly weapon responded. 8975

(4) If, in the circumstances described in divisions (B)(3)(a) 8976
to (g) of this section, a peace officer described in division (A) 8977
of this section arrests and detains a person pursuant to division 8978
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 8979
this section, a peace officer described in division (A) of this 8980
section seizes a deadly weapon, the officer, to the extent 8981
described in and in accordance with section 9.86 or 2744.03 of the 8982
Revised Code, is immune in any civil action for damages for 8983
injury, death, or loss to person or property that arises from or 8984
is related to the arrest and detention or the seizure. 8985

(C) When there is reasonable ground to believe that a 8986
violation of division (A)(1), (2), (3), (4), or (5) of section 8987
4506.15 or a violation of section 4511.19 of the Revised Code has 8988
been committed by a person operating a motor vehicle subject to 8989
regulation by the public utilities commission of Ohio under Title 8990
XLIX of the Revised Code, a peace officer with authority to 8991
enforce that provision of law may stop or detain the person whom 8992
the officer has reasonable cause to believe was operating the 8993
motor vehicle in violation of the division or section and, after 8994
investigating the circumstances surrounding the operation of the 8995
vehicle, may arrest and detain the person. 8996

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8997
municipal police officer, member of a police force employed by a 8998
metropolitan housing authority under division (D) of section 8999
3735.31 of the Revised Code, member of a police force employed by 9000
a regional transit authority under division (Y) of section 306.35 9001
of the Revised Code, special police officer employed by a port 9002
authority under section 4582.04 or 4582.28 of the Revised Code, 9003

special police officer employed by a municipal corporation at a 9004
municipal airport or other municipal air navigation facility 9005
described in division (A) of this section, township constable, 9006
police officer of a township or joint police district, state 9007
university law enforcement officer appointed under section 3345.04 9008
of the Revised Code, peace officer of the department of natural 9009
resources, individual designated to perform law enforcement duties 9010
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 9011
the house sergeant at arms if the house sergeant at arms has 9012
arrest authority pursuant to division (E)(1) of section 101.311 of 9013
the Revised Code, or an assistant house sergeant at arms is 9014
authorized by division (A) or (B) of this section to arrest and 9015
detain, within the limits of the political subdivision, 9016
metropolitan housing authority housing project, regional transit 9017
authority facilities or those areas of a municipal corporation 9018
that have been agreed to by a regional transit authority and a 9019
municipal corporation located within its territorial jurisdiction, 9020
port authority, municipal airport or other municipal air 9021
navigation facility, college, or university in which the officer 9022
is appointed, employed, or elected or within the limits of the 9023
territorial jurisdiction of the peace officer, a person until a 9024
warrant can be obtained, the peace officer, outside the limits of 9025
that territory, may pursue, arrest, and detain that person until a 9026
warrant can be obtained if all of the following apply: 9027

(1) The pursuit takes place without unreasonable delay after 9028
the offense is committed; 9029

(2) The pursuit is initiated within the limits of the 9030
political subdivision, metropolitan housing authority housing 9031
project, regional transit authority facilities or those areas of a 9032
municipal corporation that have been agreed to by a regional 9033
transit authority and a municipal corporation located within its 9034
territorial jurisdiction, port authority, municipal airport or 9035

other municipal air navigation facility, college, or university in 9036
which the peace officer is appointed, employed, or elected or 9037
within the limits of the territorial jurisdiction of the peace 9038
officer; 9039

(3) The offense involved is a felony, a misdemeanor of the 9040
first degree or a substantially equivalent municipal ordinance, a 9041
misdemeanor of the second degree or a substantially equivalent 9042
municipal ordinance, or any offense for which points are 9043
chargeable pursuant to section 4510.036 of the Revised Code. 9044

(E) In addition to the authority granted under division (A) 9045
or (B) of this section: 9046

(1) A sheriff or deputy sheriff may arrest and detain, until 9047
a warrant can be obtained, any person found violating section 9048
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 9049
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 9050
portion of any street or highway that is located immediately 9051
adjacent to the boundaries of the county in which the sheriff or 9052
deputy sheriff is elected or appointed. 9053

(2) A member of the police force of a township police 9054
district created under section 505.48 of the Revised Code, a 9055
member of the police force of a joint police district created 9056
under section 505.482 of the Revised Code, or a township constable 9057
appointed in accordance with section 509.01 of the Revised Code, 9058
who has received a certificate from the Ohio peace officer 9059
training commission under section 109.75 of the Revised Code, may 9060
arrest and detain, until a warrant can be obtained, any person 9061
found violating any section or chapter of the Revised Code listed 9062
in division (E)(1) of this section, other than sections 4513.33 9063
and 4513.34 of the Revised Code, on the portion of any street or 9064
highway that is located immediately adjacent to the boundaries of 9065
the township police district or joint police district, in the case 9066
of a member of a township police district or joint police district 9067

police force, or the unincorporated territory of the township, in 9068
the case of a township constable. However, if the population of 9069
the township that created the township police district served by 9070
the member's police force, or the townships and municipal 9071
corporations that created the joint police district served by the 9072
member's police force, or the township that is served by the 9073
township constable, is sixty thousand or less, the member of the 9074
township police district or joint police district police force or 9075
the township constable may not make an arrest under division 9076
(E)(2) of this section on a state highway that is included as part 9077
of the interstate system. 9078

(3) A police officer or village marshal appointed, elected, 9079
or employed by a municipal corporation may arrest and detain, 9080
until a warrant can be obtained, any person found violating any 9081
section or chapter of the Revised Code listed in division (E)(1) 9082
of this section on the portion of any street or highway that is 9083
located immediately adjacent to the boundaries of the municipal 9084
corporation in which the police officer or village marshal is 9085
appointed, elected, or employed. 9086

(4) A peace officer of the department of natural resources, a 9087
state fire marshal law enforcement officer described in division 9088
(A)(23) of section 109.71 of the Revised Code, or an individual 9089
designated to perform law enforcement duties under section 9090
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 9091
detain, until a warrant can be obtained, any person found 9092
violating any section or chapter of the Revised Code listed in 9093
division (E)(1) of this section, other than sections 4513.33 and 9094
4513.34 of the Revised Code, on the portion of any street or 9095
highway that is located immediately adjacent to the boundaries of 9096
the lands and waters that constitute the territorial jurisdiction 9097
of the peace officer or state fire marshal law enforcement 9098
officer. 9099

(F)(1) A department of mental health and addiction services 9100
special police officer or a department of developmental 9101
disabilities special police officer may arrest without a warrant 9102
and detain until a warrant can be obtained any person found 9103
committing on the premises of any institution under the 9104
jurisdiction of the particular department a misdemeanor under a 9105
law of the state. 9106

A department of mental health and addiction services special 9107
police officer or a department of developmental disabilities 9108
special police officer may arrest without a warrant and detain 9109
until a warrant can be obtained any person who has been 9110
hospitalized, institutionalized, or confined in an institution 9111
under the jurisdiction of the particular department pursuant to or 9112
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9113
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 9114
found committing on the premises of any institution under the 9115
jurisdiction of the particular department a violation of section 9116
2921.34 of the Revised Code that involves an escape from the 9117
premises of the institution. 9118

(2)(a) If a department of mental health and addiction 9119
services special police officer or a department of developmental 9120
disabilities special police officer finds any person who has been 9121
hospitalized, institutionalized, or confined in an institution 9122
under the jurisdiction of the particular department pursuant to or 9123
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 9124
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 9125
violation of section 2921.34 of the Revised Code that involves an 9126
escape from the premises of the institution, or if there is 9127
reasonable ground to believe that a violation of section 2921.34 9128
of the Revised Code has been committed that involves an escape 9129
from the premises of an institution under the jurisdiction of the 9130
department of mental health and addiction services or the 9131

department of developmental disabilities and if a department of 9132
mental health and addiction services special police officer or a 9133
department of developmental disabilities special police officer 9134
has reasonable cause to believe that a particular person who has 9135
been hospitalized, institutionalized, or confined in the 9136
institution pursuant to or under authority of section 2945.37, 9137
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 9138
Revised Code is guilty of the violation, the special police 9139
officer, outside of the premises of the institution, may pursue, 9140
arrest, and detain that person for that violation of section 9141
2921.34 of the Revised Code, until a warrant can be obtained, if 9142
both of the following apply: 9143

(i) The pursuit takes place without unreasonable delay after 9144
the offense is committed; 9145

(ii) The pursuit is initiated within the premises of the 9146
institution from which the violation of section 2921.34 of the 9147
Revised Code occurred. 9148

(b) For purposes of division (F)(2)(a) of this section, the 9149
execution of a written statement by the administrator of the 9150
institution in which a person had been hospitalized, 9151
institutionalized, or confined pursuant to or under authority of 9152
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 9153
2945.402 of the Revised Code alleging that the person has escaped 9154
from the premises of the institution in violation of section 9155
2921.34 of the Revised Code constitutes reasonable ground to 9156
believe that the violation was committed and reasonable cause to 9157
believe that the person alleged in the statement to have committed 9158
the offense is guilty of the violation. 9159

(G) As used in this section: 9160

(1) A "department of mental health and addiction services 9161
special police officer" means a special police officer of the 9162

department of mental health and addiction services designated 9163
under section 5119.08 of the Revised Code who is certified by the 9164
Ohio peace officer training commission under section 109.77 of the 9165
Revised Code as having successfully completed an approved peace 9166
officer basic training program. 9167

(2) A "department of developmental disabilities special 9168
police officer" means a special police officer of the department 9169
of developmental disabilities designated under section 5123.13 of 9170
the Revised Code who is certified by the Ohio peace officer 9171
training council under section 109.77 of the Revised Code as 9172
having successfully completed an approved peace officer basic 9173
training program. 9174

(3) "Deadly weapon" has the same meaning as in section 9175
2923.11 of the Revised Code. 9176

(4) "Family or household member" has the same meaning as in 9177
section 2919.25 of the Revised Code. 9178

(5) "Street" or "highway" has the same meaning as in section 9179
4511.01 of the Revised Code. 9180

(6) "Interstate system" has the same meaning as in section 9181
5516.01 of the Revised Code. 9182

(7) "Peace officer of the department of natural resources" 9183
means an employee of the department of natural resources who is a 9184
natural resources law enforcement staff officer designated 9185
pursuant to section 1501.013 of the Revised Code, a ~~forest officer~~ 9186
~~designated~~ forest-fire investigator appointed pursuant to section 9187
~~1503.29~~ 1503.09 of the Revised Code, a ~~preserve natural resources~~ 9188
~~officer designated~~ appointed pursuant to section ~~1517.10~~ 1501.24 9189
of the Revised Code, or a wildlife officer designated pursuant to 9190
section 1531.13 of the Revised Code, ~~a park officer designated~~ 9191
~~pursuant to section 1541.10 of the Revised Code, or a state~~ 9192
~~watercraft officer designated pursuant to section 1547.521 of the~~ 9193

Revised Code.	9194
(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.	9195 9196 9197
Sec. 2981.01. (A) Forfeitures under this chapter shall be governed by all of the following purposes:	9198 9199
(1) To provide economic disincentives and remedies to deter and offset the economic effect of offenses by seizing and forfeiting contraband, proceeds, and certain instrumentalities;	9200 9201 9202
(2) To ensure that seizures and forfeitures of instrumentalities are proportionate to the offense committed;	9203 9204
(3) To protect third parties from wrongful forfeiture of their property;	9205 9206
(4) To prioritize restitution for victims of offenses.	9207
(B) As used in this chapter:	9208
(1) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.	9209 9210
(2) "Computers," "computer networks," "computer systems," "computer software," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	9211 9212 9213
(3) "Financial institution" means a bank, credit union, savings and loan association, or a licensee or registrant under Chapter 1321. of the Revised Code.	9214 9215 9216
(4) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	9217 9218
(5) "Innocent person" includes any bona fide purchaser of property that is subject to forfeiture, including any person who establishes a valid claim to or interest in the property in accordance with section 2923.04 of the Revised Code, and any	9219 9220 9221 9222

victim of an alleged offense. 9223

(6) "Instrumentality" means property otherwise lawful to 9224
possess that is used in or intended to be used in an offense. An 9225
"instrumentality" may include, but is not limited to, a firearm, a 9226
mobile instrumentality, a computer, a computer network, a computer 9227
system, computer software, a telecommunications device, money, and 9228
any other means of exchange. 9229

(7) "Law enforcement agency" includes, but is not limited to, 9230
the state board of pharmacy, the enforcement division of the 9231
department of taxation, the Ohio casino control commission, and 9232
the office of the prosecutor. 9233

(8) "Mobile instrumentality" means an instrumentality that is 9234
inherently mobile and used in the routine transport of persons. 9235
"Mobile instrumentality" includes, but is not limited to, any 9236
vehicle, any watercraft, and any aircraft. 9237

(9) "Money" has the same meaning as in section 1301.201 of 9238
the Revised Code. 9239

(10) "Offense" means any act or omission that could be 9240
charged as a criminal offense or a delinquent act, whether or not 9241
a formal criminal prosecution or delinquent child proceeding began 9242
at the time the forfeiture is initiated. Except as otherwise 9243
specified, an offense for which property may be forfeited includes 9244
any felony and any misdemeanor. The commission of an "offense" 9245
includes the commission of a delinquent act. 9246

(11) "Proceeds" means both of the following: 9247

(a) In cases involving unlawful goods, services, or 9248
activities, "proceeds" means any property derived directly or 9249
indirectly from an offense. "Proceeds" may include, but is not 9250
limited to, money or any other means of exchange. "Proceeds" is 9251
not limited to the net gain or profit realized from the offense. 9252

(b) In cases involving lawful goods or services that are sold 9253
or provided in an unlawful manner, "proceeds" means the amount of 9254
money or other means of exchange acquired through the illegal 9255
transactions resulting in the forfeiture, less the direct costs 9256
lawfully incurred in providing the goods or services. The lawful 9257
costs deduction does not include any part of the overhead expenses 9258
of, or income taxes paid by, the entity providing the goods or 9259
services. The alleged offender or delinquent child has the burden 9260
to prove that any costs are lawfully incurred. 9261

(12) "Property" means "property" as defined in section 9262
2901.01 of the Revised Code and any benefit, privilege, claim, 9263
position, interest in an enterprise, or right derived, directly or 9264
indirectly, from the offense. 9265

(13) "Property subject to forfeiture" includes contraband and 9266
proceeds and may include instrumentalities as provided in this 9267
chapter. 9268

(14) "Prosecutor" has the same meaning as in section 2935.01 9269
of the Revised Code. When relevant, "prosecutor" also includes the 9270
attorney general. 9271

(15) "Vehicle" has the same meaning as in section 4501.01 of 9272
the Revised Code. 9273

(16) "Watercraft" has the same meaning as in section ~~1547.01~~ 9274
1546.01 of the Revised Code. 9275

(C) The penalties and procedures under Chapters 2923., 2925., 9276
2933., and 3772. of the Revised Code remain in effect to the 9277
extent that they do not conflict with this chapter. 9278

Sec. 3701.18. The director of health shall establish 9279
techniques and procedures as appropriate for use by the division 9280
of parks and ~~recreation~~ watercraft in the department of natural 9281
resources when taking samples and conducting tests under section 9282

~~1541.032~~ 1546.08 of the Revised Code of the waters of this state 9283
that are adjacent to public swimming beaches as defined in that 9284
section. The director of health, in consultation with and subject 9285
to the approval of the director of natural resources, shall 9286
specify the frequency with which and location at which the waters 9287
are to be sampled and tested. 9288

The director of health shall interpret the results of the 9289
water tests conducted under section ~~1541.032~~ 1546.08 of the 9290
Revised Code. If the director's interpretation indicates that the 9291
bacteria levels in the waters tested present a possible health 9292
risk to persons using the waters for swimming and bathing and that 9293
the posting of signs advising the public of the condition is 9294
warranted, the director shall notify the chief of the division of 9295
parks and ~~recreation~~ watercraft. 9296

Sec. 3714.03. (A) As used in this section: 9297

(1) "Aquifer system" means one or more geologic units or 9298
formations that are wholly or partially saturated with water and 9299
are capable of storing, transmitting, and yielding significant 9300
amounts of water to wells or springs. 9301

(2) "Category 3 wetland" means a wetland that supports 9302
superior habitat or hydrological or recreational functions as 9303
determined by an appropriate wetland evaluation methodology 9304
acceptable to the director of environmental protection. "Category 9305
3 wetland" includes a wetland with high levels of diversity, a 9306
high proportion of native species, and high functional values and 9307
includes, but is not limited to, a wetland that contains or 9308
provides habitat for threatened or endangered species. "Category 3 9309
wetland" may include high quality forested wetlands, including old 9310
growth forested wetlands, mature forested riparian wetlands, 9311
vernal pools, bogs, fens, and wetlands that are scarce regionally. 9312

(3) "Natural area" means either of the following: 9313

(a) An area designated by the director of natural resources 9314
as a wild, scenic, or recreational river under section 1547.81 of 9315
the Revised Code; 9316

(b) An area designated by the United States department of the 9317
interior as a national wild, scenic, or recreational river. 9318

(4) "Occupied dwelling" means a residential dwelling and also 9319
includes a place of worship as defined in section 5104.01 of the 9320
Revised Code, a child day-care center as defined in that section, 9321
a hospital as defined in section 3727.01 of the Revised Code, a 9322
nursing home as defined in that section, a school, and a 9323
restaurant or other eating establishment. "Occupied dwelling" does 9324
not include a dwelling owned or controlled by the owner or 9325
operator of a construction and demolition debris facility to which 9326
the siting criteria established under this section are being 9327
applied. 9328

(5) "Residential dwelling" means a building used or intended 9329
to be used in whole or in part as a personal residence by the 9330
owner, part-time owner, or lessee of the building or any person 9331
authorized by the owner, part-time owner, or lessee to use the 9332
building as a personal residence. 9333

(B) Neither the director of environmental protection nor any 9334
board of health shall issue a permit to install under section 9335
3714.051 of the Revised Code to establish a new construction and 9336
demolition debris facility when any portion of the facility is 9337
proposed to be located in either of the following locations: 9338

(1) Within the boundaries of a one-hundred-year flood plain, 9339
as those boundaries are shown on the applicable maps prepared 9340
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 9341
U.S.C.A. 4001, as amended, unless the owner or operator has 9342
obtained an exemption from division (B)(1) of this section in 9343
accordance with section 3714.04 of the Revised Code. If no such 9344

maps have been prepared, the boundaries of a one-hundred-year 9345
flood plain shall be determined by the applicant for a permit 9346
based upon standard methodologies set forth in "urban hydrology 9347
for small watersheds" (soil conservation service technical release 9348
number 55) and section 4 of the "national engineering hydrology 9349
handbook" of the soil conservation service of the United States 9350
department of agriculture. 9351

(2) Within the boundaries of a sole source aquifer designated 9352
by the administrator of the United States environmental protection 9353
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 9354
42 U.S.C.A. 300f, as amended. 9355

(C) Neither the director nor any board shall issue a permit 9356
to install under section 3714.051 of the Revised Code to establish 9357
a new construction and demolition debris facility when the 9358
horizontal limits of construction and demolition debris placement 9359
at the new facility are proposed to be located in any of the 9360
following locations: 9361

(1) Within one hundred feet of a perennial stream as defined 9362
by the United States geological survey seven and one-half minute 9363
quadrangle map or a category 3 wetland; 9364

(2) Within one hundred feet of the facility's property line; 9365

(3)(a) Except as provided in division (C)(3)(b) of this 9366
section, within five hundred feet of a residential or public water 9367
supply well. 9368

(b) Division (C)(3)(a) of this section does not apply to a 9369
residential well under any of the circumstances specified in 9370
divisions (C)(3)(b)(i) to (iii) of this section as follows: 9371

(i) The well is controlled by the owner or operator of the 9372
construction and demolition debris facility. 9373

(ii) The well is hydrologically separated from the horizontal 9374

limits of construction and demolition debris placement. 9375

(iii) The well is at least three hundred feet upgradient from 9376
the horizontal limits of construction and demolition debris 9377
placement and division (D) of this section does not prohibit the 9378
issuance of the permit to install. 9379

(4) Within five hundred feet of a park created or operated 9380
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 9381
of the Revised Code, a state park established or dedicated under 9382
Chapter ~~1541.~~ 1546. of the Revised Code, a state park purchase 9383
area established under section ~~1541.02~~ 1546.06 of the Revised 9384
Code, a national recreation area, any unit of the national park 9385
system, or any property that lies within the boundaries of a 9386
national park or recreation area, but that has not been acquired 9387
or is not administered by the secretary of the United States 9388
department of the interior, located in this state, or any area 9389
located in this state that is recommended by the secretary for 9390
study for potential inclusion in the national park system in 9391
accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 9392
U.S.C.A. 1a-5, as amended; 9393

(5) Within five hundred feet of a natural area, any area 9394
established by the department of natural resources as a state 9395
wildlife area under Chapter 1531. of the Revised Code and rules 9396
adopted under it, any area that is formally dedicated as a nature 9397
preserve under section 1517.05 of the Revised Code, or any area 9398
designated by the United States department of the interior as a 9399
national wildlife refuge; 9400

(6) Within five hundred feet of a lake or reservoir of one 9401
acre or more that is hydrogeologically connected to ground water. 9402
For purposes of division (C)(6) of this section, a lake or 9403
reservoir does not include a body of water constructed and used 9404
for purposes of surface water drainage or sediment control. 9405

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;	9406 9407
(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.	9408 9409
(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.	9410 9411 9412 9413 9414 9415 9416 9417 9418 9419
(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.	9420 9421 9422 9423 9424 9425 9426 9427
(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:	9428 9429 9430 9431
(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;	9432 9433 9434 9435
(2) Surface water drainage and sediment controls that are	9436

required by the director; 9437

(3) If the facility is proposed to be located in an area in 9438
which an applicable zoning resolution allows residential 9439
construction, vegetated earthen berms or an equivalent barrier 9440
with a minimum height of six feet separating the facility from 9441
adjoining property. 9442

(G)(1) The siting criteria established in this section shall 9443
be applied to an application for a permit to install at the time 9444
that the application is submitted to the director or a board of 9445
health, as applicable. Circumstances related to the siting 9446
criteria that change after the application is submitted shall not 9447
be considered in approving or disapproving the application. 9448

(2) The siting criteria established in this section by this 9449
amendment do not apply to an expansion of a construction and 9450
demolition debris facility that was in operation prior to December 9451
22, 2005, onto property within the property boundaries identified 9452
in the application for the initial license for that facility or 9453
any subsequent license issued for that facility up to and 9454
including the license issued for that facility for calendar year 9455
2005. The siting criteria established in this section prior to 9456
December 22, 2005, apply to such an expansion. 9457

Sec. 3734.02. (A) The director of environmental protection, 9458
in accordance with Chapter 119. of the Revised Code, shall adopt 9459
and may amend, suspend, or rescind rules having uniform 9460
application throughout the state governing solid waste facilities 9461
and the inspections of and issuance of permits and licenses for 9462
all solid waste facilities in order to ensure that the facilities 9463
will be located, maintained, and operated, and will undergo 9464
closure and post-closure care, in a sanitary manner so as not to 9465
create a nuisance, cause or contribute to water pollution, create 9466
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 9467

257.3-8, as amended. The rules may include, without limitation, 9468
financial assurance requirements for closure and post-closure care 9469
and corrective action and requirements for taking corrective 9470
action in the event of the surface or subsurface discharge or 9471
migration of explosive gases or leachate from a solid waste 9472
facility, or of ground water contamination resulting from the 9473
transfer or disposal of solid wastes at a facility, beyond the 9474
boundaries of any area within a facility that is operating or is 9475
undergoing closure or post-closure care where solid wastes were 9476
disposed of or are being disposed of. The rules shall not concern 9477
or relate to personnel policies, salaries, wages, fringe benefits, 9478
or other conditions of employment of employees of persons owning 9479
or operating solid waste facilities. The director, in accordance 9480
with Chapter 119. of the Revised Code, shall adopt and may amend, 9481
suspend, or rescind rules governing the issuance, modification, 9482
revocation, suspension, or denial of variances from the director's 9483
solid waste rules, including, without limitation, rules adopted 9484
under this chapter governing the management of scrap tires. 9485

Variances shall be issued, modified, revoked, suspended, or 9486
rescinded in accordance with this division, rules adopted under 9487
it, and Chapter 3745. of the Revised Code. The director may order 9488
the person to whom a variance is issued to take such action within 9489
such time as the director may determine to be appropriate and 9490
reasonable to prevent the creation of a nuisance or a hazard to 9491
the public health or safety or the environment. Applications for 9492
variances shall contain such detail plans, specifications, and 9493
information regarding objectives, procedures, controls, and other 9494
pertinent data as the director may require. The director shall 9495
grant a variance only if the applicant demonstrates to the 9496
director's satisfaction that construction and operation of the 9497
solid waste facility in the manner allowed by the variance and any 9498
terms or conditions imposed as part of the variance will not 9499
create a nuisance or a hazard to the public health or safety or 9500

the environment. In granting any variance, the director shall 9501
state the specific provision or provisions whose terms are to be 9502
varied and also shall state specific terms or conditions imposed 9503
upon the applicant in place of the provision or provisions. 9504

The director may hold a public hearing on an application for 9505
a variance or renewal of a variance at a location in the county 9506
where the operations that are the subject of the application for 9507
the variance are conducted. The director shall give not less than 9508
twenty days' notice of the hearing to the applicant by certified 9509
mail or by another type of mail accompanied by a receipt and shall 9510
publish at least one notice of the hearing in a newspaper with 9511
general circulation in the county where the hearing is to be held. 9512
The director shall make available for public inspection at the 9513
principal office of the environmental protection agency a current 9514
list of pending applications for variances and a current schedule 9515
of pending variance hearings. The director shall make a complete 9516
stenographic record of testimony and other evidence submitted at 9517
the hearing. 9518

Within ten days after the hearing, the director shall make a 9519
written determination to issue, renew, or deny the variance and 9520
shall enter the determination and the basis for it into the record 9521
of the hearing. The director shall issue, renew, or deny an 9522
application for a variance or renewal of a variance within six 9523
months of the date upon which the director receives a complete 9524
application with all pertinent information and data required. No 9525
variance shall be issued, revoked, modified, or denied until the 9526
director has considered the relative interests of the applicant, 9527
other persons and property affected by the variance, and the 9528
general public. Any variance granted under this division shall be 9529
for a period specified by the director and may be renewed from 9530
time to time on such terms and for such periods as the director 9531
determines to be appropriate. No application shall be denied and 9532

no variance shall be revoked or modified without a written order 9533
stating the findings upon which the denial, revocation, or 9534
modification is based. A copy of the order shall be sent to the 9535
applicant or variance holder by certified mail or by another type 9536
of mail accompanied by a receipt. 9537

(B) The director shall prescribe and furnish the forms 9538
necessary to administer and enforce this chapter. The director may 9539
cooperate with and enter into agreements with other state, local, 9540
or federal agencies to carry out the purposes of this chapter. The 9541
director may exercise all incidental powers necessary to carry out 9542
the purposes of this chapter. 9543

(C) Except as provided in this division and divisions (N)(2) 9544
and (3) of this section, no person shall establish a new solid 9545
waste facility or infectious waste treatment facility, or modify 9546
an existing solid waste facility or infectious waste treatment 9547
facility, without submitting an application for a permit with 9548
accompanying detail plans, specifications, and information 9549
regarding the facility and method of operation and receiving a 9550
permit issued by the director, except that no permit shall be 9551
required under this division to install or operate a solid waste 9552
facility for sewage sludge treatment or disposal when the 9553
treatment or disposal is authorized by a current permit issued 9554
under Chapter 3704. or 6111. of the Revised Code. 9555

No person shall continue to operate a solid waste facility 9556
for which the director has denied a permit for which an 9557
application was required under division (A)(3) of section 3734.05 9558
of the Revised Code, or for which the director has disapproved 9559
plans and specifications required to be filed by an order issued 9560
under division (A)(5) of that section, after the date prescribed 9561
for commencement of closure of the facility in the order issued 9562
under division (A)(6) of section 3734.05 of the Revised Code 9563
denying the permit application or approval. 9564

On and after the effective date of the rules adopted under 9565
division (A) of this section and division (D) of section 3734.12 9566
of the Revised Code governing solid waste transfer facilities, no 9567
person shall establish a new, or modify an existing, solid waste 9568
transfer facility without first submitting an application for a 9569
permit with accompanying engineering detail plans, specifications, 9570
and information regarding the facility and its method of operation 9571
to the director and receiving a permit issued by the director. 9572

No person shall establish a new compost facility or continue 9573
to operate an existing compost facility that accepts exclusively 9574
source separated yard wastes without submitting a completed 9575
registration for the facility to the director in accordance with 9576
rules adopted under divisions (A) and (N)(3) of this section. 9577

This division does not apply to a generator of infectious 9578
wastes that does any of the following: 9579

(1) Treats, by methods, techniques, and practices established 9580
by rules adopted under division (B)(2)(a) of section 3734.021 of 9581
the Revised Code, any of the following: 9582

(a) Infectious wastes that are generated on any premises that 9583
are owned or operated by the generator; 9584

(b) Infectious wastes that are generated by a generator who 9585
has staff privileges at a hospital as defined in section 3727.01 9586
of the Revised Code; 9587

(c) Infectious wastes that are generated in providing care to 9588
a patient by an emergency medical services organization as defined 9589
in section 4765.01 of the Revised Code. 9590

(2) Holds a license or renewal of a license to operate a 9591
crematory facility issued under Chapter 4717. and a permit issued 9592
under Chapter 3704. of the Revised Code; 9593

(3) Treats or disposes of dead animals or parts thereof, or 9594

the blood of animals, and is subject to any of the following: 9595

(a) Inspection under the "Federal Meat Inspection Act," 81 9596
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 9597

(b) Chapter 918. of the Revised Code; 9598

(c) Chapter 953. of the Revised Code. 9599

(D) Neither this chapter nor any rules adopted under it apply 9600
to single-family residential premises; to infectious wastes 9601
generated by individuals for purposes of their own care or 9602
treatment; to the temporary storage of solid wastes, other than 9603
scrap tires, prior to their collection for disposal; to the 9604
storage of one hundred or fewer scrap tires unless they are stored 9605
in such a manner that, in the judgment of the director or the 9606
board of health of the health district in which the scrap tires 9607
are stored, the storage causes a nuisance, a hazard to public 9608
health or safety, or a fire hazard; or to the collection of solid 9609
wastes, other than scrap tires, by a political subdivision or a 9610
person holding a franchise or license from a political subdivision 9611
of the state; to composting, as defined in section 1511.01 of the 9612
Revised Code, conducted in accordance with section 1511.022 of the 9613
Revised Code; or to any person who is licensed to transport raw 9614
rendering material to a compost facility pursuant to section 9615
953.23 of the Revised Code. 9616

(E)(1) As used in this division: 9617

(a) "On-site facility" means a facility that stores, treats, 9618
or disposes of hazardous waste that is generated on the premises 9619
of the facility. 9620

(b) "Off-site facility" means a facility that stores, treats, 9621
or disposes of hazardous waste that is generated off the premises 9622
of the facility and includes such a facility that is also an 9623
on-site facility. 9624

(c) "Satellite facility" means any of the following: 9625

(i) An on-site facility that also receives hazardous waste 9626
from other premises owned by the same person who generates the 9627
waste on the facility premises; 9628

(ii) An off-site facility operated so that all of the 9629
hazardous waste it receives is generated on one or more premises 9630
owned by the person who owns the facility; 9631

(iii) An on-site facility that also receives hazardous waste 9632
that is transported uninterruptedly and directly to the facility 9633
through a pipeline from a generator who is not the owner of the 9634
facility. 9635

(2) Except as provided in division (E)(3) of this section, no 9636
person shall establish or operate a hazardous waste facility, or 9637
use a solid waste facility for the storage, treatment, or disposal 9638
of any hazardous waste, without a hazardous waste facility 9639
installation and operation permit issued in accordance with 9640
section 3734.05 of the Revised Code and subject to the payment of 9641
an application fee not to exceed one thousand five hundred 9642
dollars, payable upon application for a hazardous waste facility 9643
installation and operation permit and upon application for a 9644
renewal permit issued under division (H) of section 3734.05 of the 9645
Revised Code, to be credited to the hazardous waste facility 9646
management fund created in section 3734.18 of the Revised Code. 9647
The term of a hazardous waste facility installation and operation 9648
permit shall not exceed ten years. 9649

In addition to the application fee, there is hereby levied an 9650
annual permit fee to be paid by the permit holder upon the 9651
anniversaries of the date of issuance of the hazardous waste 9652
facility installation and operation permit and of any subsequent 9653
renewal permits and to be credited to the hazardous waste facility 9654
management fund. Annual permit fees totaling forty thousand 9655

dollars or more for any one facility may be paid on a quarterly			9656
basis with the first quarterly payment each year being due on the			9657
anniversary of the date of issuance of the hazardous waste			9658
facility installation and operation permit and of any subsequent			9659
renewal permits. The annual permit fee shall be determined for			9660
each permit holder by the director in accordance with the			9661
following schedule:			9662
TYPE OF BASIC			9663
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	9664
Storage facility using:			9665
Containers	On-site, off-site, and		9666
	satellite	\$ 500	9667
Tanks	On-site, off-site, and		9668
	satellite	500	9669
Waste pile	On-site, off-site, and		9670
	satellite	3,000	9671
Surface impoundment	On-site and satellite	8,000	9672
	Off-site	10,000	9673
Disposal facility using:			9674
Deep well injection	On-site and satellite	15,000	9675
	Off-site	25,000	9676
Landfill	On-site and satellite	25,000	9677
	Off-site	40,000	9678
Land application	On-site and satellite	2,500	9679
	Off-site	5,000	9680
Surface impoundment	On-site and satellite	10,000	9681
	Off-site	20,000	9682
Treatment facility using:			9683
Tanks	On-site, off-site, and		9684
	satellite	700	9685
Surface impoundment	On-site and satellite	8,000	9686
	Off-site	10,000	9687
Incinerator	On-site and satellite	5,000	9688

	Off-site	10,000	9689
Other forms			9690
of treatment	On-site, off-site, and		9691
	satellite	1,000	9692

A hazardous waste disposal facility that disposes of 9693
hazardous waste by deep well injection and that pays the annual 9694
permit fee established in section 6111.046 of the Revised Code is 9695
not subject to the permit fee established in this division for 9696
disposal facilities using deep well injection unless the director 9697
determines that the facility is not in compliance with applicable 9698
requirements established under this chapter and rules adopted 9699
under it. 9700

In determining the annual permit fee required by this 9701
section, the director shall not require additional payments for 9702
multiple units of the same method of storage, treatment, or 9703
disposal or for individual units that are used for both storage 9704
and treatment. A facility using more than one method of storage, 9705
treatment, or disposal shall pay the permit fee indicated by the 9706
schedule for each such method. 9707

The director shall not require the payment of that portion of 9708
an annual permit fee of any permit holder that would apply to a 9709
hazardous waste management unit for which a permit has been 9710
issued, but for which construction has not yet commenced. Once 9711
construction has commenced, the director shall require the payment 9712
of a part of the appropriate fee indicated by the schedule that 9713
bears the same relationship to the total fee that the number of 9714
days remaining until the next anniversary date at which payment of 9715
the annual permit fee is due bears to three hundred sixty-five. 9716

The director, by rules adopted in accordance with Chapters 9717
119. and 3745. of the Revised Code, shall prescribe procedures for 9718
collecting the annual permit fee established by this division and 9719
may prescribe other requirements necessary to carry out this 9720

division. 9721

(3) The prohibition against establishing or operating a 9722
hazardous waste facility without a hazardous waste facility 9723
installation and operation permit does not apply to either of the 9724
following: 9725

(a) A facility that is operating in accordance with a permit 9726
renewal issued under division (H) of section 3734.05 of the 9727
Revised Code, a revision issued under division (I) of that section 9728
as it existed prior to August 20, 1996, or a modification issued 9729
by the director under division (I) of that section on and after 9730
August 20, 1996; 9731

(b) Except as provided in division (J) of section 3734.05 of 9732
the Revised Code, a facility that will operate or is operating in 9733
accordance with a permit by rule, or that is not subject to permit 9734
requirements, under rules adopted by the director. In accordance 9735
with Chapter 119. of the Revised Code, the director shall adopt, 9736
and subsequently may amend, suspend, or rescind, rules for the 9737
purposes of division (E)(3)(b) of this section. Any rules so 9738
adopted shall be consistent with and equivalent to regulations 9739
pertaining to interim status adopted under the "Resource 9740
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 9741
6921, as amended, except as otherwise provided in this chapter. 9742

If a modification is requested or proposed for a facility 9743
described in division (E)(3)(a) or (b) of this section, division 9744
(I)(7) of section 3734.05 of the Revised Code applies. 9745

(F) No person shall store, treat, or dispose of hazardous 9746
waste identified or listed under this chapter and rules adopted 9747
under it, regardless of whether generated on or off the premises 9748
where the waste is stored, treated, or disposed of, or transport 9749
or cause to be transported any hazardous waste identified or 9750
listed under this chapter and rules adopted under it to any other 9751

premises, except at or to any of the following: 9752

(1) A hazardous waste facility operating under a permit 9753
issued in accordance with this chapter; 9754

(2) A facility in another state operating under a license or 9755
permit issued in accordance with the "Resource Conservation and 9756
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 9757
amended; 9758

(3) A facility in another nation operating in accordance with 9759
the laws of that nation; 9760

(4) A facility holding a permit issued pursuant to Title I of 9761
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 9762
Stat. 1052, 33 U.S.C.A. 1401, as amended; 9763

(5) A hazardous waste facility as described in division 9764
(E)(3)(a) or (b) of this section. 9765

(G) The director, by order, may exempt any person generating, 9766
collecting, storing, treating, disposing of, or transporting solid 9767
wastes, infectious wastes, or hazardous waste, or processing solid 9768
wastes that consist of scrap tires, in such quantities or under 9769
such circumstances that, in the determination of the director, are 9770
unlikely to adversely affect the public health or safety or the 9771
environment from any requirement to obtain a registration 9772
certificate, permit, or license or comply with the manifest system 9773
or other requirements of this chapter. Such an exemption shall be 9774
consistent with and equivalent to any regulations adopted by the 9775
administrator of the United States environmental protection agency 9776
under the "Resource Conservation and Recovery Act of 1976," 90 9777
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 9778
provided in this chapter. 9779

(H) No person shall engage in filling, grading, excavating, 9780
building, drilling, or mining on land where a hazardous waste 9781
facility, or a solid waste facility, was operated without prior 9782

authorization from the director, who shall establish the procedure 9783
for granting such authorization by rules adopted in accordance 9784
with Chapter 119. of the Revised Code. 9785

A public utility that has main or distribution lines above or 9786
below the land surface located on an easement or right-of-way 9787
across land where a solid waste facility was operated may engage 9788
in any such activity within the easement or right-of-way without 9789
prior authorization from the director for purposes of performing 9790
emergency repair or emergency replacement of its lines; of the 9791
poles, towers, foundations, or other structures supporting or 9792
sustaining any such lines; or of the appurtenances to those 9793
structures, necessary to restore or maintain existing public 9794
utility service. A public utility may enter upon any such easement 9795
or right-of-way without prior authorization from the director for 9796
purposes of performing necessary or routine maintenance of those 9797
portions of its existing lines; of the existing poles, towers, 9798
foundations, or other structures sustaining or supporting its 9799
lines; or of the appurtenances to any such supporting or 9800
sustaining structure, located on or above the land surface on any 9801
such easement or right-of-way. Within twenty-four hours after 9802
commencing any such emergency repair, replacement, or maintenance 9803
work, the public utility shall notify the director or the 9804
director's authorized representative of those activities and shall 9805
provide such information regarding those activities as the 9806
director or the director's representative may request. Upon 9807
completion of the emergency repair, replacement, or maintenance 9808
activities, the public utility shall restore any land of the solid 9809
waste facility disturbed by those activities to the condition 9810
existing prior to the commencement of those activities. 9811

(I) No owner or operator of a hazardous waste facility, in 9812
the operation of the facility, shall cause, permit, or allow the 9813
emission therefrom of any particulate matter, dust, fumes, gas, 9814

mist, smoke, vapor, or odorous substance that, in the opinion of 9815
the director, unreasonably interferes with the comfortable 9816
enjoyment of life or property by persons living or working in the 9817
vicinity of the facility, or that is injurious to public health. 9818
Any such action is hereby declared to be a public nuisance. 9819

(J) Notwithstanding any other provision of this chapter, in 9820
the event the director finds an imminent and substantial danger to 9821
public health or safety or the environment that creates an 9822
emergency situation requiring the immediate treatment, storage, or 9823
disposal of hazardous waste, the director may issue a temporary 9824
emergency permit to allow the treatment, storage, or disposal of 9825
the hazardous waste at a facility that is not otherwise authorized 9826
by a hazardous waste facility installation and operation permit to 9827
treat, store, or dispose of the waste. The emergency permit shall 9828
not exceed ninety days in duration and shall not be renewed. The 9829
director shall adopt, and may amend, suspend, or rescind, rules in 9830
accordance with Chapter 119. of the Revised Code governing the 9831
issuance, modification, revocation, and denial of emergency 9832
permits. 9833

(K) Except for infectious wastes generated by a person who 9834
produces fewer than fifty pounds of infectious wastes at a 9835
premises during any one month, no owner or operator of a sanitary 9836
landfill shall knowingly accept for disposal, or dispose of, any 9837
infectious wastes that have not been treated to render them 9838
noninfectious. 9839

(L) The director, in accordance with Chapter 119. of the 9840
Revised Code, shall adopt, and may amend, suspend, or rescind, 9841
rules having uniform application throughout the state establishing 9842
a training and certification program that shall be required for 9843
employees of boards of health who are responsible for enforcing 9844
the solid waste and infectious waste provisions of this chapter 9845
and rules adopted under them and for persons who are responsible 9846

for the operation of solid waste facilities or infectious waste 9847
treatment facilities. The rules shall provide all of the 9848
following, without limitation: 9849

(1) The program shall be administered by the director and 9850
shall consist of a course on new solid waste and infectious waste 9851
technologies, enforcement procedures, and rules; 9852

(2) The course shall be offered on an annual basis; 9853

(3) Those persons who are required to take the course under 9854
division (L) of this section shall do so triennially; 9855

(4) Persons who successfully complete the course shall be 9856
certified by the director; 9857

(5) Certification shall be required for all employees of 9858
boards of health who are responsible for enforcing the solid waste 9859
or infectious waste provisions of this chapter and rules adopted 9860
under them and for all persons who are responsible for the 9861
operation of solid waste facilities or infectious waste treatment 9862
facilities; 9863

(6)(a) All employees of a board of health who, on the 9864
effective date of the rules adopted under this division, are 9865
responsible for enforcing the solid waste or infectious waste 9866
provisions of this chapter and the rules adopted under them shall 9867
complete the course and be certified by the director not later 9868
than January 1, 1995; 9869

(b) All employees of a board of health who, after the 9870
effective date of the rules adopted under division (L) of this 9871
section, become responsible for enforcing the solid waste or 9872
infectious waste provisions of this chapter and rules adopted 9873
under them and who do not hold a current and valid certification 9874
from the director at that time shall complete the course and be 9875
certified by the director within two years after becoming 9876
responsible for performing those activities. 9877

No person shall fail to obtain the certification required 9878
under this division. 9879

(M) The director shall not issue a permit under section 9880
3734.05 of the Revised Code to establish a solid waste facility, 9881
or to modify a solid waste facility operating on December 21, 9882
1988, in a manner that expands the disposal capacity or geographic 9883
area covered by the facility, that is or is to be located within 9884
the boundaries of a state park established or dedicated under 9885
Chapter ~~1541.~~ 1546. of the Revised Code, a state park purchase 9886
area established under section ~~1541.02~~ 1546.06 of the Revised 9887
Code, any unit of the national park system, or any property that 9888
lies within the boundaries of a national park or recreation area, 9889
but that has not been acquired or is not administered by the 9890
secretary of the United States department of the interior, located 9891
in this state, or any candidate area located in this state and 9892
identified for potential inclusion in the national park system in 9893
the edition of the "national park system plan" submitted under 9894
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 9895
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 9896
filing of the application for the permit, unless the facility or 9897
proposed facility is or is to be used exclusively for the disposal 9898
of solid wastes generated within the park or recreation area and 9899
the director determines that the facility or proposed facility 9900
will not degrade any of the natural or cultural resources of the 9901
park or recreation area. The director shall not issue a variance 9902
under division (A) of this section and rules adopted under it, or 9903
issue an exemption order under division (G) of this section, that 9904
would authorize any such establishment or expansion of a solid 9905
waste facility within the boundaries of any such park or 9906
recreation area, state park purchase area, or candidate area, 9907
other than a solid waste facility exclusively for the disposal of 9908
solid wastes generated within the park or recreation area when the 9909
director determines that the facility will not degrade any of the 9910

natural or cultural resources of the park or recreation area. 9911

(N)(1) The rules adopted under division (A) of this section, 9912
other than those governing variances, do not apply to scrap tire 9913
collection, storage, monocell, monofill, and recovery facilities. 9914
Those facilities are subject to and governed by rules adopted 9915
under sections 3734.70 to 3734.73 of the Revised Code, as 9916
applicable. 9917

(2) Division (C) of this section does not apply to scrap tire 9918
collection, storage, monocell, monofill, and recovery facilities. 9919
The establishment and modification of those facilities are subject 9920
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 9921
Code, as applicable. 9922

(3) The director may adopt, amend, suspend, or rescind rules 9923
under division (A) of this section creating an alternative system 9924
for authorizing the establishment, operation, or modification of a 9925
solid waste compost facility in lieu of the requirement that a 9926
person seeking to establish, operate, or modify a solid waste 9927
compost facility apply for and receive a permit under division (C) 9928
of this section and section 3734.05 of the Revised Code and a 9929
license under division (A)(1) of that section. The rules may 9930
include requirements governing, without limitation, the 9931
classification of solid waste compost facilities, the submittal of 9932
operating records for solid waste compost facilities, and the 9933
creation of a registration or notification system in lieu of the 9934
issuance of permits and licenses for solid waste compost 9935
facilities. The rules shall specify the applicability of divisions 9936
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 9937
Code to a solid waste compost facility. 9938

(O)(1) As used in this division, "secondary aluminum waste" 9939
means waste material or byproducts, when disposed of, containing 9940
aluminum generated from secondary aluminum smelting operations and 9941
consisting of dross, salt cake, baghouse dust associated with 9942

aluminum recycling furnace operations, or dry-milled wastes. 9943

(2) The owner or operator of a sanitary landfill shall not 9944
dispose of municipal solid waste that has been commingled with 9945
secondary aluminum waste. 9946

(3) The owner or operator of a sanitary landfill may dispose 9947
of secondary aluminum waste, but only in a monocell or monofill 9948
that has been permitted for that purpose in accordance with this 9949
chapter and rules adopted under it. 9950

(P)(1) As used in divisions (P) and (Q) of this section: 9951

(a) "Natural background" means two picocuries per gram or the 9952
actual number of picocuries per gram as measured at an individual 9953
solid waste facility, subject to verification by the director of 9954
health. 9955

(b) "Drilling operation" includes a production operation as 9956
defined in section 1509.01 of the Revised Code. 9957

(2) The owner or operator of a solid waste facility shall not 9958
accept for transfer or disposal technologically enhanced naturally 9959
occurring radioactive material if that material contains or is 9960
contaminated with radium-226, radium-228, or any combination of 9961
radium-226 and radium-228 at concentrations equal to or greater 9962
than five picocuries per gram above natural background. 9963

(3) The owner or operator of a solid waste facility may 9964
receive and process for purposes other than transfer or disposal 9965
technologically enhanced naturally occurring radioactive material 9966
that contains or is contaminated with radium-226, radium-228, or 9967
any combination of radium-226 and radium-228 at concentrations 9968
equal to or greater than five picocuries per gram above natural 9969
background, provided that the owner or operator has obtained and 9970
maintains all other necessary authorizations, including any 9971
authorization required by rules adopted by the director of health 9972
under section 3748.04 of the Revised Code. 9973

(4) The director of environmental protection may adopt rules 9974
in accordance with Chapter 119. of the Revised Code governing the 9975
receipt, acceptance, processing, handling, management, and 9976
disposal by solid waste facilities of material that contains or is 9977
contaminated with radioactive material, including, without 9978
limitation, technologically enhanced naturally occurring 9979
radioactive material that contains or is contaminated with 9980
radium-226, radium-228, or any combination of radium-226 and 9981
radium-228 at concentrations less than five picocuries per gram 9982
above natural background. Rules adopted by the director may 9983
include at a minimum both of the following: 9984

(a) Requirements in accordance with which the owner or 9985
operator of a solid waste facility must monitor leachate and 9986
ground water for radium-226, radium-228, and other radionuclides; 9987

(b) Requirements in accordance with which the owner or 9988
operator of a solid waste facility must develop procedures to 9989
ensure that technologically enhanced naturally occurring 9990
radioactive material accepted at the facility neither contains nor 9991
is contaminated with radium-226, radium-228, or any combination of 9992
radium-226 and radium-228 at concentrations equal to or greater 9993
than five picocuries per gram above natural background. 9994

(Q) Notwithstanding any other provision of this section, the 9995
owner or operator of a solid waste facility shall not receive, 9996
accept, process, handle, manage, or dispose of technologically 9997
enhanced naturally occurring radioactive material associated with 9998
drilling operations without first obtaining representative 9999
analytical results to determine compliance with divisions (P)(2) 10000
and (3) of this section and rules adopted under it. 10001

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 10002
(8), and (9) of this section, no person shall operate or maintain 10003
a solid waste facility without a license issued under this 10004

division by the board of health of the health district in which 10005
the facility is located or by the director of environmental 10006
protection when the health district in which the facility is 10007
located is not on the approved list under section 3734.08 of the 10008
Revised Code. 10009

During the month of December, but before the first day of 10010
January of the next year, every person proposing to continue to 10011
operate an existing solid waste facility shall procure a license 10012
under this division to operate the facility for that year from the 10013
board of health of the health district in which the facility is 10014
located or, if the health district is not on the approved list 10015
under section 3734.08 of the Revised Code, from the director. The 10016
application for such a license shall be submitted to the board of 10017
health or to the director, as appropriate, on or before the last 10018
day of September of the year preceding that for which the license 10019
is sought. In addition to the application fee prescribed in 10020
division (A)(2) of this section, a person who submits an 10021
application after that date shall pay an additional ten per cent 10022
of the amount of the application fee for each week that the 10023
application is late. Late payment fees accompanying an application 10024
submitted to the board of health shall be credited to the special 10025
fund of the health district created in division (B) of section 10026
3734.06 of the Revised Code, and late payment fees accompanying an 10027
application submitted to the director shall be credited to the 10028
general revenue fund. A person who has received a license, upon 10029
sale or disposition of a solid waste facility, and upon consent of 10030
the board of health and the director, may have the license 10031
transferred to another person. The board of health or the director 10032
may include such terms and conditions in a license or revision to 10033
a license as are appropriate to ensure compliance with this 10034
chapter and rules adopted under it. The terms and conditions may 10035
establish the authorized maximum daily waste receipts for the 10036
facility. Limitations on maximum daily waste receipts shall be 10037

specified in cubic yards of volume for the purpose of regulating 10038
the design, construction, and operation of solid waste facilities. 10039
Terms and conditions included in a license or revision to a 10040
license by a board of health shall be consistent with, and pertain 10041
only to the subjects addressed in, the rules adopted under 10042
division (A) of section 3734.02 and division (D) of section 10043
3734.12 of the Revised Code. 10044

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 10045
(9) of this section, each person proposing to open a new solid 10046
waste facility or to modify an existing solid waste facility shall 10047
submit an application for a permit with accompanying detail plans 10048
and specifications to the environmental protection agency for 10049
required approval under the rules adopted by the director pursuant 10050
to division (A) of section 3734.02 of the Revised Code and 10051
applicable rules adopted under division (D) of section 3734.12 of 10052
the Revised Code at least two hundred seventy days before proposed 10053
operation of the facility and shall concurrently make application 10054
for the issuance of a license under division (A)(1) of this 10055
section with the board of health of the health district in which 10056
the proposed facility is to be located. 10057

(b) On and after the effective date of the rules adopted 10058
under division (A) of section 3734.02 of the Revised Code and 10059
division (D) of section 3734.12 of the Revised Code governing 10060
solid waste transfer facilities, each person proposing to open a 10061
new solid waste transfer facility or to modify an existing solid 10062
waste transfer facility shall submit an application for a permit 10063
with accompanying engineering detail plans, specifications, and 10064
information regarding the facility and its method of operation to 10065
the environmental protection agency for required approval under 10066
those rules at least two hundred seventy days before commencing 10067
proposed operation of the facility and concurrently shall make 10068
application for the issuance of a license under division (A)(1) of 10069

this section with the board of health of the health district in 10070
which the facility is located or proposed. 10071

(c) Each application for a permit under division (A)(2)(a) or 10072
(b) of this section shall be accompanied by a nonrefundable 10073
application fee of four hundred dollars that shall be credited to 10074
the general revenue fund. Each application for an annual license 10075
under division (A)(1) or (2) of this section shall be accompanied 10076
by a nonrefundable application fee of one hundred dollars. If the 10077
application for an annual license is submitted to a board of 10078
health on the approved list under section 3734.08 of the Revised 10079
Code, the application fee shall be credited to the special fund of 10080
the health district created in division (B) of section 3734.06 of 10081
the Revised Code. If the application for an annual license is 10082
submitted to the director, the application fee shall be credited 10083
to the general revenue fund. If a permit or license is issued, the 10084
amount of the application fee paid shall be deducted from the 10085
amount of the permit fee due under division (Q) of section 3745.11 10086
of the Revised Code or the amount of the license fee due under 10087
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 10088
Revised Code. 10089

(d) As used in divisions (A)(2)(d), (e), and (f) of this 10090
section, "modify" means any of the following: 10091

(i) Any increase of more than ten per cent in the total 10092
capacity of a solid waste facility; 10093

(ii) Any expansion of the limits of solid waste placement at 10094
a solid waste facility; 10095

(iii) Any increase in the depth of excavation at a solid 10096
waste facility; 10097

(iv) Any change in the technique of waste receipt or type of 10098
waste received at a solid waste facility that may endanger human 10099
health, as determined by the director by rules adopted in 10100

accordance with Chapter 119. of the Revised Code. 10101

Not later than forty-five days after submitting an 10102
application under division (A)(2)(a) or (b) of this section for a 10103
permit to open a new or modify an existing solid waste facility, 10104
the applicant, in conjunction with an officer or employee of the 10105
environmental protection agency, shall hold a public meeting on 10106
the application within the county in which the new or modified 10107
solid waste facility is or is proposed to be located or within a 10108
contiguous county. Not less than thirty days before holding the 10109
public meeting on the application, the applicant shall publish 10110
notice of the meeting in each newspaper of general circulation 10111
that is published in the county in which the facility is or is 10112
proposed to be located. If no newspaper of general circulation is 10113
published in the county, the applicant shall publish the notice in 10114
a newspaper of general circulation in the county. The notice shall 10115
contain the date, time, and location of the public meeting and a 10116
general description of the proposed new or modified facility. Not 10117
later than five days after publishing the notice, the applicant 10118
shall send by certified mail a copy of the notice and the date the 10119
notice was published to the director and the legislative authority 10120
of each municipal corporation, township, and county, and to the 10121
chief executive officer of each municipal corporation, in which 10122
the facility is or is proposed to be located. At the public 10123
meeting, the applicant shall provide information and describe the 10124
application and respond to comments or questions concerning the 10125
application, and the officer or employee of the agency shall 10126
describe the permit application process. At the public meeting, 10127
any person may submit written or oral comments on or objections to 10128
the application. Not more than thirty days after the public 10129
meeting, the applicant shall provide the director with a copy of a 10130
transcript of the full meeting, copies of any exhibits, displays, 10131
or other materials presented by the applicant at the meeting, and 10132
the original copy of any written comments submitted at the 10133

meeting. 10134

(e) Except as provided in division (A)(2)(f) of this section, 10135
prior to taking an action, other than a proposed or final denial, 10136
upon an application submitted under division (A)(2)(a) of this 10137
section for a permit to open a new or modify an existing solid 10138
waste facility, the director shall hold a public information 10139
session and a public hearing on the application within the county 10140
in which the new or modified solid waste facility is or is 10141
proposed to be located or within a contiguous county. If the 10142
application is for a permit to open a new solid waste facility, 10143
the director shall hold the hearing not less than fourteen days 10144
after the information session. If the application is for a permit 10145
to modify an existing solid waste facility, the director may hold 10146
both the information session and the hearing on the same day 10147
unless any individual affected by the application requests in 10148
writing that the information session and the hearing not be held 10149
on the same day, in which case the director shall hold the hearing 10150
not less than fourteen days after the information session. The 10151
director shall publish notice of the public information session or 10152
public hearing not less than thirty days before holding the 10153
information session or hearing, as applicable. The notice shall be 10154
published in each newspaper of general circulation that is 10155
published in the county in which the facility is or is proposed to 10156
be located. If no newspaper of general circulation is published in 10157
the county, the director shall publish the notice in a newspaper 10158
of general circulation in the county. The notice shall contain the 10159
date, time, and location of the information session or hearing, as 10160
applicable, and a general description of the proposed new or 10161
modified facility. At the public information session, an officer 10162
or employee of the environmental protection agency shall describe 10163
the status of the permit application and be available to respond 10164
to comments or questions concerning the application. At the public 10165
hearing, any person may submit written or oral comments on or 10166

objections to the approval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the information session and public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the information session and hearing.

(f) The solid waste management policy committee of a county or joint solid waste management district may adopt a resolution requesting expeditious consideration of a specific application submitted under division (A)(2)(a) of this section for a permit to modify an existing solid waste facility within the district. The resolution shall make the finding that expedited consideration of the application without the public information session and public hearing under division (A)(2)(e) of this section is in the public interest and will not endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Upon receiving such a resolution, the director, at the director's discretion, may issue a final action upon the application without holding a public information session or public hearing pursuant to division (A)(2)(e) of this section.

(3) Except as provided in division (A)(10) of this section, and unless the owner or operator of any solid waste facility, other than a solid waste transfer facility or a compost facility that accepts exclusively source separated yard wastes, that commenced operation on or before July 1, 1968, has obtained an exemption from the requirements of division (A)(3) of this section in accordance with division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and

its method of operation for approval under rules adopted under 10199
division (A) of section 3734.02 of the Revised Code and applicable 10200
rules adopted under division (D) of section 3734.12 of the Revised 10201
Code in accordance with the following schedule: 10202

(a) Not later than September 24, 1988, if the facility is 10203
located in the city of Garfield Heights or Parma in Cuyahoga 10204
county; 10205

(b) Not later than December 24, 1988, if the facility is 10206
located in Delaware, Greene, Guernsey, Hamilton, Madison, 10207
Mahoning, Ottawa, or Vinton county; 10208

(c) Not later than March 24, 1989, if the facility is located 10209
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 10210
Washington county, or is located in the city of Brooklyn or 10211
Cuyahoga Heights in Cuyahoga county; 10212

(d) Not later than June 24, 1989, if the facility is located 10213
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 10214
Summit county or is located in Cuyahoga county outside the cities 10215
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 10216

(e) Not later than September 24, 1989, if the facility is 10217
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 10218
county; 10219

(f) Not later than December 24, 1989, if the facility is 10220
located in a county not listed in divisions (A)(3)(a) to (e) of 10221
this section; 10222

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 10223
section, not later than December 31, 1990, if the facility is a 10224
solid waste facility owned by a generator of solid wastes when the 10225
solid waste facility exclusively disposes of solid wastes 10226
generated at one or more premises owned by the generator 10227
regardless of whether the facility is located on a premises where 10228
the wastes are generated and if the facility disposes of more than 10229

one hundred thousand tons of solid wastes per year, provided that 10230
any such facility shall be subject to division (A)(5) of this 10231
section. 10232

(4) Except as provided in divisions (A)(8), (9), and (10) of 10233
this section, unless the owner or operator of any solid waste 10234
facility for which a permit was issued after July 1, 1968, but 10235
before January 1, 1980, has obtained an exemption from the 10236
requirements of division (A)(4) of this section under division (G) 10237
of section 3734.02 of the Revised Code, the owner or operator 10238
shall submit to the director an application for a permit with 10239
accompanying engineering detail plans, specifications, and 10240
information regarding the facility and its method of operation for 10241
approval under those rules. 10242

(5) The director may issue an order in accordance with 10243
Chapter 3745. of the Revised Code to the owner or operator of a 10244
solid waste facility requiring the person to submit to the 10245
director updated engineering detail plans, specifications, and 10246
information regarding the facility and its method of operation for 10247
approval under rules adopted under division (A) of section 3734.02 10248
of the Revised Code and applicable rules adopted under division 10249
(D) of section 3734.12 of the Revised Code if, in the director's 10250
judgment, conditions at the facility constitute a substantial 10251
threat to public health or safety or are causing or contributing 10252
to or threatening to cause or contribute to air or water pollution 10253
or soil contamination. Any person who receives such an order shall 10254
submit the updated engineering detail plans, specifications, and 10255
information to the director within one hundred eighty days after 10256
the effective date of the order. 10257

(6) The director shall act upon an application submitted 10258
under division (A)(3) or (4) of this section and any updated 10259
engineering plans, specifications, and information submitted under 10260
division (A)(5) of this section within one hundred eighty days 10261

after receiving them. If the director denies any such permit 10262
application, the order denying the application or disapproving the 10263
plans shall include the requirements that the owner or operator 10264
submit a plan for closure and post-closure care of the facility to 10265
the director for approval within six months after issuance of the 10266
order, cease accepting solid wastes for disposal or transfer at 10267
the facility, and commence closure of the facility not later than 10268
one year after issuance of the order. If the director determines 10269
that closure of the facility within that one-year period would 10270
result in the unavailability of sufficient solid waste management 10271
facility capacity within the county or joint solid waste 10272
management district in which the facility is located to dispose of 10273
or transfer the solid waste generated within the district, the 10274
director in the order of denial or disapproval may postpone 10275
commencement of closure of the facility for such period of time as 10276
the director finds necessary for the board of county commissioners 10277
or directors of the district to secure access to or for there to 10278
be constructed within the district sufficient solid waste 10279
management facility capacity to meet the needs of the district, 10280
provided that the director shall certify in the director's order 10281
that postponing the date for commencement of closure will not 10282
endanger ground water or any property surrounding the facility, 10283
allow methane gas migration to occur, or cause or contribute to 10284
any other type of environmental damage. 10285

If an emergency need for disposal capacity that may affect 10286
public health and safety exists as a result of closure of a 10287
facility under division (A)(6) of this section, the director may 10288
issue an order designating another solid waste facility to accept 10289
the wastes that would have been disposed of at the facility to be 10290
closed. 10291

(7) If the director determines that standards more stringent 10292
than those applicable in rules adopted under division (A) of 10293

section 3734.02 of the Revised Code and division (D) of section 10294
3734.12 of the Revised Code, or standards pertaining to subjects 10295
not specifically addressed by those rules, are necessary to ensure 10296
that a solid waste facility constructed at the proposed location 10297
will not cause a nuisance, cause or contribute to water pollution, 10298
or endanger public health or safety, the director may issue a 10299
permit for the facility with such terms and conditions as the 10300
director finds necessary to protect public health and safety and 10301
the environment. If a permit is issued, the director shall state 10302
in the order issuing it the specific findings supporting each such 10303
term or condition. 10304

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 10305
not apply to a solid waste compost facility that accepts 10306
exclusively source separated yard wastes and that is registered 10307
under division (C) of section 3734.02 of the Revised Code or, 10308
unless otherwise provided in rules adopted under division (N)(3) 10309
of section 3734.02 of the Revised Code, to a solid waste compost 10310
facility if the director has adopted rules establishing an 10311
alternative system for authorizing the establishment, operation, 10312
or modification of a solid waste compost facility under that 10313
division. 10314

(9) Divisions (A)(1) to (7) of this section do not apply to 10315
scrap tire collection, storage, monocell, monofill, and recovery 10316
facilities. The approval of plans and specifications, as 10317
applicable, and the issuance of registration certificates, 10318
permits, and licenses for those facilities are subject to sections 10319
3734.75 to 3734.78 of the Revised Code, as applicable, and section 10320
3734.81 of the Revised Code. 10321

(10) Divisions (A)(3) and (4) of this section do not apply to 10322
a solid waste incinerator that was placed into operation on or 10323
before October 12, 1994, and that is not authorized to accept and 10324
treat infectious wastes pursuant to division (B) of this section. 10325

(B)(1) No person shall operate or maintain an infectious waste treatment facility without a license issued by the board of health of the health district in which the facility is located or by the director when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them.

(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director pursuant to section 3734.021 of the Revised Code two hundred seventy days before proposed operation of the facility and concurrently shall make application for a license with the board of health of the health district in which the facility is or is proposed to be located. Not later than ninety days after receiving a complete application under division (B)(2)(b) of this section for a permit to open a new infectious waste treatment facility or modify an existing infectious waste treatment facility to expand its treatment capacity, or receiving a complete application under division (A)(2)(a) of this section for a permit to open a new solid waste incineration facility, or modify an existing solid waste incineration facility to also treat infectious wastes or to increase its infectious waste treatment capacity, that pertains to a facility for which a notation authorizing infectious waste treatment is included or proposed to be included in the solid waste incineration facility's license pursuant to division (B)(3) of this section, the director shall hold a public hearing on the application within the county in which the new or modified infectious waste or solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public hearing on the application, the director shall publish notice of the hearing in each newspaper that has general circulation and that is published in the county in which the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general

description of the proposed new or modified facility. At the 10392
public hearing, any person may submit written or oral comments on 10393
or objections to the approval or disapproval of the application. 10394
The applicant, or a representative of the applicant who has 10395
knowledge of the location, construction, and operation of the 10396
facility, shall attend the public hearing to respond to comments 10397
or questions concerning the facility directed to the applicant or 10398
representative by the officer or employee of the environmental 10399
protection agency presiding at the hearing. 10400

(c) Each application for a permit under division (B)(2)(b) of 10401
this section shall be accompanied by a nonrefundable application 10402
fee of four hundred dollars that shall be credited to the general 10403
revenue fund. Each application for an annual license under 10404
division (B)(2)(a) of this section shall be accompanied by a 10405
nonrefundable application fee of one hundred dollars. If the 10406
application for an annual license is submitted to a board of 10407
health on the approved list under section 3734.08 of the Revised 10408
Code, the application fee shall be credited to the special 10409
infectious waste fund of the health district created in division 10410
(C) of section 3734.06 of the Revised Code. If the application for 10411
an annual license is submitted to the director, the application 10412
fee shall be credited to the general revenue fund. If a permit or 10413
license is issued, the amount of the application fee paid shall be 10414
deducted from the amount of the permit fee due under division (Q) 10415
of section 3745.11 of the Revised Code or the amount of the 10416
license fee due under division (C) of section 3734.06 of the 10417
Revised Code. 10418

(d) The director may issue an order in accordance with 10419
Chapter 3745. of the Revised Code to the owner or operator of an 10420
infectious waste treatment facility requiring the person to submit 10421
to the director updated engineering detail plans, specifications, 10422
and information regarding the facility and its method of operation 10423

for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(e) The director shall act on any updated engineering plans, specifications, and information submitted under division (B)(2)(d) of this section within one hundred eighty days after receiving them. If the director disapproves any such updated engineering plans, specifications, and information, the director shall include in the order disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to a generator of infectious wastes that meets any of the following conditions:

(a) Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following wastes:

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(ii) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(iii) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes.

The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B)(2)(b) of section 3734.021 of the Revised Code.

(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative

authority of each municipal corporation, township, and county in 10486
which the facility is proposed to be located of the submission of 10487
the application within ten days after the submission or at such 10488
earlier time as the director may establish by rule. If the 10489
application is for a proposed new hazardous waste disposal or 10490
thermal treatment facility, the applicant also shall give actual 10491
notice of the general design and purpose of the facility to the 10492
legislative authority of each municipal corporation, township, and 10493
county in which the facility is proposed to be located at least 10494
ninety days before the permit application is submitted to the 10495
environmental protection agency. 10496

In accordance with rules adopted under section 3734.12 of the 10497
Revised Code, prior to the submission of a complete application 10498
for a hazardous waste facility installation and operation permit, 10499
the applicant shall hold at least one meeting in the township or 10500
municipal corporation in which the facility is proposed to be 10501
located, whichever is geographically closer to the proposed 10502
location of the facility. The meeting shall be open to the public 10503
and shall be held to inform the community of the proposed 10504
hazardous waste management activities and to solicit questions 10505
from the community concerning the activities. 10506

(D)(1) Except as provided in section 3734.123 of the Revised 10507
Code, upon receipt of a complete application for a hazardous waste 10508
facility installation and operation permit under division (C) of 10509
this section, the director shall consider the application and 10510
accompanying information to determine whether the application 10511
complies with agency rules and the requirements of division (D)(2) 10512
of this section. After making a determination, the director shall 10513
issue either a draft permit or a notice of intent to deny the 10514
permit. The director, in accordance with rules adopted under 10515
section 3734.12 of the Revised Code or with rules adopted to 10516
implement Chapter 3745. of the Revised Code, shall provide public 10517

notice of the application and the draft permit or the notice of 10518
intent to deny the permit, provide an opportunity for public 10519
comments, and, if significant interest is shown, schedule a public 10520
meeting in the county in which the facility is proposed to be 10521
located and give public notice of the date, time, and location of 10522
the public meeting in a newspaper of general circulation in that 10523
county. 10524

(2) The director shall not approve an application for a 10525
hazardous waste facility installation and operation permit or an 10526
application for a modification under division (I)(3) of this 10527
section unless the director finds and determines as follows: 10528

(a) The nature and volume of the waste to be treated, stored, 10529
or disposed of at the facility; 10530

(b) That the facility complies with the director's hazardous 10531
waste standards adopted pursuant to section 3734.12 of the Revised 10532
Code; 10533

(c) That the facility represents the minimum adverse 10534
environmental impact, considering the state of available 10535
technology and the nature and economics of various alternatives, 10536
and other pertinent considerations; 10537

(d) That the facility represents the minimum risk of all of 10538
the following: 10539

(i) Fires or explosions from treatment, storage, or disposal 10540
methods; 10541

(ii) Release of hazardous waste during transportation of 10542
hazardous waste to or from the facility; 10543

(iii) Adverse impact on the public health and safety. 10544

(e) That the facility will comply with this chapter and 10545
Chapters 3704. and 6111. of the Revised Code and all rules and 10546
standards adopted under them; 10547

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, 10580
jail, or prison; 10581

(ii) Any naturally occurring wetland; 10582

(iii) Any flood hazard area if the applicant cannot show that 10583
the facility will be designed, constructed, operated, and 10584
maintained to prevent washout by a one-hundred-year flood. 10585

Division (D)(2)(g) of this section does not apply to the 10586
facility of any applicant who demonstrates to the director that 10587
the limitations specified in that division are not necessary 10588
because of the nature or volume of the waste and the manner of 10589
management applied, the facility will impose no substantial danger 10590
to the health and safety of persons occupying the structures 10591
listed in division (D)(2)(g)(i) of this section, and the facility 10592
is to be located or operated in an area where the proposed 10593
hazardous waste activities will not be incompatible with existing 10594
land uses in the area. 10595

(h) That the facility will not be located within the 10596
boundaries of a state park established or dedicated under Chapter 10597
~~1541.~~ 1546. of the Revised Code, a state park purchase area 10598
established under section ~~1541.02~~ 1546.06 of the Revised Code, any 10599
unit of the national park system, or any property that lies within 10600
the boundaries of a national park or recreation area, but that has 10601
not been acquired or is not administered by the secretary of the 10602
United States department of the interior, located in this state, 10603
or any candidate area located in this state identified for 10604
potential inclusion in the national park system in the edition of 10605
the "national park system plan" submitted under paragraph (b) of 10606
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 10607
U.S.C.A. 1a-5, as amended, current at the time of filing of the 10608
application for the permit, unless the facility will be used 10609
exclusively for the storage of hazardous waste generated within 10610
the park or recreation area in conjunction with the operation of 10611

the park or recreation area. Division (D)(2)(h) of this section 10612
does not apply to the facility of any applicant for modification 10613
of a permit unless the modification application proposes to 10614
increase the land area included in the facility or to increase the 10615
quantity of hazardous waste that will be treated, stored, or 10616
disposed of at the facility. 10617

(3) Not later than one hundred eighty days after the end of 10618
the public comment period, the director, without prior hearing, 10619
shall issue or deny the permit in accordance with Chapter 3745. of 10620
the Revised Code. If the director approves an application for a 10621
hazardous waste facility installation and operation permit, the 10622
director shall issue the permit, upon such terms and conditions as 10623
the director finds are necessary to ensure the construction and 10624
operation of the hazardous waste facility in accordance with the 10625
standards of this section. 10626

(E) No political subdivision of this state shall require any 10627
additional zoning or other approval, consent, permit, certificate, 10628
or condition for the construction or operation of a hazardous 10629
waste facility authorized by a hazardous waste facility 10630
installation and operation permit issued pursuant to this chapter, 10631
nor shall any political subdivision adopt or enforce any law, 10632
ordinance, or rule that in any way alters, impairs, or limits the 10633
authority granted in the permit. 10634

(F) The director may issue a single hazardous waste facility 10635
installation and operation permit to a person who operates two or 10636
more adjoining facilities where hazardous waste is stored, 10637
treated, or disposed of if the application includes detail plans, 10638
specifications, and information on all facilities. For the 10639
purposes of this section, "adjoining" means sharing a common 10640
boundary, separated only by a public road, or in such proximity 10641
that the director determines that the issuance of a single permit 10642
will not create a hazard to the public health or safety or the 10643

environment. 10644

(G) No person shall falsify or fail to keep or submit any 10645
plans, specifications, data, reports, records, manifests, or other 10646
information required to be kept or submitted to the director by 10647
this chapter or the rules adopted under it. 10648

(H)(1) Each person who holds an installation and operation 10649
permit issued under this section and who wishes to obtain a permit 10650
renewal shall submit a completed application for an installation 10651
and operation permit renewal and any necessary accompanying 10652
general plans, detail plans, specifications, and such information 10653
as the director may require to the director no later than one 10654
hundred eighty days prior to the expiration date of the existing 10655
permit or upon a later date prior to the expiration of the 10656
existing permit if the permittee can demonstrate good cause for 10657
the late submittal. The director shall consider the application 10658
and accompanying information, inspection reports of the facility, 10659
results of performance tests, a report regarding the facility's 10660
compliance or noncompliance with the terms and conditions of its 10661
permit and rules adopted by the director under this chapter, and 10662
such other information as is relevant to the operation of the 10663
facility and shall issue a draft renewal permit or a notice of 10664
intent to deny the renewal permit. The director, in accordance 10665
with rules adopted under this section or with rules adopted to 10666
implement Chapter 3745. of the Revised Code, shall give public 10667
notice of the application and draft renewal permit or notice of 10668
intent to deny the renewal permit, provide for the opportunity for 10669
public comments within a specified time period, schedule a public 10670
meeting in the county in which the facility is located if 10671
significant interest is shown, and give public notice of the 10672
public meeting. 10673

(2) Within sixty days after the public meeting or close of 10674
the public comment period, the director, without prior hearing, 10675

shall issue or deny the renewal permit in accordance with Chapter 10676
3745. of the Revised Code. The director shall not issue a renewal 10677
permit unless the director determines that the facility under the 10678
existing permit has a history of compliance with this chapter, 10679
rules adopted under it, the existing permit, or orders entered to 10680
enforce such requirements that demonstrates sufficient 10681
reliability, expertise, and competency to operate the facility 10682
henceforth under this chapter, rules adopted under it, and the 10683
renewal permit. If the director approves an application for a 10684
renewal permit, the director shall issue the permit subject to the 10685
payment of the annual permit fee required under division (E) of 10686
section 3734.02 of the Revised Code and upon such terms and 10687
conditions as the director finds are reasonable to ensure that 10688
continued operation, maintenance, closure, and post-closure care 10689
of the hazardous waste facility are in accordance with the rules 10690
adopted under section 3734.12 of the Revised Code. 10691

(3) An installation and operation permit renewal application 10692
submitted to the director that also contains or would constitute 10693
an application for a modification shall be acted upon by the 10694
director in accordance with division (I) of this section in the 10695
same manner as an application for a modification. In approving or 10696
disapproving the renewal portion of a permit renewal application 10697
containing an application for a modification, the director shall 10698
apply the criteria established under division (H)(2) of this 10699
section. 10700

(4) An application for renewal or modification of a permit 10701
that does not contain an application for a modification as 10702
described in divisions (I)(3)(a) to (d) of this section shall not 10703
be subject to division (D)(2) of this section. 10704

(I)(1) As used in this section, "modification" means a change 10705
or alteration to a hazardous waste facility or its operations that 10706
is inconsistent with or not authorized by its existing permit or 10707

authorization to operate. Modifications shall be classified as 10708
Class 1, 2, or 3 modifications in accordance with rules adopted 10709
under division (K) of this section. Modifications classified as 10710
Class 3 modifications, in accordance with rules adopted under that 10711
division, shall be further classified by the director as either 10712
Class 3 modifications that are to be approved or disapproved by 10713
the director under divisions (I)(3)(a) to (d) of this section or 10714
as Class 3 modifications that are to be approved or disapproved by 10715
the director under division (I)(5) of this section. Not later than 10716
thirty days after receiving a request for a modification under 10717
division (I)(4) of this section that is not listed in Appendix I 10718
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 10719
section, the director shall classify the modification and shall 10720
notify the owner or operator of the facility requesting the 10721
modification of the classification. Notwithstanding any other law 10722
to the contrary, a modification that involves the transfer of a 10723
hazardous waste facility installation and operation permit to a 10724
new owner or operator for any off-site facility as defined in 10725
section 3734.41 of the Revised Code shall be classified as a Class 10726
3 modification. The transfer of a hazardous waste facility 10727
installation and operation permit to a new owner or operator for a 10728
facility that is not an off-site facility shall be classified as a 10729
Class 1 modification requiring prior approval of the director. 10730

(2) Except as provided in section 3734.123 of the Revised 10731
Code, a hazardous waste facility installation and operation permit 10732
may be modified at the request of the director or upon the written 10733
request of the permittee only if any of the following applies: 10734

(a) The permittee desires to accomplish alterations, 10735
additions, or deletions to the permitted facility or to undertake 10736
alterations, additions, deletions, or activities that are 10737
inconsistent with or not authorized by the existing permit; 10738

(b) New information or data justify permit conditions in 10739

addition to or different from those in the existing permit; 10740

(c) The standards, criteria, or rules upon which the existing 10741
permit is based have been changed by new, amended, or rescinded 10742
standards, criteria, or rules, or by judicial decision after the 10743
existing permit was issued, and the change justifies permit 10744
conditions in addition to or different from those in the existing 10745
permit; 10746

(d) The permittee proposes to transfer the permit to another 10747
person. 10748

(3) The director shall approve or disapprove an application 10749
for a modification in accordance with division (D)(2) of this 10750
section and rules adopted under division (K) of this section for 10751
all of the following categories of Class 3 modifications: 10752

(a) Authority to conduct treatment, storage, or disposal at a 10753
site, location, or tract of land that has not been authorized for 10754
the proposed category of treatment, storage, or disposal activity 10755
by the facility's permit; 10756

(b) Modification or addition of a hazardous waste management 10757
unit, as defined in rules adopted under section 3734.12 of the 10758
Revised Code, that results in an increase in a facility's storage 10759
capacity of more than twenty-five per cent over the capacity 10760
authorized by the facility's permit, an increase in a facility's 10761
treatment rate of more than twenty-five per cent over the rate so 10762
authorized, or an increase in a facility's disposal capacity over 10763
the capacity so authorized. The authorized disposal capacity for a 10764
facility shall be calculated from the approved design plans for 10765
the disposal units at that facility. In no case during a five-year 10766
period shall a facility's storage capacity or treatment rate be 10767
modified to increase by more than twenty-five per cent in the 10768
aggregate without the director's approval in accordance with 10769
division (D)(2) of this section. Notwithstanding any provision of 10770

division (I) of this section to the contrary, a request for 10771
modification of a facility's annual total waste receipt limit 10772
shall be classified and approved or disapproved by the director 10773
under division (I)(5) of this section. 10774

(c) Authority to add any of the following categories of 10775
regulated activities not previously authorized at a facility by 10776
the facility's permit: storage at a facility not previously 10777
authorized to store hazardous waste, treatment at a facility not 10778
previously authorized to treat hazardous waste, or disposal at a 10779
facility not previously authorized to dispose of hazardous waste; 10780
or authority to add a category of hazardous waste management unit 10781
not previously authorized at the facility by the facility's 10782
permit. Notwithstanding any provision of division (I) of this 10783
section to the contrary, a request for authority to add or to 10784
modify an activity or a hazardous waste management unit for the 10785
purposes of performing a corrective action shall be classified and 10786
approved or disapproved by the director under division (I)(5) of 10787
this section. 10788

(d) Authority to treat, store, or dispose of waste types 10789
listed or characterized as reactive or explosive, in rules adopted 10790
under section 3734.12 of the Revised Code, or any acute hazardous 10791
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 10792
previously authorized to treat, store, or dispose of those types 10793
of wastes by the facility's permit unless the requested authority 10794
is limited to wastes that no longer exhibit characteristics 10795
meeting the criteria for listing or characterization as reactive 10796
or explosive wastes, or for listing as acute hazardous waste, but 10797
still are required to carry those waste codes as established in 10798
rules adopted under section 3734.12 of the Revised Code because of 10799
the requirements established in 40 C.F.R. 261(a) and (e), as 10800
amended, that is, the "mixture," "derived-from," or "contained-in" 10801
regulations. 10802

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section:

(a) "Owner" means the person who owns a majority or controlling interest in a facility.

(b) "Operator" means the person who is responsible for the overall operation of a facility.

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within sixty days after receiving the request for modification. The director shall approve or disapprove an application for a Class 2 modification within three hundred days after receiving the request for modification. The director shall approve or disapprove an application for a Class 3 modification within three hundred

sixty-five days after receiving the request for modification. 10834

(6) The approval or disapproval by the director of a Class 1 10835
modification application is not a final action that is appealable 10836
under Chapter 3745. of the Revised Code. The approval or 10837
disapproval by the director of a Class 2 modification or a Class 3 10838
modification is a final action that is appealable under that 10839
chapter. In approving or disapproving a request for a 10840
modification, the director shall consider all comments pertaining 10841
to the request that are received during the public comment period 10842
and the public meetings. The administrative record for appeal of a 10843
final action by the director in approving or disapproving a 10844
request for a modification shall include all comments received 10845
during the public comment period relating to the request for 10846
modification, written materials submitted at the public meetings 10847
relating to the request, and any other documents related to the 10848
director's action. 10849

(7) Notwithstanding any other provision of law to the 10850
contrary, a change or alteration to a hazardous waste facility 10851
described in division (E)(3)(a) or (b) of section 3734.02 of the 10852
Revised Code, or its operations, is a modification for the 10853
purposes of this section. An application for a modification at 10854
such a facility shall be submitted, classified, and approved or 10855
disapproved in accordance with divisions (I)(1) to (6) of this 10856
section in the same manner as a modification to a hazardous waste 10857
facility installation and operation permit. 10858

(J)(1) Except as provided in division (J)(2) of this section, 10859
an owner or operator of a hazardous waste facility that is 10860
operating in accordance with a permit by rule under rules adopted 10861
by the director under division (E)(3)(b) of section 3734.02 of the 10862
Revised Code shall submit either a hazardous waste facility 10863
installation and operation permit application for the facility or 10864
a modification application, whichever is required under division 10865

(J)(1)(a) or (b) of this section, within one hundred eighty days 10866
after the director has requested the application or upon a later 10867
date if the owner or operator demonstrates to the director good 10868
cause for the late submittal. 10869

(a) If the owner or operator does not have a hazardous waste 10870
facility installation and operation permit for any hazardous waste 10871
treatment, storage, or disposal activities at the facility, the 10872
owner or operator shall submit an application for such a permit to 10873
the director for the activities authorized by the permit by rule. 10874
Notwithstanding any other provision of law to the contrary, the 10875
director shall approve or disapprove the application for the 10876
permit in accordance with the procedures governing the approval or 10877
disapproval of permit renewals under division (H) of this section. 10878

(b) If the owner or operator has a hazardous waste facility 10879
installation and operation permit for hazardous waste treatment, 10880
storage, or disposal activities at the facility other than those 10881
authorized by the permit by rule, the owner or operator shall 10882
submit to the director a request for modification in accordance 10883
with division (I) of this section. Notwithstanding any other 10884
provision of law to the contrary, the director shall approve or 10885
disapprove the modification application in accordance with 10886
division (I)(5) of this section. 10887

(2) The owner or operator of a boiler or industrial furnace 10888
that is conducting thermal treatment activities in accordance with 10889
a permit by rule under rules adopted by the director under 10890
division (E)(3)(b) of section 3734.02 of the Revised Code shall 10891
submit a hazardous waste facility installation and operation 10892
permit application if the owner or operator does not have such a 10893
permit for any hazardous waste treatment, storage, or disposal 10894
activities at the facility or, if the owner or operator has such a 10895
permit for hazardous waste treatment, storage, or disposal 10896
activities at the facility other than thermal treatment activities 10897

authorized by the permit by rule, a modification application to 10898
add those activities authorized by the permit by rule, whichever 10899
is applicable, within one hundred eighty days after the director 10900
has requested the submission of the application or upon a later 10901
date if the owner or operator demonstrates to the director good 10902
cause for the late submittal. The application shall be accompanied 10903
by information necessary to support the request. The director 10904
shall approve or disapprove an application for a hazardous waste 10905
facility installation and operation permit in accordance with 10906
division (D) of this section and approve or disapprove an 10907
application for a modification in accordance with division (I)(3) 10908
of this section, except that the director shall not disapprove an 10909
application for the thermal treatment activities on the basis of 10910
the criteria set forth in division (D)(2)(g) or (h) of this 10911
section. 10912

(3) As used in division (J) of this section: 10913

(a) "Modification application" means a request for a 10914
modification submitted in accordance with division (I) of this 10915
section. 10916

(b) "Thermal treatment," "boiler," and "industrial furnace" 10917
have the same meanings as in rules adopted under section 3734.12 10918
of the Revised Code. 10919

(K) The director shall adopt, and may amend, suspend, or 10920
rescind, rules in accordance with Chapter 119. of the Revised Code 10921
in order to implement divisions (H) and (I) of this section. 10922
Except when in actual conflict with this section, rules governing 10923
the classification of and procedures for the modification of 10924
hazardous waste facility installation and operation permits shall 10925
be substantively and procedurally identical to the regulations 10926
governing hazardous waste facility permitting and permit 10927
modifications adopted under the "Resource Conservation and 10928
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 10929

amended. 10930

Sec. 3734.11. (A) No person shall violate any section of this 10931
chapter, any rule adopted under it, or any order issued under 10932
section 3734.13 of the Revised Code. 10933

(B) No person who holds a permit or license issued under this 10934
chapter shall violate any of the terms and conditions of the 10935
permit or license. 10936

(C) No person shall operate a solid waste facility or portion 10937
of such a facility within the boundaries of a state park 10938
established or dedicated under Chapter ~~1541.~~ 1546. of the Revised 10939
Code, a state park purchase area established under section ~~1541.02~~ 10940
1546.06 of the Revised Code, any unit of the national park system, 10941
or any property that lies within the boundaries of a national park 10942
or recreation area, but that has not been acquired or is not 10943
administered by the secretary of the United States department of 10944
the interior, located in this state, or any candidate area located 10945
in this state and identified for potential inclusion in the 10946
national park system in the edition of the "national park system 10947
plan" submitted under paragraph (b) of section 8 of "The Act of 10948
August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, 10949
current at the time of filing of the application for the permit, 10950
unless either of the following applies: 10951

(1) The facility was operating on December 21, 1988, under an 10952
operating license issued under section 3734.05 of the Revised 10953
Code; 10954

(2) The facility is used only for disposal of solid wastes 10955
generated within the park or recreation area in accordance with a 10956
permit or license issued under section 3734.05 of the Revised 10957
Code. 10958

(D) No person shall make any false material statement or 10959

representation in any affidavit, disclosure form, or other 10960
document required to be submitted to the attorney general by this 10961
chapter or any rule adopted under it. 10962

Sec. 3767.32. (A) No person, regardless of intent, shall 10963
deposit litter or cause litter to be deposited on any public 10964
property, on private property not owned by the person, or in or on 10965
waters of the state unless one of the following applies: 10966

(1) The person is directed to do so by a public official as 10967
part of a litter collection drive; 10968

(2) Except as provided in division (B) of this section, the 10969
person deposits the litter in a litter receptacle in a manner that 10970
prevents its being carried away by the elements; 10971

(3) The person is issued a permit or license covering the 10972
litter pursuant to Chapter 3734. or 6111. of the Revised Code. 10973

(B) No person, without privilege to do so, shall knowingly 10974
deposit litter, or cause it to be deposited, in a litter 10975
receptacle located on any public property or on any private 10976
property not owned by the person unless one of the following 10977
applies: 10978

(1) The litter was generated or located on the property on 10979
which the litter receptacle is located; 10980

(2) The person is directed to do so by a public official as 10981
part of a litter collection drive; 10982

(3) The person is directed to do so by a person whom the 10983
person reasonably believes to have the privilege to use the litter 10984
receptacle; 10985

(4) The litter consists of any of the following: 10986

(a) The contents of a litter bag or container of a type and 10987
size customarily carried and used in a motor vehicle; 10988

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;	10989 10990
(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;	10991 10992 10993 10994
(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.	10995 10996 10997 10998
(C)(1) As used in division (B)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee, but does not include any private property to which the public otherwise does not have a right of access.	10999 11000 11001 11002 11003
(2) As used in division (B)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.	11004 11005 11006 11007
(D) As used in this section:	11008
(1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.	11009 11010 11011 11012
(2) "Deposit" means to throw, drop, discard, or place.	11013
(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.	11014 11015 11016
(E) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police	11017 11018

constable or officer of a township, or township or joint police 11019
district, wildlife officer designated under section 1531.13 of the 11020
Revised Code, ~~park officer, forest officer, preserve natural~~ 11021
resources officer appointed under section 1501.24 of the Revised 11022
Code, forest-fire investigator appointed under section 1503.09 of 11023
the Revised Code, conservancy district police officer, inspector 11024
of nuisances of a county, or any other law enforcement officer 11025
within the law enforcement officer's jurisdiction. 11026

Sec. 3937.42. (A) The chief or head law enforcement officer 11027
of any federal, state, or local law enforcement agency or a 11028
prosecuting attorney of any county may request any insurance 11029
company, or agent authorized by the company to act on its behalf, 11030
that has investigated or is investigating a claim involving motor 11031
vehicle insurance or vessel insurance to release any information 11032
in its possession relevant to the claim. The company or agent 11033
shall release the information that is requested in writing by the 11034
law enforcement officer. 11035

(B) If an insurance company, or agent authorized by the 11036
company to act on its behalf, has reason to suspect that a loss 11037
involving a motor vehicle or vessel that is insured by the company 11038
is part of a fraudulent scheme to obtain control of insurance 11039
proceeds, the company or agent shall notify a law enforcement 11040
officer or a prosecuting attorney of any county having 11041
jurisdiction over the alleged fraud. 11042

(C) An insurance company, or agent authorized by the company 11043
to act on its behalf, shall release any information requested in 11044
writing pursuant to division (A) of this section and cooperate 11045
with the officer or a prosecuting attorney of any county 11046
authorized to request the information. The company or agent shall 11047
take such action as may be reasonably requested of it by the 11048
officer or a prosecuting attorney of any county and shall permit 11049

any other person ordered by a court to inspect any information 11050
that is specifically requested by the court. 11051

The information that may be requested pursuant to this 11052
section may include, but is not limited to, the following: 11053

(1) Any insurance policy relevant to the claim under 11054
investigation and any application for such a policy; 11055

(2) Policy premium payment records; 11056

(3) History of previous claims involving a motor vehicle or 11057
vessel made by the insured; 11058

(4) Material relating to the investigation of the claim, 11059
including statements of any person, proof of loss, and any other 11060
relevant evidence. 11061

(D) If the law enforcement officer or a prosecuting attorney 11062
of any county mentioned in division (A) of this section has 11063
received information pursuant to this section from an insurance 11064
company, or agent authorized by the company to act on its behalf, 11065
the officer or a prosecuting attorney of any county may release 11066
to, and share with, the insurance company or agent any information 11067
in the officer's or prosecuting attorney's possession relative to 11068
the claim, upon the written request of the insurance company or 11069
agent. 11070

(E) In the absence of fraud, recklessness, or malice, no 11071
insurance company, or agent authorized by the company to act on 11072
its behalf, is liable for damages in any civil action, including 11073
any action brought pursuant to section 1347.10 of the Revised Code 11074
for any oral or written statement made or any other action taken 11075
that is necessary to supply information required pursuant to this 11076
section. 11077

(F) Except as otherwise provided in division (D) of this 11078
section, any officer or a prosecuting attorney of any county 11079

receiving any information furnished pursuant to this section shall 11080
hold the information in confidence and shall not disclose it to 11081
anyone except other law enforcement officers or agencies until its 11082
release is required pursuant to a criminal or civil proceeding. 11083

(G) Any officer or a prosecuting attorney of any county 11084
referred to in division (A) of this section may testify as to any 11085
information in the officer's or prosecuting attorney's possession 11086
regarding the claim referred to in that division in any civil 11087
action in which any person seeks recovery under a policy against 11088
an insurance company. 11089

(H) As used in this section: 11090

(1) "Motor vehicle" has the same meaning as in section 11091
4501.01 of the Revised Code. 11092

(2) "Vessel" has the same meaning as in section ~~1547.01~~ 11093
1546.01 of the Revised Code. 11094

(I)(1) No person shall purposely refuse to release any 11095
information requested pursuant to this section by an officer or a 11096
prosecuting attorney of any county authorized by division (A) of 11097
this section to request the information. 11098

(2) No person shall purposely refuse to notify an appropriate 11099
law enforcement officer or a prosecuting attorney of any county of 11100
a loss required to be reported pursuant to division (B) of this 11101
section. 11102

(3) No person shall purposely fail to hold in confidence 11103
information required to be held in confidence by division (F) of 11104
this section. 11105

Sec. 4167.01. As used in this chapter: 11106

(A) "Public employer" means any of the following: 11107

(1) The state and its instrumentalities; 11108

(2) Any political subdivisions and their instrumentalities, 11109
including any county, county hospital, municipal corporation, 11110
city, village, township, park district, school district, state 11111
institution of higher learning, public or special district, state 11112
agency, authority, commission, or board; 11113

(3) Any other branch of public employment not mentioned in 11114
division (A)(1) or (2) of this section. 11115

(B) "Public employee" means any individual who engages to 11116
furnish services subject to the direction and control of a public 11117
employer, including those individuals working for a private 11118
employer who has contracted with a public employer and over whom 11119
the national labor relations board has declined jurisdiction. 11120
"Public employee" does not mean any of the following: 11121

(1) A firefighter, an emergency medical technician-basic, an 11122
emergency medical technician-intermediate, a paramedic, or a peace 11123
officer employed by a public employer as defined in division 11124
(A)(2) of this section, any member of the organized militia 11125
ordered to duty by state authority pursuant to Chapter 5923. of 11126
the Revised Code, or a firefighter, an emergency medical 11127
technician-basic, an emergency medical technician-intermediate, or 11128
a paramedic employed by a private employer that is organized as a 11129
nonprofit fire company or life squad that contracts with a public 11130
employer to provide fire protection or emergency medical services; 11131

(2) Any person employed as a correctional officer in a county 11132
or municipal corporation correctional institution, whether the 11133
county or municipal corporation solely or in conjunction with each 11134
other operates the institution; 11135

(3) Any person who engages to furnish services subject to the 11136
direction and control of a public employer but does not receive 11137
compensation, either directly or indirectly, for those services; 11138

(4) Any ~~forest officer, park officer, watercraft~~ forest-fire 11139

investigator, natural resources officer, wildlife officer, or 11140
preserve officer. 11141

(C) "Public employee representative" means an employee 11142
organization certified by the state employment relations board 11143
under section 4117.05 of the Revised Code as the exclusive 11144
representative of the public employees in a bargaining unit. 11145

(D) "Employment risk reduction standard" means a standard 11146
which requires conditions, or the adoption or use of one or more 11147
practices, means, methods, operations, or processes, reasonably 11148
necessary or appropriate to provide safe and healthful employment 11149
and places of employment. 11150

(E) "Ohio employment risk reduction standard" means any risk 11151
reduction standard adopted or issued under this chapter. 11152

(F) "Undue hardship" means any requirement imposed under this 11153
chapter or a rule or order issued thereunder that would require a 11154
public employer to take an action with significant difficulty or 11155
expense when considered in light of all of the following factors: 11156

(1) The nature and cost of the action required under this 11157
chapter; 11158

(2) The overall financial resources of the public employer 11159
involved in the action; 11160

(3) The number of persons employed by the public employer at 11161
the particular location where the action may be required; 11162

(4) The effect on expenses and resources or the impact 11163
otherwise of the action required upon the operations of the public 11164
employer at the location where the action may be required; 11165

(5) The overall size of the public employer with respect to 11166
the number of its public employees; 11167

(6) The number, type, and location of the public employer's 11168
operations, including the composition, structure, and functions of 11169

the workforce of the public entity; 11170

(7) The geographic separateness, administrative, or fiscal 11171
relationship of the public employer's operations to the whole 11172
public employer. 11173

Sec. 4303.182. (A) Except as otherwise provided in divisions 11174
(B) to (K) of this section, permit D-6 shall be issued to the 11175
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 11176
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 11177
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 11178
that permit as follows: 11179

(1) Between the hours of ten a.m. and midnight on Sunday if 11180
sale during those hours has been approved under question (C)(1), 11181
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 11182
under question (B)(2) of section 4301.355 of the Revised Code, or 11183
under section 4301.356 of the Revised Code and has been authorized 11184
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 11185
Revised Code, under the restrictions of that authorization; 11186

(2) Between the hours of eleven a.m. and midnight on Sunday, 11187
if sale during those hours has been approved on or after October 11188
16, 2009, under question (B)(1), (2), or (3) of section 4301.351 11189
or 4301.354 of the Revised Code, under question (B)(2) of section 11190
4301.355 of the Revised Code, or under section 4301.356 of the 11191
Revised Code and has been authorized under section 4301.361, 11192
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 11193
restrictions of that authorization; 11194

(3) Between the hours of eleven a.m. and midnight on Sunday 11195
if sale between the hours of one p.m. and midnight was approved 11196
before October 16, 2009, under question (B)(1), (2), or (3) of 11197
section 4301.351 or 4301.354 of the Revised Code, under question 11198
(B)(2) of section 4301.355 of the Revised Code, or under section 11199
4301.356 of the Revised Code and has been authorized under section 11200

4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, 11201
under the other restrictions of that authorization. 11202

(B) Permit D-6 shall be issued to the holder of any permit, 11203
including a D-4a and D-5d permit, authorizing the sale of 11204
intoxicating liquor issued for a premises located at any publicly 11205
owned airport, as defined in section 4563.01 of the Revised Code, 11206
at which commercial airline companies operate regularly scheduled 11207
flights on which space is available to the public, to allow sale 11208
under such permit between the hours of ten a.m. and midnight on 11209
Sunday, whether or not that sale has been authorized under section 11210
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 11211

(C) Permit D-6 shall be issued to the holder of a D-5a 11212
permit, and to the holder of a D-3 or D-3a permit who is the owner 11213
or operator of a hotel or motel that is required to be licensed 11214
under section 3731.03 of the Revised Code, that contains at least 11215
fifty rooms for registered transient guests, and that has on its 11216
premises a retail food establishment or a food service operation 11217
licensed pursuant to Chapter 3717. of the Revised Code that 11218
operates as a restaurant for purposes of this chapter and is 11219
affiliated with the hotel or motel and within or contiguous to the 11220
hotel or motel and serving food within the hotel or motel, to 11221
allow sale under such permit between the hours of ten a.m. and 11222
midnight on Sunday, whether or not that sale has been authorized 11223
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 11224
Revised Code. 11225

(D) The holder of a D-6 permit that is issued to a sports 11226
facility may make sales under the permit between the hours of 11227
eleven a.m. and midnight on any Sunday on which a professional 11228
baseball, basketball, football, hockey, or soccer game is being 11229
played at the sports facility. As used in this division, "sports 11230
facility" means a stadium or arena that has a seating capacity of 11231
at least four thousand and that is owned or leased by a 11232

professional baseball, basketball, football, hockey, or soccer 11233
franchise or any combination of those franchises. 11234

(E) Permit D-6 shall be issued to the holder of any permit 11235
that authorizes the sale of beer or intoxicating liquor and that 11236
is issued to a premises located in or at the Ohio history 11237
connection area or the state fairgrounds, as defined in division 11238
(B) of section 4301.40 of the Revised Code, to allow sale under 11239
that permit between the hours of ten a.m. and midnight on Sunday, 11240
whether or not that sale has been authorized under section 11241
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 11242

(F) Permit D-6 shall be issued to the holder of any permit 11243
that authorizes the sale of intoxicating liquor and that is issued 11244
to an outdoor performing arts center to allow sale under that 11245
permit between the hours of one p.m. and midnight on Sunday, 11246
whether or not that sale has been authorized under section 11247
4301.361 of the Revised Code. A D-6 permit issued under this 11248
division is subject to the results of an election, held after the 11249
D-6 permit is issued, on question (B)(4) as set forth in section 11250
4301.351 of the Revised Code. Following the end of the period 11251
during which an election may be held on question (B)(4) as set 11252
forth in that section, sales of intoxicating liquor may continue 11253
at an outdoor performing arts center under a D-6 permit issued 11254
under this division, unless an election on that question is held 11255
during the permitted period and a majority of the voters voting in 11256
the precinct on that question vote "no." 11257

As used in this division, "outdoor performing arts center" 11258
means an outdoor performing arts center that is located on not 11259
less than eight hundred acres of land and that is open for 11260
performances from the first day of April to the last day of 11261
October of each year. 11262

(G) Permit D-6 shall be issued to the holder of any permit 11263
that authorizes the sale of beer or intoxicating liquor and that 11264

is issued to a golf course owned by the state, a conservancy 11265
district, a park district created under Chapter 1545. of the 11266
Revised Code, or another political subdivision to allow sale under 11267
that permit between the hours of ten a.m. and midnight on Sunday, 11268
whether or not that sale has been authorized under section 11269
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 11270

(H) Permit D-6 shall be issued to the holder of a D-5g permit 11271
to allow sale under that permit between the hours of ten a.m. and 11272
midnight on Sunday, whether or not that sale has been authorized 11273
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 11274
Revised Code. 11275

(I) Permit D-6 shall be issued to the holder of any D permit 11276
for a premises that is licensed under Chapter 3717. of the Revised 11277
Code and that is located at a ski area to allow sale under the D-6 11278
permit between the hours of ten a.m. and midnight on Sunday, 11279
whether or not that sale has been authorized under section 11280
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 11281

As used in this division, "ski area" means a ski area as 11282
defined in section 4169.01 of the Revised Code, provided that the 11283
passenger tramway operator at that area is registered under 11284
section 4169.03 of the Revised Code. 11285

(J) Permit D-6 shall be issued to the holder of any permit 11286
that is described in division (A) of this section for a permit 11287
premises that is located in a community entertainment district, as 11288
defined in section 4301.80 of the Revised Code, that was approved 11289
by the legislative authority of a municipal corporation under that 11290
section between October 1 and October 15, 2005, to allow sale 11291
under the permit between the hours of ten a.m. and midnight on 11292
Sunday, whether or not that sale has been authorized under section 11293
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 11294

(K) A D-6 permit shall be issued to the holder of any D 11295

permit for a premises that is licensed under Chapter 3717. of the 11296
Revised Code and that is located in a state park to allow sales 11297
under the D-6 permit between the hours of ten a.m. and midnight on 11298
Sunday, whether or not those sales have been authorized under 11299
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 11300
Code. 11301

As used in this division, "state park" means a state park 11302
that is established or dedicated under Chapter ~~1541.~~ 1546. of the 11303
Revised Code and that has a working farm on its property. 11304

(L) If the restriction to licensed premises where the sale of 11305
food and other goods and services exceeds fifty per cent of the 11306
total gross receipts of the permit holder at the premises is 11307
applicable, the division of liquor control may accept an affidavit 11308
from the permit holder to show the proportion of the permit 11309
holder's gross receipts derived from the sale of food and other 11310
goods and services. If the liquor control commission determines 11311
that affidavit to have been false, it shall revoke the permits of 11312
the permit holder at the premises concerned. 11313

(M) The fee for the D-6 permit is five hundred dollars when 11314
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 11315
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 11316
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 11317
for the D-6 permit is four hundred dollars when it is issued to 11318
the holder of a C-2 permit. 11319

Sec. 4501.24. There is hereby created in the state treasury 11320
the scenic rivers protection fund. The fund shall consist of the 11321
contributions not to exceed forty dollars that are paid to the 11322
registrar of motor vehicles by applicants who voluntarily choose 11323
to obtain scenic rivers license plates pursuant to section 4503.56 11324
of the Revised Code. 11325

The contributions deposited in the fund shall be used by the 11326

department of natural resources to help finance wild, scenic, and 11327
recreational river areas conservation, education, corridor 11328
protection, restoration, and habitat enhancement and clean-up 11329
projects along rivers in those areas. The chief of the division of 11330
parks and watercraft in the department may expend money in the 11331
fund for the acquisition of wild, scenic, and recreational river 11332
areas, for the maintenance, protection, and administration of such 11333
areas, and for construction of facilities within those areas. All 11334
investment earnings of the fund shall be credited to the fund. 11335

As used in this section, "wild river areas," "scenic river 11336
areas," and "recreational river areas" have the same meanings as 11337
in section ~~1547.01~~ 1546.01 of the Revised Code. 11338

Sec. 4503.575. (A) The owner or lessee of any passenger car, 11339
noncommercial motor vehicle, recreational vehicle, noncommercial 11340
trailer used exclusively to transport a boat between a place of 11341
storage and a marina or around a marina, or other vehicle of a 11342
class approved by the registrar of motor vehicles may apply to the 11343
registrar for the registration of the vehicle and issuance of Ohio 11344
state parks license plates. The application for Ohio state parks 11345
license plates may be combined with a request for a special 11346
reserved license plate under section 4503.40 or 4503.42 of the 11347
Revised Code. Upon receipt of the completed application and 11348
compliance with division (B) of this section, the registrar shall 11349
issue to the applicant the appropriate vehicle registration, Ohio 11350
state parks license plates, and a validation sticker, or a 11351
validation sticker alone when required by section 4503.191 of the 11352
Revised Code. 11353

In addition to the letters and numbers ordinarily inscribed 11354
on the license plates, Ohio state parks license plates shall be 11355
inscribed with identifying words or markings designed by the 11356
division of parks and ~~recreation~~ watercraft of the department of 11357

natural resources and approved by the registrar. Ohio state parks 11358
license plates shall bear county identification stickers that 11359
identify the county of registration by name or number. 11360

(B) Ohio state parks license plates and a validation sticker 11361
or, when applicable, a validation sticker alone shall be issued 11362
upon receipt of an application for registration of a motor vehicle 11363
submitted under this section and a contribution as provided in 11364
division (C) of this section, payment of the regular license tax 11365
as prescribed under section 4503.04 of the Revised Code, any 11366
applicable motor vehicle tax levied under Chapter 4504. of the 11367
Revised Code, any applicable additional fee prescribed by section 11368
4503.40 or 4503.42 of the Revised Code, and an additional fee of 11369
ten dollars, and compliance with all other applicable laws 11370
relating to the registration of motor vehicles. 11371

(C) For each application for registration and registration 11372
renewal that the registrar receives under this section, the 11373
registrar shall collect a contribution in an amount not to exceed 11374
forty dollars as determined by the chief of the division of parks 11375
and ~~recreation~~ watercraft. The registrar shall transmit this 11376
contribution to the treasurer of state for deposit in the state 11377
park fund created in section ~~1541.22~~ 1546.21 of the Revised Code. 11378

The additional fee of ten dollars described in division (B) 11379
of this section shall be for the purpose of compensating the 11380
bureau of motor vehicles for additional services required in 11381
issuing license plates under this section. The registrar shall 11382
transmit that fee to the treasurer of state for deposit into the 11383
state treasury to the credit of the bureau of motor vehicles fund 11384
created by section 4501.25 of the Revised Code. 11385

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 11386
shall charge and retain fees as follows: 11387

(a) Five dollars for each certificate of title that is not 11388

applied for within thirty days after the later of the assignment 11389
or delivery of the motor vehicle described in it. The entire fee 11390
shall be retained by the clerk. 11391

(b) Fifteen dollars for each certificate of title or 11392
duplicate certificate of title including the issuance of a 11393
memorandum certificate of title, or authorization to print a 11394
non-negotiable evidence of ownership described in division (G) of 11395
section 4505.08 of the Revised Code, non-negotiable evidence of 11396
ownership printed by the clerk under division (H) of that section, 11397
and notation of any lien on a certificate of title that is applied 11398
for at the same time as the certificate of title. The clerk shall 11399
retain eleven dollars and fifty cents of that fee for each 11400
certificate of title when there is a notation of a lien or 11401
security interest on the certificate of title, twelve dollars and 11402
twenty-five cents when there is no lien or security interest noted 11403
on the certificate of title, and eleven dollars and fifty cents 11404
for each duplicate certificate of title. 11405

(c) Four dollars and fifty cents for each certificate of 11406
title with no security interest noted that is issued to a licensed 11407
motor vehicle dealer for resale purposes and, in addition, a 11408
separate fee of fifty cents. The clerk shall retain two dollars 11409
and twenty-five cents of that fee. 11410

(d) Five dollars for each memorandum certificate of title or 11411
non-negotiable evidence of ownership that is applied for 11412
separately. The clerk shall retain that entire fee. 11413

(2) The fees that are not retained by the clerk shall be paid 11414
to the registrar of motor vehicles by monthly returns, which shall 11415
be forwarded to the registrar not later than the fifth day of the 11416
month next succeeding that in which the certificate is issued or 11417
that in which the registrar is notified of a lien or cancellation 11418
of a lien. 11419

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the bureau of motor vehicles fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) Twenty-one cents shall be paid into the highway operating fund.

(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the

commissioner to conduct a continuing investigation of sales and 11452
use tax returns filed for motor vehicles in order to determine if 11453
sales and use tax liability has been satisfied. The commissioner 11454
shall refer cases of apparent violations of section 2921.13 of the 11455
Revised Code made in connection with the titling or sale of a 11456
motor vehicle and cases of any other apparent violations of the 11457
sales or use tax law to the appropriate county prosecutor whenever 11458
the commissioner considers it advisable. 11459

(3) Two dollars of the amount received by the registrar under 11460
divisions (A)(1)(a), (b), and (d) of this section and one dollar 11461
and fifty cents of the amount received by the registrar under 11462
division (A)(1)(c) of this section for each certificate of title 11463
shall be paid into the state treasury to the credit of the 11464
automated title processing fund, which is hereby created and which 11465
shall consist of moneys collected under division (B)(3) of this 11466
section and under sections 1548.10 and 4519.59 of the Revised 11467
Code. All investment earnings of the fund shall be credited to the 11468
fund. The moneys in the fund shall be used as follows: 11469

(a) Except for moneys collected under section 1548.10 of the 11470
Revised Code and as provided in division (B)(3)(c) of this 11471
section, moneys collected under division (B)(3) of this section 11472
shall be used to implement and maintain an automated title 11473
processing system for the issuance of motor vehicle, off-highway 11474
motorcycle, and all-purpose vehicle certificates of title in the 11475
offices of the clerks of the courts of common pleas. 11476

(b) Moneys collected under section 1548.10 of the Revised 11477
Code shall be used to issue marine certificates of title in the 11478
offices of the clerks of the courts of common pleas as provided in 11479
Chapter 1548. of the Revised Code. 11480

(c) Moneys collected under division (B)(3) of this section 11481
shall be used in accordance with section 4505.25 of the Revised 11482
Code to implement Sub. S.B. 59 of the 124th general assembly. 11483

(4) The registrar shall pay the fifty-cent separate fee 11484
collected from a licensed motor vehicle dealer under division 11485
(A)(1)(c) of this section into the title defect recision fund 11486
created by section 1345.52 of the Revised Code. 11487

(C)(1) The automated title processing board is hereby created 11488
consisting of the registrar or the registrar's representative, a 11489
person selected by the registrar, the president of the Ohio clerks 11490
of court association or the president's representative, and two 11491
clerks of courts of common pleas appointed by the governor. The 11492
director of budget and management or the director's designee, the 11493
chief of the division of parks and watercraft in the department of 11494
natural resources or the chief's designee, and the tax 11495
commissioner or the commissioner's designee shall be nonvoting 11496
members of the board. The purpose of the board is to facilitate 11497
the operation and maintenance of an automated title processing 11498
system and approve the procurement of automated title processing 11499
system equipment and ribbons, cartridges, or other devices 11500
necessary for the operation of that equipment. Voting members of 11501
the board, excluding the registrar or the registrar's 11502
representative, shall serve without compensation, but shall be 11503
reimbursed for travel and other necessary expenses incurred in the 11504
conduct of their official duties. The registrar or the registrar's 11505
representative shall receive neither compensation nor 11506
reimbursement as a board member. 11507

(2) The automated title processing board shall determine each 11508
of the following: 11509

(a) The automated title processing equipment and certificates 11510
of title requirements for each county; 11511

(b) The payment of expenses that may be incurred by the 11512
counties in implementing an automated title processing system; 11513

(c) The repayment to the counties for existing title 11514

processing equipment; 11515

(d) With the approval of the director of public safety, the 11516
award of grants from the automated title processing fund to the 11517
clerk of courts of any county who employs a person who assists 11518
with the design of, updates to, tests of, installation of, or any 11519
other activity related to, an automated title processing system. 11520
Any grant awarded under division (C)(2)(d) of this section shall 11521
be deposited into the appropriate county certificate of title 11522
administration fund created under section 325.33 of the Revised 11523
Code and shall not be used to supplant any other funds. 11524

(3) The registrar shall purchase, lease, or otherwise acquire 11525
any automated title processing equipment and certificates of title 11526
that the board determines are necessary from moneys in the 11527
automated title processing fund established by division (B)(3) of 11528
this section. 11529

(D) All counties shall conform to the requirements of the 11530
registrar regarding the operation of their automated title 11531
processing system for motor vehicle titles, certificates of title 11532
for off-highway motorcycles and all-purpose vehicles, and 11533
certificates of title for watercraft and outboard motors. 11534

Sec. 4517.03. (A) A place of business that is used for 11535
selling, displaying, offering for sale, or dealing in motor 11536
vehicles shall be considered as used exclusively for those 11537
purposes even though snowmobiles, farm machinery, outdoor power 11538
equipment, watercraft and related products, or products 11539
manufactured or distributed by a motor vehicle manufacturer with 11540
which the motor vehicle dealer has a franchise agreement are sold 11541
or displayed there, or if repair, accessory, gasoline and oil, 11542
storage, parts, service, or paint departments are maintained 11543
there, or such products or services are provided there, if the 11544
departments are operated or the products or services are provided 11545

for the business of selling, displaying, offering for sale, or 11546
dealing in motor vehicles. Places of business or departments in a 11547
place of business used to dismantle, salvage, or rebuild motor 11548
vehicles by means of using used parts, are not considered as being 11549
maintained for the purpose of assisting or furthering the selling, 11550
displaying, offering for sale, or dealing in motor vehicles. A 11551
place of business shall be considered as used exclusively for 11552
selling, displaying, offering for sale, or dealing in motor 11553
vehicles even though a business owned by a motor vehicle leasing 11554
dealer or a motor vehicle renting dealer is located at the place 11555
of business. 11556

(B)(1)(a) No new motor vehicle dealer shall sell, display, 11557
offer for sale, or deal in motor vehicles at any place except an 11558
established place of business that is used exclusively for the 11559
purpose of selling, displaying, offering for sale, or dealing in 11560
motor vehicles. The place of business shall have space, under 11561
roof, for the display of at least one new motor vehicle. The 11562
established place of business or, if the dealer operates a remote 11563
service facility, the dealer's remote service facility shall have 11564
facilities and space for the inspection, servicing, and repair of 11565
at least one motor vehicle. However a new motor vehicle dealer 11566
selling manufactured or mobile homes is exempt from the 11567
requirement that a place of business have space, under roof, for 11568
the display of at least one new motor vehicle and facilities and 11569
space for the inspection, servicing, and repair of at least one 11570
motor vehicle. 11571

(b) A new motor vehicle dealer does not violate division 11572
(B)(1) of this section if a customer of the new motor vehicle 11573
dealer executes purchase or lease documentation at a location 11574
other than the new motor vehicle dealer's established place of 11575
business. 11576

(c) A commercial transaction involving the sale or lease by a 11577

new motor vehicle dealer of a new or used heavy duty vehicle, as 11578
defined in 49 C.F.R. 523.6, is deemed to have taken place at the 11579
new motor vehicle dealer's established place of business if the 11580
sale or lease is negotiated and the documents are executed at the 11581
customer's business location. 11582

(2) A licensed new motor vehicle dealer may operate a remote 11583
service facility with the consent of the manufacturer and only to 11584
perform repairs, warranty work, recall work, and maintenance on 11585
motor vehicles as part of the dealer's franchised and licensed new 11586
motor vehicle dealership. The remote service facility shall be 11587
included on the new motor vehicle dealer's license and be deemed 11588
to be part of the dealer's licensed location. 11589

(3) No person shall use a remote service facility for 11590
selling, displaying, or offering for sale motor vehicles. 11591

(C) No used motor vehicle dealer shall sell, display, offer 11592
for sale, or deal in motor vehicles at any place except an 11593
established place of business that is used exclusively for the 11594
purpose of selling, displaying, offering for sale, or dealing in 11595
motor vehicles. 11596

(D) No motor vehicle leasing dealer shall make a motor 11597
vehicle available for use by another, in the manner described in 11598
division (M) of section 4517.01 of the Revised Code, at any place 11599
except an established place of business that is used for leasing 11600
motor vehicles; except that a motor vehicle leasing dealer who is 11601
also a new motor vehicle dealer or used motor vehicle dealer may 11602
lease motor vehicles at the same place of business at which the 11603
dealer sells, offers for sale, or deals in new or used motor 11604
vehicles. 11605

(E) No motor vehicle leasing dealer or motor vehicle renting 11606
dealer shall sell a motor vehicle within ninety days after a 11607
certificate of title to the motor vehicle is issued to the dealer, 11608

except as follows: 11609

(1) A salvage certificate of title may be issued to replace 11610
the original certificate of title. 11611

(2) A motor vehicle leasing dealer may sell a motor vehicle 11612
to another motor vehicle leasing dealer at the end of a sublease 11613
pursuant to that sublease. 11614

(3) A motor vehicle leasing dealer may sell a motor vehicle 11615
previously titled to an ultimate purchaser to another licensed 11616
motor vehicle dealer. 11617

(4) A motor vehicle leasing dealer may sell a motor vehicle 11618
when the motor vehicle has been titled in the dealer's name or in 11619
the name of an entity affiliated with the dealer in this state or 11620
another state for a cumulative period of ninety days. 11621

(F) No distributor shall distribute new motor vehicles to new 11622
motor vehicle dealers at any place except an established place of 11623
business that is used exclusively for the purpose of distributing 11624
new motor vehicles to new motor vehicle dealers; except that a 11625
distributor who is also a new motor vehicle dealer may distribute 11626
new motor vehicles at the same place of business at which the 11627
distributor sells, displays, offers for sale, or deals in new 11628
motor vehicles. 11629

(G) No person, firm, or corporation that sells, displays, or 11630
offers for sale tent-type fold-out camping trailers is subject to 11631
the requirement that the person's, firm's, or corporation's place 11632
of business be used exclusively for the purpose of selling, 11633
displaying, offering for sale, or dealing in motor vehicles. No 11634
person, firm, or corporation that sells, displays, or offers for 11635
sale tent-type fold-out camping trailers, trailers, semitrailers, 11636
or park trailers is subject to the requirement that the place of 11637
business have space, under roof, for the display of at least one 11638
new motor vehicle and facilities and space for the inspection, 11639

servicing, and repair of at least one motor vehicle. 11640

(H) Nothing in this section shall be construed to prohibit 11641
persons licensed under this chapter from making sales calls. 11642

(I) Whoever violates this section is guilty of a misdemeanor 11643
of the fourth degree. 11644

(J) As used in this section: 11645

(1) "Motor vehicle leasing dealer" has the same meaning as in 11646
section 4517.01 of the Revised Code. 11647

(2) "Motor vehicle renting dealer" has the same meaning as in 11648
section 4549.65 of the Revised Code. 11649

(3) "Watercraft" has the same meaning as in section ~~1547.01~~ 11650
1546.01 of the Revised Code. 11651

Sec. 4585.31. As used in sections 4585.31 to 4585.34 of the 11652
Revised Code, "owner of any property" or "owner of the property" 11653
means an owner, lessee, or other person entitled to possession of 11654
the property. 11655

The owner of any property on which a watercraft or outboard 11656
motor valued at less than ten thousand dollars has been left for 11657
six months without permission may sell the watercraft or motor at 11658
public auction and recover the owner's maintenance or repair 11659
charges, including parts and labor charges and dockage or storage 11660
charges, if all of the following conditions are met: 11661

(A) The owner of the property applies for a search of the 11662
records of the division of parks and watercraft in the department 11663
of natural resources for the name and address of the owner of the 11664
watercraft or motor and for a search for any lien or mortgage 11665
thereon. 11666

(B) Upon receiving the results of the searches, the owner of 11667
the property sends notice by certified mail, return receipt 11668

requested, to: 11669

(1) The last known address of the owner of the watercraft or 11670
motor, to remove the watercraft or motor; 11671

(2) Any lienholder or mortgagee, stating where the watercraft 11672
or motor is located and any maintenance or repair charges, 11673
including parts and labor charges and dockage or storage charges. 11674
Unless the lienholder or mortgagee redeems the watercraft or motor 11675
within forty-five days after the return receipt is received by the 11676
sender, the lien or mortgage is invalid. The lienholder or 11677
mortgagee may, to the extent of the lienholder's or mortgagee's 11678
previously secured interest, assert a claim for any amount 11679
deposited in the county treasury for the watercraft or motor 11680
pursuant to section 4585.33 of the Revised Code. 11681

(C) The watercraft or motor remains unredeemed by the owner, 11682
lienholder, or mortgagee for forty-five days after the return 11683
receipts are recovered by the sender. 11684

(D) The owner of the property requests a watercraft dealer 11685
certified in accordance with section 1547.543 of the Revised Code 11686
or an independent marine surveyor and appraiser to appraise the 11687
watercraft or motor and secures written confirmation that the fair 11688
market value of the watercraft or motor is less than ten thousand 11689
dollars. 11690

(E) The owner of the property advertises that the watercraft 11691
or motor will be sold at public auction. The advertisement of sale 11692
shall be published once a week for two consecutive weeks in the 11693
auction section of a newspaper of general circulation in the 11694
county where the watercraft or motor has been left without 11695
permission. The advertisement shall include a description of the 11696
watercraft or motor, the name of the owner, and the date, time, 11697
and place of the sale. 11698

(F) An auction sale is conducted on the property where the 11699

watercraft or motor was left without permission of the owner of 11700
the property, at which the highest bidder is the purchaser of the 11701
watercraft or motor. The owner of the property shall provide a 11702
reasonable period of time prior to the sale for prospective 11703
purchasers to examine the watercraft or motor. The owner of the 11704
property may bid at the sale. 11705

(G) Immediately after the auction sale, the owner of the 11706
property executes an affidavit in triplicate, on a form prescribed 11707
by the secretary of state and provided by the clerk of courts, 11708
stating: 11709

(1) That the requirements of this section have been met; 11710

(2) The length of time that the watercraft or motor was left 11711
on the owner's property without permission, as of the date of the 11712
auction sale; 11713

(3) The expenses incurred by the owner of the property in 11714
connection with the watercraft or motor as of the date of the 11715
auction sale, including the expenses of conducting the sale and, 11716
if the property is operated as a place of storage for charge, any 11717
accrued dockage or storage charges and any maintenance or repair 11718
charges, including parts and labor charges; 11719

(4) The name and address of the purchaser of the watercraft 11720
or motor at the auction sale and the amount of the purchaser's 11721
bid. 11722

(H) Upon payment of the bid price by the purchaser, the owner 11723
of the property presents the affidavit in triplicate required by 11724
division (G) of this section, the written confirmation of value 11725
required by division (D) of this section, and the return receipts 11726
required by division (B) of this section to the purchaser of the 11727
watercraft or motor. 11728

Sec. 4585.32. The purchaser of any watercraft or outboard 11729

motor at an auction sale held pursuant to section 4585.31 of the Revised Code may obtain a certificate of title to the watercraft or motor, free of all liens, mortgages, and other encumbrances, if ~~he~~ the purchaser presents the affidavit in triplicate, written confirmation of value, and return receipts obtained in accordance with division (H) of section 4585.31 of the Revised Code to the clerk of courts of the county in which the auction sale was held. The clerk shall issue the certificate of title upon presentation of such documentation and payment of the fee prescribed in section 1548.10 of the Revised Code. The clerk shall retain one copy of the affidavit and shall mail one copy to the county treasurer and one copy to the chief of the division of parks and watercraft in the department of natural resources.

Sec. 5311.01. As used in this chapter, except as otherwise provided:

(A) "Agent" means any person who represents a developer or who acts for or on behalf of a developer in selling or offering to sell any ownership interest in a condominium development. "Agent" does not include an attorney whose representation of a developer consists solely of rendering legal services.

(B) "Additional property" means land, including surface and air rights, or improvements to land that are described in an original declaration and that may be added in the future to an expandable condominium property.

(C) "Affiliate of a developer" means any person who controls a developer or is controlled by a developer. For the purposes of this division:

(1) A person "controls" a developer if any of the following applies:

(a) The person is a general partner, officer, member,

manager, director, or employer of the developer. 11760

(b) The person owns, controls, holds with power to vote, or 11761
holds proxies representing more than twenty per cent of the voting 11762
interest in the developer, doing so either directly or indirectly, 11763
acting in concert with one or more other persons, or through one 11764
or more subsidiaries. 11765

(c) The person controls, in any manner, the election of a 11766
majority of the developer's directors. 11767

(d) The person has contributed more than twenty per cent of 11768
the developer's capital. 11769

(2) A person "is controlled by" a developer if any of the 11770
following applies: 11771

(a) The developer is a general partner, member, manager, 11772
officer, director, or employer of the person. 11773

(b) The developer owns, controls, holds with power to vote, 11774
or holds proxies representing more than twenty per cent of the 11775
voting interest in the person, doing so either directly or 11776
indirectly, acting in concert with one or more other persons, or 11777
through one or more subsidiaries. 11778

(c) The developer controls, in any manner, the election of a 11779
majority of the person's directors. 11780

(d) The developer has contributed more than twenty per cent 11781
of the person's capital. 11782

(3) "Control" does not exist for purposes of division (C)(1) 11783
or (2) of this section if a person or developer holds any power 11784
described in either of those divisions solely as security for an 11785
obligation and that power is not exercised. 11786

(D) "Body of water" means a stream, lake, pond, marsh, river, 11787
or other body of natural or artificial surface water. 11788

(E) "Common assessments" means assessments that are charged 11789

proportionately against all units for common purposes.	11790
(F) "Common elements" means, unless otherwise provided in the declaration, the following parts of the condominium property:	11791
(1) The land described in the declaration;	11792
(2) All other areas, facilities, places, and structures that are not part of a unit, including, but not limited to, the following:	11793
(a) Foundations, columns, girders, beams, supports, supporting walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of buildings;	11794
(b) Basements, yards, gardens, parking areas, garages, and storage spaces;	11795
(c) Premises for the lodging of janitors or persons in charge of the property;	11796
(d) Installations of central services, including, but not limited to, power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;	11797
(e) Elevators, tanks, pumps, motors, fans, compressors, ducts, and, in general, all apparatus and installations existing for common use;	11798
(f) Community and commercial facilities that are not listed in division (F)(2)(a), (b), (c), (d), or (e) of this section but provided for in the declaration;	11799
(g) All parts of the condominium property that are not listed in division (F)(2)(a), (b), (c), (d), (e), or (f) of this section that are necessary or convenient to its existence, maintenance, and safety, that are normally in common use, or that have been designated as common elements in the declaration or drawings.	11800
(G) "Common expenses" means expenses designated as common expenses in this chapter or in the declaration.	11801
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(H) "Common losses" means the amount by which the common	11820
expenses during any period of time exceeds the common assessments	11821
and common profits during that period.	11822
(I) "Common profits" means the amount by which the total	11823
income received from any of the following exceeds expenses	11824
allocable to the particular income, rental, fee, or charge:	11825
(1) Assessments charged for special benefits to specific	11826
units;	11827
(2) Rents received from the rental of equipment or space in	11828
common elements;	11829
(3) Any other fee, charge, or income other than common	11830
assessments.	11831
(J) "Common surplus" means the amount by which common	11832
assessments collected during any period exceed common expenses.	11833
(K) "Condominium" means a form of real property ownership in	11834
which a declaration has been filed submitting the property to the	11835
condominium form of ownership pursuant to this chapter and under	11836
which each owner has an individual ownership interest in a unit	11837
with the right to exclusive possession of that unit and an	11838
undivided ownership interest with the other unit owners in the	11839
common elements of the condominium property.	11840
(L) "Condominium development" means a condominium property in	11841
which two or more individual residential or water slip units,	11842
together with their undivided interests in the common elements of	11843
the property, are offered for sale pursuant to a common	11844
promotional plan.	11845
(M) "Condominium instruments" means the declaration and	11846
accompanying drawings and plans, the bylaws of the unit owners	11847
association, the condominium development disclosure statement	11848
described in section 5311.26 of the Revised Code, any contracts	11849

pertaining to the management of the condominium property, and any 11850
other documents, contracts, or instruments establishing ownership 11851
of or exerting control over a condominium property or unit. 11852

(N) "Condominium ownership interest" means a fee simple 11853
estate or a ninety-nine-year leasehold estate, renewable forever, 11854
in a unit, together with an appurtenant undivided interest in the 11855
common elements. 11856

(O) "Condominium property" means all real and personal 11857
property submitted to the provisions of this chapter, including 11858
land, the buildings, improvements, and structures on that land, 11859
the land under a water slip, the buildings, improvements, and 11860
structures that form or that are utilized in connection with that 11861
water slip, and all easements, rights, and appurtenances belonging 11862
to the land or to the land under a water slip. 11863

(P) "Conversion condominium development" means a condominium 11864
development that was operated as a rental property and occupied by 11865
tenants immediately prior to the submission of the property to the 11866
provisions of this chapter. 11867

(Q) "Convertible unit" means a unit that may be converted 11868
into one or more units and common elements, including limited 11869
common elements. 11870

(R) "Declaration" means the instrument by which property is 11871
submitted to the provisions of this chapter. "Declaration" 11872
includes all amendments to that declaration. 11873

(S) "Developer" means any person who directly or indirectly 11874
sells or offers for sale condominium ownership interests in a 11875
condominium development. "Developer" includes the declarant of a 11876
condominium development and any successor to that declarant who 11877
stands in the same relation to the condominium development as the 11878
declarant. 11879

(T) "Exclusive use area" means common elements that the 11880

declaration reserves for delegation by the board of directors to 11881
the use of a certain unit or units, to the exclusion of other 11882
units. 11883

(U) "Expandable condominium property" means a condominium 11884
property in which the original declaration reserves the right to 11885
add additional property. 11886

(V) "Leasehold condominium development" means a condominium 11887
development in which each unit owner owns a ninety-nine-year 11888
leasehold estate, renewable forever, in the owner's unit, in the 11889
land upon which that unit is situated, or in both, together with 11890
an undivided leasehold interest in the common elements, with all 11891
leasehold interests due to expire at the same time. 11892

(W) "Limited common elements" means the common elements that 11893
the declaration designates as being reserved for use by a certain 11894
unit or units, to the exclusion of the other units. 11895

(X) "Offer" includes any inducement or solicitation to 11896
encourage a person to acquire a condominium ownership interest in 11897
a condominium development. 11898

(Y) "Par value" means a number, expressed in dollars, points, 11899
or as a percentage or fraction, attached to a unit by the 11900
declaration. 11901

(Z) "Purchaser" means a person who purchases a condominium 11902
ownership interest for consideration pursuant to an agreement for 11903
the conveyance or transfer of that interest for consideration. 11904

(AA) "Sale of a condominium ownership interest" means the 11905
execution by both parties of an agreement for the conveyance or 11906
transfer for consideration of a condominium ownership interest. 11907
"Sale of a condominium ownership interest" does not include a 11908
transfer of one or more units from the developer to another 11909
developer, a subsidiary of the developer, or a financial 11910
institution for the purpose of facilitating the sale or 11911

development of the remaining or unsold portion of the condominium property or additional property. 11912
11913

(BB) "Unit" means the part of the condominium property that is designated as a unit in the declaration, is delineated as a unit on the drawings prepared pursuant to section 5311.07 of the Revised Code, and is one of the following: 11914
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(1) A residential unit, in which the designated part of the condominium property is devoted in whole or in part to use as a residential dwelling consisting of one or more rooms on one or more floors of a building. A "residential unit" may include exterior portions of the building, spaces in a carport, and parking spaces as described and designated in the declaration and drawings. 11918
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(2) A water slip unit, which consists of the land that is under the water in a water slip and the land that is under the piers or wharves that form the water slip, and that is used for the mooring of watercraft. 11925
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(3) A commercial unit in which the property is designated for separate ownership or occupancy solely for commercial purposes, industrial purposes, or other nonresidential or nonwater slip use. 11929
11930
11931

(CC) "Unit owner" means a person who owns a condominium ownership interest in a unit. 11932
11933

(DD) "Unit owners association" means the organization that administers the condominium property and that consists of all the owners of units in a condominium property. 11934
11935
11936

(EE) "Watercraft" has the same meaning as in ~~division (A) of~~ section ~~1547.01~~ 1546.01 of the Revised Code. 11937
11938

(FF) "Water slip" means a channel of water between piers or wharves. 11939
11940

Sec. 5735.05. (A) To provide revenue for maintaining the 11941

state highway system; to widen existing surfaces on such highways; 11942
to resurface such highways; to pay that portion of the 11943
construction cost of a highway project which a county, township, 11944
or municipal corporation normally would be required to pay, but 11945
which the director of transportation, pursuant to division (B) of 11946
section 5531.08 of the Revised Code, determines instead will be 11947
paid from moneys in the highway operating fund; to enable the 11948
counties of the state properly to plan, maintain, and repair their 11949
roads and to pay principal, interest, and charges on bonds and 11950
other obligations issued pursuant to Chapter 133. of the Revised 11951
Code or incurred pursuant to section 5531.09 of the Revised Code 11952
for highway improvements; to enable the municipal corporations to 11953
plan, construct, reconstruct, repave, widen, maintain, repair, 11954
clear, and clean public highways, roads, and streets, and to pay 11955
the principal, interest, and charges on bonds and other 11956
obligations issued pursuant to Chapter 133. of the Revised Code or 11957
incurred pursuant to section 5531.09 of the Revised Code for 11958
highway improvements; to enable the Ohio turnpike and 11959
infrastructure commission to construct, reconstruct, maintain, and 11960
repair turnpike projects; to maintain and repair bridges and 11961
viaducts; to purchase, erect, and maintain street and traffic 11962
signs and markers; to purchase, erect, and maintain traffic lights 11963
and signals; to pay the costs apportioned to the public under 11964
sections 4907.47 and 4907.471 of the Revised Code and to 11965
supplement revenue already available for such purposes; to pay the 11966
costs incurred by the public utilities commission in administering 11967
sections 4907.47 to 4907.476 of the Revised Code; to distribute 11968
equitably among those persons using the privilege of driving motor 11969
vehicles upon such highways and streets the cost of maintaining 11970
and repairing them; to pay the interest, principal, and charges on 11971
highway capital improvements bonds and other obligations issued 11972
pursuant to Section 2m of Article VIII, Ohio Constitution, and 11973
section 151.06 of the Revised Code; to pay the interest, 11974

principal, and charges on highway obligations issued pursuant to 11975
Section 2i of Article VIII, Ohio Constitution, and sections 11976
5528.30 and 5528.31 of the Revised Code; to pay the interest, 11977
principal, and charges on major new state infrastructure bonds and 11978
other obligations of the state issued pursuant to Section 13 of 11979
Article VIII, Ohio Constitution, and section 5531.10 of the 11980
Revised Code; to provide revenue for the purposes of sections 11981
1547.71 to ~~1547.78~~ 1547.77 of the Revised Code; and to pay the 11982
expenses of the department of taxation incident to the 11983
administration of the motor fuel laws, a motor fuel excise tax is 11984
hereby imposed on all motor fuel dealers upon receipt of motor 11985
fuel within this state at the rate of two cents plus the cents per 11986
gallon rate on each gallon so received, to be computed in the 11987
manner set forth in section 5735.06 of the Revised Code; provided 11988
that no tax is hereby imposed upon the following transactions: 11989

(1) The sale of dyed diesel fuel by a licensed motor fuel 11990
dealer from a location other than a retail service station 11991
provided the licensed motor fuel dealer places on the face of the 11992
delivery document or invoice, or both if both are used, a 11993
conspicuous notice stating that the fuel is dyed and is not for 11994
taxable use, and that taxable use of that fuel is subject to a 11995
penalty. The tax commissioner, by rule, may provide that any 11996
notice conforming to rules or regulations issued by the United 11997
States department of the treasury or the Internal Revenue Service 11998
is sufficient notice for the purposes of division (A)(1) of this 11999
section. 12000

(2) The sale of K-1 kerosene to a retail service station, 12001
except when placed directly in the fuel supply tank of a motor 12002
vehicle. Such sale shall be rebuttably presumed to not be 12003
distributed or sold for use or used to generate power for the 12004
operation of motor vehicles upon the public highways or upon the 12005
waters within the boundaries of this state. 12006

- (3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer; 12007
12008
- (4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country; 12009
12010
- (5) The sale of motor fuel to the United States government or any of its agencies, except such tax as is permitted by it, where such sale is evidenced by an exemption certificate, in a form approved by the tax commissioner, executed by the United States government or an agency thereof certifying that the motor fuel therein identified has been purchased for the exclusive use of the United States government or its agency; 12011
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- (6) The sale of motor fuel that is in the process of transportation in foreign or interstate commerce, except insofar as it may be taxable under the Constitution and statutes of the United States, and except as may be agreed upon in writing by the dealer and the commissioner; 12018
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- (7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft; 12023
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12025
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- (8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(1) of section 5735.01 of the Revised Code; 12028
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12030
- (9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(2) of section 5735.01 of the Revised Code, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer. 12031
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- (10) The sale to a consumer of diesel fuel, by a motor fuel dealer for delivery from a bulk lot vehicle, for consumption in 12036
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operating a vessel when the use of such fuel in a vessel would 12038
otherwise qualify for a refund under section 5735.14 of the 12039
Revised Code. 12040

Division (A)(1) of this section does not apply to the sale or 12041
distribution of dyed diesel fuel used to operate a motor vehicle 12042
on the public highways or upon water within the boundaries of this 12043
state by persons permitted under regulations of the United States 12044
department of the treasury or of the Internal Revenue Service to 12045
so use dyed diesel fuel. 12046

(B) The two cent motor fuel tax levied by this section is 12047
also for the purpose of paying the expenses of administering and 12048
enforcing the state law relating to the registration and operation 12049
of motor vehicles. 12050

(C) After the tax provided for by this section on the receipt 12051
of any motor fuel has been paid by the motor fuel dealer, the 12052
motor fuel may thereafter be used, sold, or resold by any person 12053
having lawful title to it, without incurring liability for such 12054
tax. 12055

If a licensed motor fuel dealer sells motor fuel received by 12056
the licensed motor fuel dealer to another licensed motor fuel 12057
dealer, the seller may deduct on the report required by section 12058
5735.06 of the Revised Code the number of gallons so sold for the 12059
month within which the motor fuel was sold or delivered. In this 12060
event the number of gallons is deemed to have been received by the 12061
purchaser, who shall report and pay the tax imposed thereon. 12062

Sec. 5735.051. The general assembly finds as a fact that, of 12063
the revenues that occur from excises imposed by sections 5735.05, 12064
5735.25, 5735.29, and 5735.30 of the Revised Code, one per cent is 12065
attributable to the operation of motor vehicles upon waters within 12066
the boundaries of this state. Of this amount, seven-eighths shall 12067
be credited to the waterways safety fund and shall be used for the 12068

purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of the Revised Code, and one-eighth shall be credited to the wildlife boater angler fund and shall be used for the purposes specified in section 1531.35 of the Revised Code.

Sec. 5735.25. To provide revenue for supplying the state's share of the cost of planning, constructing, widening, and reconstructing the state highways; for supplying the state's share of the cost of eliminating railway grade crossings upon such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties and townships of the state to properly plan, construct, widen, reconstruct, and maintain their public highways, roads, and streets; to enable counties to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to enable municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to enable municipal corporations to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs apportioned to the public under section 4907.47 of the Revised Code; to provide revenue for the purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of the Revised Code and to supplement revenue already available for

such purposes; to pay the expenses of the department of taxation 12101
incident to the administration of the motor fuel laws, to 12102
supplement revenue already available for such purposes, to pay the 12103
interest, principal, and charges on bonds and other obligations 12104
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 12105
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 12106
the interest, principal, and charges on highway obligations issued 12107
pursuant to Section 2i of Article VIII, Ohio Constitution, and 12108
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 12109
excise tax is hereby imposed on all motor fuel dealers upon their 12110
receipt of motor fuel within this state, at the rate of two cents 12111
per gallon on each gallon so received. This tax is subject to the 12112
specific exemptions set forth in this chapter of the Revised Code. 12113
It shall be reported, computed, paid, collected, administered, 12114
enforced, and refunded, and the failure properly and correctly to 12115
report and pay the tax shall be penalized, in exactly the same 12116
manner as is provided in this chapter. Such sections relating to 12117
motor fuel excise taxes are reenacted and incorporated as if 12118
specifically set forth in this section. The tax levied by this 12119
section shall be in addition to the tax imposed under this 12120
chapter. 12121

Sec. 5735.29. To provide revenue for supplying the state's 12122
share of the cost of constructing, widening, maintaining, and 12123
reconstructing the state highways; to maintain and repair bridges 12124
and viaducts; to purchase, erect, and maintain street and traffic 12125
signs and markers; to purchase, erect, and maintain traffic lights 12126
and signals; to pay the expense of administering and enforcing the 12127
state law relative to the registration and operation of motor 12128
vehicles; to make road improvements associated with retaining or 12129
attracting business for this state, to pay that portion of the 12130
construction cost of a highway project which a county, township, 12131
or municipal corporation normally would be required to pay, but 12132

which the director of transportation, pursuant to division (B) of 12133
section 5531.08 of the Revised Code, determines instead will be 12134
paid from moneys in the highway operating fund; to provide revenue 12135
for the purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of the 12136
Revised Code; and to supplement revenue already available for such 12137
purposes, to pay the expenses of the department of taxation 12138
incident to the administration of the motor fuel laws, to 12139
supplement revenue already available for such purposes; and to pay 12140
the interest, principal, and charges on highway obligations issued 12141
pursuant to Section 2i of Article VIII, Ohio Constitution, and 12142
sections 5528.30 and 5528.31 of the Revised Code; to enable the 12143
counties and townships of the state to properly plan, construct, 12144
widen, reconstruct, and maintain their public highways, roads, and 12145
streets; to enable counties to pay principal, interest, and 12146
charges on bonds and other obligations issued pursuant to Chapter 12147
133. of the Revised Code or incurred pursuant to section 5531.09 12148
of the Revised Code for highway improvements; to enable municipal 12149
corporations to plan, construct, reconstruct, repave, widen, 12150
maintain, repair, clear, and clean public highways, roads, and 12151
streets; to enable municipal corporations to pay the principal, 12152
interest, and charges on bonds and other obligations issued 12153
pursuant to Chapter 133. of the Revised Code or incurred pursuant 12154
to section 5531.09 of the Revised Code for highway improvements; 12155
and to pay the costs apportioned to the public under section 12156
4907.47 of the Revised Code, a motor fuel excise tax is hereby 12157
imposed on all motor fuel dealers upon their receipt of motor fuel 12158
within the state at the rate of two cents on each gallon so 12159
received; provided, that effective July 1, 2003, the motor fuel 12160
excise tax imposed by this section shall be at the rate of four 12161
cents on each gallon so received; effective July 1, 2004, the 12162
motor fuel excise tax imposed by this section shall be at the rate 12163
of six cents on each gallon so received; and, subject to section 12164
5735.292 of the Revised Code, effective July 1, 2005, the motor 12165

fuel excise tax imposed by this section shall be at the rate of 12166
eight cents on each gallon so received. This tax is subject to the 12167
specific exemptions set forth in this chapter of the Revised Code. 12168
It shall be reported, computed, paid, collected, administered, 12169
enforced, and refunded, and the failure properly and correctly to 12170
report and pay the tax shall be penalized, in exactly the same 12171
manner as is provided in this chapter. Such sections relating to 12172
motor fuel excise taxes are reenacted and incorporated as if 12173
specifically set forth in this section. The tax levied by this 12174
section is in addition to any other taxes imposed under this 12175
chapter. 12176

No municipal corporation, county, or township shall expend 12177
any revenues received from the tax levied by this section for any 12178
purpose other than one of the specific highway-related purposes 12179
stated in this section. In addition, each municipal corporation, 12180
county, or township shall use at least ninety per cent of all 12181
revenues received from the tax levied by this section to 12182
supplement, rather than supplant, other local funds used for 12183
highway-related purposes. 12184

Sec. 5735.30. (A) For the purpose of providing funds to pay 12185
the state's share of the cost of constructing and reconstructing 12186
highways and eliminating railway grade crossings on the major 12187
thoroughfares of the state highway system and urban extensions 12188
thereof, to pay that portion of the construction cost of a highway 12189
project which a county, township, or municipal corporation 12190
normally would be required to pay, but which the director of 12191
transportation, pursuant to division (B) of section 5531.08 of the 12192
Revised Code, determines instead will be paid from moneys in the 12193
highway operating fund, to pay the interest, principal, and 12194
charges on bonds and other obligations issued pursuant to Section 12195
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 12196
5528.11 of the Revised Code, to pay the interest, principal, and 12197

charges on highway obligations issued pursuant to Section 2i of 12198
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 12199
of the Revised Code, to provide revenues for the purposes of 12200
sections 1547.71 to ~~1547.78~~ 1547.77 of the Revised Code, and to 12201
pay the expenses of the department of taxation incident to the 12202
administration of the motor fuel laws, a motor fuel excise tax is 12203
hereby imposed on all motor fuel dealers upon their receipt of 12204
motor fuel within the state, at the rate of one cent on each 12205
gallon so received, to be reported, computed, paid, collected, 12206
administered, enforced, refunded, and subject to the same 12207
exemptions and penalties as provided in this chapter of the 12208
Revised Code. 12209

The tax imposed by this section shall be in addition to the 12210
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 12211
Revised Code. 12212

(B) The treasurer of state shall place to the credit of the 12213
tax refund fund created by section 5703.052 of the Revised Code, 12214
out of receipts from the tax levied by this section, amounts equal 12215
to the refunds certified by the tax commissioner pursuant to this 12216
section. The refund provided for by division (A) of this section 12217
shall be paid from such fund. The treasurer shall then transfer 12218
the amount required by section 5735.051 of the Revised Code to the 12219
waterways safety fund and the amount required by section 5735.053 12220
of the Revised Code to the motor fuel tax administration fund. The 12221
balance of taxes for which the liability has become fixed prior to 12222
July 1, 1955, under this section, after the credit to the tax 12223
refund fund, shall be credited to the highway operating fund. 12224

(C)(1) The moneys derived from the tax levied by this 12225
section, after the credit and transfers required by division (B) 12226
of this section, during each calendar year, shall be credited to 12227
the highway improvement bond retirement fund created by section 12228
5528.12 of the Revised Code, until the commissioners of the 12229

sinking fund certify to the treasurer of state, as required by 12230
section 5528.17 of the Revised Code, that there are sufficient 12231
moneys to the credit of the highway improvement bond retirement 12232
fund to meet in full all payments of interest, principal, and 12233
charges for the retirement of bonds and other obligations issued 12234
pursuant to Section 2g of Article VIII, Ohio Constitution, and 12235
sections 5528.10 and 5528.11 of the Revised Code due and payable 12236
during the current calendar year and during the next succeeding 12237
calendar year. 12238

(2) All moneys received in the state treasury from the tax 12239
levied by this section, after the credit and transfers required by 12240
division (B) of this section, shall be credited to the highway 12241
operating fund, except as provided in division (C)(3) of this 12242
section. 12243

(3) From the date of the receipt by the treasurer of state of 12244
certification from the commissioners of the sinking fund, as 12245
required by section 5528.18 of the Revised Code, certifying that 12246
the moneys to the credit of the highway improvement bond 12247
retirement fund are sufficient to meet in full all payments of 12248
interest, principal, and charges for the retirement of all bonds 12249
and other obligations which may be issued pursuant to Section 2g 12250
of Article VIII, Ohio Constitution, and sections 5528.10 and 12251
5528.11 of the Revised Code, the moneys derived from the tax 12252
levied by this section, after the credit and transfers required by 12253
division (B) of this section, shall be credited to the highway 12254
operating fund. 12255

Section 2. That existing sections 109.71, 109.751, 109.77, 12256
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1523.19, 1523.20, 1541.01, 1541.03, 1541.10, 1541.11, 1547.01, 12284
1547.51, 1547.52, 1547.521, 1547.522, 1547.523, 1547.78, and 12285
1547.87 of the Revised Code are hereby repealed. 12286

Section 3. (A) It is the intent of the General Assembly on 12287
the effective date of this section to merge the Division of Parks 12288
and Recreation and the Division of Watercraft in the Department of 12289
Natural Resources into a new division known as the Division of 12290
Parks and Watercraft in the Department of Natural Resources in 12291
order to better serve the public and operate more efficiently. Any 12292

reference to the Division of Parks and Recreation or the Division 12293
of Watercraft means the Division of Parks and Watercraft created 12294
in Chapter 1546. of the Revised Code. Whenever the Division of 12295
Parks and Recreation or Division of Watercraft or the Chief of the 12296
respective Division is referred to in a statute, contract, or 12297
other document, the reference is deemed to refer to the Division 12298
of Parks and Watercraft or the Chief of the Division of Parks and 12299
Watercraft, whichever is appropriate in context. 12300

(B) Personnel of the Division of Parks and Recreation and the 12301
Division of Watercraft are transferred to the Division of Parks 12302
and Watercraft with all of the rights and benefits they had before 12303
the transfer. 12304

(C) Notwithstanding any provision of law to the contrary, as 12305
part of the merger of the Division of Parks and Recreation and the 12306
Division of Watercraft into the new Division of Parks and 12307
Watercraft, all interests in real property of the Division of 12308
Parks and Recreation and Division of Watercraft are transferred to 12309
the Division of Parks and Watercraft. Notwithstanding any 12310
provision of law to the contrary, all appropriations, 12311
encumbrances, contracts, outstanding obligations, settlements, 12312
memorandums of understanding, grants, and any other agreements of 12313
the Division of Parks and Recreation and the Division of 12314
Watercraft are transferred to the Division of Parks and 12315
Watercraft. All equipment, supplies, records, and other property 12316
of the Division of Parks and Recreation and the Division of 12317
Watercraft are transferred to the Division of Parks and 12318
Watercraft. 12319

(D) Notwithstanding any provision of law to the contrary, the 12320
Director of the Legislative Service Commission shall renumber the 12321
Administrative Code rules of the Division of Parks and Recreation 12322
and the Division of Watercraft for the newly created Division of 12323

Parks and Watercraft. The only permissible changes are to 12324
accommodate the new numbering and Division name. All 12325
Administrative Code rules of the Division of Parks and Recreation 12326
and the Division of Watercraft are enforceable by the Division of 12327
Parks and Watercraft until they are renumbered and in effect for 12328
the Division of Parks and Watercraft, at which time they are 12329
automatically rescinded. 12330

(E) The Division of Parks and Watercraft succeeds the 12331
Division of Parks and Recreation and the Division of Watercraft in 12332
the prosecution of all criminal matters formerly under the 12333
jurisdiction of the Division of Parks and Recreation and the 12334
Division of Watercraft. The Division of Parks and Watercraft shall 12335
continue after the effective date of this section to use signs, 12336
badges, uniforms, records, documents, motor vehicles, watercraft, 12337
or any other thing or property owned or used by the Division 12338
marked with the former Division of Parks and Recreation or the 12339
Division of Watercraft. Any law enforcement officer or other 12340
official with the Division of Parks and Watercraft wearing or 12341
using a badge, uniform, documents, motor vehicle, watercraft, or 12342
any other thing or property owned or used by the Division marked 12343
with the former Division of Parks and Recreation or the former 12344
Division of Watercraft name acts with full authority to enforce 12345
the law. 12346

(F) The Director of Natural Resources may enter into any 12347
agreement reasonably necessary for the merger of the Division of 12348
Parks and Recreation and the Division of Watercraft into the 12349
division of parks and watercraft created in Chapter 1546. of the 12350
Revised Code. 12351

(G) Any action or proceeding pending on the effective date of 12352
this section involving the merger of the Division of Parks and 12353
Recreation and the Division of Watercraft by this act is not 12354
affected by the merger of these Divisions and shall be prosecuted 12355

or defended in the name of the Division of Parks and Watercraft. 12356
In all such actions and proceedings, the Division of Parks and 12357
Watercraft, upon application to the court or other tribunal, shall 12358
be substituted as a party. 12359

(H) All orders and determinations of the Chief of the 12360
Division of Parks and Recreation or the Chief of the Division of 12361
Watercraft continue in effect until modified or rescinded by the 12362
Chief of the Division of Parks and Watercraft. 12363

(I) On the effective date of this section, the Division of 12364
Parks and Watercraft becomes successor to, assumes the obligations 12365
and authority of, and otherwise continues the Division of Parks 12366
and Recreation and the Division of Watercraft. Any business 12367
commenced but not completed by the Division of Parks and 12368
Recreation or the Division of Watercraft shall be completed by the 12369
Division of Parks and Watercraft. Any validation, cure, right, 12370
privilege, remedy, obligation, or liability is not lost or 12371
impaired solely by reason of the merger required by this act and 12372
shall be administered by the Division of Parks and Watercraft in 12373
accordance with this act. 12374

Section 4. Section 4303.182 of the Revised Code is presented 12375
in this act as a composite of the section as amended by both Am. 12376
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly. The 12377
General Assembly, applying the principle stated in division (B) of 12378
section 1.52 of the Revised Code that amendments are to be 12379
harmonized if reasonably capable of simultaneous operation, finds 12380
that the composite is the resulting version of the section in 12381
effect prior to the effective date of the section as presented in 12382
this act. 12383