

As Introduced

131st General Assembly
Regular Session
2015-2016

S. B. No. 293

Senator Balderson

A BILL

To amend sections 109.71, 109.751, 109.77, 121.04, 1
145.01, 145.332, 149.301, 154.01, 154.22, 742.63, 2
1501.011, 1501.012, 1501.02, 1501.07, 1501.09, 3
1501.11, 1501.12, 1501.13, 1501.14, 1501.45, 4
1503.012, 1503.03, 1503.05, 1503.09, 1503.10, 5
1503.11, 1503.14, 1503.141, 1503.15, 1503.18, 6
1506.35, 1509.73, 1509.78, 1514.10, 1517.23, 7
1519.03, 1519.04, 1520.02, 1520.03, 1533.89, 8
1541.02, 1541.031, 1541.032, 1541.04, 1541.05, 9
1541.07, 1541.083, 1541.09, 1541.16, 1541.17, 10
1541.18, 1541.19, 1541.20, 1541.22, 1541.24, 11
1541.26, 1541.32, 1541.42, 1541.99, 1547.05, 12
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1547.36, 1547.38, 1547.41, 1547.53, 1547.531, 16
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1547.85, 1547.86, 1547.99, 1548.01, 1548.02, 22
1548.031, 1548.032, 1548.05, 1548.06, 1548.061, 23
1548.07, 1548.08, 1548.09, 1548.10, 1548.11, 24

1548.12, 1548.13, 1548.14, 1548.141, 1548.15, 25
1548.17, 1548.18, 1548.20, 1548.22, 1557.06, 26
2905.05, 2909.09, 2930.01, 2935.01, 2935.03, 27
2981.01, 3701.18, 3714.03, 3734.02, 3734.05, 28
3734.11, 3767.32, 3937.42, 4167.01, 4303.182, 29
4501.24, 4503.575, 4505.09, 4517.03, 4585.31, 30
4585.32, 5311.01, 5735.05, 5735.051, 5735.25, 31
5735.29, and 5735.30; to amend, for the purpose of 32
adopting new section numbers as indicated in 33
parentheses, sections 1541.02 (1546.06), 1541.031 34
(1546.07), 1541.032 (1546.08), 1541.04 (1546.09), 35
1541.05 (1546.10), 1541.06 (1546.11), 1541.07 36
(1546.12), 1541.082 (1546.13), 1541.083 (1546.14), 37
1541.09 (1546.15), 1541.16 (1546.16), 1541.17 38
(1546.17), 1541.18 (1546.18), 1541.19 (1546.19), 39
1541.20 (1546.20), 1541.22 (1546.21), 1541.23 40
(1546.22), 1541.24 (1546.23), 1541.26 (1546.24), 41
1541.31 (1546.90), 1541.32 (1546.91), 1541.42 42
(1546.92), and 1541.99 (1546.99); to enact new 43
sections 1547.51 and 1547.84 and sections 1501.24, 44
1501.25, 1503.08, 1504.01, 1504.02, 1504.03, 45
1546.01, 1546.02, 1546.021, 1546.03, 1546.04, and 46
1546.05; and to repeal sections 1501.04, 1503.02, 47
1503.24, 1503.25, 1503.26, 1503.29, 1503.30, 48
1503.31, 1517.03, 1517.04, 1517.10, 1521.031, 49
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 50
1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 51
1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 52
1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 53
1541.01, 1541.03, 1541.10, 1541.11, 1541.40, 54
1541.41, 1547.01, 1547.51, 1547.52, 1547.521, 55
1547.522, 1547.523, 1547.73, 1547.78, 1547.84, and 56
1547.87 of the Revised Code to revise specified 57

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, 149.301, 154.01, 154.22, 742.63, 1501.011, 60
1501.012, 1501.02, 1501.07, 1501.09, 1501.11, 1501.12, 1501.13, 61
1501.14, 1501.45, 1503.012, 1503.03, 1503.05, 1503.09, 1503.10, 62
1503.11, 1503.14, 1503.141, 1503.15, 1503.18, 1506.35, 1509.73, 63
1509.78, 1514.10, 1517.23, 1519.03, 1519.04, 1520.02, 1520.03, 64
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
1541.22, 1541.24, 1541.26, 1541.32, 1541.42, 1541.99, 1547.05, 67
1547.051, 1547.052, 1547.06, 1547.08, 1547.111, 1547.14, 1547.18, 68
1547.20, 1547.24, 1547.25, 1547.26, 1547.30, 1547.301, 1547.303, 69
1547.31, 1547.36, 1547.38, 1547.41, 1547.53, 1547.531, 1547.532, 70
1547.54, 1547.541, 1547.542, 1547.543, 1547.544, 1547.55, 1547.56, 71
1547.57, 1547.59, 1547.61, 1547.63, 1547.65, 1547.66, 1547.67, 72
1547.68, 1547.71, 1547.72, 1547.74, 1547.75, 1547.77, 1547.79, 73
1547.80, 1547.81, 1547.83, 1547.85, 1547.86, 1547.99, 1548.01, 74
1548.02, 1548.031, 1548.032, 1548.05, 1548.06, 1548.061, 1548.07, 75
1548.08, 1548.09, 1548.10, 1548.11, 1548.12, 1548.13, 1548.14, 76
1548.141, 1548.15, 1548.17, 1548.18, 1548.20, 1548.22, 1557.06, 77
2905.05, 2909.09, 2930.01, 2935.01, 2935.03, 2981.01, 3701.18, 78
3714.03, 3734.02, 3734.05, 3734.11, 3767.32, 3937.42, 4167.01, 79
4303.182, 4501.24, 4503.575, 4505.09, 4517.03, 4585.31, 4585.32, 80
5311.01, 5735.05, 5735.051, 5735.25, 5735.29, and 5735.30 be 81
amended; sections 1541.02 (1546.06), 1541.031 (1546.07), 1541.032 82
(1546.08), 1541.04 (1546.09), 1541.05 (1546.10), 1541.06 83
(1546.11), 1541.07 (1546.12), 1541.082 (1546.13), 1541.083 84
(1546.14), 1541.09 (1546.15), 1541.16 (1546.16), 1541.17 85
(1546.17), 1541.18 (1546.18), 1541.19 (1546.19), 1541.20 86
(1546.20), 1541.22 (1546.21), 1541.23 (1546.22), 1541.24 87

(1546.23), 1541.26 (1546.24), 1541.31 (1546.90), 1541.32 88
(1546.91), 1541.42 (1546.92), and 1541.99 (1546.99) be amended for 89
the purpose of adopting new section numbers as indicated in 90
parentheses; and new sections 1547.51 and 1547.84 and sections 91
1501.24, 1501.25, 1503.08, 1504.01, 1504.02, 1504.03, 1546.01, 92
1546.02, 1546.021, 1546.03, 1546.04, and 1546.05 of the Revised 93
code be enacted to read as follows: 94

Sec. 109.71. There is hereby created in the office of the 95
attorney general the Ohio peace officer training commission. The 96
commission shall consist of nine members appointed by the governor 97
with the advice and consent of the senate and selected as follows: 98
one member representing the public; two members who are incumbent 99
sheriffs; two members who are incumbent chiefs of police; one 100
member from the bureau of criminal identification and 101
investigation; one member from the state highway patrol; one 102
member who is the special agent in charge of a field office of the 103
federal bureau of investigation in this state; and one member from 104
the department of education, trade and industrial education 105
services, law enforcement training. 106

This section does not confer any arrest authority or any 107
ability or authority to detain a person, write or issue any 108
citation, or provide any disposition alternative, as granted under 109
Chapter 2935. of the Revised Code. 110

As used in sections 109.71 to 109.801 of the Revised Code: 111

(A) "Peace officer" means: 112

(1) A deputy sheriff, marshal, deputy marshal, member of the 113
organized police department of a township or municipal 114
corporation, member of a township police district or joint police 115
district police force, member of a police force employed by a 116
metropolitan housing authority under division (D) of section 117

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

(2) A police officer who is employed by a railroad company 127
and appointed and commissioned by the secretary of state pursuant 128
to sections 4973.17 to 4973.22 of the Revised Code; 129

(3) Employees of the department of taxation engaged in the 130
enforcement of Chapter 5743. of the Revised Code and designated by 131
the tax commissioner for peace officer training for purposes of 132
the delegation of investigation powers under section 5743.45 of 133
the Revised Code; 134

(4) An undercover drug agent; 135

(5) Enforcement agents of the department of public safety 136
whom the director of public safety designates under section 137
5502.14 of the Revised Code; 138

(6) An employee of the department of natural resources who is 139
a natural resources law enforcement staff officer designated 140
pursuant to section 1501.013, a ~~park~~ natural resources officer 141
~~designated~~ appointed pursuant to section ~~1541.10~~ 1501.24, a ~~forest~~ 142
~~officer designated pursuant to section 1503.29~~, a ~~preserve officer~~ 143
~~designated pursuant to section 1517.10~~ a forest-fire investigator 144
appointed pursuant to section 1503.09, or a wildlife officer 145
designated pursuant to section 1531.13, ~~or a state watercraft~~ 146
~~officer designated pursuant to section 1547.521~~ of the Revised 147
Code; 148

(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;	149 150
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	151 152
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	153 154 155 156 157
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	158 159
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	160 161 162
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, 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;	163 164 165 166 167 168 169 170
(13) 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;	171 172 173 174
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	175 176
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the	177 178

Revised Code;	179
(16) Investigators appointed by the auditor of state pursuant	180
to section 117.091 of the Revised Code and engaged in the	181
enforcement of Chapter 117. of the Revised Code;	182
(17) A special police officer designated by the	183
superintendent of the state highway patrol pursuant to section	184
5503.09 of the Revised Code or a person who was serving as a	185
special police officer pursuant to that section on a permanent	186
basis on October 21, 1997, and who has been awarded a certificate	187
by the executive director of the Ohio peace officer training	188
commission attesting to the person's satisfactory completion of an	189
approved state, county, municipal, or department of natural	190
resources peace officer basic training program;	191
(18) A special police officer employed by a port authority	192
under section 4582.04 or 4582.28 of the Revised Code or a person	193
serving as a special police officer employed by a port authority	194
on a permanent basis on May 17, 2000, who has been awarded a	195
certificate by the executive director of the Ohio peace officer	196
training commission attesting to the person's satisfactory	197
completion of an approved state, county, municipal, or department	198
of natural resources peace officer basic training program;	199
(19) A special police officer employed by a municipal	200
corporation who has been awarded a certificate by the executive	201
director of the Ohio peace officer training commission for	202
satisfactory completion of an approved peace officer basic	203
training program and who is employed on a permanent basis on or	204
after March 19, 2003, at a municipal airport, or other municipal	205
air navigation facility, that has scheduled operations, as defined	206
in section 119.3 of Title 14 of the Code of Federal Regulations,	207
14 C.F.R. 119.3, as amended, and that is required to be under a	208
security program and is governed by aviation security rules of the	209
transportation security administration of the United States	210

department of transportation as provided in Parts 1542. and 1544. 211
of Title 49 of the Code of Federal Regulations, as amended; 212

(20) A police officer who is employed by an owner or operator 213
of an amusement park that has an average yearly attendance in 214
excess of six hundred thousand guests and that employs and 215
maintains its own proprietary police department or security 216
department, and who is appointed and commissioned by a judge of 217
the appropriate municipal court or county court pursuant to 218
section 4973.17 of the Revised Code; 219

(21) A police officer who is employed by a bank, savings and 220
loan association, savings bank, credit union, or association of 221
banks, savings and loan associations, savings banks, or credit 222
unions, who has been appointed and commissioned by the secretary 223
of state pursuant to sections 4973.17 to 4973.22 of the Revised 224
Code, and who has been awarded a certificate by the executive 225
director of the Ohio peace officer training commission attesting 226
to the person's satisfactory completion of a state, county, 227
municipal, or department of natural resources peace officer basic 228
training program; 229

(22) An investigator, as defined in section 109.541 of the 230
Revised Code, of the bureau of criminal identification and 231
investigation who is commissioned by the superintendent of the 232
bureau as a special agent for the purpose of assisting law 233
enforcement officers or providing emergency assistance to peace 234
officers pursuant to authority granted under that section; 235

(23) A state fire marshal law enforcement officer appointed 236
under section 3737.22 of the Revised Code or a person serving as a 237
state fire marshal law enforcement officer on a permanent basis on 238
or after July 1, 1982, who has been awarded a certificate by the 239
executive director of the Ohio peace officer training commission 240
attesting to the person's satisfactory completion of an approved 241
state, county, municipal, or department of natural resources peace 242

officer basic training program;	243
(24) A gaming agent employed under section 3772.03 of the Revised Code.	244 245
(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.	246 247
(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.	248 249 250
(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	251 252
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.	253 254 255 256 257 258 259 260 261 262 263 264
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 <u>forest-fire investigators</u> , wildlife officers, or state watercraft <u>natural resources</u> officers of the department of natural resources.	265 266 267 268 269 270 271
(B)(1) A peace officer training school is not required to	272

permit an undercover drug agent, a bailiff or deputy bailiff of a 273
court of record of this state, or a criminal investigator employed 274
by the state public defender to attend its basic training programs 275
if either of the following applies: 276

(a) In the case of the Ohio peace officer training academy, 277
the employer county, township, municipal corporation, court, or 278
state public defender or the particular undercover drug agent, 279
bailiff, deputy bailiff, or criminal investigator has not paid the 280
tuition costs of training in accordance with section 109.79 of the 281
Revised Code; 282

(b) In the case of other peace officer training schools, the 283
employing county, township, municipal corporation, court, or state 284
public defender fails to pay the entire cost of the training and 285
certification. 286

(2) A training school shall not permit a bailiff or deputy 287
bailiff of a court of record of this state or a criminal 288
investigator employed by the state public defender to attend its 289
basic training programs unless the employing court of the bailiff 290
or deputy bailiff or the state public defender, whichever is 291
applicable, has authorized the bailiff, deputy bailiff, or 292
investigator to attend the school. 293

(C) The attorney general shall adopt, in accordance with 294
Chapter 119. or pursuant to section 109.74 of the Revised Code, 295
rules governing the attendance of undercover drug agents at 296
approved peace officer training schools, other than the Ohio peace 297
officer training academy, and the certification of the agents upon 298
their satisfactory completion of basic training programs. 299

Sec. 109.77. (A) As used in this section: 300

(1) "Felony" has the same meaning as in section 109.511 of 301
the Revised Code. 302

(2) "Companion animal" has the same meaning as in section	303
959.131 of the Revised Code.	304
(B)(1) Notwithstanding any general, special, or local law or	305
charter to the contrary, and except as otherwise provided in this	306
section, no person shall receive an original appointment on a	307
permanent basis as any of the following unless the person	308
previously has been awarded a certificate by the executive	309
director of the Ohio peace officer training commission attesting	310
to the person's satisfactory completion of an approved state,	311
county, municipal, or department of natural resources peace	312
officer basic training program:	313
(a) A peace officer of any county, township, municipal	314
corporation, regional transit authority, or metropolitan housing	315
authority;	316
(b) A natural resources law enforcement staff officer, park	317
officer, forest officer, preserve officer <u>forest-fire</u>	318
<u>investigator</u> , wildlife officer, or state watercraft <u>natural</u>	319
<u>resources</u> officer of the department of natural resources;	320
(c) An employee of a park district under section 511.232 or	321
1545.13 of the Revised Code;	322
(d) An employee of a conservancy district who is designated	323
pursuant to section 6101.75 of the Revised Code;	324
(e) A state university law enforcement officer;	325
(f) A special police officer employed by the department of	326
mental health and addiction services pursuant to section 5119.08	327
of the Revised Code or the department of developmental	328
disabilities pursuant to section 5123.13 of the Revised Code;	329
(g) An enforcement agent of the department of public safety	330
whom the director of public safety designates under section	331
5502.14 of the Revised Code;	332

(h) A special police officer employed by a port authority 333
under section 4582.04 or 4582.28 of the Revised Code; 334

(i) A special police officer employed by a municipal 335
corporation at a municipal airport, or other municipal air 336
navigation facility, that has scheduled operations, as defined in 337
section 119.3 of Title 14 of the Code of Federal Regulations, 14 338
C.F.R. 119.3, as amended, and that is required to be under a 339
security program and is governed by aviation security rules of the 340
transportation security administration of the United States 341
department of transportation as provided in Parts 1542. and 1544. 342
of Title 49 of the Code of Federal Regulations, as amended; 343

(j) A gaming agent employed under section 3772.03 of the 344
Revised Code. 345

(2) Every person who is appointed on a temporary basis or for 346
a probationary term or on other than a permanent basis as any of 347
the following shall forfeit the appointed position unless the 348
person previously has completed satisfactorily or, within the time 349
prescribed by rules adopted by the attorney general pursuant to 350
section 109.74 of the Revised Code, satisfactorily completes a 351
state, county, municipal, or department of natural resources peace 352
officer basic training program for temporary or probationary 353
officers and is awarded a certificate by the director attesting to 354
the satisfactory completion of the program: 355

(a) A peace officer of any county, township, municipal 356
corporation, regional transit authority, or metropolitan housing 357
authority; 358

(b) A natural resources law enforcement staff officer, park 359
officer, forest officer, preserve officer, wildlife officer, or 360
state watercraft officer of the department of natural resources; 361

(c) An employee of a park district under section 511.232 or 362
1545.13 of the Revised Code; 363

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	364 365
(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;	366 367 368 369
(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;	370 371 372
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	373 374
(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.	375 376 377 378 379 380 381 382 383
(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 approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training on companion animal encounters and companion animal behavior. The requirement to	384 385 386 387 388 389 390 391 392 393 394

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

(4) Division (B) of this section does not apply to any person 410
serving on a permanent basis on March 28, 1985, as a park officer, 411
forest officer, preserve officer, wildlife officer, or state 412
watercraft officer of the department of natural resources or as an 413
employee of a park district under section 511.232 or 1545.13 of 414
the Revised Code, to any person serving on a permanent basis on 415
March 6, 1986, as an employee of a conservancy district designated 416
pursuant to section 6101.75 of the Revised Code, to any person 417
serving on a permanent basis on January 10, 1991, as a preserve 418
officer of the department of natural resources, to any person 419
employed on a permanent basis on July 2, 1992, as a special police 420
officer by the department of mental health and addiction services 421
pursuant to section 5119.08 of the Revised Code or by the 422
department of developmental disabilities pursuant to section 423
5123.13 of the Revised Code, to any person serving on a permanent 424
basis on May 17, 2000, as a special police officer employed by a 425
port authority under section 4582.04 or 4582.28 of the Revised 426
Code, to any person serving on a permanent basis on March 19, 427

2003, as a special police officer employed by a municipal 428
corporation at a municipal airport or other municipal air 429
navigation facility described in division (A)(19) of section 430
109.71 of the Revised Code, to any person serving on a permanent 431
basis on June 19, 1978, as a state university law enforcement 432
officer pursuant to section 3345.04 of the Revised Code and who, 433
immediately prior to June 19, 1978, was serving as a special 434
police officer designated under authority of that section, or to 435
any person serving on a permanent basis on September 20, 1984, as 436
a liquor control investigator, known after June 30, 1999, as an 437
enforcement agent of the department of public safety, engaged in 438
the enforcement of Chapters 4301. and 4303. of the Revised Code. 439

(5) Division (B) of this section does not apply to any person 440
who is appointed as a regional transit authority police officer 441
pursuant to division (Y) of section 306.35 of the Revised Code if, 442
on or before July 1, 1996, the person has completed satisfactorily 443
an approved state, county, municipal, or department of natural 444
resources peace officer basic training program and has been 445
awarded a certificate by the executive director of the Ohio peace 446
officer training commission attesting to the person's satisfactory 447
completion of such an approved program and if, on July 1, 1996, 448
the person is performing peace officer functions for a regional 449
transit authority. 450

(C) No person, after September 20, 1984, shall receive an 451
original appointment on a permanent basis as a veterans' home 452
police officer designated under section 5907.02 of the Revised 453
Code unless the person previously has been awarded a certificate 454
by the executive director of the Ohio peace officer training 455
commission attesting to the person's satisfactory completion of an 456
approved police officer basic training program. Every person who 457
is appointed on a temporary basis or for a probationary term or on 458
other than a permanent basis as a veterans' home police officer 459

designated under section 5907.02 of the Revised Code shall forfeit 460
that position unless the person previously has completed 461
satisfactorily or, within one year from the time of appointment, 462
satisfactorily completes an approved police officer basic training 463
program. 464

(D) No bailiff or deputy bailiff of a court of record of this 465
state and no criminal investigator who is employed by the state 466
public defender shall carry a firearm, as defined in section 467
2923.11 of the Revised Code, while on duty unless the bailiff, 468
deputy bailiff, or criminal investigator has done or received one 469
of the following: 470

(1) Has been awarded a certificate by the executive director 471
of the Ohio peace officer training commission, which certificate 472
attests to satisfactory completion of an approved state, county, 473
or municipal basic training program for bailiffs and deputy 474
bailiffs of courts of record and for criminal investigators 475
employed by the state public defender that has been recommended by 476
the Ohio peace officer training commission; 477

(2) Has successfully completed a firearms training program 478
approved by the Ohio peace officer training commission prior to 479
employment as a bailiff, deputy bailiff, or criminal investigator; 480

(3) Prior to June 6, 1986, was authorized to carry a firearm 481
by the court that employed the bailiff or deputy bailiff or, in 482
the case of a criminal investigator, by the state public defender 483
and has received training in the use of firearms that the Ohio 484
peace officer training commission determines is equivalent to the 485
training that otherwise is required by division (D) of this 486
section. 487

(E)(1) Before a person seeking a certificate completes an 488
approved peace officer basic training program, the executive 489
director of the Ohio peace officer training commission shall 490

request the person to disclose, and the person shall disclose, any 491
previous criminal conviction of or plea of guilty of that person 492
to a felony. 493

(2) Before a person seeking a certificate completes an 494
approved peace officer basic training program, the executive 495
director shall request a criminal history records check on the 496
person. The executive director shall submit the person's 497
fingerprints to the bureau of criminal identification and 498
investigation, which shall submit the fingerprints to the federal 499
bureau of investigation for a national criminal history records 500
check. 501

Upon receipt of the executive director's request, the bureau 502
of criminal identification and investigation and the federal 503
bureau of investigation shall conduct a criminal history records 504
check on the person and, upon completion of the check, shall 505
provide a copy of the criminal history records check to the 506
executive director. The executive director shall not award any 507
certificate prescribed in this section unless the executive 508
director has received a copy of the criminal history records check 509
on the person to whom the certificate is to be awarded. 510

(3) The executive director of the commission shall not award 511
a certificate prescribed in this section to a person who has been 512
convicted of or has pleaded guilty to a felony or who fails to 513
disclose any previous criminal conviction of or plea of guilty to 514
a felony as required under division (E)(1) of this section. 515

(4) The executive director of the commission shall revoke the 516
certificate awarded to a person as prescribed in this section, and 517
that person shall forfeit all of the benefits derived from being 518
certified as a peace officer under this section, if the person, 519
before completion of an approved peace officer basic training 520
program, failed to disclose any previous criminal conviction of or 521
plea of guilty to a felony as required under division (E)(1) of 522

this section. 523

(F)(1) Regardless of whether the person has been awarded the 524
certificate or has been classified as a peace officer prior to, 525
on, or after October 16, 1996, the executive director of the Ohio 526
peace officer training commission shall revoke any certificate 527
that has been awarded to a person as prescribed in this section if 528
the person does either of the following: 529

(a) Pleads guilty to a felony committed on or after January 530
1, 1997; 531

(b) Pleads guilty to a misdemeanor committed on or after 532
January 1, 1997, pursuant to a negotiated plea agreement as 533
provided in division (D) of section 2929.43 of the Revised Code in 534
which the person agrees to surrender the certificate awarded to 535
the person under this section. 536

(2) The executive director of the commission shall suspend 537
any certificate that has been awarded to a person as prescribed in 538
this section if the person is convicted, after trial, of a felony 539
committed on or after January 1, 1997. The executive director 540
shall suspend the certificate pursuant to division (F)(2) of this 541
section pending the outcome of an appeal by the person from that 542
conviction to the highest court to which the appeal is taken or 543
until the expiration of the period in which an appeal is required 544
to be filed. If the person files an appeal that results in that 545
person's acquittal of the felony or conviction of a misdemeanor, 546
or in the dismissal of the felony charge against that person, the 547
executive director shall reinstate the certificate awarded to the 548
person under this section. If the person files an appeal from that 549
person's conviction of the felony and the conviction is upheld by 550
the highest court to which the appeal is taken or if the person 551
does not file a timely appeal, the executive director shall revoke 552
the certificate awarded to the person under this section. 553

(G)(1) If a person is awarded a certificate under this 554
section and the certificate is revoked pursuant to division (E)(4) 555
or (F) of this section, the person shall not be eligible to 556
receive, at any time, a certificate attesting to the person's 557
satisfactory completion of a peace officer basic training program. 558

(2) The revocation or suspension of a certificate under 559
division (E)(4) or (F) of this section shall be in accordance with 560
Chapter 119. of the Revised Code. 561

(H)(1) A person who was employed as a peace officer of a 562
county, township, or municipal corporation of the state on January 563
1, 1966, and who has completed at least sixteen years of full-time 564
active service as such a peace officer, or equivalent service as 565
determined by the executive director of the Ohio peace officer 566
training commission, may receive an original appointment on a 567
permanent basis and serve as a peace officer of a county, 568
township, or municipal corporation, or as a state university law 569
enforcement officer, without complying with the requirements of 570
division (B) of this section. 571

(2) Any person who held an appointment as a state highway 572
trooper on January 1, 1966, may receive an original appointment on 573
a permanent basis and serve as a peace officer of a county, 574
township, or municipal corporation, or as a state university law 575
enforcement officer, without complying with the requirements of 576
division (B) of this section. 577

(I) No person who is appointed as a peace officer of a 578
county, township, or municipal corporation on or after April 9, 579
1985, shall serve as a peace officer of that county, township, or 580
municipal corporation unless the person has received training in 581
the handling of missing children and child abuse and neglect cases 582
from an approved state, county, township, or municipal police 583
officer basic training program or receives the training within the 584
time prescribed by rules adopted by the attorney general pursuant 585

to section 109.741 of the Revised Code. 586

(J) No part of any approved state, county, or municipal basic 587
training program for bailiffs and deputy bailiffs of courts of 588
record and no part of any approved state, county, or municipal 589
basic training program for criminal investigators employed by the 590
state public defender shall be used as credit toward the 591
completion by a peace officer of any part of the approved state, 592
county, or municipal peace officer basic training program that the 593
peace officer is required by this section to complete 594
satisfactorily. 595

(K) This section does not apply to any member of the police 596
department of a municipal corporation in an adjoining state 597
serving in this state under a contract pursuant to section 737.04 598
of the Revised Code. 599

Sec. 121.04. Offices are created within the several 600
departments as follows: 601

In the department of commerce: 602

Commissioner of securities; 603

Superintendent of real estate and professional 604
licensing;

Superintendent of financial institutions; 605

State fire marshal; 606

Superintendent of industrial compliance; 607

Superintendent of liquor control; 608

Superintendent of unclaimed funds. 609

In the department of administrative services: 610

Equal employment opportunity coordinator. 611

In the department of agriculture: 612

Chiefs of divisions as follows: 613

Administration; 614

Animal health;	615
Livestock environmental permitting;	616
Soil and water conservation;	617
Dairy;	618
Food safety;	619
Plant health;	620
Markets;	621
Meat inspection;	622
Consumer protection laboratory;	623
Amusement ride safety;	624
Enforcement;	625
Weights and measures.	626
In the department of natural resources:	627
Chiefs of divisions as follows:	628
Mineral resources management;	629
Oil and gas resources management;	630
Forestry;	631
Natural areas and preserves;	632
Wildlife;	633
Geological survey;	634
Parks and recreation ;	635
Watercraft <u>watercraft</u> ;	636
Water resources;	637
Engineering.	638
In the department of insurance:	639
Deputy superintendent of insurance;	640
Assistant superintendent of insurance, technical;	641
Assistant superintendent of insurance, administrative;	642
Assistant superintendent of insurance, research.	643
Sec. 145.01. As used in this chapter:	644
(A) "Public employee" means:	645

(1) Any person holding an office, not elective, under 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 university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

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

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

(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 678
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 679
153 of the 129th general assembly. The nonprofit entity is the 680
employer for the purpose of this chapter. 681

In all cases of doubt, the public employees retirement board 682
shall determine under section 145.036, 145.037, or 145.038 of the 683
Revised Code whether any person is a public employee, and its 684
decision is final. 685

(B) "Member" means any public employee, other than a public 686
employee excluded or exempted from membership in the retirement 687
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 688
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 689
retirant who becomes a member under division (C) of section 145.38 690
of the Revised Code. "Member" also includes a disability benefit 691
recipient. 692

(C) "Head of the department" means the elective or appointive 693
head of the several executive, judicial, and administrative 694
departments, institutions, boards, and commissions of the state 695
and local government as the same are created and defined by the 696
laws of this state or, in case of a charter government, by that 697
charter. 698

(D) "Employer" or "public employer" means the state or any 699
county, township, municipal corporation, park district, 700
conservancy district, sanitary district, health district, 701
metropolitan housing authority, state retirement board, Ohio 702
history connection, public library, county law library, union 703
cemetery, joint hospital, institutional commissary, state medical 704
university, state university, or board, bureau, commission, 705
council, committee, authority, or administrative body as the same 706
are, or have been, created by action of the general assembly or by 707
the legislative authority of any of the units of local government 708
named in this division not covered by section 742.01, 3307.01, 709

3309.01, or 5505.01 of the Revised Code. In addition, "employer" 710
means the employer of any public employee. 711

(E) "Prior military service" also means all service credited 712
for active duty with the armed forces of the United States as 713
provided in section 145.30 of the Revised Code. 714

(F) "Contributor" means any person who has an account in the 715
employees' savings fund created by section 145.23 of the Revised 716
Code. When used in the sections listed in division (B) of section 717
145.82 of the Revised Code, "contributor" includes any person 718
participating in a PERS defined contribution plan. 719

(G) "Beneficiary" or "beneficiaries" means the estate or a 720
person or persons who, as the result of the death of a member, 721
contributor, or retirant, qualify for or are receiving some right 722
or benefit under this chapter. 723

(H)(1) "Total service credit," except as provided in section 724
145.37 of the Revised Code, means all service credited to a member 725
of the retirement system since last becoming a member, including 726
restored service credit as provided by section 145.31 of the 727
Revised Code; credit purchased under sections 145.293 and 145.299 728
of the Revised Code; all the member's military service credit 729
computed as provided in this chapter; all service credit 730
established pursuant to section 145.297 of the Revised Code; and 731
any other service credited under this chapter. For the exclusive 732
purpose of satisfying the service credit requirement and of 733
determining eligibility for benefits under sections 145.32, 734
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 735
Revised Code, "five or more years of total service credit" means 736
sixty or more calendar months of contributing service in this 737
system. 738

(2) "One and one-half years of contributing service credit," 739
as used in division (B) of section 145.45 of the Revised Code, 740

also means eighteen or more calendar months of employment by a 741
municipal corporation that formerly operated its own retirement 742
plan for its employees or a part of its employees, provided that 743
all employees of that municipal retirement plan who have eighteen 744
or more months of such employment, upon establishing membership in 745
the public employees retirement system, shall make a payment of 746
the contributions they would have paid had they been members of 747
this system for the eighteen months of employment preceding the 748
date membership was established. When that payment has been made 749
by all such employee members, a corresponding payment shall be 750
paid into the employers' accumulation fund by that municipal 751
corporation as the employer of the employees. 752

(3) Where a member also is a member of the state teachers 753
retirement system or the school employees retirement system, or 754
both, except in cases of retirement on a combined basis pursuant 755
to section 145.37 of the Revised Code or as provided in section 756
145.383 of the Revised Code, service credit for any period shall 757
be credited on the basis of the ratio that contributions to the 758
public employees retirement system bear to total contributions in 759
all state retirement systems. 760

(4) Not more than one year of credit may be given for any 761
period of twelve months. 762

(5) "Ohio service credit" means credit for service that was 763
rendered to the state or any of its political subdivisions or any 764
employer. 765

(I) "Regular interest" means interest at any rates for the 766
respective funds and accounts as the public employees retirement 767
board may determine from time to time. 768

(J) "Accumulated contributions" means the sum of all amounts 769
credited to a contributor's individual account in the employees' 770
savings fund together with any interest credited to the 771

contributor's account under section 145.471 or 145.472 of the Revised Code. 772
773

(K)(1) "Final average salary" means the greater of the following: 774
775

(a) The sum of the member's earnable salaries for the appropriate number of calendar years of contributing service, determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service; 776
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(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months. 785
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(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary. 797
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(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments. 799
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(M) "Annuity reserve" means the present value, computed upon 803
the basis of the mortality and other tables adopted by the board, 804
of all payments to be made on account of any annuity, or benefit 805
in lieu of any annuity, granted to a retirant as provided in this 806
chapter. 807

(N)(1) "Disability retirement" means retirement as provided 808
in section 145.36 of the Revised Code. 809

(2) "Disability allowance" means an allowance paid on account 810
of disability under section 145.361 of the Revised Code. 811

(3) "Disability benefit" means a benefit paid as disability 812
retirement under section 145.36 of the Revised Code, as a 813
disability allowance under section 145.361 of the Revised Code, or 814
as a disability benefit under section 145.37 of the Revised Code. 815

(4) "Disability benefit recipient" means a member who is 816
receiving a disability benefit. 817

(O) "Age and service retirement" means retirement as provided 818
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 819
and former section 145.34 of the Revised Code. 820

(P) "Pensions" means annual payments for life derived from 821
contributions made by the employer that at the time of retirement 822
are credited into the annuity and pension reserve fund from the 823
employers' accumulation fund and paid from the annuity and pension 824
reserve fund as provided in this chapter. All pensions shall be 825
paid in twelve equal monthly installments. 826

(Q) "Retirement allowance" means the pension plus that 827
portion of the benefit derived from contributions made by the 828
member. 829

(R)(1) Except as otherwise provided in division (R) of this 830
section, "earnable salary" means all salary, wages, and other 831
earnings paid to a contributor by reason of employment in a 832

position covered by the retirement system. The salary, wages, and 833
other earnings shall be determined prior to determination of the 834
amount required to be contributed to the employees' savings fund 835
under section 145.47 of the Revised Code and without regard to 836
whether any of the salary, wages, or other earnings are treated as 837
deferred income for federal income tax purposes. "Earnable salary" 838
includes the following: 839

(a) Payments made by the employer in lieu of salary, wages, 840
or other earnings for sick leave, personal leave, or vacation used 841
by the contributor; 842

(b) Payments made by the employer for the conversion of sick 843
leave, personal leave, and vacation leave accrued, but not used if 844
the payment is made during the year in which the leave is accrued, 845
except that payments made pursuant to section 124.383 or 124.386 846
of the Revised Code are not earnable salary; 847

(c) Allowances paid by the employer for maintenance, 848
consisting of housing, laundry, and meals, as certified to the 849
retirement board by the employer or the head of the department 850
that employs the contributor; 851

(d) Fees and commissions paid under section 507.09 of the 852
Revised Code; 853

(e) Payments that are made under a disability leave program 854
sponsored by the employer and for which the employer is required 855
by section 145.296 of the Revised Code to make periodic employer 856
and employee contributions; 857

(f) Amounts included pursuant to former division (K)(3) and 858
former division (Y) of this section and section 145.2916 of the 859
Revised Code. 860

(2) "Earnable salary" does not include any of the following: 861

(a) Fees and commissions, other than those paid under section 862

507.09 of the Revised Code, paid as sole compensation for personal 863
services and fees and commissions for special services over and 864
above services for which the contributor receives a salary; 865

(b) Amounts paid by the employer to provide life insurance, 866
sickness, accident, endowment, health, medical, hospital, dental, 867
or surgical coverage, or other insurance for the contributor or 868
the contributor's family, or amounts paid by the employer to the 869
contributor in lieu of providing the insurance; 870

(c) Incidental benefits, including lodging, food, laundry, 871
parking, or services furnished by the employer, or use of the 872
employer's property or equipment, or amounts paid by the employer 873
to the contributor in lieu of providing the incidental benefits; 874

(d) Reimbursement for job-related expenses authorized by the 875
employer, including moving and travel expenses and expenses 876
related to professional development; 877

(e) Payments for accrued but unused sick leave, personal 878
leave, or vacation that are made at any time other than in the 879
year in which the sick leave, personal leave, or vacation was 880
accrued; 881

(f) Payments made to or on behalf of a contributor that are 882
in excess of the annual compensation that may be taken into 883
account by the retirement system under division (a)(17) of section 884
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 885
U.S.C.A. 401(a)(17), as amended; 886

(g) Payments made under division (B), (C), or (E) of section 887
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 888
No. 3 of the 119th general assembly, Section 3 of Amended 889
Substitute Senate Bill No. 164 of the 124th general assembly, or 890
Amended Substitute House Bill No. 405 of the 124th general 891
assembly; 892

(h) Anything of value received by the contributor that is 893

based on or attributable to retirement or an agreement to retire, 894
except that payments made on or before January 1, 1989, that are 895
based on or attributable to an agreement to retire shall be 896
included in earnable salary if both of the following apply: 897

(i) The payments are made in accordance with contract 898
provisions that were in effect prior to January 1, 1986; 899

(ii) The employer pays the retirement system an amount 900
specified by the retirement board equal to the additional 901
liability resulting from the payments. 902

(i) The portion of any amount included in section 145.2916 of 903
the Revised Code that represents employer contributions. 904

(3) The retirement board shall determine by rule whether any 905
compensation not enumerated in division (R) of this section is 906
earnable salary, and its decision shall be final. 907

(S) "Pension reserve" means the present value, computed upon 908
the basis of the mortality and other tables adopted by the board, 909
of all payments to be made on account of any retirement allowance 910
or benefit in lieu of any retirement allowance, granted to a 911
member or beneficiary under this chapter. 912

(T) "Contributing service" means both of the following: 913

(1) All service credited to a member of the system since 914
January 1, 1935, for which contributions are made as required by 915
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 916
year subsequent to 1934, credit for any service shall be allowed 917
in accordance with section 145.016 of the Revised Code. 918

(2) Service credit received by election of the member under 919
section 145.814 of the Revised Code. 920

(U) "State retirement board" means the public employees 921
retirement board, the school employees retirement board, or the 922
state teachers retirement board. 923

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

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

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

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

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

(AA) "Township constable or police officer in a township

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

(BB) "Drug agent" means any person who is either of the 961
following: 962

(1) Employed full time as a narcotics agent by a county 963
narcotics agency created pursuant to section 307.15 of the Revised 964
Code and has received a certificate attesting to the satisfactory 965
completion of the peace officer training school as required by 966
section 109.77 of the Revised Code; 967

(2) Employed full time as an undercover drug agent as defined 968
in section 109.79 of the Revised Code and is in compliance with 969
section 109.77 of the Revised Code. 970

(CC) "Department of public safety enforcement agent" means a 971
full-time employee of the department of public safety who is 972
designated under section 5502.14 of the Revised Code as an 973
enforcement agent and who is in compliance with section 109.77 of 974
the Revised Code. 975

(DD) "Natural resources law enforcement staff officer" means 976
a full-time employee of the department of natural resources who is 977
designated a natural resources law enforcement staff officer under 978
section 1501.013 of the Revised Code and is in compliance with 979
section 109.77 of the Revised Code. 980

~~(EE) "Park officer" means a full time employee of the 981
department of natural resources who is designated a park officer 982
under section 1541.10 of the Revised Code and is in compliance 983
with section 109.77 of the Revised Code. 984~~

~~(FF) "Forest officer" "Forest-fire investigator" means a 985~~

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

~~(GG)~~(FF) "Preserve Natural resources officer" means a 990
full-time employee of the department of natural resources who is 991
~~designated a preserve~~ appointed as a natural resources officer 992
under section ~~1517.10~~ 1501.24 of the Revised Code and is in 993
compliance with section 109.77 of the Revised Code. 994

~~(HH)~~(GG) "Wildlife officer" means a full-time employee of the 995
department of natural resources who is designated a wildlife 996
officer under section 1531.13 of the Revised Code and is in 997
compliance with section 109.77 of the Revised Code. 998

~~(II)~~ "~~State watercraft officer~~" ~~means a full-time employee of~~ 999
~~the department of natural resources who is designated a state~~ 1000
~~watercraft officer under section 1547.521 of the Revised Code and~~ 1001
~~is in compliance with section 109.77 of the Revised Code.~~ 1002

~~(JJ)~~(HH) "Park district police officer" means a full-time 1003
employee of a park district who is designated pursuant to section 1004
511.232 or 1545.13 of the Revised Code and is in compliance with 1005
section 109.77 of the Revised Code. 1006

~~(KK)~~(II) "Conservancy district officer" means a full-time 1007
employee of a conservancy district who is designated pursuant to 1008
section 6101.75 of the Revised Code and is in compliance with 1009
section 109.77 of the Revised Code. 1010

~~(LL)~~(JJ) "Municipal police officer" means a member of the 1011
organized police department of a municipal corporation who is 1012
employed full time, is in compliance with section 109.77 of the 1013
Revised Code, and is not a member of the Ohio police and fire 1014
pension fund. 1015

~~(MM)~~(KK) "Veterans' home police officer" means any person who 1016

is employed at a veterans' home as a police officer pursuant to 1017
section 5907.02 of the Revised Code and is in compliance with 1018
section 109.77 of the Revised Code. 1019

~~(NN)~~(LL) "Special police officer for a mental health 1020
institution" means any person who is designated as such pursuant 1021
to section 5119.08 of the Revised Code and is in compliance with 1022
section 109.77 of the Revised Code. 1023

~~(OO)~~(MM) "Special police officer for an institution for the 1024
developmentally disabled" means any person who is designated as 1025
such pursuant to section 5123.13 of the Revised Code and is in 1026
compliance with section 109.77 of the Revised Code. 1027

~~(PP)~~(NN) "State university law enforcement officer" means any 1028
person who is employed full time as a state university law 1029
enforcement officer pursuant to section 3345.04 of the Revised 1030
Code and who is in compliance with section 109.77 of the Revised 1031
Code. 1032

~~(OO)~~(OO) "House sergeant at arms" means any person appointed 1033
by the speaker of the house of representatives under division 1034
(B)(1) of section 101.311 of the Revised Code who has arrest 1035
authority under division (E)(1) of that section. 1036

~~(RR)~~(PP) "Assistant house sergeant at arms" means any person 1037
appointed by the house sergeant at arms under division (C)(1) of 1038
section 101.311 of the Revised Code. 1039

~~(SS)~~(OO) "Regional transit authority police officer" means a 1040
person who is employed full time as a regional transit authority 1041
police officer under division (Y) of section 306.35 of the Revised 1042
Code and is in compliance with section 109.77 of the Revised Code. 1043

~~(TT)~~(RR) "State highway patrol police officer" means a 1044
special police officer employed full time and designated by the 1045
superintendent of the state highway patrol pursuant to section 1046
5503.09 of the Revised Code or a person serving full time as a 1047

special police officer pursuant to that section on a permanent 1048
basis on October 21, 1997, who is in compliance with section 1049
109.77 of the Revised Code. 1050

~~(UU)~~(SS) "Municipal public safety director" means a person 1051
who serves full time as the public safety director of a municipal 1052
corporation with the duty of directing the activities of the 1053
municipal corporation's police department and fire department. 1054

~~(VV)~~(TT) Notwithstanding section 2901.01 of the Revised Code, 1055
"PERS law enforcement officer" means a sheriff or any of the 1056
following whose primary duties are to preserve the peace, protect 1057
life and property, and enforce the laws of this state: a deputy 1058
sheriff, township constable or police officer in a township police 1059
department or district, drug agent, department of public safety 1060
enforcement agent, natural resources law enforcement staff 1061
officer, ~~park officer, forest officer, preserve officer,~~ wildlife 1062
officer, ~~state watercraft forest-fire investigator, natural~~ 1063
resources officer, park district police officer, conservancy 1064
district officer, veterans' home police officer, special police 1065
officer for a mental health institution, special police officer 1066
for an institution for the developmentally disabled, state 1067
university law enforcement officer, municipal police officer, 1068
house sergeant at arms, assistant house sergeant at arms, regional 1069
transit authority police officer, or state highway patrol police 1070
officer. "PERS law enforcement officer" also includes a person 1071
serving as a municipal public safety director at any time during 1072
the period from September 29, 2005, to March 24, 2009, if the 1073
duties of that service were to preserve the peace, protect life 1074
and property, and enforce the laws of this state. 1075

~~(WW)~~(UU) "Hamilton county municipal court bailiff" means a 1076
person appointed by the clerk of courts of the Hamilton county 1077
municipal court under division (A)(3) of section 1901.32 of the 1078
Revised Code who is employed full time as a bailiff or deputy 1079

bailiff, who has received a certificate attesting to the person's 1080
satisfactory completion of the peace officer basic training 1081
described in division (D)(1) of section 109.77 of the Revised 1082
Code. 1083

~~(XX)~~(VV) "PERS public safety officer" means a Hamilton county 1084
municipal court bailiff, or any of the following whose primary 1085
duties are other than to preserve the peace, protect life and 1086
property, and enforce the laws of this state: a deputy sheriff, 1087
township constable or police officer in a township police 1088
department or district, drug agent, department of public safety 1089
enforcement agent, natural resources law enforcement staff 1090
officer, ~~park officer, forest officer, preserve officer,~~ wildlife 1091
officer, ~~state watercraft~~ forest-fire investigator, natural 1092
resources officer, park district police officer, conservancy 1093
district officer, veterans' home police officer, special police 1094
officer for a mental health institution, special police officer 1095
for an institution for the developmentally disabled, state 1096
university law enforcement officer, municipal police officer, 1097
house sergeant at arms, assistant house sergeant at arms, regional 1098
transit authority police officer, or state highway patrol police 1099
officer. "PERS public safety officer" also includes a person 1100
serving as a municipal public safety director at any time during 1101
the period from September 29, 2005, to March 24, 2009, if the 1102
duties of that service were other than to preserve the peace, 1103
protect life and property, and enforce the laws of this state. 1104

~~(YY)~~(WW) "Fiduciary" means a person who does any of the 1105
following: 1106

(1) Exercises any discretionary authority or control with 1107
respect to the management of the system or with respect to the 1108
management or disposition of its assets; 1109

(2) Renders investment advice for a fee, direct or indirect, 1110
with respect to money or property of the system; 1111

(3) Has any discretionary authority or responsibility in the administration of the system. 1112
1113

~~(ZZ)~~(XX) "Actuary" means an individual who satisfies all of the following requirements: 1114
1115

(1) Is a member of the American academy of actuaries; 1116

(2) Is an associate or fellow of the society of actuaries; 1117

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans. 1118
1119

~~(AAA)~~(YY) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code. 1120
1121

~~(BBB)~~(ZZ) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code. 1122
1123

Sec. 145.332. Eligibility of members of the public employees retirement system, other than those subject to section 145.32 of the Revised Code, for age and service retirement shall be determined under this section. 1124
1125
1126
1127

(A) A member of the public employees retirement system is eligible for age and service retirement under this division if, not later than five years after ~~the effective date of this section~~ January 7, 2013, the member meets one of the following requirements: 1128
1129
1130
1131
1132

(1) Has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer; 1133
1134

(2) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit; 1135
1136
1137
1138
1139

(3) Has attained age sixty-two and has at least fifteen years 1140

of total service credit as a PERS law enforcement officer or PERS 1141
public safety officer. 1142

(B)(1) A member who would be eligible to retire not later 1143
than ten years after ~~the effective date of this amendment~~ January 1144
7, 2013, if the requirements of section 145.33 of the Revised Code 1145
as they existed immediately prior to ~~the effective date of this~~ 1146
~~amendment~~ January 7, 2013, were still in effect is eligible to 1147
retire under this division if the member meets one of the 1148
following requirements: 1149

(a) Has attained age fifty and has at least twenty-five years 1150
of total service credit as a PERS law enforcement officer; 1151

(b) Has attained age fifty-four and has at least twenty-five 1152
years of total service credit as a PERS public safety officer or 1153
has service as a PERS public safety officer and service as a PERS 1154
law enforcement officer that when combined equal at least 1155
twenty-five years of total service credit; 1156

(c) Has attained age sixty-four and has at least fifteen 1157
years of total service credit as a PERS law enforcement officer or 1158
PERS public safety officer. 1159

(2) A member who on ~~the effective date of this amendment~~ 1160
January 7, 2013, has twenty or more years of total service credit 1161
is eligible for age and service retirement under this division on 1162
meeting one of the requirements of division (B)(1) of this 1163
section, regardless of when the member meets the requirement 1164
unless, between ~~the effective date of this section~~ January 7, 1165
2013, and the date the member meets the requirement, the member 1166
receives a refund of accumulated contributions under section 1167
145.40 of the Revised Code. 1168

(C) A member who is not eligible for age and service 1169
retirement under division (A) or (B) of this section is eligible 1170
under this division if the member meets one of the following 1171

requirements:	1172
(1) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS law enforcement officer;	1173 1174
(2) Has attained age fifty-six and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;	1175 1176 1177 1178 1179
(3) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.	1180 1181 1182
(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on the effective date of this section <u>January 7, 2013</u> , or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies:	1183 1184 1185 1186 1187 1188 1189
(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:	1190 1191 1192 1193
(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after the effective date of this section <u>January 7, 2013</u> ;	1194 1195 1196 1197
(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after the effective date of this section <u>January 7, 2013</u> .	1198 1199 1200 1201

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

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

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

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

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

(3) A member with at least twenty-five years of total service

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

(a) If eligibility to make the election under division (E)(3) 1239
of this section occurs not later than five years after ~~the~~ 1240
~~effective date of this section~~ January 7, 2013, the benefit shall 1241
be calculated in accordance with the following schedule: 1242

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

(b) If eligibility to make the election occurs after the date 1248
determined under division (E)(3)(a) of this section, the benefit 1249
shall be the actuarial equivalent of the allowance calculated 1250
under division (F) of this section adjusted for age. 1251

(4) A member with at least twenty-five years of total service 1252
credit who would be eligible to retire under division (B)(1)(b) of 1253
this section had the member attained age fifty-four and who 1254
voluntarily resigns or is discharged for any reason except death, 1255
dishonesty, cowardice, intemperate habits, or conviction of a 1256
felony, on or after attaining age forty-eight, but before 1257
attaining age fifty-four, may elect to receive a reduced benefit. 1258
The benefit shall be the actuarial equivalent of the allowance 1259
calculated under division (F) of this section adjusted for age. 1260

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

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

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

(G) A member with at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit.

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

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

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

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

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

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

(a) A benefit under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section for the member's service credit as a PERS law enforcement officer;

(b) A single life annuity having a reserve equal to the

amount of the member's accumulated contributions for all service 1324
other than PERS law enforcement service; 1325

(c) A pension equal to the annuity provided under division 1326
(I)(2)(b) of this section, excluding amounts of the member's 1327
accumulated contributions deposited under former division (Y) of 1328
section 145.01 or former sections 145.02, 145.29, 145.292, and 1329
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 1330
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 1331
Revised Code for the purchase of service credit. 1332

(3) If the member qualifies for an allowance under division 1333
(A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to 1334
receive all of the following: 1335

(a) A benefit under division (A)(2), (B)(2), (C)(2), or 1336
(E)(3), (4), or (5) of this section for the member's service 1337
credit as a PERS law enforcement officer or PERS public safety 1338
officer; 1339

(b) A single life annuity having a reserve equal to the 1340
amount of the member's accumulated contributions for all service 1341
other than PERS law enforcement service or PERS public safety 1342
officer service; 1343

(c) A pension equal to the annuity provided under division 1344
(I)(3)(b) of this section, excluding amounts of the member's 1345
accumulated contributions deposited under former division (Y) of 1346
section 145.01 or former sections 145.02, 145.29, 145.292, and 1347
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 1348
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 1349
Revised Code for the purchase of service credit. 1350

(J) For the purposes of this section, "total service credit" 1351
includes credit for military service to the extent permitted by 1352
division (K) of this section and credit for service as a police 1353
officer or state highway patrol trooper to the extent permitted by 1354

division (L) of this section. 1355

(K) Notwithstanding sections 145.01 and 145.30 of the Revised 1356
Code, not more than four years of military service credit granted 1357
or purchased under section 145.30 of the Revised Code and five 1358
years of military service credit purchased under section 145.301 1359
or 145.302 of the Revised Code shall be used in calculating 1360
service as a PERS law enforcement officer or PERS public safety 1361
officer or the total service credit of that person. 1362

(L)(1) Only credit for the member's service as a PERS law 1363
enforcement officer, PERS public safety officer, or service credit 1364
obtained as a police officer or state highway patrol trooper shall 1365
be used in computing the benefit of a member who qualifies for a 1366
benefit under this section for the following: 1367

(a) Any person who originally is commissioned and employed as 1368
a deputy sheriff by the sheriff of any county, or who originally 1369
is elected sheriff, on or after January 1, 1975; 1370

(b) Any deputy sheriff who originally is employed as a 1371
criminal bailiff or court constable on or after April 16, 1993; 1372

(c) Any person who originally is appointed as a township 1373
constable or police officer in a township police department or 1374
district on or after January 1, 1981; 1375

(d) Any person who originally is employed as a county 1376
narcotics agent on or after September 26, 1984; 1377

(e) Any person who originally is employed as an undercover 1378
drug agent as defined in section 109.79 of the Revised Code, 1379
department of public safety enforcement agent who prior to June 1380
30, 1999, was a liquor control investigator, ~~park officer, forest~~ 1381
forest-fire investigator, natural resources officer, wildlife 1382
officer, ~~state watercraft officer~~, park district police officer, 1383
conservancy district officer, veterans' home police officer, 1384
special police officer for a mental health institution, special 1385

police officer for an institution for the developmentally disabled, or municipal police officer on or after December 15, 1988;	1386 1387 1388
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	1389 1390
(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	1391 1392 1393
(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;	1394 1395
(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	1396 1397 1398
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	1399 1400
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	1401 1402 1403
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	1404 1405 1406
(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than March 24, 2009.	1407 1408 1409
(2) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2) of this section for any person who	1410 1411 1412 1413 1414 1415

originally is employed as a Hamilton county municipal court 1416
bailiff on or after November 6, 1996. 1417

(M) For purposes of this section, service prior to June 30, 1418
1999, as a food stamp trafficking agent under former section 1419
5502.14 of the Revised Code shall be considered service as a law 1420
enforcement officer. 1421

(N) Retirement allowances determined under this section shall 1422
be paid as provided in section 145.46 of the Revised Code. 1423

(O) A member seeking to retire under this section shall file 1424
an application with the public employees retirement board. 1425

Service retirement shall be effective as provided in division 1426
(E) of section 145.32 of the Revised Code. 1427

(P) If fewer than one per cent of the retirement system's 1428
members are contributing as public safety officers, the board, 1429
pursuant to a rule it adopts, may treat service as a public safety 1430
officer as service as a law enforcement officer. 1431

Sec. 149.301. (A) There is hereby created the Ohio historic 1432
site preservation advisory board, to consist of seventeen members 1433
appointed by the governor with the advice and consent of the 1434
senate. Terms of office shall be for three years, commencing on 1435
the fifteenth day of January and ending on the fourteenth day of 1436
January. Each member shall hold office from the date of the 1437
member's appointment until the end of the term for which the 1438
member was appointed. Vacancies shall be filled by appointments by 1439
the governor with the advice and consent of the senate. Any member 1440
appointed to fill a vacancy occurring prior to the expiration of 1441
the term for which the member's predecessor was appointed shall 1442
hold office for the remainder of such term. Any member shall 1443
continue in office subsequent to the expiration date of the 1444
member's term until the member's successor takes office, or until 1445

a period of sixty days has elapsed, whichever occurs first. 1446

(B) The members of the advisory board shall include, but 1447
shall not be limited to, at least one individual chosen from each 1448
of the following groups: 1449

(1) Historians; 1450

(2) Archaeologists; 1451

(3) Architectural historians; 1452

(4) Architects; 1453

(5) Historical architects; 1454

(6) American Indians. 1455

(C) The advisory board may include, but shall not be limited 1456
to, individuals chosen from the following organizations and 1457
fields: 1458

(1) Professional planners; 1459

(2) ~~Recreation and resources council;~~ 1460

~~(3)~~ Ohio travel council; 1461

~~(4)~~(3) Department of administrative services; 1462

~~(5)~~(4) Ohio arts council; 1463

~~(6)~~(5) Ohio archaeological council; 1464

~~(7)~~(6) Patriotic and veterans' organizations; 1465

~~(8)~~(7) Local historical societies; 1466

~~(9)~~(8) Department of natural resources; 1467

~~(10)~~(9) Professional engineers; 1468

~~(11)~~(10) Attorneys at law. 1469

The advisory board shall assist the Ohio history connection 1470
with its site preservation program, suggest legislation necessary 1471

to the Ohio history connection's preservation program including 1472
the location, designation, restoration, preservation, and 1473
maintenance of state historic and archaeological sites and 1474
artifacts, and shall encourage the designation of suitable sites 1475
on the national register of historic places and under related 1476
federal programs. The advisory board shall provide general advice, 1477
guidance, and professional recommendations to the state historic 1478
preservation officer in conducting the comprehensive statewide 1479
survey, preparing the state historic preservation plan, and 1480
carrying out the other duties and responsibilities of the state 1481
historic preservation office. Members of the advisory board shall 1482
serve without compensation. 1483

A majority of the members of the advisory board shall be 1484
recognized professionals in the disciplines of history, 1485
archaeology, architectural history, architecture, and historical 1486
architecture. 1487

Sec. 154.01. As used in this chapter: 1488

(A) "Commission" means the Ohio public facilities commission 1489
created in section 151.02 of the Revised Code. 1490

(B) "Obligations" means bonds, notes, or other evidences of 1491
obligation, including interest coupons pertaining thereto, issued 1492
pursuant to Chapter 154. of the Revised Code. 1493

(C) "Bond proceedings" means the order or orders, resolution 1494
or resolutions, trust agreement, indenture, lease, and other 1495
agreements, amendments and supplements to the foregoing, or any 1496
combination thereof, authorizing or providing for the terms and 1497
conditions applicable to, or providing for the security of, 1498
obligations issued pursuant to Chapter 154. of the Revised Code, 1499
and the provisions contained in such obligations. 1500

(D) "State agencies" means the state of Ohio and officers, 1501

boards, commissions, departments, divisions, or other units or 1502
agencies of the state. 1503

(E) "Governmental agency" means state agencies, state 1504
supported and assisted institutions of higher education, municipal 1505
corporations, counties, townships, school districts, and any other 1506
political subdivision or special district in this state 1507
established pursuant to law, and, except where otherwise 1508
indicated, also means the United States or any department, 1509
division, or agency thereof, and any agency, commission, or 1510
authority established pursuant to an interstate compact or 1511
agreement. 1512

(F) "Institutions of higher education" and "state supported 1513
or state assisted institutions of higher education" means the 1514
state universities identified in section 3345.011 of the Revised 1515
Code, the northeast Ohio medical university, state universities or 1516
colleges at any time created, community college districts, 1517
university branch districts, and technical college districts at 1518
any time established or operating under Chapter 3354., 3355., or 1519
3357. of the Revised Code, and other institutions for education, 1520
including technical education, beyond the high school, receiving 1521
state support or assistance for their expenses of operation. 1522

(G) "Governing body" means: 1523

(1) In the case of institutions of higher education, the 1524
board of trustees, board of directors, commission, or other body 1525
vested by law with the general management, conduct, and control of 1526
one or more institutions of higher education; 1527

(2) In the case of a county, the board of county 1528
commissioners or other legislative body; in the case of a 1529
municipal corporation, the council or other legislative body; in 1530
the case of a township, the board of township trustees; in the 1531
case of a school district, the board of education; 1532

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

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

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

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

(K) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or

furnishing capital facilities, and the financing thereof, 1565
including the cost of clearance and preparation of the site and of 1566
any land to be used in connection with capital facilities, the 1567
cost of any indemnity and surety bonds and premiums on insurance, 1568
all related direct administrative expenses and allocable portions 1569
of direct costs of the commission or issuing authority and 1570
department of administrative services, or other designees of the 1571
commission under section 154.17 of the Revised Code, cost of 1572
engineering and architectural services, designs, plans, 1573
specifications, surveys, and estimates of cost, legal fees, fees 1574
and expenses of trustees, depositories, and paying agents for the 1575
obligations, cost of issuance of the obligations and financing 1576
charges and fees and expenses of financial advisers and 1577
consultants in connection therewith, interest on obligations, 1578
including but not limited to, interest from the date of their 1579
issuance to the time when interest is to be covered from sources 1580
other than proceeds of obligations, amounts necessary to establish 1581
reserves as required by the bond proceedings, costs of audits, the 1582
reimbursement of all moneys advanced or applied by or borrowed 1583
from any governmental agency, whether to or by the commission or 1584
others, from whatever source provided, for the payment of any item 1585
or items of cost of the capital facilities, any share of the cost 1586
undertaken by the commission pursuant to arrangements made with 1587
governmental agencies under division (H) of section 154.06 of the 1588
Revised Code, and all other expenses necessary or incident to 1589
planning or determining feasibility or practicability with respect 1590
to capital facilities, and such other expenses as may be necessary 1591
or incident to the acquisition, construction, reconstruction, 1592
rehabilitation, remodeling, renovation, enlargement, improvement, 1593
equipment, and furnishing of capital facilities, the financing 1594
thereof and the placing of the same in use and operation, 1595
including any one, part of, or combination of such classes of 1596
costs and expenses. 1597

(L) "Public service facilities" means inns, lodges, hotels, 1598
cabins, camping sites, scenic trails, picnic sites, restaurants, 1599
commissaries, golf courses, boating and bathing facilities and 1600
other similar facilities in state parks. 1601

(M) "State parks" means: 1602

(1) State reservoirs described and identified in section 1603
~~1541.06~~ 1546.11 of the Revised Code; 1604

(2) All lands or interests therein of the state identified as 1605
administered by the division of parks and ~~recreation~~ watercraft in 1606
the "inventory of state owned lands administered by the department 1607
of natural resources as of June 1, 1963," as recorded in the 1608
journal of the director, which inventory was prepared by the real 1609
estate section of the department and is supported by maps now on 1610
file in said real estate section; 1611

(3) All lands or interests in lands of the state designated 1612
after June 1, 1963, as state parks in the journal of the director 1613
~~with the approval of the recreation and resources council.~~ 1614

State parks do not include any lands or interest in lands of 1615
the state administered jointly by two or more divisions of the 1616
department of natural resources. The designation of lands as state 1617
parks under divisions (M)(1) to (3) of this section is conclusive 1618
and such lands shall be under the control of and administered by 1619
the division of parks and ~~recreation~~ watercraft. No order or 1620
proceeding designating lands as state parks or park purchase areas 1621
is subject to any appeal or review by any officer, board, 1622
commission, or court. 1623

(N) "Bond service fund" means the applicable fund created for 1624
and pledged to the payment of bond service charges under section 1625
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including 1626
all moneys and investments, and earnings from investments, 1627
credited and to be credited thereto. 1628

(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 chapter to pay costs of capital facilities for parks and recreation.

(B) Any capital facilities for parks and recreation may be leased by the commission to the department of natural resources

and other agreements may be made by the commission and such 1659
department with respect to the use or purchase of such capital 1660
facilities or, subject to the approval of the director of such 1661
department, the commission may lease such capital facilities to, 1662
and make other agreements with respect to their use or purchase 1663
with, any governmental agency having authority under law to 1664
operate such capital facilities, and the director of such 1665
department may sublease such capital facilities to, and make other 1666
agreements with respect to the use or purchase thereof with, any 1667
such governmental agency, or such director may sublease or 1668
contract for the operation of such capital facilities in 1669
accordance with the applicable provisions of sections 1501.09, 1670
1501.091, and 1501.10 of the Revised Code, all upon such terms and 1671
conditions as the parties may agree upon and pursuant to this 1672
chapter, notwithstanding any other provisions of law affecting the 1673
leasing, acquisition, or disposition of capital facilities by such 1674
parties. 1675

(C) For purposes of this section, "available receipts" means 1676
all receipts, including fees, charges, and rentals, derived or to 1677
be derived from state parks and public service facilities in any 1678
state park or parks, any other receipts of state agencies with 1679
respect to parks and recreational facilities, any revenues or 1680
receipts derived by the commission from the operation, leasing, or 1681
other disposition of capital facilities financed under this 1682
section, the proceeds of obligations issued under this section and 1683
sections 154.11 and 154.12 of the Revised Code, and also means any 1684
gifts, grants, donations, and pledges, and receipts thereon, 1685
available for the payment of bond service charges on obligations 1686
issued under this section. The issuing authority may pledge all, 1687
or such portion as it determines, of the available receipts to the 1688
payment of bond service charges on obligations issued under this 1689
section and sections 154.11 and 154.12 of the Revised Code and for 1690
the establishment and maintenance of any reserves, as provided in 1691

the bond proceedings, and make other provisions therein with 1692
respect to such available receipts as authorized by this chapter, 1693
which provisions shall be controlling notwithstanding any other 1694
provision of law pertaining thereto. 1695

(D) The issuing authority may covenant in the bond proceeding 1696
that the state and state agencies shall, so long as any 1697
obligations issued under this section are outstanding, cause to be 1698
charged and collected fees, charges, and rentals for the use of 1699
state parks and public service facilities and other fees and 1700
charges with respect to parks and recreation sufficient in amount 1701
to provide for the payment of bond service charges on such 1702
obligations and for the establishment and maintenance of any 1703
reserves as provided in the bond proceedings, and such covenants 1704
shall be controlling notwithstanding any other provision of law 1705
pertaining to such charges except any provision of law prohibiting 1706
or limiting charges for the use of swimming facilities of state 1707
parks and public service facilities by persons under sixteen years 1708
of age. 1709

(E) There is hereby created the parks and recreation bond 1710
service trust fund, which shall be in the custody of the treasurer 1711
of state but shall be separate and apart from and not a part of 1712
the state treasury. All moneys received by or on account of the 1713
commission or issuing authority or state agencies and required by 1714
the applicable bond proceedings to be deposited, transferred, or 1715
allocated to or received for the purposes of the trust fund shall 1716
be deposited with the treasurer of state and credited to such 1717
fund, subject to applicable provisions of the bond proceedings but 1718
without necessity for any act of appropriation. The trust fund is 1719
hereby pledged to the payment of bond service charges on the 1720
obligations issued pursuant to this section and sections 154.11 1721
and 154.12 of the Revised Code to the extent provided in the 1722
applicable bond proceedings, and payment thereof from such fund 1723

shall be made or provided for by the treasurer of state in 1724
accordance with such bond proceedings without necessity for any 1725
act of appropriation. 1726

(F) There is hereby created in the state treasury the parks 1727
and recreation improvement fund. Subject to the bond proceedings 1728
therefor, all of the proceeds of the sale of obligations issued 1729
pursuant to this section shall be credited to such fund, except 1730
that any accrued interest received shall be credited to the parks 1731
and recreation bond service trust fund. The parks and recreation 1732
improvement fund may also be comprised of gifts, grants, 1733
appropriated moneys, and other sums and securities received to the 1734
credit of such fund. Such fund shall be applied only to the 1735
purpose of paying costs of capital facilities for parks and 1736
recreation under the jurisdiction of the department of natural 1737
resources or for participation in capital facilities for parks and 1738
recreation with the federal government, municipal corporations, 1739
counties, or other governmental agencies, or any one or more of 1740
them, which participation may be by grants or contributions to 1741
them for such capital facilities. All investment earnings on the 1742
cash balance in the fund shall be credited to the fund. 1743

(G) All state parks shall be exclusively under the control 1744
and administration of the division of parks and ~~recreation~~ 1745
~~watercraft~~. ~~With the approval of the recreation and resources~~ 1746
~~council, the~~ The director of natural resources may by order remove 1747
from the classification as state parks any of the lands or 1748
interests therein referred to in divisions (M)(2) and (3) of 1749
section 154.01 of the Revised Code, subject to the limitations, 1750
provisions, and conditions in any order authorizing state park 1751
revenue bonds, in any trust agreement securing such bonds, or in 1752
bond proceedings with respect to obligations issued pursuant to 1753
this section. Lands or interests therein so removed shall be 1754
transferred to other divisions of the department for 1755

administration or may be sold as provided by law. Proceeds of any 1756
sale shall be used or transferred as provided in the order 1757
authorizing state park revenue bonds or in such trust agreement, 1758
or in bond proceedings with respect to obligations issued pursuant 1759
to this section, and if no such provision is made shall be 1760
transferred to the state park fund created by section ~~1541.22~~ 1761
1546.21 of the Revised Code. 1762

(H) This section shall be applied with other applicable 1763
provisions of this chapter. 1764

(I) Any instrument by which real property is acquired 1765
pursuant to this section shall identify the agency of the state 1766
that has the use and benefit of the real property as specified in 1767
section 5301.012 of the Revised Code. 1768

Sec. 742.63. The board of trustees of the Ohio police and 1769
fire pension fund shall adopt rules for the management of the Ohio 1770
public safety officers death benefit fund and for disbursements of 1771
benefits as set forth in this section. 1772

(A) As used in this section: 1773

(1) "Member" means all of the following: 1774

(a) A member of the Ohio police and fire pension fund, 1775
including a member of the fund who has elected to participate in 1776
the deferred retirement option plan established under section 1777
742.43 of the Revised Code or a member of or contributor to a 1778
police or firemen's relief and pension fund established under 1779
former Chapter 521. or 741. of the Revised Code; 1780

(b) A member of the state highway patrol retirement system, 1781
including a member who is participating in the deferred retirement 1782
option plan established under section 5505.50 of the Revised Code; 1783

(c) A member of the public employees retirement system who at 1784

the time of the member's death was one of the following:	1785
(i) A county sheriff or deputy sheriff;	1786
(ii) A full-time regular police officer in a municipal corporation or township;	1787 1788
(iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;	1789 1790 1791
(iv) A full-time park district ranger or patrol trooper;	1792
(v) A full-time law enforcement officer of the department of natural resources;	1793 1794
(vi) A full-time department of public safety enforcement agent;	1795 1796
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	1797 1798 1799
(viii) A full-time law enforcement officer of a conservancy district;	1800 1801
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	1802 1803 1804
(x) A state university law enforcement officer;	1805
(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation;	1806 1807 1808
(xii) A drug agent, as defined in section 145.01 of the Revised Code;	1809 1810
(xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;	1811 1812
(xiv) An employee of the department of taxation who has been	1813

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.

(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.

(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.

(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 of counties, a municipal corporation, or the department of rehabilitation and correction, a police officer employed by a township or municipal corporation, a firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time

law enforcement officer of the department of natural resources, a 1846
full-time department of public safety enforcement agent, a 1847
full-time law enforcement officer of parks, waterway lands, or 1848
reservoir lands under the control of a municipal corporation, a 1849
full-time law enforcement officer of a conservancy district, and a 1850
state university law enforcement officer. 1851

(4) "Correction officer" includes, in addition to any 1852
correction officer, any correction corporal, sergeant, lieutenant, 1853
or captain, and the equivalents of all such persons. 1854

(5) "A park district ranger or patrol trooper" means a peace 1855
officer commissioned to make arrests, execute warrants, and 1856
preserve the peace upon lands under the control of a board of park 1857
commissioners of a metropolitan, county, or township park 1858
district. 1859

(6) "Metropolitan, county, or township park district" means a 1860
park district created under the authority of Chapter 511. or 1545. 1861
of the Revised Code. 1862

(7) "Conservancy district" means a conservancy district 1863
created under the authority of Chapter 6101. of the Revised Code. 1864

(8) "Law enforcement officer" means an officer commissioned 1865
to make arrests, execute warrants, and preserve the peace upon 1866
lands under the control of the governmental entity granting the 1867
commission. 1868

(9) "Department of natural resources law enforcement officer" 1869
includes a ~~forest officer designated pursuant to section 1503.29~~ 1870
~~of the Revised Code, a preserve officer designated pursuant to~~ 1871
~~section 1517.10 of the Revised Code~~ forest-fire investigator 1872
appointed pursuant to section 1503.09 of the Revised Code, a 1873
wildlife officer designated pursuant to section 1531.13 of the 1874
Revised Code, ~~a park officer designated pursuant to section~~ 1875
~~1541.10 of the Revised Code~~, and a ~~state watercraft~~ natural 1876

resources officer designated appointed pursuant to section 1877
~~1547.521~~ 1501.24 of the Revised Code. 1878

(10) "Retirement eligibility date" means the last day of the 1879
month in which a deceased member would have first become eligible, 1880
had the member lived, for the retirement pension provided under 1881
section 145.332, Chapter 145., 521., or 741., division (C)(1) of 1882
section 742.37, or division (A)(1) of section 5505.17 of the 1883
Revised Code or provided by a retirement system operated by a 1884
municipal corporation. 1885

(11) "Death benefit amount" means an amount equal to the full 1886
monthly salary received by a deceased member prior to death, minus 1887
an amount equal to the benefit received under section 145.45, 1888
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 1889
received from a retirement system operated by a municipal 1890
corporation, plus any increases in salary that would have been 1891
granted the deceased member. 1892

(12) "Killed in the line of duty" means either of the 1893
following: 1894

(a) Death in the line of duty; 1895

(b) Death from injury sustained in the line of duty, 1896
including heart attack or other fatal injury or illness caused 1897
while in the line of duty. 1898

(B) A spouse of a deceased member shall receive a death 1899
benefit each month equal to the full death benefit amount, 1900
provided that the deceased member was a firefighter or police 1901
officer killed in the line of duty and there are no surviving 1902
children eligible for a benefit under this section. The spouse 1903
shall receive this benefit during the spouse's natural life until 1904
the deceased member's retirement eligibility date, on which date 1905
the benefit provided under this division shall terminate. 1906

(C)(1) If a member killed in the line of duty as a 1907

firefighter or police officer is survived only by a child or 1908
children, the child or children shall receive a benefit each month 1909
equal to the full death benefit amount. If there is more than one 1910
surviving child, the benefit shall be divided equally among these 1911
children. 1912

(2) If the death benefit paid under this division is divided 1913
among two or more surviving children and any of the children 1914
become ineligible to continue receiving a portion of the benefit 1915
as provided in division (H) of this section, the full death 1916
benefit amount shall be paid to the remaining eligible child or 1917
divided among the eligible children so that the benefit paid to 1918
the remaining eligible child or children equals the full death 1919
benefit amount. 1920

(3) Notwithstanding divisions (C)(1) and (2) of this section, 1921
all death benefits paid under this division shall terminate on the 1922
deceased member's retirement eligibility date. 1923

(D) If a member killed in the line of duty as a firefighter 1924
or police officer is survived by both a spouse and a child or 1925
children, the monthly benefit provided shall be as follows: 1926

(1)(a) If there is a surviving spouse and one surviving 1927
child, the spouse shall receive an amount each month equal to 1928
one-half of the full death benefit amount and the child shall 1929
receive an amount equal to one-half of the full death benefit 1930
amount. 1931

(b) If the surviving spouse dies or the child becomes 1932
ineligible as provided in division (H) of this section, the 1933
surviving spouse or child remaining eligible shall receive the 1934
full death benefit amount. 1935

(2)(a) If there is a surviving spouse and more than one 1936
child, the spouse shall receive an amount each month equal to 1937
one-third of the full death benefit amount and the children shall 1938

receive an amount, equally divided among them, equal to two-thirds 1939
of the full death benefit amount. 1940

(b) If a spouse and more than one child each are receiving a 1941
death benefit under division (D)(2)(a) of this section and the 1942
spouse dies, the children shall receive an amount each month, 1943
equally divided among them, equal to the full death benefit 1944
amount. 1945

(c) If a spouse and more than one child each are receiving a 1946
benefit under division (D)(2)(a) of this section and any of the 1947
children becomes ineligible to receive a benefit as provided in 1948
division (H) of this section, the spouse and remaining eligible 1949
child or children shall receive a death benefit as follows: 1950

(i) If there are two or more remaining eligible children, the 1951
spouse shall receive an amount each month equal to one-third of 1952
the full death benefit amount and the children shall receive an 1953
amount each month, equally divided among them, equal to two-thirds 1954
of the full death benefit amount; 1955

(ii) If there is one remaining eligible child, the spouse 1956
shall receive an amount each month equal to one-half of the full 1957
death benefit amount, and the child shall receive an amount each 1958
month equal to one-half of the full death benefit amount. 1959

(d) If a spouse and more than one child each are receiving a 1960
benefit under division (D)(2)(a) of this section and all of the 1961
children become ineligible to receive a benefit as provided in 1962
division (H) of this section, the spouse shall receive the full 1963
death benefit amount. 1964

(3) Notwithstanding divisions (D)(1) and (2) of this section, 1965
death benefits paid under this division to a surviving spouse 1966
shall terminate on the member's retirement eligibility date. Death 1967
benefits paid to a surviving child or children shall terminate on 1968
the deceased member's retirement eligibility date unless earlier 1969

terminated pursuant to division (H) of this section. 1970

(E) If a member, on or after January 1, 1980, is killed in 1971
the line of duty as a firefighter or police officer and is 1972
survived by only a parent or parents dependent upon the member for 1973
support, the parent or parents shall receive an amount each month 1974
equal to the full death benefit amount. If there is more than one 1975
surviving parent dependent upon the deceased member for support, 1976
the death benefit amount shall be divided equally among the 1977
surviving parents. On the death of one of the surviving parents, 1978
the full death benefit amount shall be paid to the other parent. 1979

(F)(1) The following shall receive a monthly death benefit 1980
under this division: 1981

(a) A surviving spouse whose benefits are terminated in 1982
accordance with division (B) or (D)(3) of this section on the 1983
deceased member's retirement eligibility date, or who would 1984
qualify for a benefit under division (B) or (D) of this section 1985
except that the deceased member reached the member's retirement 1986
eligibility date prior to the member's death; 1987

(b) A qualified surviving spouse of a deceased member of or 1988
contributor to a police or firemen's relief and pension fund 1989
established under former Chapter 521. or 741. of the Revised Code 1990
who was a firefighter or police officer killed in the line of 1991
duty. 1992

(2) The monthly death benefit shall be one-half of an amount 1993
equal to the monthly salary received by the deceased member prior 1994
to the member's death, plus any salary increases the deceased 1995
member would have received prior to the member's retirement 1996
eligibility date. The benefit shall terminate on the surviving 1997
spouse's death. A death benefit payable under this division shall 1998
be reduced by an amount equal to any allowance or benefit payable 1999
to the surviving spouse under section 742.3714 of the Revised 2000

Code. 2001

(3) A benefit granted to a surviving spouse under division 2002
(F)(1)(b) of this section shall commence on the first day of the 2003
month immediately following receipt by the board of a completed 2004
application on a form provided by the board and any evidence the 2005
board may require to establish that the deceased spouse was killed 2006
in the line of duty. 2007

(G)(1) If there is not a surviving spouse eligible to receive 2008
a death benefit under division (F) of this section or the 2009
surviving spouse receiving a death benefit under that division 2010
dies, a surviving child or children whose benefits under division 2011
(C) or (D) of this section are or have been terminated pursuant to 2012
division (C)(3) or (D)(3) of this section or who would qualify for 2013
a benefit under division (C) or (D) of this section except that 2014
the deceased member reached the member's retirement eligibility 2015
date prior to the member's death shall receive a monthly death 2016
benefit under this division. The monthly death benefit shall be 2017
one-half of an amount equal to the monthly salary received by the 2018
deceased member prior to the member's death, plus any salary 2019
increases the member would have received prior to the member's 2020
retirement eligibility date. If there is more than one surviving 2021
child, the benefit shall be divided equally among the surviving 2022
children. 2023

(2) If two or more surviving children each are receiving a 2024
benefit under this division and any of those children becomes 2025
ineligible to continue receiving a benefit as provided in division 2026
(H) of this section, the remaining eligible child or children 2027
shall receive an amount equal to one-half of the monthly salary 2028
received by the deceased member prior to death, plus any salary 2029
increases the deceased member would have received prior to the 2030
retirement eligibility date. If there is more than one remaining 2031
eligible child, the benefit shall be divided equally among the 2032

eligible children. 2033

(3) A death benefit, or portion of a death benefit, payable 2034
to a surviving child under this division shall be reduced by an 2035
amount equal to any allowance or benefit payable to that child 2036
under section 742.3714 of the Revised Code, but the reduction in 2037
that child's benefit shall not affect the amount payable to any 2038
other surviving child entitled to a portion of the death benefit. 2039

(H) A death benefit paid to a surviving child under division 2040
(C), (D), or (G) of this section shall terminate on the death of 2041
the child or, unless one of the following is the case, when the 2042
child reaches age eighteen: 2043

(1) The child, because of physical or mental disability, is 2044
unable to provide the child's own support, in which case the death 2045
benefit shall terminate when the disability is removed; 2046

(2) The child is unmarried, under age twenty-two, and a 2047
student in and attending an institution of learning or training 2048
pursuant to a program designed to complete in each school year the 2049
equivalent of at least two-thirds of the full-time curriculum 2050
requirements of the institution, as determined by the trustees of 2051
the fund. 2052

(I) Acceptance of any death benefit under this section does 2053
not prohibit a spouse or child from receiving other benefits 2054
provided under the Ohio police and fire pension fund, the state 2055
highway patrol retirement system, the public employees retirement 2056
system, or a retirement system operated by a municipal 2057
corporation. 2058

(J) No person shall receive a benefit under this section if 2059
any of the following occur: 2060

(1) The person fails to exercise the right to a monthly 2061
survivor benefit under division (A) or (B) of section 145.45, 2062
division (D), (E), or (F) of section 742.37, or division (A)(3), 2063

(4), or (6) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

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

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

(4) In the case of a full-time department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator of the department of public safety, the member died prior to December 23, 1986;

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

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

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

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

Sec. 1501.011. (A) Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction commission shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of, any projects or improvements for the department of natural resources that may be authorized by legislative appropriations or any other funds available therefor, the estimated cost of which amounts to two hundred thousand dollars or more or the amount determined pursuant to section 153.53 of the Revised Code or more.

(B)(1) The department of natural resources shall supervise

the design and construction of, and make contracts for the 2127
construction, reconstruction, improvement, enlargement, 2128
alteration, repair, or decoration of, any of the following 2129
activities, projects, or improvements: 2130

(a) Dam repairs administered by the division of engineering 2131
under Chapter 1507. of the Revised Code; 2132

(b) Projects or improvements administered by the division of 2133
parks and watercraft and funded through the waterways safety fund 2134
established in section 1547.75 of the Revised Code; 2135

(c) Projects or improvements administered by the division of 2136
wildlife under Chapter 1531. or 1533. of the Revised Code; 2137

(d) Activities conducted by the department pursuant to 2138
section 5511.05 of the Revised Code in order to maintain the 2139
department's roadway inventory. 2140

(2) If a contract to be let under division (B)(1) of this 2141
section involves an exigency that concerns the public health, 2142
safety, or welfare or addresses an emergency situation in which 2143
timeliness is crucial in preventing the cost of the contract from 2144
increasing significantly, pursuant to the declaration of a public 2145
exigency, the department may award the contract without 2146
competitive bidding or selection as otherwise required by Chapter 2147
153. of the Revised Code. 2148

A notice published by the department of natural resources 2149
regarding an activity, project, or improvement shall be published 2150
as contemplated in section 7.16 of the Revised Code. 2151

(C) The executive director of the Ohio facilities 2152
construction commission may authorize the department of natural 2153
resources to administer any other project or improvement, the 2154
estimated cost of which, including design fees, construction, 2155
equipment, and contingency amounts, is not more than one million 2156
five hundred thousand dollars. 2157

Sec. 1501.012. (A) The director of natural resources may 2158
lease lands in state parks, as defined in section 1501.07 of the 2159
Revised Code, and contract for the construction and operation of 2160
public service facilities, as mentioned in that section, and for 2161
major renovation or remodeling of existing public service 2162
facilities by the lessees on those lands. If the director 2163
determines that doing so would be consistent with long-range 2164
planning of the department of natural resources and in the best 2165
interests of the department and the division of parks and 2166
~~recreation~~ watercraft in the department, the director shall 2167
negotiate and execute a lease and contract for those purposes in 2168
accordance with this chapter except as otherwise provided in this 2169
section. 2170

(B) ~~With the approval of the recreation and resources council~~ 2171
~~created under section 1501.04 of the Revised Code, the~~ The 2172
director shall draft a statement of intent describing any public 2173
service facility that the department wishes to have constructed in 2174
accordance with this section and establishing a procedure for the 2175
submission of proposals for providing the facility, including, but 2176
not limited to, a requirement that each prospective bidder or 2177
lessee of land shall submit with the proposal a completed 2178
questionnaire and financial statement, on forms prescribed and 2179
furnished by the department, to enable the department to ascertain 2180
the person's financial worth and experience in maintaining and 2181
operating facilities similar or related to the public service 2182
facility in question. The completed questionnaire and financial 2183
statement shall be verified under oath by the prospective bidder 2184
or lessee. Questionnaires and financial statements submitted under 2185
this division are confidential and are not open to public 2186
inspection. Nothing in this division shall be construed to prevent 2187
use of or reference to questionnaires and financial statements in 2188
a civil action or criminal prosecution commenced by the state. 2189

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

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

(1) The legal description of the leasehold;

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

(3) A requirement that the lessee maintain in full force and effect during the term of the lease and contract comprehensive liability insurance for injury, death, or loss to persons or property and fire casualty insurance for the public service facility and all its structures in an amount established by the director and naming the department as an additional insured;

(4) A requirement that the lessee maintain in full force and effect suitable performance bonds or other adequate security pertaining to the construction and operation of the public service facility;

(5) Detailed plans and specifications controlling the construction of the public service facility that shall include all of the following:

(a) The size and capacity of the facility;

(b) The type and quality of construction;	2220
(c) Other criteria that the department considers necessary and advisable.	2221 2222
(6) The manner of rental payment;	2223
(7) A stipulation that the director shall have control and supervision over all of the following:	2224 2225
(a) The operating season of the public service facility;	2226
(b) The facility's hours of operation;	2227
(c) The maximum rates to be charged guests using the facility;	2228 2229
(d) The facility's sanitary conditions;	2230
(e) The quality of food and service furnished the guests of the facility;	2231 2232
(f) The lessee's general and structural maintenance responsibilities at the facility.	2233 2234
(8) The disposition of the leasehold and improvements at the expiration of the lease and contract;	2235 2236
(9) A requirement that the public service facility be available to all members of the public without regard to sex, race, color, creed, ancestry, national origin, or disability as defined in section 4112.01 of the Revised Code;	2237 2238 2239 2240
(10) Other terms and conditions that the director considers necessary and advisable to carry out the purposes of this section.	2241 2242
(D) The attorney general shall approve the form of the lease and contract prior to its execution by the director.	2243 2244
(E) The authority granted in this section to the director is in addition and supplemental to any other authority granted the director under state law.	2245 2246 2247

Sec. 1501.02. The director of natural resources may enter 2248
into cooperative or contractual arrangements with the United 2249
States or any agency or department thereof, other states, other 2250
departments and subdivisions of this state, or any other person or 2251
body politic for the accomplishment of the purposes for which the 2252
department of natural resources was created. The director shall 2253
cooperate with, and not infringe upon the rights of, other state 2254
departments, divisions, boards, commissions, and agencies, 2255
political subdivisions, and other public officials and public and 2256
private agencies in the conduct of conservation plans and other 2257
matters in which the interests of the department of natural 2258
resources and the other departments and agencies overlap. 2259

The director, by mutual agreement, may utilize the facilities 2260
and staffs of state-supported educational institutions in order to 2261
promote the conservation and development of the natural resources 2262
of the state. 2263

All funds made available by the United States for the 2264
exclusive use of any division shall be expended only by that 2265
division and only for the purposes for which the funds were 2266
appropriated. In accepting any such funds for the acquisition of 2267
lands or interests in them to be used for open-space purposes 2268
including park, recreational, historical, or scenic purposes, or 2269
for conservation of land or other natural resources, the director 2270
may agree on behalf of the state that lands or interests in them 2271
acquired in part with those funds shall not be converted to other 2272
uses except pursuant to further agreement between the director and 2273
the United States. 2274

The director shall adopt rules in accordance with Chapter 2275
119. of the Revised Code establishing guidelines for entering into 2276
and may enter into a cooperative or contractual arrangement with 2277
any individual, agency, organization, or business entity to assist 2278

the department in funding a program or project of the department, 2279
its divisions, or its offices, through securing, without 2280
limitation, donations, sponsorships, marketing, advertising, and 2281
licensing arrangements. State moneys appropriated to the 2282
department shall continue to be used as authorized and shall not 2283
be redirected to any other purpose as a result of financial 2284
savings resulting from the department's entering into the 2285
cooperative or contractual arrangement. 2286

The director may enter into a mutual aid compact with the 2287
chief law enforcement officer of any federal agency, state agency, 2288
county, township, municipal corporation, or other political 2289
subdivision or with the superintendent of the state highway patrol 2290
to enable ~~forest officers, preserve officers, park officers,~~ 2291
forest-fire investigators and ~~state watercraft~~ natural resources 2292
officers and the law enforcement officers of the respective 2293
federal or state agencies or political subdivisions or the state 2294
highway patrol to assist each other in the provision of police 2295
services within each other's jurisdiction. 2296

Sec. 1501.07. The department of natural resources through the 2297
division of parks and ~~recreation~~ watercraft may plan, supervise, 2298
acquire, construct, enlarge, improve, erect, equip, and furnish 2299
public service facilities such as inns, lodges, hotels, cottages, 2300
camping sites, scenic trails, picnic sites, restaurants, 2301
commissaries, golf courses, boating and bathing facilities, and 2302
other similar facilities in state parks reasonably necessary and 2303
useful in promoting the public use of state parks under its 2304
control and may purchase lands or interests in lands in the name 2305
of the state necessary for those purposes. 2306

The chief of the division of parks and ~~recreation~~ watercraft 2307
shall administer state parks, establish rules, fix fees and 2308
charges for admission to parks and for the use of public service 2309

facilities therein, establish rentals for the lease of lands or 2310
interests therein within a state park the chief is authorized by 2311
law to lease, and exercise all powers of the chief, in conformity 2312
with all covenants of the director of natural resources in or with 2313
respect to state park revenue bonds and trust agreements securing 2314
such bonds and all terms, provisions, and conditions of such bonds 2315
and trust agreements. In the administration of state parks with 2316
respect to which state park revenue bonds are issued and 2317
outstanding, or any part of the moneys received from fees and 2318
charges for admission to or the use of facilities, from rentals 2319
for the lease of lands or interests or facilities therein, or for 2320
the lease of public service facilities are pledged for any such 2321
bonds, the chief shall exercise the powers and perform the duties 2322
of the chief subject to the control and approval of the director. 2323
The acquisition of such lands or interests therein and facilities 2324
shall be planned with regard to the needs of the people of the 2325
state and with regard to the purposes and uses of such state parks 2326
and, except for facilities constructed in consideration of a lease 2327
under section 1501.012 of the Revised Code, shall be paid for from 2328
the state park fund created in section ~~1541.22~~ 1546.21 of the 2329
Revised Code or from the proceeds of the sale of bonds issued 2330
under sections 1501.12 to 1501.15 of the Revised Code. Sections 2331
125.81 and 153.04 of the Revised Code, insofar as they require a 2332
certification by the chief of the division of capital planning and 2333
improvement, do not apply to the acquisition of lands or interests 2334
therein and public service facilities to be paid for from the 2335
proceeds of bonds issued under sections 1501.12 to 1501.15 of the 2336
Revised Code. 2337

As used in sections 1501.07 to 1501.14 of the Revised Code, 2338
state parks are all of the following: 2339

(A) State reservoirs described and identified in section 2340
~~1541.06~~ 1546.11 of the Revised Code; 2341

(B) All lands or interests therein that are denominated as 2342
state parks in section ~~1541.083~~ 1546.14 of the Revised Code; 2343

(C) All lands or interests therein of the state identified as 2344
administered by the division of parks and ~~recreation~~ watercraft in 2345
the "inventory of state owned lands administered by department of 2346
natural resources as of June 1, 1963," as recorded in the journal 2347
of the director, which inventory was prepared by the real estate 2348
section of the department and is supported by maps on file with 2349
the division; 2350

(D) All lands or interests in lands of the state hereafter 2351
designated as state parks in the journal of the director ~~with the~~ 2352
~~approval of the recreation and resources council.~~ 2353

All such state parks shall be exclusively under the control 2354
and administration of the division of parks and ~~recreation~~ 2355
watercraft. With the approval of the council, the director by 2356
order may remove from the classification as state parks any of the 2357
lands or interests therein so classified by divisions (C) and (D) 2358
of this section, subject to the limitations, provisions, and 2359
conditions in any order authorizing state park revenue bonds or in 2360
any trust agreement securing such bonds. Lands or interests 2361
therein so removed shall be transferred to other divisions of the 2362
department for administration or may be sold as provided by law. 2363
Proceeds of any sale shall be used or transferred as provided in 2364
the order authorizing state park revenue bonds or in the trust 2365
agreement and, if no such provision is made, shall be transferred 2366
to the state park fund. State parks do not include any lands or 2367
interest in lands of the state administered jointly by two or more 2368
divisions of the department. The designation of lands as state 2369
parks under divisions (A) to (D) of this section shall be 2370
conclusive, and those lands shall be under the control of and 2371
administered by the division of parks and ~~recreation~~ watercraft. 2372
No order or proceeding designating lands as state parks or park 2373

purchase areas shall be subject to any appeal or review by any officer, board, commission, or court.

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

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

Sec. 1501.11. (A) The revenue derived from the operation or ownership of state parks or public service facilities shall be paid into the state park fund in accordance with section ~~1541.22~~ 1546.21 of the Revised Code; provided, that at such times and to the extent and in the manner provided in the order of the director authorizing state park revenue bonds, or in the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code, such revenues shall be set aside on their receipt and be paid directly to depositories or trustees designated in such order or in the trust agreement securing such state park revenue bonds, or shall be paid and credited as provided in such bond proceedings.

(B) The department of natural resources shall reimburse any township from the state park fund for any reasonable expenses the township incurs incident to the maintenance of roads under the

jurisdiction of the department. The department may contract with 2404
the township trustees for the maintenance of land under the 2405
jurisdiction of the department. 2406

Sec. 1501.12. (A) The director of natural resources, with the 2407
approval of the governor, may provide, at one time or from time to 2408
time, for the issuance of state park revenue bonds of the state, 2409
for the purpose of paying the cost of acquiring by purchase lands 2410
or interests therein to be used in the establishment or 2411
enlargement of state parks, and for the purpose of paying the cost 2412
of acquiring, constructing, enlarging, equipping, furnishing, and 2413
improving public service facilities in state parks and making land 2414
improvements incidental thereto. The principal of and interest on 2415
these bonds is payable solely from the revenues provided in 2416
section 1501.14 of the Revised Code. The bonds shall be authorized 2417
by order of the director of natural resources, approved by the 2418
governor, which shall recite an estimate by the director of the 2419
costs to be paid from the proceeds of the bond issue and provide 2420
for the issuance of bonds in an amount not in excess of the 2421
estimated cost. The bonds of each issue shall be dated, bear 2422
interest at a rate or rates not to exceed the rate provided in 2423
section 9.95 of the Revised Code, and mature at a time or times, 2424
not to exceed forty years from their date or dates, as determined 2425
by the director, and may be made redeemable before maturity, at 2426
the option of the director, at the price or prices and under the 2427
terms and conditions as fixed by the director prior to the 2428
issuance of the bonds. The director shall determine the form of 2429
the bonds, including the interest coupons to be attached thereto, 2430
and fix the denomination of the bonds and the place of payment of 2431
principal and interest thereof, which may be at any bank or trust 2432
company within or without the state. 2433

The bonds shall be signed by the governor, the secretary of 2434
state, and the director, provided that all but one of these 2435

signatures may be a facsimile, and shall have affixed the great 2436
seal of Ohio or a facsimile thereof. Coupons attached thereto 2437
shall bear the facsimile signature of the director. The bonds 2438
shall contain a statement on their face that the state is not 2439
obligated to pay the same or the interest thereon and that they do 2440
not constitute a debt, or a pledge of the faith and credit, of the 2441
state or of any political subdivision thereof, but that the bonds 2442
and the interest thereon are payable solely from the revenues 2443
provided in section 1501.14 of the Revised Code. In case any of 2444
the officers whose signatures or facsimiles thereof appear on the 2445
bonds or coupons ceases to be such an officer before delivery of 2446
the bonds, the signatures or facsimiles are nevertheless valid and 2447
sufficient for all purposes as if they had remained in office 2448
until delivery. All the bonds shall have all the qualities and 2449
incidents of negotiable instruments under the applicable law of 2450
this state, and the bonds and the interest thereon are exempt from 2451
all taxation within this state. The bonds are lawful investments 2452
of banks, savings banks, trust companies, savings and loan 2453
associations, deposit guarantee associations, fiduciaries, 2454
trustees, trustees of the sinking fund or officer in charge of the 2455
bond retirement fund of municipal corporations and other 2456
subdivisions of the state, and of domestic insurance companies 2457
notwithstanding sections 3907.14 and 3925.08 of the Revised Code, 2458
and are acceptable as security for deposit of public money. 2459

The bonds may be issued in coupon or registered form, or 2460
both, as the director determines, and provision may be made for 2461
the registration of any coupon bonds as to principal alone and for 2462
the exchange of coupon bonds for bonds registered as to both 2463
principal and interest, and for the reconversion into coupon bonds 2464
of any bonds registered as to both principal and interest. 2465

For the purpose of refunding any state park revenue bonds 2466
then outstanding that have been issued under sections 1501.12 to 2467

1501.15 of the Revised Code, including payment of any redemption 2468
premium thereon and any interest accrued or to accrue to the date 2469
of redemption of the bonds, the director, with the approval of the 2470
governor, may provide by order for the issuance of state park 2471
revenue refunding bonds of the state. The issuance of the bonds, 2472
the maturities, revenues pledged for their payment, and other 2473
details thereof, the rights of the holders thereof, and the 2474
rights, duties, and obligations of the director and chief of the 2475
division of parks and ~~recreation~~ watercraft in respect to the 2476
bonds is governed by the sections insofar as they are applicable. 2477

(B) The bonds shall be sold by the director to the highest 2478
bidder therefor, but for not less than the par value thereof plus 2479
accrued interest thereon, after a notice of sale has been 2480
published once a week for three consecutive weeks in one newspaper 2481
in each of the three most populous counties in the state. The 2482
notice of sale shall state the day, hour, and place of sale, the 2483
total principal amount of the bonds to be sold, their 2484
denominations, date, and the dates and amounts of their 2485
maturities, whether or not they are callable, information relative 2486
to the rates of interest that the bonds shall bear, and the dates 2487
upon which interest is payable, and any other information the 2488
director deems advisable. 2489

(C) The proceeds of the bonds of each issue shall be used 2490
solely for the payment of the costs for which the bonds were 2491
issued, which cost shall include financing charges, interest 2492
during construction, legal fees, trustees' fees, and all other 2493
expenses incurred in connection with the issuance of the bonds, 2494
and shall be disbursed in a manner and under restrictions as the 2495
director provides in the order authorizing the issuance of the 2496
bonds or in the trust agreement, as provided in section 1501.13 of 2497
the Revised Code, securing the same. If the proceeds of the bonds 2498
of any issue, by error of estimates or otherwise, are less than 2499

that cost, additional bonds may in like manner be issued to 2500
provide the amount of the deficit, and, unless otherwise provided 2501
in the order authorizing the issuance of the bonds or in the trust 2502
agreement securing them, are deemed to be of the same issue and 2503
entitled to payments from the same fund, without preference or 2504
priority of the bonds first issued for the same facilities. If the 2505
proceeds of the bonds of any issue exceed the cost, the surplus 2506
shall be paid into a special fund to be established for payment of 2507
the principal and interest of the bonds as specified in the trust 2508
agreement securing them. 2509

Sec. 1501.13. In the discretion of the director of natural 2510
resources any bonds issued under sections 1501.12 to 1501.15, 2511
inclusive, of the Revised Code, may be secured by a trust 2512
agreement between the director and a corporate trustee, which 2513
trustee may be any trust company or bank having the powers of a 2514
trust company within or without the state. Such bonds may also be 2515
secured by mortgage on such property wholly acquired through the 2516
proceeds of the sale of bonds. 2517

Any such trust agreement may pledge or assign revenues to the 2518
payment of the principal of and interest on such bonds and 2519
reserves therefor as provided in section 1501.14 of the Revised 2520
Code but shall not convey or mortgage any property of the state, 2521
except as provided in sections 1501.07, 1501.11, 1501.12, and 2522
1501.14 of the Revised Code. Any such trust agreement may contain 2523
such provisions for protecting and enforcing the rights and 2524
remedies of the bondholders as are reasonable and proper and not 2525
in violation of law including provisions for issue of additional 2526
revenue bonds for the purposes set forth in section 1501.12 of the 2527
Revised Code to be secured ratably with any revenue bonds 2528
theretofore or thereafter issued under said section, covenants 2529
setting forth the duties of the director and chief of the division 2530
of parks and ~~recreation~~ watercraft in relation to the acquisition, 2531

improvement, maintenance, operation, repair, and insurance of the 2532
lands or interests therein or public service facilities in 2533
connection with which such bonds are authorized, the custody, 2534
safeguarding, and application of all moneys, the insurance of 2535
moneys on hand or on deposit, and the rights and remedies of the 2536
trustee and the holders of the bonds, including therein provisions 2537
restricting the individual right of action of bondholders as is 2538
customary in trust agreements respecting bonds and debentures of 2539
corporations, and of the security given by those who contract to 2540
construct the project, and by any bank or trust company in which 2541
the proceeds of bonds or revenues shall be deposited, and such 2542
other provisions as the director deems reasonable and proper for 2543
the security of the bondholders. All expenses incurred in carrying 2544
out the provisions of any such trust agreement may be treated as a 2545
part of the cost of maintenance, operation, and repair of the 2546
facilities for which the bonds were issued. 2547

The director shall covenant and agree to maintain, so long as 2548
there are outstanding any such bonds payable from revenues, 2549
adequate fees, charges, and rentals for the payment of the 2550
principal and interest on such bonds and for the creation and 2551
maintenance of reserves therefor and reserves for operation, 2552
maintenance, replacement, and renewal. 2553

Sec. 1501.14. To the extent provided in the order of the 2554
director or in the trust agreement securing the bonds, all 2555
admission fees, charges, and rentals and all other revenues 2556
derived from the lands and interests therein and public service 2557
facilities, for the acquisition, construction, enlargement, 2558
equipment, furnishing, or improvement of which bonds are issued, 2559
except such part as is necessary to pay the cost of maintaining, 2560
repairing, and operating them during any period in which such cost 2561
is not otherwise provided for, shall be pledged to the payment of 2562
the principal of and interest on such bonds. In any case in which 2563

the director deems it advisable, he has authority in the order 2564
providing for issuance of the bonds to pledge the admission fees, 2565
charges, and rentals and all other revenues derived from any or 2566
all state parks and public service facilities in any state park or 2567
parks, except such part as is necessary to pay the cost of 2568
maintaining, repairing, and operating such state parks and 2569
facilities, as additional security for the payment of any bonds 2570
issued under the provisions of sections 1501.12 to 1501.15, 2571
inclusive, of the Revised Code. 2572

Any order authorizing issuance of state park revenue bonds 2573
may provide for the payment of a proportionate share of the 2574
expenses of the operation of the department and the division of 2575
parks and ~~recreation~~ watercraft as a charge prior to the payment 2576
of principal of and interest on such bonds, and all other payments 2577
required to be made by such order or the trust agreement securing 2578
such bonds. 2579

Sec. 1501.24. (A) The director of natural resources may 2580
appoint natural resources officers for purposes of custodial or 2581
patrol service on lands and waters owned, controlled, maintained, 2582
or administered by the department of natural resources under 2583
Chapters 1503., 1517., 1546., and 1547. of the Revised Code, and 2584
waters in this state. The department shall employ a natural 2585
resources officer in conformity with the law applicable to the 2586
classified service of the state. 2587

(B)(1) On any lands or waters in this state and on highways 2588
adjacent to those lands and waters, a natural resources officer 2589
has the authority specified under division (A)(2) of section 2590
2935.03 of the Revised Code for peace officers, including doing 2591
both of the following: 2592

(a) Keeping the peace; 2593

(b) Enforcing all laws and rules governing those lands and 2594

waters, including sections 1503.01 to 1503.07, sections 1503.12 to 2595
1503.99; Chapters 1517., 1518., 1546., 1547., 1548., 2925., and 2596
3719. of the Revised Code; and section 3767.32 of the Revised Code 2597
and any other laws prohibiting the dumping of refuse into or along 2598
waters. 2599

(2) A natural resources officer may serve and execute any 2600
citation, summons, warrant, or other process issued with respect 2601
to any law that the officer has the authority to enforce. 2602

(3) A natural resources officer shall exercise the authority 2603
established under division (B)(1) and (2) of this section on lands 2604
or waters administered by the division of wildlife only pursuant 2605
to an agreement with the chief of that division or pursuant to a 2606
request for assistance by an enforcement officer of that division 2607
in an emergency. 2608

(4) The jurisdiction of a natural resources law officer is 2609
concurrent with that of the peace officers of the county, 2610
township, or municipal corporation in which a violation occurs. 2611

(C) The governor, upon the recommendation of the director, 2612
shall issue to each natural resources officer a commission 2613
indicating authority to make arrests as provided in this section. 2614

(D)(1) A natural resources officer may render assistance to a 2615
state or local law enforcement officer at the request of that 2616
officer or may render assistance to a state or local law 2617
enforcement officer in the event of an emergency. 2618

(2) The service of a natural resources officer outside the 2619
authority established under this section or under the terms of a 2620
mutual aid compact authorized under section 1501.02 of the Revised 2621
Code is considered the performance of services within the 2622
officer's regular employment for the purposes of compensation, 2623
pension or indemnity fund rights, workers' compensation, and other 2624
rights or benefits to which the officer may be entitled as 2625

incidents of the officer's regular employment. 2626

(3) A natural resources officer serving outside the authority 2627
established under this section or under a mutual aid compact 2628
retains personal immunity from civil liability as specified in 2629
section 9.86 of the Revised Code and is not considered an employee 2630
of a political subdivision for purposes of Chapter 2744. of the 2631
Revised Code. A political subdivision that uses a natural 2632
resources officer under this section or under the terms of a 2633
mutual aid compact authorized under section 1501.02 of the Revised 2634
Code is not subject to civil liability under Chapter 2744. of the 2635
Revised Code as the result of any action or omission of the 2636
officer acting under this section or under a mutual aid compact. 2637

(E) As used in this section "highway" has the same meaning as 2638
in section 4511.01 of the Revised Code. 2639

Sec. 1501.25. (A) As used in this section, "felony" has the 2640
same meaning as in section 109.511 of the Revised Code. 2641

(B)(1) The director of natural resources shall not appoint a 2642
person as a natural resources officer under section 1501.24 of the 2643
Revised Code on a permanent or temporary basis or for a 2644
probationary term if the person previously has been convicted of 2645
or has pleaded guilty to a felony. 2646

(2)(a) The director shall terminate the employment of a 2647
natural resources officer if the officer does either of the 2648
following: 2649

(i) Pleads guilty to a felony; 2650

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2651
plea agreement as provided in division (D) of section 2929.43 of 2652
the Revised Code in which the officer agrees to surrender the 2653
certificate awarded to the officer under section 109.77 of the 2654
Revised Code. 2655

(b) The director shall suspend a natural resources officer 2656
from employment if that person is convicted, after trial, of a 2657
felony. If the natural resources officer files an appeal from that 2658
conviction and the conviction is upheld by the highest court to 2659
which the appeal is taken or if the officer does not file a timely 2660
appeal, the director shall terminate the employment of that 2661
officer. If the officer files an appeal that results in the 2662
officer's acquittal of the felony or conviction of a misdemeanor, 2663
or in the dismissal of the felony charge against the officer, the 2664
director shall reinstate that officer. A natural resources officer 2665
who is reinstated under division (B)(2)(b) of this section shall 2666
not receive any back pay unless that officer's conviction of the 2667
felony was reversed or dismissed on appeal because the court found 2668
insufficient evidence to convict the officer of the felony. 2669

(3) Division (B) of this section does not apply regarding an 2670
offense that was committed prior to January 1, 1997. 2671

(4) The director shall suspend or terminate the employment of 2672
a natural resources officer under division (B)(2) of this section 2673
in accordance with Chapter 119. of the Revised Code. 2674

Sec. 1501.45. (A) As used in this section: 2675

(1) "Forfeiture laws" means provisions that are established 2676
in Title XXIX of the Revised Code and that govern the forfeiture 2677
and disposition of certain property that is seized pursuant to a 2678
law enforcement investigation. 2679

(2) "Law enforcement division" means the division of 2680
forestry, the division of natural areas and preserves, the 2681
division of wildlife, or the division of parks and recreation, or 2682
~~the division of~~ watercraft in the department of natural resources. 2683

(3) "Law enforcement fund" means a fund created in this 2684
section. 2685

(B) Except as otherwise provided in this section and 2686
notwithstanding any provision of the Revised Code that is not in 2687
Title XV of the Revised Code to the contrary, the forfeiture laws 2688
apply to a law enforcement division that substantially conducts an 2689
investigation that results in the ordered forfeiture of property 2690
and also apply to the involved forfeiture of property, and the law 2691
enforcement division shall comply with those forfeiture laws. 2692
Accordingly, the portion of the forfeiture laws that authorizes 2693
certain proceeds from forfeited property to be distributed to the 2694
law enforcement agency that substantially conducted the 2695
investigation that resulted in the seizure of the subsequently 2696
forfeited property apply to the law enforcement divisions except 2697
as provided in division (C)(2)(a) of this section. If a law 2698
enforcement division is eligible to receive such proceeds, the 2699
proceeds shall be deposited into the state treasury to the credit 2700
of the applicable law enforcement fund. 2701

(C)(1) There are hereby created in the state treasury the 2702
division of wildlife law enforcement fund, ~~the division of parks~~ 2703
~~and recreation law enforcement fund,~~ and the ~~division of~~ 2704
~~watercraft~~ natural resources law enforcement fund. 2705

(2) The funds shall consist of proceeds from forfeited 2706
property that are deposited as follows: 2707

(a) Proceeds from forfeited property resulting from an 2708
investigation conducted by the division of forestry, the division 2709
of natural areas and preserves, or the division of parks and 2710
~~recreation~~ watercraft shall be deposited in the ~~division of parks~~ 2711
~~and recreation~~ natural resources law enforcement fund. 2712

(b) Proceeds from forfeited property resulting from an 2713
investigation conducted by the division of wildlife shall be 2714
deposited in the division of wildlife law enforcement fund. 2715

~~(c) Proceeds from forfeited property resulting from an~~ 2716

~~investigation conducted by the division of watercraft shall be~~ 2717
~~deposited in the division of watercraft law enforcement fund.~~ 2718

(3) The funds shall be used for law enforcement purposes 2719
specified in the forfeiture laws as follows: 2720

(a) Money in the ~~division of parks and recreation~~ natural 2721
resources law enforcement fund shall be used by the division of 2722
parks and ~~recreation~~ watercraft. 2723

(b) Money in the division of wildlife law enforcement fund 2724
shall be used by the division of wildlife. 2725

~~(c) Money in the division of watercraft law enforcement fund~~ 2726
~~shall be used by the division of watercraft.~~ 2727

(4) A law enforcement division shall not use its fund to pay 2728
the salaries of its employees or to provide for any other 2729
remuneration of personnel. 2730

(D) If the forfeiture laws conflict with any provisions that 2731
govern forfeitures and that are established in another section of 2732
Title XV of the Revised Code, the provisions established in the 2733
other section of Title XV apply. 2734

Sec. 1503.012. There is hereby created in the state treasury 2735
the forestry mineral royalties fund. The fund shall consist of 2736
money deposited into it under section 1509.73 of the Revised Code. 2737
Any investment proceeds earned on money in the fund shall be 2738
credited to the fund. 2739

Money in the fund shall be used by the division of forestry 2740
to acquire land and to pay capital costs, including equipment and 2741
repairs and renovations of facilities, that are owned by the state 2742
and administered by the division. Expenditures from the fund for 2743
those purposes shall be approved by the director of natural 2744
resources. 2745

The director of natural resources also may request the 2746

director of budget and management to transfer money from the 2747
forestry mineral royalties fund to the parks mineral royalties 2748
fund created in section ~~1541.26~~ 1546.24 of the Revised Code. The 2749
director of budget and management shall transfer the money 2750
pursuant to the request if the director consents to the request. 2751
Money that is transferred to the parks mineral royalties fund 2752
shall be used for the purposes specified in section ~~1541.26~~ 2753
1546.24 of the Revised Code. 2754

Sec. 1503.03. The chief of the division of forestry shall 2755
cooperate with ~~the Ohio agricultural research and development~~ 2756
~~center~~, all state operated universities, and the department of 2757
agriculture. The chief, with the approval of the director of 2758
natural resources, may purchase or acquire by gift, donations, or 2759
contributions any interest in land suitable for forestry purposes. 2760
The chief may enter into agreements with the federal government or 2761
other agencies for the acquisition, by lease, purchase, or 2762
otherwise, of such lands as in the judgment of the chief and 2763
director are desirable for state forests, building sites, or 2764
nursery lands. The chief may expend funds, not otherwise 2765
obligated, for the management, development, and utilization of 2766
such lands. 2767

The chief, with the approval of the director, may acquire by 2768
lease, purchase, gift, or otherwise, in the name of the state, 2769
forested or other lands in the state suitable for the growth of 2770
forest trees to the amount of the appropriation for that purpose. 2771
The chief shall prepare and submit to the director maps and 2772
descriptions of such areas including and adjacent to the existing 2773
state forest lands, the lands within which, not at the time 2774
belonging to the state, are properly subject to purchase as state 2775
forest lands for reasons of protection, utilization, and 2776
administration. When such an area is approved by the director ~~and~~ 2777
~~the recreation and resources council~~, it shall be known as a state 2778

forest purchase area and the map and description, with the 2779
approval of the director indorsed thereon, shall be filed in 2780
duplicate with the auditor of state and the attorney general. 2781

All lands purchased for forest purposes shall be deeded to 2782
the state, but the purchase price of such lands shall not be paid 2783
until the title thereof has been approved by the attorney general. 2784
The price of such lands shall not exceed the appropriation for 2785
such purposes. 2786

Sec. 1503.05. (A) The chief of the division of forestry may 2787
sell timber and other forest products from the state forest and 2788
state forest nurseries whenever the chief considers such a sale 2789
desirable and, with the approval of the attorney general and the 2790
director of natural resources, may sell portions of the state 2791
forest lands when such a sale is advantageous to the state. 2792

(B) Except as otherwise provided in this section, a timber 2793
sale agreement shall not be executed unless the person or 2794
governmental entity bidding on the sale executes and files a 2795
surety bond conditioned on completion of the timber sale in 2796
accordance with the terms of the agreement in an amount ~~equal to~~ 2797
~~twenty five per cent of the highest value cutting section~~ 2798
determined by the chief. All bonds shall be given in a form 2799
prescribed by the chief and shall run to the state as obligee. 2800

The chief shall not approve any bond until it is personally 2801
signed and acknowledged by both principal and surety, or as to 2802
either by the attorney in fact thereof, with a certified copy of 2803
the power of attorney attached. The chief shall not approve the 2804
bond unless there is attached a certificate of the superintendent 2805
of insurance that the company is authorized to transact a fidelity 2806
and surety business in this state. 2807

In lieu of a bond, the bidder may deposit any of the 2808
following: 2809

(1) Cash in an amount equal to the amount of the bond;	2810
(2) United States government securities having a par value equal to or greater than the amount of the bond;	2811 2812
(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.	2813 2814 2815 2816
The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.	2817 2818 2819 2820 2821 2822 2823 2824 2825 2826
Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state, equal in par value to the par value of the cash, securities, certificates of deposit, or letters of credit withdrawn.	2827 2828 2829 2830 2831 2832 2833 2834 2835 2836 2837 2838 2839 2840 2841

A bidder may demand and receive from the treasurer of state 2842
all interest or other income from any such securities or 2843
certificates as it becomes due. If securities so deposited with 2844
and in the possession of the treasurer of state mature or are 2845
called for payment by their issuer, the treasurer of state, at the 2846
request of the bidder who deposited them, shall convert the 2847
proceeds of the redemption or payment of the securities into other 2848
United States government securities, negotiable certificates of 2849
deposit, or cash as the bidder designates. 2850

When the chief finds that a person or governmental agency has 2851
failed to comply with the conditions of the person's or 2852
governmental agency's bond, the chief shall make a finding of that 2853
fact and declare the bond, cash, securities, certificates, or 2854
letters of credit forfeited. The chief thereupon shall certify the 2855
total forfeiture to the attorney general, who shall proceed to 2856
collect the amount of the bond, cash, securities, certificates, or 2857
letters of credit. 2858

In lieu of total forfeiture, the surety, at its option, may 2859
cause the timber sale to be completed or pay to the treasurer of 2860
state the cost thereof. 2861

All moneys collected as a result of forfeitures of bonds, 2862
cash, securities, certificates, and letters of credit under this 2863
section shall be credited to the state forest fund created in this 2864
section. 2865

(C) The chief may grant easements and leases on portions of 2866
the state forest lands and state forest nurseries under terms that 2867
are advantageous to the state, and the chief may grant mineral 2868
rights on a royalty basis on those lands and nurseries, with the 2869
approval of the attorney general and the director. 2870

(D) All moneys received from the sale of state forest lands, 2871
or in payment for easements or leases on or as rents from those 2872

lands or from state forest nurseries, shall be paid into the state 2873
treasury to the credit of the state forest fund, which is hereby 2874
created. In addition, all moneys received from federal grants, 2875
payments, and reimbursements, from the sale of reforestation tree 2876
stock, from the sale of forest products, other than standing 2877
timber, and from the sale of minerals taken from the state forest 2878
lands and state forest nurseries, together with royalties from 2879
mineral rights, shall be paid into the state treasury to the 2880
credit of the state forest fund. Any other revenues derived from 2881
the operation of the state forests and related facilities or 2882
equipment also shall be paid into the state treasury to the credit 2883
of the state forest fund, as shall contributions received for the 2884
issuance of Smokey Bear license plates under section 4503.574 of 2885
the Revised Code and any other moneys required by law to be 2886
deposited in the fund. 2887

The state forest fund shall not be expended for any purpose 2888
other than the administration, operation, maintenance, 2889
development, or utilization of the state forests, forest 2890
nurseries, and forest programs, for facilities or equipment 2891
incident to them, or for the further purchase of lands for state 2892
forest or forest nursery purposes and, in the case of 2893
contributions received pursuant to section 4503.574 of the Revised 2894
Code, for fire prevention purposes. 2895

All moneys received from the sale of standing timber taken 2896
from state forest lands and state forest nurseries shall be 2897
deposited into the state treasury to the credit of the forestry 2898
holding account redistribution fund, which is hereby created. The 2899
moneys shall remain in the fund until they are redistributed in 2900
accordance with this division. 2901

The redistribution shall occur at least once each year. To 2902
begin the redistribution, the chief first shall determine the 2903
amount of all standing timber sold from state forest lands and 2904

state forest nurseries, together with the amount of the total sale proceeds, in each county, in each township within the county, and in each school district within the county. The chief next shall determine the amount of the direct costs that the division of forestry incurred in association with the sale of that standing timber. The amount of the direct costs shall be subtracted from the amount of the total sale proceeds and shall be transferred from the forestry holding account redistribution fund to the state forest fund.

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

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

The county auditor shall do all of the following:

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

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

lands and nurseries located in the township; 2936

(3) Request the board of education of any school district 2937
located within the county and containing such lands and nurseries 2938
to identify which fund or funds of the district should receive the 2939
moneys available to the school district under division (D)(3) of 2940
this section. After receiving notice from the board, the county 2941
auditor shall pay into the fund or funds so identified one-half of 2942
the amount received by the county from standing timber sold from 2943
lands and nurseries located in the school district, distributed 2944
proportionately as identified by the board. 2945

The division of forestry shall not supply logs, lumber, or 2946
other forest products or minerals, taken from the state forest 2947
lands or state forest nurseries, to any other agency or 2948
subdivision of the state unless payment is made therefor in the 2949
amount of the actual prevailing value thereof. This section is 2950
applicable to the moneys so received. 2951

(E) The chief may enter into a personal service contract for 2952
consulting services to assist the chief with the sale of timber or 2953
other forest products and related inventory. Compensation for 2954
consulting services shall be paid from the proceeds of the sale of 2955
timber or other forest products and related inventory that are the 2956
subject of the personal service contract. 2957

Sec. 1503.08. The chief of the division of forestry, with the 2958
approval of the director of natural resources, shall establish 2959
fire protection areas for the state. When establishing fire 2960
protection areas, the chief shall consider all of the following: 2961

(A) The amount of forest cover; 2962

(B) The actual and potential fire occurrence; 2963

(C) The threat to forest resources; 2964

(D) The population of the areas; 2965

(E) Any other pertinent forest resource information. 2966

Sec. 1503.09. The chief of the division of forestry may 2967
appoint forest-fire wardens and forest-fire investigators, whose 2968
jurisdiction shall extend over ~~such territory as the chief~~ 2969
~~determines, subject to the approval of the director of natural~~ 2970
~~resources~~ fire protection areas established under section 1503.08 2971
of the Revised Code. Forest-fire investigators shall conduct 2972
investigations and gather evidence for purposes of the enforcement 2973
of this chapter and sections 2909.02, 2909.03, 2909.06, and 2974
3767.32 of the Revised Code with respect to forest fires in fire 2975
protection areas. Any ~~such forest-fire~~ warden or forest-fire 2976
investigator shall hold office ~~for the term of one year or until~~ 2977
~~his~~ the warden's or investigator's successor is appointed, but ~~he~~ 2978
any such warden or investigator may at any time be summarily 2979
removed by the chief. 2980

The chief may designate a forest-fire warden as a forest-fire 2981
investigator. The chief shall establish a policy for the required 2982
training of forest-fire investigators, which shall include 2983
successful completion of basic wildland fire suppression training 2984
and training as a peace officer. Division (D) of section 1501.24 2985
and section 1501.25 of the Revised Code apply to a forest-fire 2986
investigator in the same manner as those provisions of law apply 2987
to a natural resources officer. Forest-fire investigators shall 2988
have jurisdiction, with permission from the chief, to enter public 2989
and private lands. 2990

Sec. 1503.10. The chief of the division of forestry or the 2991
chief's designee shall supervise all forest-fire wardens and 2992
forest-fire investigators, shall instruct them in their duties, 2993
shall enforce all laws of this state for the prevention and 2994
suppression of forest fires, and shall ~~cause those who violate~~ 2995
direct investigations of alleged violations of such laws ~~to be~~ 2996

prosecuted within fire protection areas established under section 2997
1503.08 of the Revised Code. 2998

Sec. 1503.11. Forest-fire wardens shall prevent and 2999
extinguish forest fires in the territory over which they have 3000
jurisdiction and shall have control and direction of all persons 3001
and apparatus while engaged in extinguishing forest fires. 3002

In case of fire threatening any forest or woodland, the 3003
wardens having authority in that locality shall attend immediately 3004
and use all necessary means to confine and extinguish the fire. 3005
The Forest-fire wardens or forest-fire investigators may cut trees 3006
or other vegetation, destroy fences, plow land, or set backfires 3007
to check any fire. 3008

Sec. 1503.14. The chief of the division of forestry may 3009
establish and put into effect a system for aerial or ground 3010
detection and observation of forest fires which shall cover the 3011
regions determined by the chief to be subject to forest fires, 3012
purchase the necessary equipment and material, and hire the 3013
necessary labor for the installation and maintenance of the 3014
system. 3015

The chief may enter into agreements or contracts with 3016
firefighting agencies and private fire companies for the purpose 3017
of providing mutual aid and assistance in the protection of 3018
forests from forest fires in fire protection areas established 3019
under section 1503.08 of the Revised Code. The agreements or 3020
contracts may provide for at least technical assistance, 3021
assistance in training personnel, and fire suppression assistance 3022
and such other forms of aid as may be available and appropriate. 3023

The chief, with the approval of the director of natural 3024
resources, may transfer title to or ownership of vehicles, 3025
equipment, materials, and supplies that are determined to be in 3026

excess of the needs of the department of natural resources and the 3027
division to a firefighting agency or private fire company for the 3028
purpose of accomplishing fire suppression in fire protection 3029
areas. 3030

As used in this section, "firefighting agency" and "private 3031
fire company" have the same meanings as in section 9.60 of the 3032
Revised Code. 3033

Sec. 1503.141. There is hereby created in the state treasury 3034
the wildfire suppression fund. The fund shall consist of any 3035
federal moneys received for the purposes of this section and 3036
donations, gifts, bequests, and other moneys received for those 3037
purposes. In addition, the chief of the division of forestry 3038
annually may request that the director of budget and management 3039
transfer, and, if so requested, the director shall transfer, not 3040
more than one hundred thousand dollars to the wildfire suppression 3041
fund from the state forest fund created in section 1503.05 of the 3042
Revised Code. The amount transferred shall consist only of money 3043
deposited into the state forest fund from the sale of standing 3044
timber taken from state forest lands as set forth in that section. 3045

The chief ~~shall~~ may use moneys in the wildfire suppression 3046
fund to reimburse firefighting agencies and private fire companies 3047
for their costs incurred in the suppression of wildfires in 3048
counties within fire protection areas established under section 3049
1503.08 of the Revised Code where there is a state forest or 3050
national forest, or portion thereof. The chief, with the approval 3051
of the director of natural resources, may provide such 3052
reimbursement in additional counties. The chief shall provide such 3053
reimbursement pursuant to agreements and contracts entered into 3054
under section 1503.14 of the Revised Code and in accordance with 3055
the following schedule: 3056

(A) For wildfire suppression on private land, an initial 3057

seventy-dollar payment to the firefighting agency or private fire 3058
company; 3059

(B) For wildfire suppression on land under the administration 3060
or care of the department of natural resources or on land that is 3061
part of any national forest administered by the United States 3062
department of agriculture forest service, an initial 3063
one-hundred-dollar payment to the firefighting agency or private 3064
fire company; 3065

(C) For any wildfire suppression on land specified in 3066
division (A) or (B) of this section lasting more than two hours, 3067
an additional payment of thirty-five dollars per hour. 3068

If at any time moneys in the fund exceed two hundred thousand 3069
dollars, the chief shall ~~disburse~~ transfer the moneys that exceed 3070
that amount to the ~~firefighting agencies and private fire~~ 3071
~~companies in accordance with rules that the chief shall adopt in~~ 3072
~~accordance with Chapter 119. of the Revised Code. The rules shall~~ 3073
~~establish requirements and procedures that are similar in purpose~~ 3074
~~and operation to the federal rural community fire protection~~ 3075
~~program established under the "Cooperative Forestry Assistance Act~~ 3076
~~of 1978," 92 Stat. 365, 16 U.S.C.A. 2101, as amended~~ state forest 3077
fund. 3078

As used in this section, "firefighting agency" and "private 3079
fire company" have the same meanings as in section 9.60 of the 3080
Revised Code. 3081

Sec. 1503.15. A forest-fire warden or forest-fire 3082
investigator is not personally liable for any act required or 3083
authorized under sections 1503.07 to 1503.27 of the Revised Code 3084
while acting within the scope of ~~his~~ official duties as warden or 3085
investigator. 3086

Sec. 1503.18. (A) No person shall kindle a fire upon public 3087

land without the written permission of the forest-fire warden 3088
having jurisdiction or on land of another without the written 3089
permission of the owner or ~~his~~ the owner's agent. 3090

(B) No person shall kindle or authorize another to kindle a 3091
fire in or near any woodland, brushland, or land containing tree 3092
growth or in any place from which the fire is likely to escape 3093
unless all leaves, grass, wood, and inflammable material 3094
surrounding the place where the fire is kindled have first been 3095
removed to a safe distance and all other reasonable precautions 3096
have been taken to prevent its escape from control. No fire shall 3097
be left until extinguished or safely covered. 3098

(C) Excepting fires kindled in a plowed field, garden, or 3099
public highway at a distance of not less than two hundred feet 3100
from any woodland, brushland, or field containing dry grass or 3101
other inflammable material, no person shall kindle or authorize 3102
another to kindle a fire in the open air, outside the limits of 3103
any municipal corporation or land controlled by any railroad 3104
company, for the purpose of burning wood, brush, weeds, grass, or 3105
rubbish of any kind between the hours of six a.m. and six p.m. 3106
during the months of March, April, May, October, and November in 3107
any year. The chief of the division of forestry may adopt rules in 3108
accordance with Chapter 119. of the Revised Code to expand the 3109
times and places for kindling fires ~~if the chief gives notice by~~ 3110
~~publishing one notice in a newspaper of general circulation in the~~ 3111
~~area affected or giving written authorization to the~~ for any 3112
affected ~~person~~ persons. 3113

(D) The times and places for kindling fires established under 3114
division (C) of this section may be restricted or eliminated by 3115
executive order of the governor if environmental conditions so 3116
warrant. 3117

(E) Fires kindled by improperly disposing of a lighted match, 3118
cigar, or other burning or glowing substance are kindled fires 3119

within the meaning of this section. 3120

Sec. 1504.01. There is hereby created in the department of 3121
natural resources the office of real estate and land management. 3122
The director of natural resources shall appoint a chief to 3123
administer the office. The chief shall act as the director's 3124
designee and carry out the duties of the chief on behalf of the 3125
director. Subject to the approval of the director, the chief shall 3126
employ assistants and other employees as necessary to execute the 3127
duties of the office as prescribed by this chapter. 3128

Sec. 1504.02. (A) The office of real estate and land 3129
management shall do all of the following: 3130

(1) Except as otherwise provided in the Revised Code, 3131
coordinate and conduct all real estate functions for the 3132
department of natural resources, including acquiring land by 3133
purchase, lease, gift, devise, bequest, appropriation, or 3134
otherwise; administering grants through sales, leases, exchanges, 3135
easements, and licenses; performing inventories of land; and 3136
performing other related general management duties; 3137

(2) Cooperate with federal agencies and political 3138
subdivisions in administering federal recreation moneys under the 3139
"Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 3140
U.S.C. 4601-8, and prepare and distribute the statewide 3141
comprehensive outdoor recreation plan; 3142

(3) Prepare special studies and execute any other duties, 3143
functions, and responsibilities requested by the director of 3144
natural resources; 3145

(4) Administer the real estate services associated with canal 3146
lands on behalf of the director under Chapter 1520. of the Revised 3147
Code. 3148

(B) The office may do any of the following: 3149

(1) Coordinate environmental matters concerning the 3150
department and the state as are necessary to comply with the 3151
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 3152
U.S.C. 4321, the "Intergovernmental Cooperation Act of 1968," 82 3153
Stat. 1098, 31 U.S.C. 6506, and the "Federal Water Pollution 3154
Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, and 3155
regulations adopted under those acts; 3156

(2) Survey land; 3157

(3) As considered necessary by the director, administer any 3158
state or federally funded grant program that is related to natural 3159
resources or recreation; 3160

(4) Coordinate department projects, programs, policies, 3161
procedures, and activities with the United States army corps of 3162
engineers and other federal agencies; 3163

(5) Coordinate department activities associated with the 3164
completion of drainage ditch improvements in accordance with 3165
Chapters 6131. and 6133. of the Revised Code. 3166

Sec. 1504.03. The chief of the office of real estate and land 3167
management or an employee of the office may enter upon lands to 3168
make surveys and inspections when necessary for the purposes of 3169
this chapter. The chief shall provide reasonable notice of any 3170
proposed entry to the owner or person in possession of the land to 3171
be surveyed or inspected not less than forty-eight hours and not 3172
more than thirty days prior to the date of entry. An entry 3173
conducted under this section does not constitute trespass. 3174

Sec. 1506.35. (A) The director of natural resources may 3175
suspend or revoke, in accordance with Chapter 119. of the Revised 3176
Code, a permit issued under section 1506.32 of the Revised Code if 3177
the permit holder has done either of the following: 3178

(1) Failed to comply with sections 1506.30 to 1506.36 of the 3179

Revised Code, any rules adopted under those sections, or any 3180
provision or condition of the holder's permit; 3181

(2) Damaged abandoned property other than in accordance with 3182
the provisions or conditions of the permit. 3183

(B) Any motor vehicle, as defined in section 4501.01 of the 3184
Revised Code, watercraft, as defined in section ~~1547.01~~ 1546.01 of 3185
the Revised Code, mechanical or other assistance, scuba gear, 3186
sonar equipment, or other equipment used by any person in the 3187
course of committing a third or subsequent violation of division 3188
(K) of section 1506.32 of the Revised Code shall be considered 3189
contraband for the purposes of Chapter 2981. of the Revised Code, 3190
except that proceeds from the sale of such contraband shall be 3191
disposed of in the following order: 3192

(1) To the payment of the costs incurred in the forfeiture 3193
proceedings under Chapter 2981. of the Revised Code; 3194

(2) To the payment of the balance due on any security 3195
interest preserved under division (F) of section 2981.04 of the 3196
Revised Code; 3197

(3) To the payment of any costs incurred by the seizing 3198
agency under Chapter 2981. of the Revised Code in connection with 3199
the storage, maintenance, security, and forfeiture of the 3200
contraband; 3201

(4) Fifty per cent of the remaining money to the credit of 3202
the Lake Erie submerged lands preserves fund created in division 3203
(C) of this section, and fifty per cent of the remaining money to 3204
the Ohio history connection for deposit into the fund created 3205
pursuant to division (C) of section 149.56 of the Revised Code. 3206

(C) There is hereby created in the state treasury the Lake 3207
Erie submerged lands preserves fund. The fund shall be composed of 3208
moneys credited to it under division (B)(4) of this section and 3209
division (D)(2) of section 1506.33 of the Revised Code, all 3210

appropriations, contributions, and gifts made to it, and any 3211
federal grants received by the department of natural resources for 3212
the purposes of sections 1506.30 to 1506.36 of the Revised Code. 3213
The director shall use the moneys in the Lake Erie submerged lands 3214
preserves fund solely to implement and administer sections 1506.30 3215
to 1506.36 of the Revised Code. 3216

(D) The director may request the attorney general to, and the 3217
attorney general shall, bring a civil action in any court of 3218
competent jurisdiction for any of the following purposes: 3219

(1) To enforce compliance with or restrain violation of 3220
sections 1506.30 to 1506.36 of the Revised Code, any rules adopted 3221
under those sections, or any permit issued under section 1506.32 3222
of the Revised Code; 3223

(2) To enjoin the further removal of abandoned property or 3224
archaeological material from Lake Erie; 3225

(3) To order the restoration of an area affected by a 3226
violation of sections 1506.30 to 1506.36 of the Revised Code or of 3227
a permit issued under section 1506.32 of the Revised Code to its 3228
prior condition. 3229

Any action under this division is a civil action governed by 3230
the Rules of Civil Procedure. 3231

(E) A peace officer of a county, township, or municipal 3232
corporation, ~~and a preserve officer, wildlife officer, park~~ 3233
~~officer, or watercraft officer~~ designated under section ~~1517.10,~~ 3234
~~1531.13, 1541.10, or 1547.521~~ of the Revised Code, ~~as applicable,~~ 3235
and a natural resources officer appointed under section 1501.24 of 3236
the Revised Code may enforce compliance with sections 1506.30 to 3237
1506.36 of the Revised Code, any rules adopted under those 3238
sections, and any permit issued under section 1506.32 of the 3239
Revised Code and may make arrests for violation of those laws, 3240
rules, and permits. 3241

Sec. 1509.73. (A)(1) Beginning on ~~the effective date of this~~ 3242
~~section September 30, 2011,~~ and ending on the effective date of 3243
the rules adopted under section 1509.74 of the Revised Code, a 3244
state agency, in consultation with the oil and gas leasing 3245
commission, may lease a formation within a parcel of land that is 3246
owned or controlled by the state agency for the exploration for 3247
and development and production of oil or natural gas. The state 3248
agency shall establish bid fees, signing fees, rentals, and at 3249
least a one-eighth landowner royalty. On and after the effective 3250
date of the rules adopted under section 1509.74 of the Revised 3251
Code, a formation within a parcel of land that is owned or 3252
controlled by a state agency may be leased for the exploration for 3253
and development and production of oil or natural gas only in 3254
accordance with divisions (A)(2) to (H) of this section and those 3255
rules. 3256

(2) Not earlier than two hundred seventy days after ~~the~~ 3257
~~effective date of this section September 30, 2011,~~ a person that 3258
is an owner and that is interested in leasing a formation within a 3259
parcel of land that is owned or controlled by a state agency for 3260
the exploration for and the development and production of oil or 3261
natural gas may submit to the oil and gas leasing commission a 3262
nomination that identifies the parcel of land. A person submitting 3263
a nomination shall submit it in the manner and form established in 3264
rules adopted under section 1509.74 of the Revised Code and shall 3265
include with the nomination both of the following: 3266

(a) The information required by those rules; 3267

(b) The nomination fee established in those rules. 3268

(B)(1) Not less than thirty days, but not more than one 3269
hundred twenty days following the receipt of a nomination of a 3270
parcel of land, the commission shall conduct a meeting for the 3271
purpose of determining whether to approve or disapprove the 3272

nomination for the purpose of leasing a formation within the 3273
parcel of land that is identified in the nomination. The 3274
commission also shall review the nomination of the parcel of land 3275
and determine if the parcel of land has been classified under 3276
section 1509.72 of the Revised Code. If the parcel of land that is 3277
the subject of the nomination has not been classified, the 3278
commission immediately shall send a copy of the nomination to the 3279
state agency that owns or controls the parcel that is the subject 3280
of the nomination. Not later than fifteen days after receipt of a 3281
copy of the nomination, the state agency shall classify the parcel 3282
of land as a class 1, class 2, class 3, or class 4 property and 3283
submit the classification to the commission. On receipt of the 3284
state agency's classification of the parcel of land, the 3285
commission shall provide the department of natural resources the 3286
information necessary for the department to comply with divisions 3287
(C) and (D) of section 1509.72 of the Revised Code. 3288

After a parcel of land that is the subject of a nomination 3289
has been classified under section 1509.72 of the Revised Code or 3290
division (B)(1) of this section, as applicable, the commission 3291
shall approve or disapprove the nomination. In making its decision 3292
to approve or disapprove the nomination of the parcel of land, the 3293
commission shall consider all of the following: 3294

(a) The economic benefits, including the potential income 3295
from an oil or natural gas operation, that would result if the 3296
lease of a formation that is the subject of the nomination were 3297
approved; 3298

(b) Whether the proposed oil or gas operation is compatible 3299
with the current uses of the parcel of land that is the subject of 3300
the nomination; 3301

(c) The environmental impact that would result if the lease 3302
of a formation that is the subject of the nomination were 3303
approved; 3304

(d) Any potential adverse geological impact that would result 3305
if the lease of a formation that is the subject of the nomination 3306
were approved; 3307

(e) Any potential impact to visitors or users of a parcel of 3308
land that is the subject of the nomination; 3309

(f) Any potential impact to the operations or equipment of a 3310
state agency that is a state university or college if the lease of 3311
a formation within a parcel of land owned or controlled by the 3312
university or college that is the subject of the nomination were 3313
executed; 3314

(g) Any objections to the nomination submitted to the 3315
commission by the state agency that owns or controls the land on 3316
which the proposed oil or natural gas operation would take place; 3317

(h) Any comments or objections to the nomination submitted to 3318
the commission by residents of this state or other users of the 3319
parcel of land that is the subject of the nomination; 3320

(i) Any other factors that the commission establishes in 3321
rules adopted under section 1509.74 of the Revised Code. 3322

(2) The commission shall disapprove a nomination of a parcel 3323
of land that is a class 3 property. The commission shall send 3324
notice of the disapproval by certified mail to the person that 3325
submitted the nomination. 3326

(3) Prior to making its decision to approve or disapprove a 3327
nomination, the commission shall notify the state agency that owns 3328
or controls the land on which the oil or gas operation would take 3329
place. 3330

(4) The commission shall approve or disapprove a nomination 3331
not later than two calendar quarters following the receipt of the 3332
nomination. Notice of the decision of the commission shall be sent 3333
by certified mail to the person that submitted the nomination. 3334

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

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

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

(1) The procedure for the submission of a bid to enter into a lease for a formation within a parcel of land; 3367
3368

(2) A statement that a standard lease form that is consistent with the practices of the oil and natural gas industries will be used for the lease of a formation within the parcel of land; 3369
3370
3371

(3) A copy of the standard lease form that will be used for the lease of a formation within the parcel of land; 3372
3373

(4) Special terms and conditions, if applicable, that apply to the lease because of specific conditions related to the parcel of land; 3374
3375
3376

(5) The amount of the bid fee that is required to be submitted with a bid; 3377
3378

(6) Any other information that the commission considers pertinent to the advertisement for bids. 3379
3380

(D) A person submitting a bid to enter into a lease under this section shall pay a bid fee established in rules adopted under section 1509.74 of the Revised Code. 3381
3382
3383

(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section shall be confidential and shall not be disclosed before a person is selected under division (F) of this section unless the commission determines otherwise. 3384
3385
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3389

(F) The commission shall establish a deadline for the submission of bids for each lease regarding a particular parcel of land and shall notify the department of the deadline. The department shall post the deadline for the submission of bids for each lease on the department's web site. A person shall submit a bid in accordance with the procedures and requirements established by the commission in rules adopted under section 1509.74 of the 3390
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Revised Code. 3397

The commission shall select the person who submits the 3398
highest and best bid for each formation within that parcel of 3399
land, taking into account the financial responsibility of the 3400
prospective lessee and the ability of the prospective lessee to 3401
perform its obligations under the lease. After the commission 3402
selects a person, the commission shall notify the applicable state 3403
agency and send the person's bid to the agency. The state agency 3404
shall enter into a lease with the person selected by the 3405
commission. 3406

(G)(1) Except as otherwise provided in division (G)(2) of 3407
this section, all money received by a state agency from signing 3408
fees, rentals, and royalty payments for leases entered into under 3409
this section shall be paid by the state agency into the state 3410
treasury to the credit of the state land royalty fund created in 3411
section 131.50 of the Revised Code. 3412

(2) Money received by a state agency from signing fees, 3413
rentals, and royalty payments for leases entered into under this 3414
section on land owned or controlled by the division of forestry, 3415
wildlife, or parks and ~~recreation~~ watercraft in the department of 3416
natural resources shall be deposited into one of the following 3417
funds, as applicable: 3418

(a) The forestry mineral royalties fund created in section 3419
1503.012 of the Revised Code if the lease pertains to land owned 3420
or controlled by the division of forestry; 3421

(b) The wildlife habitat fund created in section 1531.33 of 3422
the Revised Code if the lease pertains to land owned or controlled 3423
by the division of wildlife; 3424

(c) The parks mineral royalties fund created in section 3425
~~1541.26~~ 1546.24 of the Revised Code if the lease pertains to land 3426
owned or controlled by the division of parks and ~~recreation~~ 3427

watercraft. 3428

(H) All money received from nomination fees and bid fees 3429
shall be paid into the state treasury to the credit of the oil and 3430
gas leasing commission administration fund created in section 3431
1509.75 of the Revised Code. 3432

(I) Notwithstanding any other provision of this section to 3433
the contrary, a nature preserve as defined in section 1517.01 of 3434
the Revised Code that is owned or controlled by a state agency 3435
shall not be nominated or leased under this section for the 3436
purpose of exploring for and developing and producing oil and 3437
natural gas resources. 3438

Sec. 1509.78. Notwithstanding any other provision of the 3439
Revised Code, not less than thirty per cent of the proceeds from a 3440
lease executed on and after ~~the effective date of this section~~ 3441
September 30, 2011, for the exploration and production of oil or 3442
gas within or under a state park established under Chapter ~~1541-~~ 3443
1546. of the Revised Code shall be credited to the applicable fund 3444
created in the state treasury that supports the state park. The 3445
department of natural resources shall use the money credited to 3446
the applicable fund from a lease for expenses associated with the 3447
state park within or under which the oil or gas exploration and 3448
production occurred. Money credited shall be used for capital 3449
improvements. 3450

Sec. 1514.10. No person shall: 3451

(A)(1) Engage in surface mining without a permit; 3452

(2) Engage in in-stream mining or conduct an in-stream mining 3453
operation without an in-stream mining permit issued by the chief 3454
of the division of mineral resources management. A person who, on 3455
March 15, 2002, holds a valid permit to conduct in-stream mining 3456
that is issued under section 10 of the "Rivers and Harbors 3457

Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as 3458
amended, shall not be required to obtain an in-stream mining 3459
permit from the chief under this chapter until the existing permit 3460
expires. 3461

(B) Exceed the limits of a surface or in-stream mining permit 3462
or amendment to a permit by mining land contiguous to an area of 3463
land affected under a permit or amendment, which contiguous land 3464
is not under a permit or amendment; 3465

(C) Purposely misrepresent or omit any material fact in an 3466
application for a surface or in-stream mining permit or amendment, 3467
an annual or final report, or any hearing or investigation 3468
conducted by the chief or the reclamation commission; 3469

(D) Fail to perform any measure set forth in the approved 3470
plan of mining and reclamation that is necessary to prevent damage 3471
to adjoining property or to achieve a performance standard 3472
required in division (A)(10) of section 1514.02 of the Revised 3473
Code, or violate any other requirement of this chapter, a rule 3474
adopted thereunder, or an order of the chief; 3475

(E) Conduct surface excavations of minerals within any of the 3476
following: 3477

(1) One hundred twenty feet horizontal distance outward from 3478
the highwater mark on each bank of an area designated as a wild, 3479
scenic, or recreational river area under sections 1547.81 to 3480
~~1547.87~~ 1547.86 of the Revised Code or of a portion of a river 3481
designated as a component of the national wild and scenic river 3482
system under the "Wild and Scenic Rivers Act," 82 Stat. 906 3483
(1968), 16 U.S.C. 1274, as amended; 3484

(2) Seventy-five feet horizontal distance outward from the 3485
highwater mark on each bank of a watercourse that drains a surface 3486
area of more than one hundred square miles; 3487

(3) Fifty feet horizontal distance outward from the highwater 3488

mark on each bank of a watercourse that drains a surface area of 3489
more than twenty-five square miles, but fewer than one hundred 3490
square miles unless a variance is obtained under rules adopted by 3491
the chief. 3492

(F) Conduct any surface mining activity within any of the 3493
following: 3494

(1) Seventy-five feet horizontal distance outward from the 3495
highwater mark on each bank of an area designated as a wild, 3496
scenic, or recreational river area under sections 1547.81 to 3497
1547.87 of the Revised Code or of a portion of a river designated 3498
as a component of the national wild and scenic river system under 3499
the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 3500
1274, as amended; 3501

(2) Seventy-five feet horizontal distance outward from the 3502
highwater mark on each bank of a watercourse that drains a surface 3503
area of more than one hundred square miles; 3504

(3) Fifty feet horizontal distance outward from the highwater 3505
mark on each bank of a watercourse that drains a surface area of 3506
more than twenty-five square miles, but fewer than one hundred 3507
square miles unless a variance is obtained under rules adopted by 3508
the chief. 3509

A person who has been issued a surface mining permit prior to 3510
March 15, 2002 may continue to operate under that permit and shall 3511
not be subject to the prohibitions established in divisions (E) 3512
and (F) of this section until the permit is renewed. 3513

The number of square miles of surface area that a watercourse 3514
drains shall be determined by consulting the "gazetteer of Ohio 3515
streams," which is a portion of the Ohio water plan inventory 3516
published in 1960 by the division of water in the department of 3517
natural resources, or its successor, if any. 3518

(G) Engage in any part of a process that is followed in the 3519

production of minerals from the bottom of the channel of a 3520
watercourse in any of the following circumstances or areas: 3521

(1) In an area designated as a wild, scenic, or recreational 3522
river area under sections 1547.81 to ~~1547.87~~ 1547.86 of the 3523
Revised Code, in a portion of a river designated as a component of 3524
the national wild and scenic river system under the "Wild and 3525
Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as 3526
amended, or within one-half mile upstream of any portion of such 3527
an area or component; 3528

(2) During periods other than periods of low flow, as 3529
determined by rules adopted under section 1514.08 of the Revised 3530
Code; 3531

(3) During critical fish or mussel spawning seasons as 3532
determined by the chief of the division of wildlife under Chapter 3533
1531. of the Revised Code and rules adopted under it; 3534

(4) In an area known to possess critical spawning habitat for 3535
a species of fish or mussel that is on the federal endangered 3536
species list established in accordance with the "Endangered 3537
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 3538
amended, or the state endangered species list established in rules 3539
adopted under section 1531.25 of the Revised Code. 3540

Division (G) of this section does not apply to the activities 3541
described in divisions (M)(1) and (2) of section 1514.01 of the 3542
Revised Code. 3543

~~Sec. 1517.23. With the advice of the Ohio natural areas 3544
council created in section 1517.03 of the Revised Code, the The 3545
chief of the division of natural areas and preserves shall do both 3546
of the following: 3547~~

(A) Formulate policies and plans and establish a program 3548
incorporating them for the identification and protection of the 3549

state's cave resources and adopt, amend, or rescind rules in 3550
accordance with Chapter 119. of the Revised Code to implement that 3551
program; 3552

(B) Provide technical assistance and management advice to 3553
owners upon request concerning the protection of caves on their 3554
land. 3555

Sec. 1519.03. The director of natural resources, through the 3556
chief of the division of parks and ~~recreation~~ watercraft, shall 3557
prepare and maintain a current inventory of trails, abandoned or 3558
unmaintained roads, streets, and highways, abandoned railroad 3559
rights-of-way, utility easements, canals, and other scenic or 3560
historic corridors or rights-of-way that are suitable for 3561
recreational use. The director shall prepare and publish a 3562
comprehensive plan for development of a statewide trails system to 3563
serve present and future trail recreation needs of the state. Any 3564
state department, agency, political subdivision, or planning 3565
commission shall furnish available maps, descriptions, and other 3566
pertinent information to the director or provide access to the 3567
director's representatives for inspection and duplication, upon 3568
request by the director, for trail inventory and planning 3569
purposes. 3570

Sec. 1519.04. No person shall violate any rule adopted by the 3571
director of natural resources under this chapter. 3572

Every sheriff, deputy sheriff, marshal, deputy marshal, 3573
member of the organized police department of any municipal 3574
corporation, police constable of any township, wildlife officer, 3575
~~park officer, forest officer, preserve~~ natural resources officer, 3576
conservancy district police officer, and other law enforcement 3577
officer, within the area of ~~his~~ the law enforcement officer's 3578
authority, may enforce this chapter and rules adopted under it. 3579

Sec. 1520.02. (A) The director of natural resources has 3580
exclusive authority to administer, manage, and establish policies 3581
governing canal lands. 3582

(B)(1) The director may sell, lease, exchange, give, or grant 3583
all or part of the state's interest in any canal lands in 3584
accordance with section 1501.01 of the Revised Code. The director 3585
may stipulate that an appraisal or survey need not be conducted 3586
for, and may establish any terms or conditions that the director 3587
determines appropriate for, any such conveyance. 3588

Prior to proposing the conveyance of any canal lands, the 3589
director shall consider the local government needs and economic 3590
development potential with respect to the canal lands and the 3591
recreational, ecological, and historical value of the canal lands. 3592
In addition, the conveyance of canal lands shall be conducted in 3593
accordance with the director's policies governing the protection 3594
and conservation of canal lands established under this section. 3595

(2) With regard to canal lands, the chief of the ~~division~~ 3596
office of parks real estate and recreation land management, with 3597
the approval of the director, may sell, lease, or transfer 3598
minerals or mineral rights when the chief, with the approval of 3599
the director, determines that the sale, lease, or transfer is in 3600
the best interest of the state. Consideration for minerals and 3601
mineral rights shall be by rental or on a royalty basis as 3602
prescribed by the chief, with the approval of the director, and 3603
payable as prescribed by contract. Moneys collected under division 3604
(B)(2) of this section shall be paid into the state treasury to 3605
the credit of the canal lands fund created in section 1520.05 of 3606
the Revised Code. 3607

(C) The director may transfer to the Ohio history connection 3608
any equipment, maps, and records used on or related to canal lands 3609
that are of historical interest and that are not needed by the 3610

director to administer this chapter. 3611

(D) If the director determines that any canal lands are a 3612
necessary part of a county's drainage or ditch system and are not 3613
needed for any purpose of the department of natural resources, the 3614
director may sell, grant, or otherwise convey those canal lands to 3615
that county in accordance with division (B) of this section. The 3616
board of county commissioners shall accept the transfer of canal 3617
lands. 3618

(E) Notwithstanding any other section of the Revised Code, 3619
the county auditor shall transfer any canal lands conveyed under 3620
this section, and the county recorder shall record the deed for 3621
those lands in accordance with section 317.12 of the Revised Code. 3622

Sec. 1520.03. (A) The director of natural resources may 3623
appropriate real property in accordance with Chapter 163. of the 3624
Revised Code for the purpose of administering this chapter. 3625

(B)(1) The director shall operate and maintain all canals and 3626
canal reservoirs owned by the state except those canals that are 3627
operated by the Ohio history connection on July 1, 1989. 3628

(2) On behalf of the director, the division of parks and 3629
~~recreation~~ watercraft shall have the care and control of all 3630
canals and canal reservoirs owned by the state, the water in them, 3631
and canal lands and shall protect, operate, and maintain them and 3632
keep them in repair. The chief of the division ~~of parks and~~ 3633
~~recreation~~ may remove obstructions from or on them and shall make 3634
any alterations or changes in or to them and construct any 3635
feeders, dikes, reservoirs, dams, locks, or other works, devices, 3636
or improvements in or on them that are necessary in the discharge 3637
of the chief's duties. 3638

In accordance with Chapter 119. of the Revised Code, the 3639
chief may adopt, amend, and rescind rules that are necessary for 3640

the administration of this division. 3641

(C) The director may sell or lease water from any canal or 3642
canal reservoir that the director operates and maintains only to 3643
the extent that the water is in excess of the quantity that is 3644
required for navigation, recreation, and wildlife purposes. With 3645
the approval of the director, the chief may adopt, amend, and 3646
rescind rules in accordance with Chapter 119. of the Revised Code 3647
necessary to administer this division. 3648

The withdrawal of water from any canal or canal reservoir for 3649
domestic use is exempt from this division. However, the director 3650
may require water conservation measures for water that is 3651
withdrawn from any canal or canal reservoir for domestic use 3652
during drought conditions or other emergencies declared by the 3653
governor. 3654

(D) No person shall take or divert water from any canal or 3655
canal reservoir operated and maintained by the director except in 3656
accordance with division (C) of this section. 3657

(E) At the request of the director, the attorney general may 3658
commence a civil action for civil penalties and injunctions, in a 3659
court of common pleas, against any person who has violated or is 3660
violating division (D) of this section. The court of common pleas 3661
in which an action for injunctive relief is filed has jurisdiction 3662
to and shall grant preliminary and permanent injunctive relief 3663
upon a showing that the person against whom the action is brought 3664
has violated or is violating that division. 3665

Upon a finding of a violation, the court shall assess a civil 3666
penalty of not more than one thousand dollars for each day of each 3667
violation if the violator is an individual who took or diverted 3668
the water in question for residential or agricultural use. The 3669
court shall assess a civil penalty of not more than five thousand 3670
dollars for each day of each violation if the violator is any 3671

other person who took or diverted the water in question for 3672
industrial or commercial use excluding agricultural use. Moneys 3673
from civil penalties assessed under this division shall be paid 3674
into the state treasury to the credit of the canal lands fund 3675
created in section 1520.05 of the Revised Code. 3676

Any action under this division is a civil action, governed by 3677
the rules of civil procedure and other rules of practice and 3678
procedure applicable to civil actions. 3679

(F) As used in this section, "person" means any agency of 3680
this state, any political subdivision of this state or of the 3681
United States, or any legal entity defined as a person under 3682
section 1.59 of the Revised Code. 3683

Sec. 1533.89. Any sheriff, deputy sheriff, marshal, deputy 3684
marshal, municipal police officer, township constable, ~~park,~~ 3685
~~preserve, or forest~~ natural resources officer, conservancy 3686
district police officer, or other law enforcement officer, within 3687
the limits of the officer's jurisdiction, may enforce sections 3688
1533.86 to 1533.90 of the Revised Code and rules adopted pursuant 3689
to section 1533.88 of the Revised Code, and any wildlife officer 3690
may enforce those sections and rules throughout the state. 3691

Sec. 1546.01. As used in this chapter and Chapter 1547. of 3692
the Revised Code: 3693

"Canoe" means a paddlecraft that is normally an open, narrow 3694
vessel of shallow draft, typically pointed at both ends and 3695
propelled by its occupants through the use of paddles while 3696
kneeling or sitting on a raised seat, including a flat-backed 3697
canoe and a racing canoe. 3698

"Coast guard approved" means bearing an approval number 3699
assigned by the United States coast guard. 3700

"Conditional approval" means a personal flotation device 3701

approval that has one or more conditions with which the user must 3702
comply in order for the device to be considered appropriate for 3703
meeting the requirements for personal flotation devices for the 3704
vessel on which it is being used. 3705

"Diver's flag" means a red flag not less than one foot square 3706
having a diagonal white stripe extending from the masthead to the 3707
opposite lower corner that when displayed indicates that divers 3708
are in the water. 3709

"Drug of abuse" has the same meaning as in section 4506.01 of 3710
the Revised Code. 3711

"Electronic" includes electrical, digital, magnetic, optical, 3712
electromagnetic, or any other form of technology that entails 3713
capabilities similar to these technologies. 3714

"Electronic record" means a record generated, communicated, 3715
received, or stored by electronic means for use in an information 3716
system or for transmission from one information system to another. 3717

"Electronic signature" means a signature in electronic form 3718
attached to or logically associated with an electronic record. 3719

"Idle speed" means the slowest possible speed needed to 3720
maintain steerage or maneuverability. 3721

"Impoundment" means the reservoir created by a dam or other 3722
artificial barrier across a watercourse that causes water to be 3723
stored deeper than and generally beyond the banks of the natural 3724
channel of the watercourse during periods of normal flow, but does 3725
not include water stored behind rock piles, rock riffle dams, and 3726
low channel dams where the depth of water is less than ten feet 3727
above the channel bottom and is essentially confined within the 3728
banks of the natural channel during periods of normal stream flow. 3729

"Inflatable watercraft" means any vessel constructed of 3730
rubber, canvas, or other material that is designed to be inflated 3731

with any gaseous substance, constructed with two or more air 3732
cells, and operated as a vessel. An inflatable watercraft 3733
propelled by a motor is a powercraft. An inflatable watercraft 3734
propelled by a sail is a sailboat. An inflatable watercraft 3735
propelled by human muscular effort utilizing a paddle or pole is a 3736
paddlecraft. An inflatable watercraft propelled by human muscular 3737
effort utilizing an oar with the aid of a fulcrum provided by 3738
oarlocks, tholepins, crutches, or similar arrangements is a 3739
rowboat. 3740

"In operation" in reference to a vessel means that the vessel 3741
is being navigated or otherwise used on the waters in this state. 3742

"Kayak" means a paddlecraft that is typically pointed at both 3743
ends and is propelled by human muscular effort by one or more 3744
seated individuals who use a double-bladed paddle, including an 3745
open kayak with an open deck for operator seating, an enclosed 3746
kayak designed to enclose an occupant within a cockpit, a tandem 3747
kayak designed for multiple occupants, and a racing kayak. 3748

"Law enforcement vessel" means any vessel used in law 3749
enforcement or under the command of a law enforcement officer. 3750

"Muffler" means an acoustical suppression device or system 3751
that is designed and installed to abate the sound of exhaust gases 3752
emitted from an internal combustion engine and that prevents 3753
excessive or unusual noise. 3754

"Navigable waters" means waters that come under the 3755
jurisdiction of the department of the army of the United States 3756
and any waterways within or adjacent to this state, except inland 3757
lakes having neither a navigable inlet nor outlet. 3758

"No wake" has the same meaning as "idle speed." 3759

"Operator" includes any person who uses, navigates, employs, 3760
or has under the person's control a vessel, or vessel and 3761
detachable motor, on the waters in this state. 3762

"Owner" includes any person, other than a secured party, who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to use or possess the vessel, including a person entitled to use or possess a vessel subject to a security interest in another person, but does not include a lessee under a lease not intended as a security. 3763
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"Paddlecraft" means any type of canoe, kayak, paddleboard, or other vessel powered only by its occupants using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, tholepins, crutches, or similar mechanisms. 3770
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"Performance type" means the in-water performance classification of a personal flotation device as determined by the United States coast guard. 3774
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"Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof. 3777
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"Personal flotation device" means a United States coast guard approved personal safety device designed to provide buoyancy to support a person in the water. 3781
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"Personal watercraft" means a vessel, less than sixteen feet in length, that is propelled by a water-jet pump or other machinery and designed to be operated by an individual sitting, standing, or kneeling on the vessel rather than by an individual sitting or standing inside the vessel. 3784
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"Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device. 3789
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"Recreational river area" means an area declared a recreational river area by the director under this chapter and includes those rivers or sections of rivers that are readily 3791
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accessible by road or railroad, that may have some development 3794
along their shorelines, and that may have undergone some 3795
impoundment or diversion in the past. 3796

"Rowboat" means an open vessel, other than a paddlecraft, 3797
that is designed to be rowed and that is propelled by human 3798
muscular effort by oars and upon which no mechanical propulsion 3799
device, electric motor, internal combustion engine, or sail has 3800
been affixed or is used for the operation of the vessel. "Rowboat" 3801
includes a racing shell and a rowing skull regardless of length or 3802
construction. 3803

"Rules" means rules adopted by the chief of the division of 3804
parks and watercraft under this chapter or Chapter 1547. of the 3805
Revised Code, unless the context indicates otherwise. 3806

"Sailboat" means any vessel, equipped with mast and sails, 3807
dependent upon the wind to propel it in the normal course of 3808
operation. 3809

A vessel with sail as its primary method of propulsion and 3810
mechanical propulsion as its secondary method of propulsion is an 3811
auxiliary sail. 3812

Any sailboat being propelled by mechanical power, whether 3813
under sail or not, is deemed a powercraft and subject to all laws 3814
and rules governing powercraft operation. 3815

"Scenic river area" means an area declared a scenic river 3816
area by the director under this chapter and includes those rivers 3817
or sections of rivers that are free of impoundments, with 3818
shorelines or watersheds still largely primitive and shorelines 3819
largely undeveloped, but accessible in places by roads. 3820

"Sewage" means human body wastes and the wastes from toilets 3821
and other receptacles intended to receive or retain body waste. 3822

"Throwable personal flotation device" means a device that is 3823

intended to be thrown to a person in the water. "Throwable 3824
personal flotation device" includes a personal flotation device 3825
marked as "Type IV" or "Type V with Type IV performance." 3826
"Throwable personal flotation device" does not include a wearable 3827
personal flotation device unless it is specifically marked 3828
otherwise. 3829

"Towed watersport" means any activity that involves being 3830
towed by or riding in the wake of a recreational vessel, including 3831
both of the following: 3832

(1) Riding or attempting to ride on one or more water skis, a 3833
wakeboard, a surfboard, an inflatable device, or any other device 3834
manufactured or used for the purpose of being towed by a 3835
recreational vessel; 3836

(2) Engaging or attempting to engage in barefoot skiing or 3837
parasailing. 3838

"Type one personal flotation device" means a device that is 3839
designed to turn an unconscious person floating in water from a 3840
face downward position to a vertical or slightly face upward 3841
position and that has at least nine kilograms, approximately 3842
twenty pounds, of buoyancy. 3843

"Type two personal flotation device" means a device that is 3844
designed to turn an unconscious person in the water from a face 3845
downward position to a vertical or slightly face upward position 3846
and that has at least seven kilograms, approximately fifteen and 3847
four-tenths pounds, of buoyancy. 3848

"Type three personal flotation device" means a device that is 3849
designed to keep a conscious person in a vertical or slightly face 3850
upward position and that has at least seven kilograms, 3851
approximately fifteen and four-tenths pounds, of buoyancy. 3852

"Type four personal flotation device" means a device that is 3853
designed to be thrown to a person in the water and not worn and 3854

that has at least seven and five-tenths kilograms, approximately 3855
sixteen and five-tenths pounds, of buoyancy. 3856

"Type five personal flotation device" means a device that, 3857
unlike other personal flotation devices, has limitations on its 3858
approval by the United States coast guard, including, without 3859
limitation, any of the following: 3860

(1) A designation that states the device is approved only for 3861
use while participating in specific activities; 3862

(2) A designation that states the device is approved only for 3863
use by an operator or passenger of specific types of vessels; 3864

(3) A designation that states the device is specifically 3865
approved as a substitute for the type of personal flotation device 3866
required for use while engaged in certain activities or as an 3867
operator or passenger of a vessel. 3868

"Vessel" includes every description of craft, including 3869
nondisplacement craft, multimodal craft, and submersibles, being 3870
used or capable of being used as a means of transportation on 3871
water. 3872

"Visible" means visible on a dark night with clear 3873
atmosphere. 3874

"Watercourse" means a substantially natural channel with 3875
recognized banks and bottom in which a flow of water occurs, with 3876
an average of at least ten feet mean surface water width and at 3877
least five miles of length. 3878

"Watercraft" means any of the following when used or capable 3879
of being used for transportation on the water: 3880

(1) A vessel operated by machinery either permanently or 3881
temporarily affixed; 3882

(2) A sailboat other than a sailboard; 3883

(3) An inflatable, manually propelled vessel that is required 3884

<u>by federal law to have a hull identification number meeting the</u>	3885
<u>requirements of the United States coast guard;</u>	3886
<u>(4) A canoe, kayak, pedalboat, or rowboat;</u>	3887
<u>(5) Any of the following multimodal craft being operated on</u>	3888
<u>waters in this state:</u>	3889
<u>(a) An amphibious vehicle;</u>	3890
<u>(b) A submersible;</u>	3891
<u>(c) An airboat or hovercraft.</u>	3892
<u>(6) A vessel that has been issued a certificate of</u>	3893
<u>documentation with a recreational endorsement under 46 C.F.R. 67.</u>	3894
<u>"Watercraft" does not include ferries as referred to in</u>	3895
<u>Chapter 4583. of the Revised Code.</u>	3896
<u>Watercraft subject to section 1547.54 of the Revised Code are</u>	3897
<u>divided into five classes as follows:</u>	3898
<u>Class A: Less than sixteen feet in length;</u>	3899
<u>Class 1: At least sixteen feet, but less than twenty-six feet</u>	3900
<u>in length;</u>	3901
<u>Class 2: At least twenty-six feet, but less than forty feet</u>	3902
<u>in length;</u>	3903
<u>Class 3: At least forty feet, but less than sixty-five feet</u>	3904
<u>in length;</u>	3905
<u>Class 4: At least sixty-five feet in length.</u>	3906
<u>"Watercraft dealer" means any person who is regularly engaged</u>	3907
<u>in the business of manufacturing, selling, displaying, offering</u>	3908
<u>for sale, or dealing in vessels at an established place of</u>	3909
<u>business. "Watercraft dealer" does not include a person who is a</u>	3910
<u>marine salvage dealer or any other person who dismantles,</u>	3911
<u>salvages, or rebuilds vessels using used parts.</u>	3912

"Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating. 3913
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"Wearable personal flotation device" means a device that is intended to be worn or otherwise attached to a person's body. 3918
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"Wearable personal flotation device" includes a personal flotation device marked as "Type I," "Type II," "Type III," "Type V with Type II performance," or "Type V with Type III performance." 3920
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"Wild river area" means an area declared a wild river area by the director of natural resources under this chapter and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America. 3923
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Sec. 1546.02. (A) There is hereby created in the department of natural resources the division of parks and watercraft. The division shall do all of the following: 3929
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(1) Administer and enforce all laws relative to the identification, numbering, registration, titling, use, and operation of vessels operated on the waters in this state; 3932
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(2) Promote, and educate and inform the citizens of the state about, conservation, navigation, safety practices, and the benefits of recreational boating; 3935
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(3) Provide for and assist in the development, maintenance, and operation of marine recreational facilities, docks, launching facilities, and harbors for the benefit of public navigation, recreation, or commerce if the chief of the division determines that they are in the best interests of the state; 3938
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<u>(4) Provide wild, scenic, and recreational river area conservation education and provide for corridor protection, restoration, habitat enhancement, and clean-up projects in those areas;</u>	3943
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<u>(5) Coordinate and plan trails in accordance with section 1519.03 of the Revised Code;</u>	3947
	3948
<u>(6) Prepare and distribute the statewide comprehensive outdoor recreation plan;</u>	3949
	3950
<u>(7) Administer the state recreational vehicle fund created in section 4519.11 of the Revised Code;</u>	3951
	3952
<u>(8) Cooperate with federal agencies and with political subdivisions in administering federal recreation money under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended;</u>	3953
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<u>(9) Administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director of natural resources;</u>	3957
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<u>(10) Assist the department of natural resources and its divisions by providing department-wide planning, capital improvements planning, and special purpose planning.</u>	3960
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	3962
<u>(B) The division shall create, supervise, operate, protect, and maintain, and promote the use by the public of, a system of state parks and wild, scenic, and recreational river areas. As part of that responsibility, the division shall control and manage all lands and waters dedicated and set apart for state park purposes. The division shall do all of the following regarding those lands and waters:</u>	3963
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<u>(1) Protect and maintain them;</u>	3970
<u>(2) Make alterations and improvements;</u>	3971
<u>(3) Construct and maintain dikes, wharves, landings, docks,</u>	3972

<u>dams, and other works;</u>	3973
<u>(4) Construct and maintain roads and drives in, around, upon,</u>	3974
<u>and to the lands and waters to make them conveniently accessible</u>	3975
<u>and useful to the public.</u>	3976
<u>Sec. 1546.021. The division of parks and watercraft may</u>	3977
<u>accept, receive, and expend gifts, devises, or bequests of money,</u>	3978
<u>lands, or other properties under the terms set forth in section</u>	3979
<u>9.20 of the Revised Code.</u>	3980
<u>Sec. 1546.03. (A) The chief of the division of parks and</u>	3981
<u>watercraft shall act as a designee of the director of natural</u>	3982
<u>resources. The chief, with approval of the director, shall select</u>	3983
<u>such number of technical and administrative assistants as the</u>	3984
<u>chief deems necessary to assist the chief in administering the</u>	3985
<u>division and fix their compensation in accordance with sections</u>	3986
<u>124.14, 124.15, 124.152, 124.18, and 1501.05 of the Revised Code.</u>	3987
<u>The chief, with the approval of the director, shall determine</u>	3988
<u>policies and programs for the division.</u>	3989
<u>(B) The chief may designate license agents with the approval</u>	3990
<u>of the director.</u>	3991
<u>(C) The division is hereby designated as the agency to</u>	3992
<u>administer the Ohio boating safety program. The division also</u>	3993
<u>shall administer federal funds allocated under the "Federal Boat</u>	3994
<u>Safety Act of 1971," 85 Stat. 222, 46 U.S.C. 1475(a)(6), as</u>	3995
<u>amended. The chief shall prepare and submit reports in such form</u>	3996
<u>as may be required by that act.</u>	3997
<u>(D) The chief may sell any of the following:</u>	3998
<u>(1) Items related to or that promote boating safety,</u>	3999
<u>including pins, badges, books, bulletins, maps, publications,</u>	4000
<u>calendars, and other educational articles;</u>	4001

<u>(2) Artifacts pertaining to boating;</u>	4002
<u>(3) Confiscated or forfeited items;</u>	4003
<u>(4) Surplus equipment.</u>	4004
<u>(E) The chief may enforce any rules adopted under section</u>	4005
<u>1546.04 of the Revised Code.</u>	4006
<u>Sec. 1546.04. (A) Except as provided in this section, the</u>	4007
<u>chief of the division of parks and watercraft, with the approval</u>	4008
<u>of the director of natural resources, shall adopt rules in</u>	4009
<u>accordance with Chapter 119. of the Revised Code that are</u>	4010
<u>necessary for the proper management of state parks, bodies of</u>	4011
<u>water, and the lands adjacent to them under its jurisdiction and</u>	4012
<u>control, including rules:</u>	4013
<u>(1) Governing opening and closing times and dates of state</u>	4014
<u>parks;</u>	4015
<u>(2) Establishing fees and charges for use of facilities in</u>	4016
<u>state parks;</u>	4017
<u>(3) Governing camps, camping, and fees for camps and camping;</u>	4018
<u>(4) Governing the application for and rental of, rental fees</u>	4019
<u>for, and the use of cottages;</u>	4020
<u>(5) Relating to public use of state park lands, and governing</u>	4021
<u>the operation of motor vehicles, including speeds and parking on</u>	4022
<u>those lands;</u>	4023
<u>(6) Governing all advertising within state parks and</u>	4024
<u>requirements for the operation of places selling tangible personal</u>	4025
<u>property and food service sales on lands and waters under the</u>	4026
<u>control of the division. The rules shall establish uniform</u>	4027
<u>requirements for those operations and sales.</u>	4028
<u>(7) Providing uniform standards relating to the size, type,</u>	4029
<u>location, construction, and maintenance of structures and devices</u>	4030

used for fishing or moorage of watercraft, rowboats, sailboats, 4031
and powercraft over waters under the control of the division and 4032
establishing reasonable fees for the construction of, and annual 4033
use permits for, those structures and devices; 4034

(8) Governing state beaches, swimming, inflatable devices, 4035
and fees for them; 4036

(9) Governing the removal and disposition of any watercraft, 4037
rowboat, sailboat, or powercraft left unattended for more than 4038
seven days on any lands or waters under the control of the 4039
division; 4040

(10) Governing the establishment and collection of check 4041
collection charges for checks that are returned to the division or 4042
dishonored for any reason; 4043

(11) Governing natural resources officers in all parks and 4044
bodies of water and lands adjacent to those bodies under the 4045
supervision and control of the division as are necessary to the 4046
proper management of such parks and bodies of water. 4047

(B) The chief shall adopt rules in accordance with Chapter 4048
119. of the Revised Code establishing a discount program for all 4049
persons who are issued a golden buckeye card under section 173.06 4050
of the Revised Code. The discount program shall provide a discount 4051
for all park services and rentals, but shall not provide a 4052
discount for the purchase of merchandise. 4053

(C) The chief, with the approval of the director of natural 4054
resources, may adopt rules in accordance with Chapter 119. of the 4055
Revised Code that establish all of the following: 4056

(1) Requirements governing the administration of state parks; 4057

(2) Requirements considered necessary by the chief to 4058
supplement the identification, operation, titling, use, 4059
registration, and numbering of watercraft or vessels as provided 4060

in Chapters 1547. and 1548. of the Revised Code; 4061

(3) Requirements governing the navigation of vessels on 4062
waters in this state, including rules regarding steering and 4063
sailing, the conduct of vessels in sight of one another or in 4064
restricted visibility, lights and shapes of lights used on 4065
vessels, and sound and light signals. As the chief considers 4066
necessary, the chief shall ensure that those rules are consistent 4067
with and equivalent to the regulations and interpretive rulings 4068
governing inland waters adopted or issued under the "Inland 4069
Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C. 151, 4070
1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 4071

(4) Requirements governing the use, visitation, protection, 4072
and administration of wild, scenic, and recreational river areas; 4073

(5) Requirements and procedures governing vessel safety 4074
inspection checkpoints, including procedures that comply with 4075
statutory and constitutional provisions governing searches and 4076
seizures by law enforcement officers; 4077

(6) Fees and charges for all of the following: 4078

(a) Boating skill development classes and other educational 4079
classes; 4080

(b) Law enforcement services provided at special events when 4081
the services are in addition to normal enforcement duties; 4082

(c) Inspections of vessels or motors conducted under Chapter 4083
1547. or Chapter 1548. of the Revised Code; 4084

(d) The conducting of stream impact reviews of any planned or 4085
proposed construction, modification, renovation, or development 4086
project that may potentially impact a watercourse within a 4087
designated wild, scenic, or recreational river area. 4088

(D) The chief shall not adopt rules under this section 4089
establishing fees or charges for parking a motor vehicle in a 4090

state park or for admission to a state park. 4091

Sec. 1546.05. (A) Every disabled veteran is exempt from the 4092
fees for camping established by rule. To claim this exemption, the 4093
disabled veteran shall carry in the state park such evidence of 4094
the veteran's disability as prescribed by rule. 4095

(B) Unless otherwise provided by rule, an elderly or disabled 4096
resident shall be charged one-half of the regular fee for camping, 4097
except on the weekends and holidays designated by the division of 4098
parks and watercraft. In addition, the elderly or disabled 4099
resident shall not be charged more than ninety per cent of the 4100
regular charges for state recreational facilities, equipment, 4101
services, and food service operations utilized by the resident at 4102
any time of year, whether maintained or operated by the state or 4103
leased for operation by another entity. 4104

(C) Any person who has been a prisoner of war, was honorably 4105
discharged from the armed forces of the United States, and is a 4106
resident of this state is exempt from the fees for camping. To 4107
claim this exemption, the person shall present written evidence in 4108
the form of a record of separation, a letter from one of the 4109
military forces of the United States, or such other evidence as 4110
the chief prescribes by rule that satisfies the eligibility 4111
criteria established by this section. 4112

(D) As used in this section: 4113

(1) "Disabled veteran" means either of the following: 4114

(a) A resident of this state with a disability that has been 4115
determined by the veterans administration to be permanently and 4116
totally disabling, who receives a pension or compensation from the 4117
veterans administration, and who received an honorable discharge 4118
from the armed forces of the United States; 4119

(b) A veteran to whom the registrar of motor vehicles has 4120

issued a set of license plates under section 4503.41 of the 4121
Revised Code. 4122

(2) "Elderly or disabled resident" means a resident of this 4123
state who is sixty-five years of age or older or who is 4124
permanently and totally disabled and who furnishes evidence of 4125
that age or disability in a manner prescribed by rule. 4126

(3) "Food service operations" means restaurants that are 4127
owned by the department of natural resources at Hocking Hills, 4128
Lake Hope, Malabar Farm, and Rocky Fork state parks or are part of 4129
a state park lodge. "Food service operations" does not include 4130
automatic vending machines, concession stands, or snack bars. 4131

(4) "Prisoner of war" means any regularly appointed, 4132
enrolled, enlisted, or inducted member of the armed forces of the 4133
United States who was captured, separated, and incarcerated by an 4134
enemy of the United States. 4135

Sec. ~~1541.02~~ 1546.06. The chief of the division of parks and 4136
~~recreation~~ watercraft shall prepare and submit to the director of 4137
natural resources maps and descriptions of the areas of lands and 4138
waters which the chief intends to designate as state park purchase 4139
areas. Such state park purchase areas may include lands and waters 4140
at the time belonging to the state, together with lands and waters 4141
not belonging to the state but which for reasons of protection, 4142
utilization, and administration should be subject to purchase by 4143
the state for park purposes. If such area is approved by the 4144
director ~~and the recreation and resources council~~, it shall be 4145
known as a state park purchase area, and the map and description 4146
thereof, with the approval of the director indorsed thereon, shall 4147
be filed in duplicate with the auditor of state and the attorney 4148
general. 4149

All moneys appropriated for the purchase of lands and waters 4150
by the state for park purposes, unless specifically appropriated 4151

for the purchase of particular tracts or areas, may be expended 4152
for the purchase of lands or waters within any legally established 4153
state park purchase area. If, after the purchase of specifically 4154
designated tracts or areas, moneys from such appropriations remain 4155
unexpended, upon the request of the director, the controlling 4156
board shall release such funds, in whole or in part, for the 4157
purchase of lands or waters within any state park purchase area. 4158

Sec. ~~1541.031~~ 1546.07. The chief of the division of parks and 4159
~~recreation~~ watercraft shall have the power to contract with any 4160
telephone company, which provides telephone service in the area of 4161
which a state park is located, for the establishment or 4162
maintenance of any telephone service in any location in such state 4163
park, ~~the.~~ The board of directors of a conservancy district shall 4164
have the power to contract with any telephone company which 4165
provides telephone service in the area in which a park, parkway, 4166
forest preserve, bathing beach, playground, or other recreational 4167
facility of the conservancy district is located, for the 4168
establishment or maintenance of public telephone service in any 4169
location in such conservancy district park, parkway, forest 4170
preserve, or recreational facility, ~~and the.~~ The director of 4171
transportation shall have the power to contract with any telephone 4172
company which provides telephone service in the area in which a 4173
highway right-of-way is located, for the establishment or 4174
maintenance of public telephone service in any location in ~~such a~~ a 4175
state park or on ~~such a~~ a highway right-of-way ~~and for these~~ 4176
purposes. 4177

For purposes of this section, ~~the chief of division of parks~~ 4178
~~and recreation, in state parks, the board of directors of a~~ 4179
~~conservancy district, in conservancy district parks, parkways,~~ 4180
~~forest preserves, or recreational facilities, and the director of~~ 4181
~~transportation on highway right-of-ways,~~ may agree to comply with 4182
any rules and regulations of ~~such~~ the telephone company with 4183

respect to public telephone service contained in its schedules on 4184
file with the public utilities commission of Ohio or applied by 4185
such telephone company to others in similar locations. For the 4186
purpose of establishing or maintaining such public telephone 4187
service, the chief ~~of the division of parks and recreation~~ in 4188
state parks or the director of transportation on highway 4189
right-of-ways may grant to such telephone company, without charge, 4190
appropriate permits for right-of-way for its facilities necessary 4191
to establish and maintain such public telephone service which 4192
permits shall remain valid as long as such public telephones 4193
remain in service. 4194

Sec. ~~1541.032~~ 1546.08. (A) As used in this section, "public 4195
swimming beach" means land along a shoreline that is under the 4196
control of the division of parks and ~~recreation~~ watercraft and is 4197
used by the public when swimming and bathing in waters adjacent to 4198
the beach. 4199

(B) The chief of the division of parks and ~~recreation~~ 4200
watercraft shall ensure that the waters of this state that are 4201
adjacent to public swimming beaches are sampled and tested in 4202
accordance with the techniques and procedures established by the 4203
director of health under section 3701.18 of the Revised Code. The 4204
department of health may assist the division ~~of parks and~~ 4205
~~recreation~~ in the sampling and testing of the waters. 4206

(C) On receipt of notification by the director of health 4207
under section 3701.18 of the Revised Code that the bacteria levels 4208
in the waters tested present a possible health risk to persons 4209
using the waters for swimming and bathing and that the posting of 4210
signs advising the public of the condition is warranted, the chief 4211
~~of the division of parks and recreation~~ shall ensure that 4212
appropriate signs are posted in appropriate locations at the 4213
affected area. 4214

Sec. ~~1541.04~~ 1546.09. The division of parks and recreation 4215
watercraft shall include in its annual report to the governor a 4216
statement of its action on all matters pertaining to the 4217
management and control of all state reservoirs, lakes, and lands 4218
set apart for public parks or pleasure resorts, which statement 4219
shall include a statement of the receipts and expenditures on 4220
account thereof. 4221

Sec. ~~1541.05~~ 1546.10. (A) The chief of the division of parks 4222
and recreation watercraft, with the approval of the director of 4223
natural resources, may dispose of any of the following by sale, 4224
donation, trade, trade-in, recycling, or any other lawful means, 4225
in a manner that will benefit the division: 4226

(1) Standing timber that as a result of wind, storm, 4227
pestilence, or any other natural occurrence may present a hazard 4228
to life or property, timber that has weakened or fallen on lands 4229
under the control and management of the division, or any timber or 4230
other forest products that require management to improve wildlife 4231
habitat, protect against wildfires, provide access to recreational 4232
facilities, implement sustainable forestry practices, or improve 4233
the safety, quality, or appearance of any state park area; 4234

(2) Spoils of a dredging operation conducted by the division 4235
in waters under the control and management of the division. Prior 4236
to the disposition of any spoils under this division, the chief 4237
shall notify the director of environmental protection of the 4238
chief's intent so that the director may determine if the spoils 4239
constitute solid wastes or hazardous waste, as those terms are 4240
defined in section 3734.01 of the Revised Code, that must be 4241
disposed of in accordance with Chapter 3734. of the Revised Code. 4242
If the director does not notify the chief within thirty days after 4243
receiving notice of the disposition that the spoils must be 4244
disposed of in accordance with Chapter 3734. of the Revised Code, 4245

the chief may proceed with the disposition. 4246

(3) Notwithstanding sections 125.12 to 125.14 of the Revised Code, excess supplies and surplus supplies, as those terms are defined in section 125.12 of the Revised Code; 4247
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(4) Agricultural products that are grown or raised by the division. As used in this division, "agricultural products" includes products of apiculture, animal husbandry, or poultry husbandry, field crops, fruits, and vegetables. 4250
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(5) Abandoned personal property, including golf balls that are found on property under the control and management of the division. 4254
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(B) In accordance with Chapter 119. of the Revised Code, the chief shall adopt, and may amend and rescind, such rules as are necessary to administer this section. 4257
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4259

(C) Except as provided in division (D) of this section, proceeds from the disposition of items under this section shall be deposited in the state treasury to the credit of the state park fund created in section ~~1541.22~~ 1546.21 of the Revised Code. 4260
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(D) The chief of the division of parks and ~~recreation~~ watercraft may enter into a memorandum of understanding with the chief of the division of forestry to allow the division of forestry to administer the sale of timber and forest products on lands that are owned or controlled by the division of parks and ~~recreation~~ watercraft. Proceeds from the sale of timber or forest products pursuant to the memorandum of understanding shall be apportioned as follows: 4264
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(1) Seventy-five per cent of the proceeds shall be deposited in the state treasury to the credit of the state park fund. 4272
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(2) Twenty-five per cent of the proceeds shall be deposited in the state treasury to the credit of the state forest fund 4274
4275

created in section 1503.05 of the Revised Code. 4276

Sec. ~~1541.06~~ 1546.11. The following bodies of water and lands 4277
are hereby dedicated and set apart forever for the use of the 4278
public as public parks or pleasure resorts: 4279

(A) The body of water and adjacent state lands in Licking, 4280
Fairfield, and Perry counties, known as the Licking reservoir or 4281
Buckeye Lake; 4282

(B) The body of water and adjacent state lands in the 4283
northwestern part of Logan county, known as the Lewistown 4284
reservoir or Indian Lake; 4285

(C) The body of water and adjacent lands owned by the state 4286
in Mercer county, known as the Lake St. Marys; 4287

(D) The bodies of water and adjacent lands owned by the state 4288
consisting of the Summit county lakes and reservoirs of the Ohio 4289
canal, known as the Portage-Summit reservoirs, together with the 4290
Summit lake and enough of the Summit level of the Ohio canal to 4291
maintain the present water level of Summit and Nesmith lakes, and 4292
the body of water and exterior lands adjacent thereto that are 4293
included in the reservoir constructed by the board of public works 4294
in Coventry township for the purpose of supplying water for the 4295
Ohio canal, known as North reservoir, all situated in Summit 4296
county; 4297

(E) The body of water and adjacent lands owned by the state 4298
in Shelby and Auglaize counties, and known as the Loramie 4299
reservoir. 4300

The bodies of water mentioned in this section shall, in the 4301
order in which they are described, be named and designated as 4302
follows: "Buckeye Lake," "Indian Lake," "Lake St. Marys," "The 4303
Portage Lakes," and "Lake Loramie." 4304

Sec. ~~1541.07~~ 1546.12. The lakes named in section ~~1541.06~~ 4305
~~1546.11~~ of the Revised Code shall at all times be open to the 4306
public as resorts for recreation and pleasure, including hunting, 4307
fishing, and boating. The privileges of hunting and fishing shall 4308
be subject to the fish and game laws of the state, and the boating 4309
privileges shall be subject to the rules and regulations 4310
prescribed by law and the division of parks and ~~recreation~~ 4311
watercraft. 4312

Sec. ~~1541.082~~ 1546.13. When buildings located on state land 4313
are sold on foreclosure in a delinquent tax suit or in a mortgage 4314
foreclosure suit, the state immediately shall transfer to the 4315
purchaser of the buildings the lease for the state lands on which 4316
the buildings are located or shall cancel the former lease and 4317
execute a new lease to the purchaser. If a new lease is executed, 4318
it shall be for the same annual rental, contain the same 4319
restrictions, and grant the same privileges enjoyed by the former 4320
owner, including the privilege of purchasing the land in 4321
accordance with section 1501.01 of the Revised Code. 4322

Sec. ~~1541.083~~ 1546.14. The chief of the division of parks and 4323
~~recreation~~ watercraft, with the approval of the director of 4324
natural resources, the attorney general, and the governor, may 4325
make leases to parties making application for leases granting 4326
permission to take and remove halite from beneath the surface of 4327
Headlands state park in Lake county, and coal by underground 4328
mining methods from beneath the surface of Jefferson state park in 4329
Jefferson county and from beneath the surface of Burr Oak state 4330
park in Athens and Morgan counties pursuant to lease agreements 4331
and real estate transactions that have been entered into not later 4332
than January 1, 2011, if the chief finds that such taking and 4333
removal will in no way affect the surface of the land or the use 4334

of the land as a public park. As the chief deems in the best 4335
interest of the state, those leases may be made either upon a 4336
royalty or rental basis, and may be either for a term of years or 4337
until the economic extraction of the mineral covered by the lease 4338
has been completed. Upon request from the lessee of any such 4339
lease, the chief may consent to its cancellation, but any 4340
equipment or improvement thereon owned by the lessee may be held 4341
as security by the chief for payment of all rentals, royalties, 4342
and damages due the state at the time of cancellation. 4343

Sec. ~~1541.09~~ 1546.15. The division of parks and ~~recreation~~ 4344
~~watercraft~~ shall make and enforce such rules and regulations, 4345
including the appointment and government of park and patrol 4346
officers in all parks and bodies of water and lands adjacent 4347
thereto under the supervision and control of the division, as are 4348
necessary to the proper management of such parks and bodies of 4349
water, and in accordance with sections 119.01 to 119.13, 4350
inclusive, of the Revised Code. 4351

Sec. ~~1541.16~~ 1546.16. The chief of the division of parks and 4352
~~recreation~~ ~~watercraft~~ shall issue pilot licenses and engineer 4353
licenses to all persons employed by a boat owner or operator to 4354
act as pilot or engineer on any boat carrying passengers for hire 4355
on reservoir parks or other bodies of water under the supervision 4356
and control of the division. The applicant for such license shall 4357
be over eighteen years of age and of good character. The violation 4358
of any of the sections of the Revised Code relating to reservoir 4359
parks or other bodies of water under supervision and control of 4360
the division or any rule or regulation of the division for the 4361
management of such reservoir parks or other bodies of water shall 4362
be cause for the chief to revoke such license. 4363

Sec. ~~1541.17~~ 1546.17. The chief of the division of parks and 4364

~~recreation watercraft~~ shall inspect all boats and watercraft 4365
maintained and operated in or upon the waters of any state 4366
reservoir, lakes, canals, and feeders, and may condemn any such 4367
boat or watercraft which is unsafe for the carrying of passengers. 4368
No owner of a boat or watercraft so condemned shall offer it for 4369
hire. If such owner violates this section, the permit issued to 4370
~~him~~ the owner shall be revoked and annulled. 4371

Sec. ~~1541.18~~ 1546.18. A ~~reservoir park police patrolman~~ 4372
natural resources officer appointed under section 1501.24 of the 4373
Revised Code may take possession of and hold a boat or other 4374
property if such action appears necessary in the course of making 4375
an arrest of a person violating sections ~~1541.09~~ 1546.15 to 4376
~~1541.17, inclusive,~~ 1546.17 of the Revised Code. He A natural 4377
resources officer shall not be held liable for the loss of or any 4378
damage done to such boat or other property taken and held by 4379
reason of the failure to comply with such sections, provided 4380
ordinary care is exercised in the handling of such property. No 4381
person shall take possession of a boat or other property which has 4382
been taken in charge by a ~~police patrolman or other~~ natural 4383
resources officer as provided in this section, until ~~such~~ 4384
~~patrolman or~~ the officer has released same. 4385

Sec. ~~1541.19~~ 1546.19. No person shall engage in the hunting 4386
of wildlife, either with a gun or with a bow and arrow, on lands 4387
or waters operated or administered by the division of parks and 4388
~~recreation watercraft~~, except on such lands or waters as are 4389
exempted by the chief of the division ~~of parks and recreation~~, 4390
under specific orders adopted in conformity with sections 119.01 4391
to 119.13 of the Revised Code. No person shall engage in the 4392
discharge of firearms except during open season for hunting of 4393
wildlife on lands or waters exempted as provided in this section, 4394
or except in such places where there is provided by the division, 4395

skeet, trap shooting, or other shooting ranges. No person shall 4396
engage in the discharge of fireworks on lands or waters operated 4397
or administered by the division, except a licensed exhibitor of 4398
fireworks who is acting in accordance with sections 3743.50 to 4399
3743.55 of the Revised Code and who has obtained the written 4400
permission of the chief of the division ~~of parks and recreation~~ 4401
for a particular public fireworks exhibition. 4402

Sec. ~~1541.20~~ 1546.20. No person shall injure, alter, destroy, 4403
remove, or change any tree, building, dock, or land, or part 4404
thereof, within a state reservoir park or other body of water 4405
under the supervision and control of the division of parks and 4406
~~recreation~~ watercraft, or construct any building or dock within 4407
such reservoir park, without the written permission of the chief 4408
of the division ~~of parks and recreation~~. All lessees of state 4409
lands or lots shall keep the premises in good condition and free 4410
of weeds, inflammable substances, garbage, and all other unsightly 4411
or dangerous things. Proof that any state premises under lease are 4412
used for illegal or immoral purposes shall be just cause for the 4413
chief to cancel the leasehold for such state property. 4414

Sec. ~~1541.22~~ 1546.21. (A) The chief of the division of parks 4415
and ~~recreation~~ watercraft shall collect all rentals from leases of 4416
state lands and moneys for pipe permits, dock licenses, concession 4417
fees, and special privileges of any nature from all lands and 4418
waters operated and administered by the division ~~of parks and~~ 4419
~~recreation~~. The chief shall keep a record of all such payments 4420
showing the amounts received, from whom, and for what purpose 4421
collected. All such payments shall be credited to the state park 4422
fund, which is hereby created in the state treasury, except such 4423
revenues required to be set aside or paid into depositories or 4424
trust funds for the payment of bonds issued under sections 1501.12 4425
to 1501.15 of the Revised Code, and to maintain the required 4426

reserves therefor as provided in the orders authorizing the 4427
issuance of such bonds or the trust agreements securing such 4428
bonds, and except such revenues required to be paid and credited 4429
pursuant to the bond proceedings applicable to obligations issued 4430
pursuant to section 154.22 of the Revised Code. All moneys derived 4431
from the operation of the lands, waters, facilities, and equipment 4432
by the division, except such revenues required to be set aside or 4433
paid into depositories or trust funds for the payment of bonds 4434
issued under sections 1501.12 to 1501.15 of the Revised Code, and 4435
to maintain the required reserves therefor as provided in the 4436
orders authorizing the issuance of such bonds or the trust 4437
agreements securing such bonds, and except such revenues required 4438
to be paid and credited pursuant to the bond proceedings 4439
applicable to obligations issued pursuant to section 154.22 of the 4440
Revised Code, shall accrue to the credit of the state park fund. 4441

Except as otherwise provided in division (B) of this section 4442
and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, 4443
such fund shall not be expended for any purpose other than the 4444
administration, operation, maintenance, development, and 4445
utilization of lands and waters, and for facilities and equipment 4446
incident thereto, administered by the division, or for the further 4447
purchase of lands and waters by the state for park and 4448
recreational purposes. 4449

(B) The chief shall use moneys in the fund from the issuance 4450
of Ohio state parks license plates under section 4503.575 of the 4451
Revised Code only to pay the costs of state park interpretive and 4452
educational programs and displays and the development and 4453
operation of state park interpretive centers. 4454

Sec. ~~1541.23~~ 1546.22. There is hereby created in the state 4455
treasury the parks capital expenses fund. The fund shall consist 4456
of moneys transferred to it from the parks and recreation 4457

improvement fund created in section 154.22 of the Revised Code. 4458
The parks capital expenses fund shall be used to pay design, 4459
engineering, and planning costs that are incurred by the 4460
department of natural resources for parks-related capital 4461
projects. 4462

Sec. ~~1541.24~~ 1546.23. The dedication or setting apart of any 4463
state reservoir or lake as a public park or pleasure resort shall 4464
not interfere with or affect the use of such reservoir or lake for 4465
canal reservoir purposes, and the chief of the division of parks 4466
and ~~recreation~~ watercraft shall not be restricted in any manner 4467
from making such repairs and improvements thereon as are necessary 4468
for maintaining the safety and usefulness of such reservoir or 4469
lake for canal purposes. The authority for the division to manage 4470
and control such reservoir or lake for canal purposes is the same 4471
as if no dedication of such reservoir or lake for park and 4472
pleasure resort purposes had been made. 4473

Sec. ~~1541.26~~ 1546.24. There is hereby created in the state 4474
treasury the parks mineral royalties fund. The fund shall consist 4475
of money deposited into it under section 1509.73 of the Revised 4476
Code and money transferred to it under section 1503.012 of the 4477
Revised Code. Any investment proceeds earned on money in the fund 4478
shall be credited to the fund. 4479

Money in the fund shall be used by the division of parks and 4480
~~recreation~~ watercraft to acquire land and to pay capital costs, 4481
including equipment and repairs and renovations of facilities, 4482
that are owned by the state and administered by the division. 4483
Expenditures from the fund shall be approved by the director of 4484
natural resources. 4485

Sec. ~~1541.31~~ 1546.90. That the compact or agreement mentioned 4486

below and every article, matter, and thing therein is hereby 4487
ratified and approved and shall be and hereafter remain in force 4488
agreeable to the true tenor and intent thereof. 4489

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA 4490

AND THE STATE OF OHIO RE PYMATUNING LAKE 4491

This agreement made and concluded between the commonwealth of 4492
Pennsylvania, acting by and through its lawfully authorized 4493
agency, namely, the water and power resources board, as party of 4494
the first part, and the state of Ohio, acting by and through its 4495
lawfully authorized agency, namely, its conservation commissioner, 4496
as party of the second part, 4497

Witnesseth: 4498

Whereas, By act of assembly of Pennsylvania approved May 2, 4499
1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84, 4500
April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the 4501
department of forests and waters of Pennsylvania, acting through 4502
the water and power resources board, was authorized, inter alia, 4503
to complete the work begun and continued under an act approved 4504
July 25, 1913, P. L. 1270, entitled "An act providing for the 4505
erection of a dam at the outlet of Pymatuning swamp, and the 4506
establishment of a reservoir to conserve the waters thereof; 4507
providing for the taking of land and materials necessary thereto; 4508
vesting certain powers and duties in the water supply commission; 4509
and making an appropriation", and did duly complete said work, 4510
whereby there was created a lake or reservoir, now known and 4511
hereinafter called Pymatuning Lake, extending in part across the 4512
boundary line between said states of Ohio and Pennsylvania into 4513
the state of Ohio, and 4514

Whereas, The primary purposes of the project by which said 4515
lake was created was to conserve water draining said swamp, all of 4516
which has its source in Pennsylvania, as well as control floods 4517
and regulate the flow of water in the Shenango and Beaver rivers, 4518

and secondary thereto, permit the water and the land surrounding 4519
the same to be used for fishing, hunting, recreation and park 4520
purposes, under such terms and conditions as the water and power 4521
resources board might determine, in such way or ways as in the 4522
opinion of the said board will not materially interfere with the 4523
primary purpose in said acts of assembly and hereinbefore 4524
specifically referred to, and 4525

Whereas, In view of the fact that a certain part of the lake 4526
extends into the state of Ohio, whereby it is necessary and 4527
desirable that the use of the lake for the secondary purposes, 4528
namely, hunting, fishing, and recreational use, be uniformly 4529
provided for, as well as to guard against inconvenience and 4530
mischiefs which might hereafter arise from the uncertainty of 4531
jurisdiction within and on said lake, to the end that the lake may 4532
be adequately policed and conflicts of jurisdiction for the arrest 4533
and punishment of offenders be avoided. 4534

Now, then, therefore, in order that law and justice may in 4535
all such cases be executed and take effect upon said lake from 4536
shore to shore in all parts and places thereof where the lake is a 4537
boundary between said states, the said parties hereto do agree for 4538
and in behalf of their respective states in the manner following: 4539

1. General use. It is hereby agreed that the entire 4540
Pymatuning lake or reservoir, subject to the primary use thereof 4541
by the commonwealth of Pennsylvania for regulating the flow of the 4542
water in the Shenango and Beaver rivers as in paragraph 9 4543
hereinafter more specifically mentioned, shall be open for 4544
recreational use equally to the citizens of both contracting 4545
parties, save as restricted as to hunting, fishing, and boating in 4546
this agreement set forth, or hereafter mutually agreed upon by 4547
both parties but no person shall be permitted to hunt or fish 4548
therein or thereon unless the lawful holder of a fishing or 4549
hunting license, authorizing the holder so to do, issued by the 4550

proper authorities of Pennsylvania or of Ohio. 4551

2. Arrest and prosecution of offenders. That each state shall 4552
enjoy and exercise a concurrent jurisdiction upon the water (but 4553
not upon the dry land), between the shores of said lake, including 4554
the islands therein, with respect to the arrest and prosecution of 4555
offenders, but in such sort that any boat or vessel fastened to or 4556
aground on the shore of either state shall be considered 4557
exclusively within the jurisdiction of said state; but that all 4558
capital and other offenses, trespasses, or damages committed on or 4559
over said lake, the judicial investigation and determination 4560
thereof shall be exclusively vested in the state wherein the 4561
offender or person charged with such offense shall be first 4562
apprehended, arrested, prosecuted, or first brought to trial; it 4563
being the intent of this agreement that an offender may be pursued 4564
and arrested anywhere on or over said lake or shores thereof or 4565
islands therein, regardless of the boundary lines, by any peace 4566
officers or persons of either state authorized to make arrests, 4567
whether the offenses be committed on or over any part of the lake, 4568
on the shores or islands therein, regardless of the state in which 4569
the place where the offense was committed lies. 4570

3. Islands. All islands within the lake shall be considered 4571
as part of the state of Pennsylvania. 4572

4. Pollution of water. The lake shall be forever protected 4573
against pollution of its waters by industrial trade waste, 4574
individual, or municipal sewage from shore or boat, and the 4575
discharge of any noxious or deleterious substance, liquid or 4576
solid, into the waters of the lake which is or may become 4577
inimical, or injurious, to public health or to animal or aquatic 4578
life is hereby expressly forbidden. 4579

No sewage may be discharged into the waters of the lake 4580
except after complete treatment and then only upon permit first 4581
approved by the health department of both states. 4582

5. Watercraft. No person shall operate any watercraft 4583
propelled by a single motor, or any combination of motors, that 4584
produces a horsepower rating in excess of twenty horsepower on 4585
Pymatuning Lake, except police or administration watercraft, the 4586
number of which shall be mutually agreed upon by the parties 4587
hereto. 4588

No person shall operate a watercraft without first obtaining 4589
a license from the respective state of which the owner is a 4590
resident under such regulations as each party to this agreement 4591
may now have or hereafter adopt. Provided nevertheless that the 4592
use of any type of watercraft equipped with a motor is expressly 4593
limited and restricted to that portion of the lake extending from 4594
the main dam near Jamestown northwardly to the causeway at or near 4595
Linesville. Watercraft equipped with a motor in excess of a twenty 4596
horsepower rating may be operated on said lake so long as such 4597
motor is not used. 4598

No person shall ride or attempt to ride upon one or more 4599
water skis, surfboards, towed inflatable devices, or similar 4600
devices or use or operate any watercraft to tow a person thereon. 4601

Nothing contained in this subdivision shall be interpreted to 4602
effect a change in the level or flow of water as determined or 4603
fixed by the department of conservation and natural resources. 4604

Any one who violates any of the provisions of this 4605
subdivision shall, upon conviction thereof, be sentenced in 4606
accordance with the applicable laws for the same or similar 4607
violations within the prosecuting jurisdiction, provided that the 4608
penalty for said violation shall not exceed a fine of five hundred 4609
dollars or imprisonment for thirty days. 4610

6. Fishing. Any person possessing a duly issued fishing 4611
license by either state shall be permitted to fish anywhere on the 4612
entire lake (except such portion thereof as is closed to fishing 4613

by paragraph 8 hereof or such further portion as may hereafter by 4614
regulation be mutually agreed to by the parties hereto), but no 4615
fisher shall be entitled to fish from the shores of the state of 4616
which the fisher is a nonresident unless the fisher complies with 4617
the nonresident fishing license law of said state. 4618

In order to permit the fish to fully propagate and develop, 4619
no part of the lake shall be open for fishing until July 1, 1937, 4620
and thereafter shall be closed in each year between December 10 4621
and June 30. 4622

Unless otherwise mutually agreed to by both parties hereto, 4623
the creel, size, and season limits for the respective kinds of 4624
fish caught shall be such as may hereafter be agreed upon between 4625
the two states. 4626

7. Reciprocal hunting rights. Reciprocal hunting rights are 4627
hereby granted to the licensed hunters of each state on the water 4628
of that portion of the lake, both in Pennsylvania and Ohio, over 4629
the area bounded on the south by an east and west line crossing 4630
the state boundary 0.5 of a mile north of Simons, Ohio, and on the 4631
north by a line drawn between the point at which the Padanaram 4632
road crosses the state boundary and a point formerly known as the 4633
Polleck bridge, but such reciprocal hunting rights hereby granted 4634
shall extend only to such wild migratory birds as are covered by 4635
the federal migratory bird treaty and federal laws adopted 4636
thereunder. 4637

Hunting in such portions of the lake as are not included in 4638
the area above described and designated shall be and remain under 4639
the jurisdiction of the commonwealth of Pennsylvania. 4640

No permanent blinds shall be erected anywhere on the lake and 4641
shores thereof, but this provision shall not be interpreted as 4642
forbidding the use of a boat as a blind temporarily moored to or 4643
grounded on the shore of the lake or islands thereof. 4644

8. Wild game and fish sanctuaries. A. The game commission of the state of Pennsylvania, having established a wild migratory bird and game sanctuary or refuge in that part of the lake located southeast of the Pennsylvania railroad crossing, it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state, whether licensed to fish or hunt, 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 game laws of the state of Pennsylvania applicable to game refuges.

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

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 4677
the north line of lot No. 80; thence in a westerly direction, 1523 4678
feet southerly from and parallel to the north lines of lots Nos. 4679
79 and 80, 5260 feet, more or less, to the place of beginning. 4680

It is expressly agreed that nothing herein contained shall be 4681
interpreted as entitling the residents of either state, whether 4682
licensed to fish or otherwise, to fish in, hunt, trespass, or 4683
enter upon said sanctuary for any purpose whatsoever. Anyone so 4684
doing shall become amenable to prosecution therefor under the laws 4685
of the state of Ohio applicable thereto. 4686

9. Reservation of Pennsylvania's right to the body of the 4687
water. It is expressly agreed that nothing herein contained shall 4688
operate to deny, limit, or restrict the right of the water and 4689
power resources board of Pennsylvania, or any authority 4690
established hereafter by said state to exercise such power, to at 4691
any time now or hereafter, raise or draw off so much of the waters 4692
of the lake as in its sole judgment may be necessary to maintain 4693
or regulate the flow of the Shenango and Beaver rivers in 4694
furtherance of the primary purpose for which said lake was 4695
established, and said water and power resources board shall, 4696
without let or hindrance, have the full right irrespective of 4697
other considerations, to release so much of the water as they may 4698
deem proper to maintain the flow of the Shenango and Beaver 4699
rivers, irrespective of its effect on the level of the lake or use 4700
thereof for other purposes. 4701

Sec. ~~1541.32~~ 1546.91. The director of natural resources, as 4702
successor to the conservation commissioner mentioned in the 4703
compact set forth in section ~~1541.31~~ 1546.90 of the Revised Code, 4704
shall be administrator of said compact. 4705

Sec. ~~1541.42~~ 1546.92. On receipt of a notice pursuant to 4706

section 3123.43 of the Revised Code, the chief of the division of 4707
parks and ~~recreation~~ watercraft shall comply with sections 3123.41 4708
to 3123.50 of the Revised Code and any applicable rules adopted 4709
under section 3123.63 of the Revised Code with respect to a 4710
license issued pursuant to this chapter. 4711

Sec. ~~1541.99~~ 1546.99. Whoever violates sections ~~1541.09~~ 4712
~~1546.15~~ to ~~1541.20~~ 1546.20 of the Revised Code or any rules of the 4713
division of parks and ~~recreation~~ watercraft shall be fined not 4714
less than ten nor more than one hundred dollars. 4715

Sec. 1547.05. (A) Except as provided in division (B) of this 4716
section, no person born on or after January 1, 1982, shall operate 4717
on the waters in this state a powercraft powered by more than ten 4718
horsepower, unless the operator successfully has completed either 4719
a safe boater course approved by the national association of state 4720
boating law administrators or a proctored or nonproctored 4721
proficiency examination that tests knowledge of information 4722
included in the curriculum of such a course, and has received a 4723
certificate as evidence of successful completion of the course or 4724
examination. 4725

(B) Division (A) of this section does not apply to an 4726
individual who possesses valid merchant mariner credentials issued 4727
by the United States coast guard in accordance with 46 C.F.R. 4728
10.109 with at least one endorsement of master or operator as 4729
defined in 46 C.F.R. 10.107. Such an individual, while operating 4730
any recreational vessel on the waters in this state, shall carry 4731
onboard documentation of the merchant mariner credentials and 4732
required endorsements and shall present the documentation to a 4733
~~watercraft~~ natural resources officer or law enforcement officer 4734
upon request. 4735

(C) No person shall permit a powercraft to be operated on the 4736

waters in this state in violation of division (A) of this section. 4737

Sec. 1547.051. A person born on or after January 1, 1982, who 4738
is operating on the waters in this state a powercraft powered by 4739
more than ten horsepower and who is stopped by a law enforcement 4740
officer in the enforcement of Chapter 1547. of the Revised Code or 4741
rules ~~adopted under it~~ shall present to the law enforcement 4742
officer, not later than seventy-two hours after being stopped, a 4743
certificate obtained by the person pursuant to section 1547.05 of 4744
the Revised Code prior to being stopped or proof of holding such a 4745
certificate. Failure of the person to present the certificate or 4746
proof of holding it within seventy-two hours constitutes 4747
prima-facie evidence of a violation of section 1547.05 of the 4748
Revised Code. 4749

Sec. 1547.052. (A) No rental business shall lease, hire, or 4750
rent a powercraft powered by more than ten horsepower for 4751
operation on the waters in this state to a person born on or after 4752
January 1, 1982, unless the person meets one of the following 4753
requirements: 4754

(1) The person signs a statement on the rental agreement or 4755
attached to the rental agreement that the person has successfully 4756
completed a safe boater course approved by the national 4757
association of state boating law administrators or has 4758
successfully completed a proficiency examination as provided in 4759
section 1547.05 of the Revised Code. 4760

(2) The person receives educational materials from the rental 4761
business and successfully passes, with a score of ninety per cent 4762
or better, an abbreviated examination given by the rental 4763
business. The achievement of a passing score on the examination 4764
shall be indicated on or attached to the powercraft rental 4765
agreement. 4766

(B) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall: 4767
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(1) Meet the requirements for boater education of division (A) of this section. 4770
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(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft. 4772
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(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. 4774
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Sec. 1547.06. (A) Except as otherwise provided in this division, no person under sixteen years of age shall operate a personal watercraft on the waters in this state. A person who is not less than twelve, nor more than fifteen years of age may operate a personal watercraft if a supervising person eighteen years of age or older is aboard the personal watercraft and, in the case of a supervising person born on or after January 1, 1982, if the supervising person holds a certificate obtained under section 1547.05 of the Revised Code or, in the case of a rented powercraft, meets the requirements of section 1547.052 of the Revised Code. 4779
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(B) No person under twelve years of age shall operate any vessel on the waters in this state unless the person is under the direct visual and audible supervision, during the operation, of a person who is eighteen years of age or older. This division does not apply to a personal watercraft, which shall be governed by division (A) of this section, or to a powercraft, other than a personal watercraft, powered by more than ten horsepower, which shall be governed by division (C) of this section. 4790
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(C) No person under twelve years of age shall operate on the 4798
waters in this state a powercraft, other than a personal 4799
watercraft, powered by more than ten horsepower unless the person 4800
is under the direct visual and audible supervision, during the 4801
operation, of a person eighteen years of age or older who is 4802
aboard the powercraft and, in the case of such a supervising 4803
person born on or after January 1, 1982, who holds a certificate 4804
obtained under section 1547.05 of the Revised Code or, in the case 4805
of a rented powercraft, meets the requirements of section 1547.052 4806
of the Revised Code. 4807

(D) No supervising person eighteen years of age or older 4808
shall permit any person who is under the supervising person's 4809
supervision and who is operating a vessel on the waters in this 4810
state to violate any section of this chapter or a rule ~~adopted~~ 4811
~~under it.~~ 4812

Sec. 1547.08. (A) No person shall operate a vessel within or 4813
through a designated bathing area or within or through any area 4814
that has been buoyed off designating it as an area in which 4815
vessels are prohibited. 4816

(B)(1) No person shall operate a vessel at greater than idle 4817
speed or at a speed that creates a wake under any of the following 4818
circumstances: 4819

(a) Within three hundred feet of any marina, boat docking 4820
facility, boat gasoline dock, launch ramp, recreational boat 4821
harbor, or harbor entrance on Lake Erie or on the Ohio river; 4822

(b) During the period from sunset to sunrise according to 4823
local time within any water between the Dan Beard bridge and the 4824
Brent Spence bridge on the Ohio river for any vessel not 4825
documented by the United States coast guard as commercial; 4826

(c) Within any area buoyed or marked as a no wake area on the 4827

waters in this state. 4828

(2) Division (B)(1) of this section does not apply in either 4829
of the following places: 4830

(a) An area designated by the chief of the division of parks 4831
and watercraft unless it is marked by a buoy or sign as a no wake 4832
or idle speed area; 4833

(b) Within any water between the Dan Beard bridge and the 4834
Brent Spence bridge on the Ohio river when the United States coast 4835
guard has authorized the holding of a special event of a community 4836
nature on that water. 4837

(C) No person shall operate a vessel in any area of 4838
restricted or controlled operation in violation of the designated 4839
restriction. 4840

(D) No person shall operate a vessel within three hundred 4841
feet of an official diver's flag unless the person is tendering 4842
the diving operation. 4843

(E) All areas of restricted or controlled operation as 4844
described in division (A) of this section or as provided for in 4845
section 1547.14 or 1547.61 of the Revised Code shall be marked by 4846
a buoy or sign designating the restriction. All waters surrounded 4847
by or lying between such a buoy or sign and the closest shoreline 4848
are thereby designated as an area in which the designated 4849
restrictions shall apply in the operation of any vessel. 4850

Markings on buoys designating areas of restricted or 4851
controlled operation shall be so spaced as to show all around the 4852
horizon. Lineal spacing between the buoys shall be such that under 4853
normal conditions of visibility any buoy shall be readily visible 4854
from the next adjacent buoy. No colors or symbols, except as 4855
provided for in rules ~~of the chief~~, shall be used on buoys or 4856
signs for marking closed or controlled areas of boating waters. 4857

Any state department, conservancy district, or political 4858
subdivision having jurisdiction and control of impounded boating 4859
waters may place such buoys or signs on its waters. Any political 4860
subdivision may apply to the chief for permission to place such 4861
buoys or signs on other waters within its territorial limits. No 4862
person shall place or cause to be placed a regulatory buoy or sign 4863
on, into, or along the waters in this state unless the person has 4864
complied with all the provisions of this chapter. 4865

(F) No person shall enter, operate a vessel that enters, or 4866
allow a vessel to enter a federally declared security zone as 4867
defined in 33 C.F.R. Chapter I, subparts 6.01-1, 6.01-2, 6.01-3, 4868
6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8. 4869

(G) No person shall permit any vessel to be operated on the 4870
waters in this state in violation of this section. 4871

Sec. 1547.111. (A)(1)(a) Any person who operates or is in 4872
physical control of a vessel or manipulates any water skis, 4873
aquaplane, or similar device upon any waters in this state shall 4874
be deemed to have given consent to a chemical test or tests to 4875
determine the alcohol, drug of abuse, controlled substance, 4876
metabolite of a controlled substance, or combination content of 4877
the person's whole blood, blood serum or plasma, breath, or urine 4878
if arrested for operating or being in physical control of a vessel 4879
or manipulating any water skis, aquaplane, or similar device in 4880
violation of section 1547.11 of the Revised Code or a 4881
substantially equivalent municipal ordinance. 4882

(b) The test or tests under division (A)(1) of this section 4883
shall be administered at the request of a law enforcement officer 4884
having reasonable grounds to believe the person was operating or 4885
in physical control of a vessel or manipulating any water skis, 4886
aquaplane, or similar device in violation of section 1547.11 of 4887
the Revised Code or a substantially equivalent municipal 4888

ordinance. The law enforcement agency by which the officer is 4889
employed shall designate which test or tests shall be 4890
administered. 4891

(2) Any person who is dead or unconscious or who otherwise is 4892
in a condition rendering the person incapable of refusal shall be 4893
deemed to have consented as provided in division (A)(1) of this 4894
section, and the test or tests may be administered, subject to 4895
sections 313.12 to 313.16 of the Revised Code. 4896

(B)(1) If a law enforcement officer arrests a person for 4897
operating or being in physical control of a vessel or manipulating 4898
any water skis, aquaplane, or similar device in violation of 4899
section 1547.11 of the Revised Code or a substantially equivalent 4900
municipal ordinance and if the person previously has been 4901
convicted of or pleaded guilty to two or more violations of 4902
section 1547.11 of the Revised Code or other equivalent offenses, 4903
the law enforcement officer shall request the person to submit, 4904
and the person shall submit, to a chemical test or tests of the 4905
person's whole blood, blood serum or plasma, breath, or urine for 4906
the purpose of determining the alcohol, drug of abuse, controlled 4907
substance, metabolite of a controlled substance, or combination 4908
content of the person's whole blood, blood serum or plasma, 4909
breath, or urine. A law enforcement officer who makes a request 4910
pursuant to this division that a person submit to a chemical test 4911
or tests is not required to advise the person of the consequences 4912
of refusing to submit to the test or tests and is not required to 4913
give the person the form described in division (C) of this 4914
section, but the officer shall advise the person at the time of 4915
the arrest that if the person refuses to take a chemical test the 4916
officer may employ whatever reasonable means are necessary to 4917
ensure that the person submits to a chemical test of the person's 4918
whole blood or blood serum or plasma. The officer shall also 4919
advise the person at the time of the arrest that the person may 4920

have an independent chemical test taken at the person's own 4921
expense. The advice shall be in written form prescribed by the 4922
chief of the division of parks and watercraft and shall be read to 4923
the person. The form shall contain a statement that the form was 4924
shown to the person under arrest and read to the person by the 4925
arresting officer. The reading of the form shall be witnessed by 4926
one or more persons, and the witnesses shall certify to this fact 4927
by signing the form. Divisions (A)(1)(b) and (A)(2) of this 4928
section apply to the administration of a chemical test or tests 4929
pursuant to this division. 4930

(2) If a person refuses to submit to a chemical test upon a 4931
request made pursuant to division (B)(1) of this section, the law 4932
enforcement officer who made the request may employ whatever 4933
reasonable means are necessary to ensure that the person submits 4934
to a chemical test of the person's whole blood or blood serum or 4935
plasma. A law enforcement officer who acts pursuant to this 4936
division to ensure that a person submits to a chemical test of the 4937
person's whole blood or blood serum or plasma is immune from 4938
criminal and civil liability based upon a claim for assault and 4939
battery or any other claim for the acts, unless the officer so 4940
acted with malicious purpose, in bad faith, or in a wanton or 4941
reckless manner. 4942

(C) Except as provided in division (B) of this section, any 4943
person under arrest for violating section 1547.11 of the Revised 4944
Code or a substantially equivalent municipal ordinance shall be 4945
advised of the consequences of refusing to submit to a chemical 4946
test or tests designated as provided in division (A) of this 4947
section. The advice shall be in a written form prescribed by the 4948
chief of the division of parks and watercraft and shall be read to 4949
the person. The form shall contain a statement that the form was 4950
shown to the person under arrest and read to the person by the 4951
arresting officer. The reading of the form shall be witnessed by 4952

one or more persons, and the witnesses shall certify to this fact 4953
by signing the form. The person must submit to the chemical test 4954
or tests, subsequent to the request of the arresting officer, 4955
within two hours of the time of the alleged violation, and if the 4956
person does not submit to the test or tests within that two-hour 4957
time limit, the failure to submit automatically constitutes a 4958
refusal to submit to the test or tests. 4959

(D) Except as provided in division (B) of this section, if a 4960
law enforcement officer asks a person under arrest for violating 4961
section 1547.11 of the Revised Code or a substantially equivalent 4962
municipal ordinance to submit to a chemical test or tests as 4963
provided in division (A) of this section, if the arresting officer 4964
advises the person of the consequences of the person's refusal as 4965
provided in division (C) of this section, and if the person 4966
refuses to submit, no chemical test shall be given. Upon receipt 4967
of a sworn statement of the officer that the arresting law 4968
enforcement officer had reasonable grounds to believe the arrested 4969
person violated section 1547.11 of the Revised Code or a 4970
substantially equivalent municipal ordinance and that the person 4971
refused to submit to the chemical test upon the request of the 4972
officer, and upon receipt of the form as provided in division (C) 4973
of this section certifying that the arrested person was advised of 4974
the consequences of the refusal, the chief of the division of 4975
parks and watercraft shall inform the person by written notice 4976
that the person is prohibited from operating or being in physical 4977
control of a vessel, from manipulating any water skis, aquaplane, 4978
or similar device, and from registering any watercraft in 4979
accordance with section 1547.54 of the Revised Code, for one year 4980
following the date of the alleged violation. The suspension of 4981
these operation, physical control, manipulation, and registration 4982
privileges shall continue for the entire one-year period, subject 4983
to review as provided in this section. 4984

If the person under arrest is the owner of the vessel 4985
involved in the alleged violation, the law enforcement officer who 4986
arrested the person shall seize the watercraft registration 4987
certificate and tags from the vessel involved in the violation and 4988
forward them to the chief. The chief shall retain the impounded 4989
registration certificate and tags and shall impound all other 4990
registration certificates and tags issued to the person in 4991
accordance with sections 1547.54 and 1547.57 of the Revised Code, 4992
for a period of one year following the date of the alleged 4993
violation, subject to review as provided in this section. 4994

If the arrested person fails to surrender the registration 4995
certificate because it is not on the person of the arrested person 4996
or in the watercraft, the law enforcement officer who made the 4997
arrest shall order the person to surrender it within twenty-four 4998
hours to the law enforcement officer or the law enforcement agency 4999
that employs the law enforcement officer. If the person fails to 5000
do so, the law enforcement officer shall notify the chief of that 5001
fact in the statement the officer submits to the chief under this 5002
division. 5003

(E) Upon suspending a person's operation, physical control, 5004
manipulation, and registration privileges in accordance with 5005
division (D) of this section, the chief shall notify the person in 5006
writing, at the person's last known address, and inform the person 5007
that the person may petition for a hearing in accordance with 5008
division (F) of this section. If a person whose operation, 5009
physical control, manipulation, and registration privileges have 5010
been suspended petitions for a hearing or appeals any adverse 5011
decision, the suspension shall begin at the termination of any 5012
hearing or appeal unless the hearing or appeal results in a 5013
decision favorable to the person. 5014

(F) Any person who has been notified by the chief that the 5015
person is prohibited from operating or being in physical control 5016

of a vessel or manipulating any water skis, aquaplane, or similar 5017
device and from registering any watercraft in accordance with 5018
section 1547.54 of the Revised Code, or who has had the 5019
registration certificate and tags of the person's watercraft 5020
impounded pursuant to division (D) of this section, within twenty 5021
days of the notification or impoundment, may file a petition in 5022
the municipal court or the county court, or if the person is a 5023
minor in juvenile court, with jurisdiction over the place at which 5024
the arrest occurred, agreeing to pay the cost of the proceedings 5025
and alleging error in the action taken by the chief under division 5026
(D) of this section or alleging one or more of the matters within 5027
the scope of the hearing as provided in this section, or both. The 5028
petitioner shall notify the chief of the filing of the petition 5029
and send the chief a copy of the petition. 5030

The scope of the hearing is limited to the issues of whether 5031
the law enforcement officer had reasonable grounds to believe the 5032
petitioner was operating or in physical control of a vessel or 5033
manipulating any water skis, aquaplane, or similar device in 5034
violation of section 1547.11 of the Revised Code or a 5035
substantially equivalent municipal ordinance, whether the 5036
petitioner was placed under arrest, whether the petitioner refused 5037
to submit to the chemical test upon request of the officer, and 5038
whether the petitioner was advised of the consequences of the 5039
petitioner's refusal. 5040

(G)(1) The chief shall furnish the court a copy of the 5041
affidavit as provided in division (C) of this section and any 5042
other relevant information requested by the court. 5043

(2) In hearing the matter and in determining whether the 5044
person has shown error in the decision taken by the chief as 5045
provided in division (D) of this section, the court shall decide 5046
the issue upon the relevant, competent, and material evidence 5047
submitted by the chief or the person whose operation, physical 5048

control, manipulation, and registration privileges have been 5049
suspended. 5050

In the proceedings, the chief shall be represented by the 5051
prosecuting attorney of the county in which the petition is filed 5052
if the petition is filed in a county court or juvenile court, 5053
except that if the arrest occurred within a city or village within 5054
the jurisdiction of the county court in which the petition is 5055
filed, the city director of law or village solicitor of that city 5056
or village shall represent the chief. If the petition is filed in 5057
the municipal court, the chief shall be represented as provided in 5058
section 1901.34 of the Revised Code. 5059

(3) If the court finds from the evidence submitted that the 5060
person has failed to show error in the action taken by the chief 5061
under division (D) of this section or in one or more of the 5062
matters within the scope of the hearing as provided in division 5063
(F) of this section, or both, the court shall assess the cost of 5064
the proceeding against the person and shall uphold the suspension 5065
of the operation, physical control, use, and registration 5066
privileges provided in division (D) of this section. If the court 5067
finds that the person has shown error in the action taken by the 5068
chief under division (D) of this section or in one or more of the 5069
matters within the scope of the hearing as provided in division 5070
(F) of this section, or both, the cost of the proceedings shall be 5071
paid out of the county treasury of the county in which the 5072
proceedings were held, the chief shall reinstate the operation, 5073
physical control, manipulation, and registration privileges of the 5074
person without charge, and the chief shall return the registration 5075
certificate and tags, if impounded, without charge. 5076

(4) The court shall give information in writing of any action 5077
taken under this section to the chief. 5078

(H) At the end of any period of suspension or impoundment 5079
imposed under this section, and upon request of the person whose 5080

operation, physical control, use, and registration privileges were 5081
suspended or whose registration certificate and tags were 5082
impounded, the chief shall reinstate the person's operation, 5083
physical control, manipulation, and registration privileges by 5084
written notice and return the certificate and tags. 5085

(I) No person who has received written notice from the chief 5086
that the person is prohibited from operating or being in physical 5087
control of a vessel, from manipulating any water skis, aquaplane, 5088
or similar device, and from registering a watercraft, or who has 5089
had the registration certificate and tags of the person's 5090
watercraft impounded, in accordance with division (D) of this 5091
section, shall operate or be in physical control of a vessel or 5092
manipulate any water skis, aquaplane, or similar device for a 5093
period of one year following the date of the person's alleged 5094
violation of section 1547.11 of the Revised Code or the 5095
substantially equivalent municipal ordinance. 5096

Sec. 1547.14. (A) Except on the waters of the Ohio River or 5097
Lake Erie and immediately connected harbors and bays, any person 5098
who rides or attempts to ride upon one or more water skis, 5099
surfboard, or similar device, or who engages or attempts to engage 5100
in barefoot skiing, and any person who operates a vessel towing a 5101
person riding or attempting to ride on one or more water skis, 5102
surfboard, or similar device, or engaging or attempting to engage 5103
in barefoot skiing, shall confine that activity to the water area 5104
within a designated ski zone on all bodies of water on which a ski 5105
zone has been established. 5106

(B) On all bodies of water where no specific activity zones 5107
have been established, the activities described in division (A) of 5108
this section shall be confined to areas where the activities are 5109
not specifically restricted by this chapter and rules ~~adopted~~ 5110
~~under it.~~ 5111

(C) Divisions (A) and (B) of this section do not apply to an activity described in division (A) of this section if the vessel involved in the activity is traveling at idle speed in a designated no wake zone and the activity is not being conducted in any of the following areas:

(1) Within three hundred feet of a gas dock, marina, launch ramp, or harbor entrance;

(2) Within a designated anchorage area, swim zone, boat swim zone, or boat camping area;

(3) Under a bridge or within three hundred feet of a bridge underpass;

(4) Any area designated as a no ski zone.

(D) No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section.

Sec. 1547.18. (A) ~~No~~ Except as provided in division (B) of this section, no person shall ride or attempt to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel engage in any form of towed watersports without wearing an adequate and effective coast guard approved ~~type one, two, or three personal flotation device or type five~~ wearable personal flotation device specifically designed for ~~water skiing towed watersports~~, in good and serviceable condition and of appropriate size, except upon special permit issued by ~~the state department, conservancy district, or one of the following persons or entities that manages the waterway:~~

(1) The political subdivision having primary jurisdiction and control of the water;

(2) The administrator of a federal agency;

(3) The director of a state agency;

(4) The board of directors of a conservancy district; 5141

(5) Any other governing body having jurisdiction. 5142

(B) ~~No~~ Division (A) of this section does not apply to a 5143
person ~~shall engage~~ engaging or ~~attempt~~ attempting to engage in 5144
barefoot skiing ~~without wearing an adequate and effective coast~~ 5145
~~guard approved type one, two, or three personal flotation device~~ 5146
~~or type five personal flotation device specifically designed for~~ 5147
~~water skiing, in good and serviceable condition and of appropriate~~ 5148
~~size, or a~~ if the person is wearing a wet suit specifically 5149
designed for barefoot skiing that is in good and serviceable 5150
condition and of appropriate size. 5151

(C) No operator of a vessel shall ~~to~~ allow any person who 5152
fails to comply with division (A) or (B) of this section to engage 5153
in any form of towed watersports. 5154

Sec. 1547.20. No person or organization shall conduct any 5155
race, regatta, or other special event upon the waters in this 5156
state without first obtaining written permission, upon application 5157
not less than thirty days prior to the time of the proposed race, 5158
regatta, or event, of the federal agency, state department, 5159
conservancy district, or political subdivision having jurisdiction 5160
and control over such waters. Any state department, conservancy 5161
district, or political subdivision may suspend its respective 5162
rules during a race, regatta, or special event. Nothing in this 5163
section shall be construed to mean that the operator of a vessel 5164
competing in a specially authorized race, regatta, or special 5165
event shall not attempt to attain high speeds on a marked racing 5166
course. 5167

On any waters in this state over which no federal agency, 5168
state department, conservancy district, or political subdivision 5169
has jurisdiction and control, no person or organization shall 5170
conduct any race, regatta, or other special event without first 5171

obtaining written permission, upon application not less than 5172
thirty days prior to the time of the proposed race, regatta, or 5173
event, of the chief of the division of parks and watercraft. The 5174
chief may, ~~if he determines~~ after determining that the public 5175
safety will be adequately protected, grant written permission for 5176
holding such race, regatta, or special event. This section does 5177
not apply to privately owned lakes or ponds nor to canoes or 5178
rowboats. 5179

Sec. 1547.24. No person shall operate or permit to be 5180
operated any vessel under eighteen feet in length while there is 5181
present in the vessel any person under ten years of age, not 5182
wearing a coast guard approved ~~type one, two, three, or five~~ 5183
wearable personal flotation device in good and serviceable 5184
condition of appropriate size securely attached to the person 5185
under ten years of age. 5186

Sec. 1547.25. (A) No person shall operate or permit to be 5187
operated any vessel, other than a ~~commercial vessel or other~~ 5188
vessel exempted by rules ~~adopted under section 1547.52 of the~~ 5189
~~Revised Code~~, on the waters in this state: 5190

(1) That is sixteen feet or greater in length without 5191
carrying aboard one ~~type one, two, or three~~ wearable personal 5192
flotation device for each person aboard and one ~~type four~~ 5193
throwable personal flotation device; 5194

(2) That is less than sixteen feet in length, including 5195
~~canoes and kayaks~~ paddlecraft of any length, without carrying 5196
aboard one ~~type one, two, or three~~ wearable personal flotation 5197
device for each person aboard. 5198

(B) ~~A type five personal flotation device may be carried in~~ 5199
~~lieu of a type one, two, or three personal flotation device~~ 5200
~~required under division (A) of this section.~~ 5201

~~(C)~~ No person shall operate or permit to be operated any commercial vessel on the waters in this state: 5202
5203

(1) That is less than forty feet in length and is not carrying persons for hire without carrying aboard at least one ~~type one, two, or three~~ wearable personal flotation device for each person aboard; 5204
5205
5206
5207

(2) That is carrying persons for hire or is forty feet in length or longer and is not carrying persons for hire without carrying aboard at least one ~~type one~~ wearable personal flotation device for each person aboard; that complies with all of the following: 5208
5209
5210
5211
5212

(a) It is designed to support the person wearing the wearable personal flotation device in the water in an upright or slightly backward position and provides support to the head so that the face of an unconscious or exhausted person is held above the water. 5213
5214
5215
5216
5217

(b) It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position. 5218
5219
5220

(c) It is capable of being worn inside out. 5221

(d) It is capable of supporting a minimum of twenty-two pounds in fresh water for forty-eight hours. 5222
5223

(e) It is a highly visible color. 5224

(3) That is twenty-six feet in length or longer without carrying aboard at least one ~~type four ring life buoy~~ throwable personal flotation device in addition to the applicable requirements of divisions ~~(C)~~(B)(1) and (2) of this section. 5225
5226
5227
5228

~~(D)~~(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable 5229
5230
5231

condition, of appropriate size for the wearer, ~~and~~ readily 5232
accessible to each person aboard the vessel at all times, and used 5233
in accordance with any requirements on its approval label or in 5234
accordance with requirements in its owner's manual if the approval 5235
label refers to such a manual. 5236

~~(E)~~(D) A personal flotation device shall not be used in a 5237
manner that is inconsistent with any limitations or restrictions 5238
related to federal approval under 46 C.F.R. 160 or special 5239
instructions for use provided by the manufacturer. Appropriate use 5240
shall be indicated on the label of an approved personal flotation 5241
device with one or more of the following designations: 5242

(1) Conditional approval; 5243

(2) Performance type; 5244

(3) Type one personal flotation device; 5245

(4) Type two personal flotation device; 5246

(5) Type three personal flotation device; 5247

(6) Type four personal flotation device; 5248

(7) Type five personal flotation device; 5249

(8) Throwable personal flotation device; 5250

(9) Wearable personal flotation device. 5251

(E) As used in this section, "commercial vessel" means any 5252
vessel used in the carriage of any person or property for a 5253
valuable consideration whether flowing directly or indirectly from 5254
the owner, partner, or agent or any other person interested in the 5255
vessel. "Commercial vessel" does not include any vessel that is 5256
manufactured or used primarily for noncommercial use or that is 5257
leased, rented, or chartered to another for noncommercial use. 5258

Sec. 1547.26. All watercraft, except sailboats less than 5259
sixteen feet long having a cockpit depth of less than twelve 5260

inches and except canoes, shall carry an anchor and line of 5261
sufficient weight and length to anchor the watercraft securely. 5262
The chief of the division of parks and watercraft, by rule, may 5263
exempt other types of watercraft from this section after 5264
determining that carrying such an anchor and line would constitute 5265
a hazard. 5266

No person shall operate or permit to be operated any 5267
watercraft on the waters in this state in violation of this 5268
section. 5269

Sec. 1547.30. (A) As used in this section and sections 5270
1547.301, 1547.302, and 1547.304 of the Revised Code: 5271

(1) "Vessel or outboard motor" excludes an abandoned junk 5272
vessel or outboard motor, as defined in section 1547.303 of the 5273
Revised Code, or any watercraft or outboard motor under section 5274
4585.31 of the Revised Code. 5275

(2) "Law enforcement agency" means any organization or unit 5276
comprised of law enforcement officers, as defined in section 5277
2901.01 of the Revised Code. 5278

(B)(1) The sheriff of a county, chief of police of a 5279
municipal corporation, township, township police district, or 5280
joint police district, or other chief of a law enforcement agency, 5281
within the sheriff's or chief's respective territorial 5282
jurisdiction, upon complaint of any person adversely affected, may 5283
order into storage any vessel or outboard motor that has been left 5284
on private property, other than a private dock or mooring facility 5285
or structure, for at least seventy-two hours without the 5286
permission of the person having the right to the possession of the 5287
property. The sheriff or chief, upon complaint of the owner of a 5288
marine repair facility or place of storage, may order into storage 5289
any vessel or outboard motor that has been left at the facility or 5290
place of storage for a longer period than that agreed upon. The 5291

place of storage shall be designated by the sheriff or chief. When 5292
ordering a vessel or motor into storage under division (B)(1) of 5293
this section, a sheriff or chief, whenever possible, shall arrange 5294
for the removal of the vessel or motor by a private tow truck 5295
operator or towing company. 5296

(2)(a) Except as provided in division (B)(2)(d) of this 5297
section, no person, without the consent of the owner or other 5298
person authorized to give consent, shall moor, anchor, or tie a 5299
vessel or outboard motor at a private dock or mooring facility or 5300
structure owned by another person if the owner has posted, in a 5301
conspicuous manner, a prohibition against the mooring, anchoring, 5302
or tying of vessels or outboard motors at the dock, facility, or 5303
structure by any person not having the consent of the owner or 5304
other person authorized to give consent. 5305

(b) If the owner of a private dock or mooring facility or 5306
structure has posted at the dock, facility, or structure, in a 5307
conspicuous manner, conditions and regulations under which the 5308
mooring, anchoring, or tying of vessels or outboard motors is 5309
permitted at the dock, facility, or structure, no person, except 5310
as provided in division (B)(2)(d) of this section, shall moor, 5311
anchor, or tie a vessel or outboard motor at the dock, facility, 5312
or structure in violation of the posted conditions and 5313
regulations. 5314

(c) The owner of a private dock or mooring facility or 5315
structure may order towed into storage any vessel or outboard 5316
motor found moored, anchored, or tied in violation of division 5317
(B)(2)(a) or (b) of this section, provided that the owner of the 5318
dock, facility, or structure posts on it a sign that states that 5319
the dock, facility, or structure is private, is visible from all 5320
entrances to the dock, facility, or structure, and contains all of 5321
the following information: 5322

(i) The information specified in division (B)(2)(a) or (b) of 5323

this section, as applicable; 5324

(ii) A notice that violators will be towed and that violators 5325
are responsible for paying the cost of the towing; 5326

(iii) The telephone number of the person from whom a towed 5327
vessel or outboard motor may be recovered, and the address of the 5328
place to which the vessel or outboard motor will be taken and the 5329
place from which it may be recovered. 5330

(d) Divisions (B)(2)(a) and (b) of this section do not 5331
prohibit a person from mooring, anchoring, or tying a vessel or 5332
outboard motor at a private dock or mooring facility or structure 5333
if either of the following applies: 5334

(i) The vessel or outboard motor is disabled due to a 5335
mechanical or structural malfunction, provided that the person 5336
immediately removes the vessel or outboard motor from the dock, 5337
facility, or structure when the malfunction is corrected or when a 5338
reasonable attempt has been made to correct it; 5339

(ii) Weather conditions are creating an imminent threat to 5340
safe operation of the vessel or outboard motor, provided that the 5341
person immediately removes the vessel or outboard motor from the 5342
dock, facility, or structure when the weather conditions permit 5343
safe operation of the vessel or outboard motor. 5344

(e) A person whose vessel or outboard motor is towed into 5345
storage under division (B)(2)(c) of this section either shall pay 5346
the costs of the towing of the vessel or outboard motor or shall 5347
reimburse the owner of the dock or mooring facility or structure 5348
for the costs that the owner incurs in towing the vessel or 5349
outboard motor. 5350

(3) Subject to division (C) of this section, the owner of a 5351
vessel or motor that has been removed under division (B) of this 5352
section may recover the vessel or motor only in accordance with 5353
division (F) of this section. 5354

(C) If the owner or operator of a vessel or outboard motor 5355
that has been ordered into storage under division (B) of this 5356
section arrives after the vessel or motor has been prepared for 5357
removal, but prior to its actual removal from the property, the 5358
owner or operator shall be given the opportunity to pay a fee of 5359
not more than one-half of the charge for the removal of vessels or 5360
motors under division (B) of this section that normally is 5361
assessed by the person who has prepared the vessel or motor for 5362
removal, in order to obtain release of the vessel or motor. Upon 5363
payment of that fee, the vessel or motor shall be released to the 5364
owner or operator, and upon its release, the owner or operator 5365
immediately shall move it so that it is not on the private 5366
property without the permission of the person having the right to 5367
possession of the property, or is not at the facility or place of 5368
storage without the permission of the owner, whichever is 5369
applicable. 5370

(D) Each county sheriff, each chief of police of a municipal 5371
corporation, township, township police district, or joint police 5372
district, and each other chief of a law enforcement agency shall 5373
maintain a record of vessels or outboard motors that are ordered 5374
into storage under division (B)(1) of this section. The record 5375
shall include an entry for each such vessel or motor that 5376
identifies the vessel's hull identification number or serial 5377
number, if any, the vessel's or motor's make, model, and color, 5378
the location from which it was removed, the date and time of its 5379
removal, the telephone number of the person from whom it may be 5380
recovered, and the address of the place to which it has been taken 5381
and from which it may be recovered. Any information in the record 5382
that pertains to a particular vessel or motor shall be provided to 5383
any person who, pursuant to a statement the person makes either in 5384
person or by telephone, is identified as the owner or operator of 5385
the vessel or motor and requests information pertaining to its 5386
location. 5387

(E) Any person who registers a complaint that is the basis of a sheriff's or chief's order for the removal and storage of a vessel or outboard motor under division (B)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(F)(1) The owner of a vessel or outboard motor that is ordered into storage under division (B) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed two hundred dollars, and storage, in an amount not to exceed five dollars per twenty-four-hour period, and upon presentation of proof of 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 5420
in writing and include the vessel's hull identification number or 5421
serial number, if any, the vessel's or outboard motor's make, 5422
model, and color, the location from which it was removed, the date 5423
and time of its removal, the telephone number of the person from 5424
whom it may be recovered, and the address of the place to which it 5425
has been taken and from which it may be recovered. 5426

Upon receipt of the notice, the sheriff or chief immediately 5427
shall cause a search to be made of the records of the division of 5428
parks and watercraft to ascertain the owner and any lienholder of 5429
the vessel or outboard motor, and, if known, shall send notice to 5430
the owner and lienholder, if any, at the owner's and lienholder's 5431
last known address by certified mail, return receipt requested, 5432
that the vessel or outboard motor will be declared a nuisance and 5433
disposed of if not claimed not later than thirty days after the 5434
date of the mailing of the notice. 5435

If the owner or lienholder makes no claim to the vessel or 5436
outboard motor within thirty days of the date of the mailing of 5437
the notice, the sheriff or chief shall file with the clerk of 5438
courts of the county in which the place of storage is located an 5439
affidavit showing compliance with the requirements of division 5440
(F)(3) of this section, and the vessel or outboard motor shall be 5441
disposed of in accordance with section 1547.302 of the Revised 5442
Code. 5443

(G) No person shall remove, or cause the removal of, any 5444
vessel or outboard motor from private property other than in 5445
accordance with division (B) of this section or section 1547.301 5446
of the Revised Code. 5447

Sec. 1547.301. The sheriff of a county, chief of police of a 5448
municipal corporation, township, township police district, or 5449
joint police district, or other chief of a law enforcement agency, 5450

within the sheriff's or chief's respective territorial 5451
jurisdiction, or a state highway patrol trooper, upon notification 5452
to the sheriff or chief of such action and of the location of the 5453
place of storage, may order into storage any vessel or outboard 5454
motor that has been left in a sunken, beached, or drifting 5455
condition for any period of time, or in a docked condition, on a 5456
public street or other property open to the public, or upon or 5457
within the right-of-way of any waterway, road, or highway, for 5458
forty-eight hours or longer without notification to the sheriff or 5459
chief of the reasons for leaving the vessel or motor in any such 5460
place or condition. The sheriff or chief shall designate the place 5461
of storage of any vessel or motor ordered removed by the sheriff 5462
or chief. 5463

The sheriff or chief shall immediately cause a search to be 5464
made of the records of the division of parks and watercraft to 5465
ascertain the owner and any lienholder of a vessel or outboard 5466
motor ordered into storage by the sheriff or chief, and, if known, 5467
shall send notice to the owner and lienholder, if any, at the 5468
owner's or lienholder's last known address by certified mail, 5469
return receipt requested, that the vessel or motor will be 5470
declared a nuisance and disposed of if not claimed within ten days 5471
of the date of mailing of the notice. The owner or lienholder of 5472
the vessel or motor may reclaim it upon payment of any expenses or 5473
charges incurred in its removal and storage, and presentation of 5474
proof of ownership, which may be evidenced by a certificate of 5475
title to the vessel or motor, certificate of United States coast 5476
guard documentation, or certificate of registration if the vessel 5477
or motor is not subject to titling under section 1548.01 of the 5478
Revised Code. 5479

If the owner or lienholder makes no claim to the vessel or 5480
outboard motor within ten days of the date of mailing of the 5481
notice, and if the vessel or motor is to be disposed of at public 5482

auction as provided in section 1547.302 of the Revised Code, the 5483
sheriff or chief shall file with the clerk of courts of the county 5484
in which the place of storage is located an affidavit showing 5485
compliance with the requirements of this section. Upon 5486
presentation of the affidavit, the clerk of courts shall without 5487
charge issue a salvage certificate of title, free and clear of all 5488
liens and encumbrances, to the sheriff or chief and shall send a 5489
copy of the affidavit to the chief of the division of parks and 5490
watercraft. If the vessel or motor is to be disposed of to a 5491
marine salvage dealer or other facility as provided in section 5492
1547.302 of the Revised Code, the sheriff or chief shall execute 5493
in triplicate an affidavit, as prescribed by the chief of the 5494
division of parks and watercraft, describing the vessel or motor 5495
and the manner in which it was disposed of, and that all 5496
requirements of this section have been complied with. The sheriff 5497
or chief shall retain the original of the affidavit for the 5498
sheriff's or chief's records and shall furnish two copies to the 5499
marine salvage dealer or other facility. Upon presentation of a 5500
copy of the affidavit by the marine salvage dealer or other 5501
facility, the clerk of courts shall issue to such owner a salvage 5502
certificate of title, free and clear of all liens and 5503
encumbrances. 5504

Whenever the marine salvage dealer or other facility receives 5505
an affidavit for the disposal of a vessel or outboard motor as 5506
provided in this section, such owner shall not be required to 5507
obtain an Ohio certificate of title to the vessel or motor in the 5508
owner's own name if the vessel or motor is dismantled or destroyed 5509
and both copies of the affidavit are delivered to the clerk of 5510
courts. Upon receipt of such an affidavit, the clerk of courts 5511
shall send one copy of it to the chief of the division of parks 5512
and watercraft. 5513

Sec. 1547.303. (A) As used in this section and section 5514

1547.304 of the Revised Code: 5515

(1) "Abandoned junk vessel or outboard motor" means any 5516
vessel or outboard motor meeting all of the following 5517
requirements: 5518

(a) It has been left on private property for at least 5519
seventy-two hours without the permission of the person having the 5520
right to the possession of the property; left in a sunken, 5521
beached, or drifting condition for any period of time; or left in 5522
a docked condition, on a public street or other property open to 5523
the public, or upon or within the right-of-way of any waterway, 5524
road, or highway, for forty-eight hours or longer without 5525
notification to the sheriff of the county, the chief of police of 5526
the municipal corporation, township, township police district, or 5527
joint police district, or other chief of a law enforcement agency, 5528
having territorial jurisdiction with respect to the location of 5529
the vessel or motor, of the reasons for leaving the vessel or 5530
motor in any such place or condition; 5531

(b) It is three years old, or older; 5532

(c) It is extensively damaged, such damage including but not 5533
limited to any of the following: missing deck, hull, transom, 5534
gunwales, motor, or outdrive; 5535

(d) It is apparently inoperable; 5536

(e) It has a fair market value of two hundred dollars or 5537
less. 5538

(2) "Law enforcement agency" means any organization or unit 5539
comprised of law enforcement officers, as defined in section 5540
2901.01 of the Revised Code. 5541

(B) The sheriff of a county, chief of police of a municipal 5542
corporation, township, township police district, or joint police 5543
district, or other chief of a law enforcement agency, within the 5544

sheriff's or chief's respective territorial jurisdiction, or a 5545
state highway patrol trooper, upon notification to the sheriff or 5546
chief of such action, shall order any abandoned junk vessel or 5547
outboard motor to be photographed by a law enforcement officer. 5548
The officer shall record the make of vessel or motor, the hull 5549
identification number or serial number when available, and shall 5550
also detail the damage or missing equipment to substantiate the 5551
value of two hundred dollars or less. The sheriff or chief shall 5552
thereupon immediately dispose of the abandoned junk vessel or 5553
outboard motor to a marine salvage dealer or other facility owned, 5554
operated, or under contract to the state, the county, township, or 5555
municipal corporation for the destruction of such vessels or 5556
motors. The records and photographs relating to the abandoned junk 5557
vessel or outboard motor shall be retained by the law enforcement 5558
agency ordering the disposition of the vessel or motor for a 5559
period of at least two years. The law enforcement agency shall 5560
execute in quadruplicate an affidavit, as prescribed by the chief 5561
of the division of parks and watercraft, describing the vessel or 5562
motor and the manner in which it was disposed of, and that all 5563
requirements of this section have been complied with, and shall 5564
sign and file the same with the clerk of courts of the county in 5565
which the vessel or motor was abandoned. The clerk of courts shall 5566
retain the original of the affidavit for the clerk's files, shall 5567
furnish one copy thereof to the chief of the division of parks and 5568
watercraft, one copy to the marine salvage dealer or other 5569
facility handling the disposal of the vessel or motor, and one 5570
copy to the law enforcement agency ordering the disposal, who 5571
shall file such copy with the records and photographs relating to 5572
the disposal. Any moneys arising from the disposal of an abandoned 5573
junk vessel or outboard motor shall be credited to the general 5574
revenue fund, or to the general fund of the county, township, 5575
municipal corporation, or other political subdivision, as 5576
appropriate. 5577

Notwithstanding section 1547.301 of the Revised Code, any 5578
vessel or outboard motor meeting the requirements of divisions 5579
(A)(1)(c) to (e) of this section which has remained unclaimed by 5580
the owner or lienholder for a period of ten days or longer 5581
following notification as provided in section 1547.301 of the 5582
Revised Code may be disposed of as provided in this section. 5583

Sec. 1547.31. (A) Every powercraft operated on the waters in 5584
this state shall be equipped at all times with a muffler or a 5585
muffler system that is in good working order, in constant 5586
operation, and effectively installed to prevent excessive or 5587
unusual noise. 5588

(B)(1) No person shall operate or give permission for the 5589
operation of a powercraft on the waters in this state in such a 5590
manner as to exceed a noise level of ninety decibels on the "A" 5591
scale when subjected to a stationary sound level test as 5592
prescribed by SAE J2005. 5593

(2) No person shall operate or give permission for the 5594
operation of a powercraft on the waters in this state in such a 5595
manner as to exceed a noise level of seventy-five decibels on the 5596
"A" scale measured as specified by SAE J1970. Measurement of a 5597
noise level of not more than seventy-five decibels on the "A" 5598
scale of a powercraft in operation does not preclude the 5599
conducting of a stationary sound level test as prescribed by ~~SAE~~ 5600
~~J2005~~ SAE J2005. 5601

(C) No person shall operate or give permission for the 5602
operation of a powercraft on the waters in this state that is 5603
equipped with an altered muffler or muffler cutout, or operate or 5604
give permission for the operation of a powercraft on the waters in 5605
this state in any manner that bypasses or otherwise reduces or 5606
eliminates the effectiveness of any muffler or muffler system 5607
installed in accordance with this section, unless the applicable 5608

mechanism has been permanently disconnected or made inoperable. 5609

(D) No person shall remove, alter, or otherwise modify in any 5610
way a muffler or muffler system in a manner that will prevent it 5611
from being operated in accordance with this section. 5612

(E) No person shall manufacture, sell, or offer for sale a 5613
powercraft that is not equipped with a muffler or muffler system 5614
that prevents noise levels in excess of those established in 5615
division (B)(1) of this section. 5616

(F) This section does not apply to any of the following: 5617

(1) A powercraft that is designed, manufactured, and sold for 5618
the sole purpose of competing in racing events. The exception 5619
established under division (F)(1) of this section shall be 5620
documented in each sale agreement and shall be acknowledged 5621
formally by the signatures of the buyer and the seller. The buyer 5622
and the seller shall maintain copies of the sale agreement. A copy 5623
of the sale agreement shall be kept aboard the powercraft when it 5624
is operated. A powercraft to which the exception established under 5625
division (F)(1) of this section applies shall be operated on the 5626
waters in this state only in accordance with division (F)(2) of 5627
this section. 5628

(2) A powercraft that is actually participating in a 5629
sanctioned racing event or in tune-up periods for a sanctioned 5630
racing event on the waters in this state and that is being 5631
operated in accordance with division (F)(2) of this section. For 5632
the purposes of division (F)(2) of this section, a sanctioned 5633
racing event is a racing event that is conducted in accordance 5634
with section 1547.20 of the Revised Code or that is approved by 5635
the United States coast guard. The operator of a powercraft that 5636
is operated on the waters in this state for the purpose of a 5637
sanctioned racing event shall comply with that section and 5638
requirements established under it or with requirements established 5639

by the coast guard, as appropriate. Failure to comply subjects the operator to this section.

(3) A powercraft that is being operated on the waters in this state by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with division (F)(3) of this section. The operator of such a powercraft shall have aboard at all times and shall produce on demand of a law enforcement officer a current, valid letter issued by the chief of the division of parks and watercraft in accordance with rules adopted under division (I)(1) of this section. Failure to produce the letter subjects the operator to this section.

(G) A law enforcement officer who is trained in accordance with rules adopted under division (I)(2) of this section and who has reason to believe that a powercraft is not in compliance with 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 5671
under division (F)(3) of this section. The rules shall require, 5672
without limitation, that each such letter adequately identify the 5673
powercraft concerning which the letter is issued and specify the 5674
purposes for which the powercraft is being operated. 5675

(2) Requirements and procedures for the training of law 5676
enforcement officers who conduct powercraft noise level tests 5677
pursuant to this section. The rules shall require the training to 5678
include, without limitation, the selection of a site where noise 5679
level is measured and the calibration and use of noise measurement 5680
equipment. 5681

Sec. 1547.36. The operation by a nonresident of a vessel upon 5682
the waters in this state, or the operation on the waters in this 5683
state of a vessel owned by a nonresident if operated with ~~his~~ 5684
nonresident's consent, express or implied, shall be deemed 5685
equivalent to an appointment by the nonresident of the secretary 5686
of state to be ~~his~~ nonresident's true and lawful attorney, upon 5687
whom may be served the summons in any action against ~~him~~ the 5688
nonresident, growing out of any accident or collision in which the 5689
nonresident may be involved while operating a vessel on the waters 5690
in this state, or in which the vessel may be involved while being 5691
so operated on the waters in this state. The operation shall be 5692
deemed a signification of ~~his~~ the nonresident's agreement that any 5693
summons against ~~him~~ the nonresident which is so served shall have 5694
the same legal force and validity as if served on ~~him~~ the 5695
nonresident personally within this state. Service of summons shall 5696
be made by leaving a copy thereof with the secretary of state, or 5697
~~his~~ the secretary of state's deputy, who shall keep a record of 5698
each process and the day and hour of service and service shall be 5699
sufficient services upon the nonresident, if notice of the service 5700
and a copy of the summons are forthwith either served upon the 5701
defendant personally by the sheriff or constable of the county in 5702

which ~~he~~ the defendant resides or sent by certified mail by the 5703
plaintiff or ~~his~~ the plaintiff's attorney to the defendant. If 5704
personal service of the notice and copy of summons is had upon the 5705
defendant, the officer making the service shall so certify in ~~his~~ 5706
the officer's return which shall be filed with the court having 5707
jurisdiction of the cause. If service is made by certified mail 5708
then the plaintiff or ~~his~~ the plaintiff's attorney shall make an 5709
affidavit showing that ~~he has made~~ service of the notice and 5710
summons upon the defendant was made by certified mail and the 5711
affiant shall attach thereto a true copy of the summons and notice 5712
so served and the return receipt of the defendant and shall file 5713
the affidavit and attached papers with the court having 5714
jurisdiction of the cause. The court in which the action is 5715
pending may order such extension of time as may be necessary to 5716
afford the defendant reasonable opportunity to defend the action. 5717

The death of a nonresident shall not operate to revoke the 5718
appointment by ~~him~~ the nonresident of the secretary of state as 5719
~~his~~ the nonresident's true and lawful attorney upon whom may be 5720
served the summons in an action against ~~him~~ the nonresident 5721
growing out of ~~any~~ the accident or collision; and in the event of 5722
~~his~~ the nonresident's death, any action growing out of such 5723
accident or collision may be commenced or prosecuted against ~~his~~ 5724
the nonresident's executor or administrator duly appointed by the 5725
state, territory, or districts of the United States or foreign 5726
country in which the nonresident resided at the time of ~~his~~ death, 5727
and service of the summons shall be made upon the secretary of 5728
state, and personal service of the notice and the copy of the 5729
summons be had upon ~~his~~ the nonresident's executor or 5730
administrator, as the case may be, in like manner, with the same 5731
force and effect as service upon the nonresident during ~~his~~ the 5732
nonresident's lifetime. 5733

Any action or proceeding pending in any court of this state, 5734

in which the court has obtained jurisdiction of the nonresident 5735
pursuant to sections ~~1547.01~~ 1547.02 to 1547.36 of the Revised 5736
Code, shall not abate by reason of the death of the nonresident, 5737
but ~~his~~ the nonresident's executor or administrator duly appointed 5738
in the state, territory, or district of the United States or 5739
foreign country in which ~~he~~ the nonresident resided at the time of 5740
~~his~~ death, upon the application of the plaintiff in the action and 5741
upon such notice as the court may prescribe, shall be brought in 5742
and substituted in the place of the decedent and the action or 5743
proceeding shall continue. 5744

The court shall include as taxable costs, in addition to 5745
other legal costs, against the plaintiff in case the defendant 5746
prevails in the action, the actual traveling expenses of the 5747
defendant from ~~his~~ the defendant's residence to the place of trial 5748
and return, not to exceed the sum of one hundred dollars. 5749

This section applies to actions commenced in all courts of 5750
this state having civil jurisdiction. 5751

Sec. 1547.38. No person who lets vessels for hire, or the 5752
agent or employee thereof, shall rent, lease, charter, or 5753
otherwise permit the use of a vessel, unless the person provides 5754
the vessel with the equipment required under sections 1547.25, 5755
1547.251, 1547.26, 1547.27, 1547.28, 1547.29, and 1547.31 of the 5756
Revised Code and rules ~~adopted under this chapter~~ regarding the 5757
equipment of vessels, and complies with the requirements of 5758
sections 1547.24, 1547.40, 1547.53, 1547.57, and either 1547.54 or 5759
1547.542 of the Revised Code and rules ~~adopted under this chapter~~ 5760
to implement and enforce those sections. 5761

Sec. 1547.41. (A)(1) No person shall operate or permit the 5762
operation of a personal watercraft unless each person on the 5763
watercraft is wearing a ~~type one, two, three, or five~~ coast guard 5764

approved wearable personal flotation device used in compliance 5765
with manufacturer labeling. 5766

(2) A person operating a personal watercraft that is equipped 5767
by the manufacturer with a lanyard type engine cutoff switch shall 5768
attach the lanyard to the person, the person's clothing, or the 5769
personal flotation device as appropriate for the specific 5770
watercraft. 5771

(3) No person shall operate a personal watercraft at any time 5772
between sunset and sunrise. 5773

(4) No person who owns a personal watercraft or who has 5774
charge over or control of a personal watercraft shall authorize or 5775
knowingly permit the personal watercraft to be operated in 5776
violation of this chapter. 5777

(B) This section does not apply to a person who is 5778
participating in a regatta, race, marine parade, tournament, or 5779
exhibition that is operated in accordance with section 1547.20 of 5780
the Revised Code or that is coast guard approved. 5781

Sec. 1547.51. (A) A natural resources officer shall conduct 5782
educational programs in vessel safety, sanitation, and operation 5783
and in other related subjects that the director of natural 5784
resources, in consultation with the chief of the division of parks 5785
and watercraft, considers appropriate or necessary. 5786

(B) Except as authorized by division (C) of this section, no 5787
natural resources officer or other law enforcement officer as 5788
described in section 1547.63 of the Revised Code shall stop or 5789
board any vessel solely for the purpose of conducting a safety 5790
inspection of the vessel unless the owner or operator voluntarily 5791
requests the officer to conduct a safety inspection of the vessel. 5792

(C) A natural resources officer or other law enforcement 5793
officer as described in section 1547.63 of the Revised Code may 5794

stop, board, and conduct a safety inspection of any vessel if 5795
either of the following applies: 5796

(1) The officer has a reasonable suspicion that the vessel, 5797
the vessel's equipment, or the vessel's operator is in violation 5798
of this chapter or rules or is otherwise engaged in a violation of 5799
a law of this state or a local ordinance, resolution, rule, or 5800
regulation adopted in compliance with the provisions of Chapter 5801
1547. of the Revised Code within the territorial jurisdiction of 5802
the officer; 5803

(2) The officer is conducting a vessel safety inspection in 5804
the course of an authorized checkpoint operation in accordance 5805
with rules. 5806

Sec. 1547.53. Every watercraft operated on the waters in this 5807
state shall be numbered by this state in accordance with federal 5808
law or a federally approved numbering system of another state. A 5809
watercraft numbered by this state shall display the number on the 5810
watercraft as provided in section 1547.57 of the Revised Code. 5811
Watercraft exempt from numbering by the state are: 5812

(A) Those currently documented by the United States coast 5813
guard or its successor; 5814

(B) Those whose principal use is not on the waters in this 5815
state and that have not been used within this state for more than 5816
sixty days and have a valid number assigned under a federally 5817
approved numbering system by another state if the number is 5818
displayed in accordance with the requirements of that system and 5819
the certificate of number is available for inspection whenever the 5820
watercraft is on waters in this state; 5821

(C) Those from a country other than the United States, 5822
temporarily using the waters in this state; 5823

(D) Those whose owner is the United States, a state, or a 5824

political subdivision of a state, that fit either of the following 5825
descriptions, and that are clearly identifiable as such: 5826

(1) A powercraft that principally is used for governmental 5827
purposes other than recreational purposes; 5828

(2) A watercraft other than a powercraft. 5829

(E) A ship's lifeboat. As used in this division, "lifeboat" 5830
means a watercraft that is held aboard another vessel and used 5831
exclusively for emergency purposes. 5832

(F) Those that have been exempted from numbering by the chief 5833
of the division of parks and watercraft after the chief has found 5834
that the numbering of the watercraft will not materially aid in 5835
their identification and, if an agency of the United States has a 5836
numbering system applicable to the watercraft, after the chief has 5837
further found that they also would be exempt from numbering by the 5838
United States government if they were subject to the federal law; 5839

(G) Those temporarily using the waters in this state under a 5840
waiver issued by the chief to an organization sponsoring a race, 5841
regatta, or special event. The chief may issue a waiver upon 5842
application by the sponsoring organization at least fifteen days 5843
before the date of the proposed race, regatta, or special event. 5844
The waiver shall be effective for ten days including the day or 5845
days of the proposed race, regatta, or special event. Such a 5846
waiver does not obviate the need for compliance with section 5847
1547.20 of the Revised Code. 5848

(H) Canoes, rowboats, and inflatable watercraft that are 5849
registered under section 1547.54 of the Revised Code and that an 5850
owner, in accordance with this division, chooses not to have 5851
numbered under this section. An owner of a canoe, rowboat, or 5852
inflatable watercraft may choose to do either of the following: 5853

(1) Have it numbered under this section, pay a lesser 5854
registration fee under division (A)(2)(a) of section 1547.54 of 5855

the Revised Code, and obtain square tags under division (A) of 5856
section 1547.57 of the Revised Code; 5857

(2) Not have it numbered under this section, pay a higher 5858
registration fee under division (A)(2)(b) of section 1547.54 of 5859
the Revised Code, and obtain a rectangular tag under division (C) 5860
of section 1547.57 of the Revised Code. 5861

Sec. 1547.531. (A)(1) Except as provided in division (A)(2) 5862
or (B) of this section, no person shall operate or give permission 5863
for the operation of any watercraft on the waters in this state 5864
unless the watercraft is registered in the name of the current 5865
owner in accordance with section 1547.54 of the Revised Code, and 5866
the registration is valid and in effect. 5867

(2) On and after January 1, 1999, if a watercraft that is 5868
required to be issued a certificate of title under Chapter 1548. 5869
of the Revised Code is transferred to a new owner, it need not be 5870
registered under section 1547.54 of the Revised Code for 5871
forty-five days following the date of the transfer, provided that 5872
the new owner purchases a temporary watercraft registration under 5873
division (A) of this section or holds a bill of sale from a 5874
watercraft dealer. 5875

For the purposes of division (A)(2) of this section, a 5876
temporary watercraft registration or a bill of sale from a 5877
watercraft dealer shall contain at least all of the following 5878
information: 5879

(a) The hull identification number or serial number of the 5880
watercraft; 5881

(b) The make of the watercraft; 5882

(c) The length of the watercraft; 5883

(d) The type of propulsion, if any; 5884

(e) The state in which the watercraft principally is 5885

operated;	5886
(f) The name of the owner;	5887
(g) The address of the owner, including the zip code;	5888
(h) The signature of the owner;	5889
(i) The date of purchase;	5890
(j) A notice to the owner that the temporary watercraft	5891
registration expires forty-five days after the date of purchase of	5892
the watercraft or that the watercraft cannot be operated on the	5893
waters in this state solely under the bill of sale beginning	5894
forty-five days after the date of purchase of the watercraft, as	5895
applicable.	5896
(3) A person may purchase a temporary watercraft registration	5897
from the chief of the division of <u>parks and</u> watercraft or from an	5898
authorized agent designated under section 1547.54 of the Revised	5899
Code. The chief shall furnish forms for temporary watercraft	5900
registrations to authorized agents. In addition to completing the	5901
registration form with the information specified in divisions	5902
(A)(2)(a) to (i) of this section, the person shall pay one of the	5903
applicable fees required under divisions (A)(2)(a) to (g) of	5904
section 1547.54 of the Revised Code as provided in that section.	5905
Moneys received for the payment of temporary watercraft	5906
registrations shall be deposited to the credit of the waterways	5907
safety fund created in section 1547.75 of the Revised Code.	5908
(4) In addition to the applicable fee required under division	5909
(A)(3) of this section, the chief or an authorized agent shall	5910
charge an additional writing fee of three dollars for a temporary	5911
watercraft registration that the chief or the authorized agent	5912
issues. When the temporary watercraft registration is issued by an	5913
authorized agent, the agent may retain the additional writing fee.	5914
When the temporary watercraft registration is issued by the chief,	5915

the additional writing fee shall be deposited to the credit of the 5916
waterways safety fund. 5917

(5) A person who purchases a temporary watercraft 5918
registration for a watercraft and who subsequently applies for a 5919
registration certificate under section 1547.54 of the Revised Code 5920
need not pay the fee required under division (A)(2) of that 5921
section for the initial registration certificate issued for that 5922
watercraft, provided that at the time of application for the 5923
registration certificate, the person furnishes proof of payment 5924
for the temporary watercraft registration. 5925

(6) A person who purchases a temporary watercraft 5926
registration, who subsequently applies for a registration 5927
certificate under section 1547.54 of the Revised Code, and who is 5928
exempt from payment for the registration certificate under 5929
division (P) of that section may apply to the chief for a refund 5930
of the amount paid for the temporary watercraft registration at 5931
the time that the person applies for a registration certificate. 5932
The chief shall refund that amount upon issuance to the person of 5933
a registration certificate. 5934

(7) All records of the division of parks and watercraft made 5935
or maintained for the purposes of divisions (A)(2) to (8) of this 5936
section are public records. The records shall be available for 5937
inspection at reasonable hours and in a manner that is compatible 5938
with normal operations of the division. 5939

(8) Pursuant to division ~~(A)(1)~~(C)(2) of section ~~1547.52~~ 5940
1546.04 of the Revised Code, the chief may adopt rules 5941
establishing all of the following: 5942

(a) Record-keeping requirements governing the issuance of 5943
temporary watercraft registrations and the use of bills of sale 5944
from watercraft dealers for the purposes of division (A)(2) of 5945
this section; 5946

(b) Procedures and requirements for the refund of fees under 5947
division (A)(6) of this section; 5948

(c) Any other procedures and requirements necessary for the 5949
administration and enforcement of divisions (A)(2) to (8) of this 5950
section. 5951

(B) All of the following watercraft are exempt from 5952
registration: 5953

(1) Those that are exempt from numbering by the state under 5954
divisions (B) to (G) of section 1547.53 of the Revised Code; 5955

(2) Those that have been issued a commercial documentation by 5956
the United States coast guard or its successor and are used 5957
exclusively for commercial purposes; 5958

(3) Those that have been documented by the United States 5959
coast guard or its successor as temporarily transitting, whose 5960
principal use is not on the waters in this state, and that have 5961
not been used within this state for more than sixty days. 5962

(C) No person shall operate a watercraft documented by the 5963
United States coast guard or its successor unless the certificate 5964
of documentation is valid, is on the watercraft for which it has 5965
been issued, and is available for inspection whenever the 5966
watercraft is in operation. In accordance with 46 C.F.R. part 67, 5967
as amended, the watercraft shall display the official number, the 5968
vessel name, and the home port listed on the certificate of 5969
documentation. 5970

(D)(1) For the purposes of this section and section 1547.53 5971
of the Revised Code, a watercraft is principally using the waters 5972
in this state if any of the following applies: 5973

(a) The owner resides in this state and declares that the 5974
watercraft principally is using the waters in this state. 5975

(b) The owner resides in another state, but declares that the 5976

watercraft principally is using the waters in this state. 5977

(c) The watercraft is registered in another state or 5978
documented by the United States coast guard and is used within 5979
this state for more than sixty days regardless of whether it has 5980
been assigned a seasonal or permanent mooring at any public or 5981
private docking facility in this state. 5982

(2) Notwithstanding division (D)(1)(c) of this section, a 5983
person on active duty in the armed forces of the United States may 5984
register a watercraft in the person's state of permanent residence 5985
in lieu of registering it in this state regardless of the number 5986
of days that the watercraft is used in this state. 5987

Sec. 1547.532. (A) All of the following are exempt from 5988
registration under this chapter: 5989

(1) Sailboards; 5990

(2) Kiteboards; 5991

(3) Paddleboards; 5992

(4) Belly boats or float tubes. 5993

(B) As used in this section: 5994

(1) "Belly boat" or "float tube" means a an inflatable vessel 5995
~~that is inflatable, with a built-in seat or harness that is~~ 5996
propelled solely by human muscular effort without using an oar, 5997
paddle, or pole, and designed to accommodate a single individual 5998
as an operator in such a manner that the operator remains 5999
partially submerged in the water. 6000

(2) "Kiteboard" means a recreational vessel that is 6001
inherently buoyant, has no cockpit, and is operated by an 6002
individual who ~~is standing on the vessel while using~~ utilizes 6003
control lines while tethered to a kite as that provides a means of 6004
propulsion and lift. 6005

(3) "Paddleboard" means a long, narrow, somewhat rounded, 6006
inherently buoyant recreational vessel that is ~~inherently buoyant~~ 6007
constructed of a flat, or nearly flat, rigid material, is 6008
propelled by human muscular effort using a pole or single- or 6009
double-bladed paddle, and is operated by an individual who is 6010
kneeling, standing, or lying on the vessel. 6011

(4) "Sailboard" means a long, narrow, somewhat rounded 6012
recreational vessel that is inherently buoyant, has no cockpit, is 6013
constructed of a flat, or nearly flat, rigid material, has a 6014
single sail mounted on a mast that is connected to the vessel by a 6015
free-rotating, flexible joint, and is operated by an individual 6016
who is standing on the vessel. 6017

Sec. 1547.54. (A)(1) Except as otherwise provided in section 6018
1547.542 of the Revised Code, the owner of every watercraft 6019
requiring registration under this chapter shall file an 6020
application for a triennial registration certificate with the 6021
chief of the division of parks and watercraft on forms that shall 6022
be provided by the chief or by an electronic means approved by the 6023
chief. The application shall be signed by the following: 6024

(a) If the watercraft is owned by two persons under joint 6025
ownership with right of survivorship established under section 6026
2131.12 of the Revised Code, by both of those persons as owners of 6027
the watercraft. The signatures may be done by electronic signature 6028
if the owners themselves are renewing the registration and there 6029
are no changes in the registration information since the issuance 6030
of the immediately preceding registration certificate. In all 6031
other instances, the signatures shall be done manually. 6032

(b) If the watercraft is owned by a minor, by the minor and a 6033
parent or legal guardian. The signatures may be done by electronic 6034
signature if the parent or legal guardian and the minor themselves 6035
are renewing the registration and there are no changes in the 6036

registration information since the issuance of the immediately 6037
preceding registration certificate. In all other instances, the 6038
signatures shall be done manually. 6039

(c) In all other cases, by the owner of the watercraft. The 6040
signature may be done by electronic signature if the owner is 6041
renewing the registration personally and there are no changes in 6042
the registration information since the issuance of the immediately 6043
preceding registration certificate. In all other instances, the 6044
signatures shall be done manually. 6045

(2) An application for a triennial registration of a 6046
watercraft filed under division (A)(1) of this section shall be 6047
accompanied by the following fee: 6048

(a) For canoes, rowboats, and inflatable watercraft that are 6049
numbered under section 1547.53 of the Revised Code, twelve 6050
dollars; 6051

(b) For canoes, row boats, and inflatable watercraft that are 6052
not numbered under section 1547.53 of the Revised Code, seventeen 6053
dollars; 6054

(c) For class A watercraft, including motorized canoes, 6055
thirty dollars; 6056

(d) For class 1 watercraft, forty-five dollars; 6057

(e) For class 2 watercraft, sixty dollars; 6058

(f) For class 3 watercraft, seventy-five dollars; 6059

(g) For class 4 watercraft, ninety dollars. 6060

(3) For the purpose of registration, any watercraft operated 6061
by means of power, sail, or any other mechanical or electrical 6062
means of propulsion, except motorized canoes, shall be registered 6063
by length as prescribed in this section. 6064

(4) If an application for registration is filed by two 6065
persons as owners under division (A)(1)(a) of this section, the 6066

person who is listed first on the title shall serve as and perform 6067
the duties of the "owner" and shall be considered the person "in 6068
whose name the watercraft is registered" for purposes of divisions 6069
(B) to (R) of this section and for purposes of all other sections 6070
in this chapter. 6071

(B) All registration certificates issued under this section 6072
are valid for three years and are renewable on a triennial basis 6073
unless sooner terminated or discontinued in accordance with this 6074
chapter. The renewal date shall be printed on the registration 6075
certificate. A registration certificate may be renewed by the 6076
owner in the manner prescribed by the chief. All fees shall be 6077
charged according to a proration of the time remaining in the 6078
registration cycle to the nearest year. 6079

(C) In addition to the fees set forth in this section, the 6080
chief, or any authorized agent, shall charge an additional writing 6081
fee of three dollars for any registration certificate the chief or 6082
authorized agent issues. When the registration certificate is 6083
issued by an authorized agent, the additional writing fee of three 6084
dollars shall be retained by the issuing agent. When the 6085
registration certificate is issued by the chief, the additional 6086
writing fee of three dollars shall be deposited to the credit of 6087
the waterways safety fund established in section 1547.75 of the 6088
Revised Code. 6089

(D) In addition to the fees established in this section, 6090
watercraft that are not powercraft shall be charged a waterways 6091
conservation assessment fee of five dollars. The fee shall be 6092
collected at the time of the issuance of a triennial watercraft 6093
registration under division (A)(2) of this section and deposited 6094
in the state treasury and credited to a distinct account in the 6095
waterways safety fund created in section 1547.75 of the Revised 6096
Code. 6097

(E)(1) Upon receipt of the application in approved form, the 6098

chief shall enter the same upon the records of the office of the 6099
division of parks and watercraft, assign a number to the 6100
watercraft if a number is required under section 1547.53 of the 6101
Revised Code, and issue to the applicant a registration 6102
certificate. If a number is assigned by the chief, it shall be set 6103
forth on the certificate. The registration certificate shall be on 6104
the watercraft for which it is issued and available at all times 6105
for inspection whenever the watercraft is in operation, except 6106
that livery operators may retain the registration certificate at 6107
the livery where it shall remain available for inspection at all 6108
times and except as otherwise provided in division (E)(2) of this 6109
section. 6110

(2) A person who is operating on the waters of this state a 6111
canoe, rowboat, or inflatable watercraft that has not been 6112
numbered under section 1547.53 of the Revised Code and who is 6113
stopped by a law enforcement officer in the enforcement of this 6114
chapter or rules ~~adopted under it~~ shall present to the officer, 6115
not later than seventy-two hours after being stopped, a 6116
registration certificate. The registration certificate shall have 6117
been obtained under this section for the canoe, rowboat, or 6118
inflatable watercraft prior to the time that it was stopped. 6119
Failure of the person to present the registration certificate 6120
within seventy-two hours constitutes prima-facie evidence of a 6121
violation of this section. 6122

(F) No person shall issue or be issued a registration 6123
certificate for a watercraft that is required to be issued a 6124
certificate of title under Chapter 1548. of the Revised Code 6125
except upon presentation of a certificate of title for the 6126
watercraft as provided in that chapter, proof of current 6127
documentation by the United States coast guard, a renewal 6128
registration form provided by the division of parks and 6129
watercraft, or a certificate of registration issued under this 6130

section that has expired if there is no change in the ownership or 6131
description of the watercraft. 6132

(G) Whenever the ownership of a watercraft changes, a new 6133
application form together with the prescribed fee shall be filed 6134
with the chief or the chief's agent and a new registration 6135
certificate shall be issued. The application shall be signed 6136
manually by the person or persons specified in divisions (A)(1)(a) 6137
to (c) of this section and shall be accompanied by a two-dollar 6138
transfer fee. Any remaining time on the registration shall be 6139
transferred. An authorized agent of the chief shall charge an 6140
additional writing fee of three dollars, which shall be retained 6141
by the issuing agent. If the certificate is issued by the chief, 6142
an additional writing fee of three dollars for each certificate 6143
issued shall be collected and deposited to the credit of the 6144
waterways safety fund. 6145

(H) If an agency of the United States has in force an overall 6146
system of identification numbering for watercraft or certain types 6147
of watercraft within the United States, the numbering system 6148
employed by the division shall be in conformity with that system. 6149

(I)(1) The chief may assign any registration certificates to 6150
any authorized agent for the assignment of the registration 6151
certificates. If a person accepts that authorization, the person 6152
may be assigned a block of numbers and certificates that upon 6153
assignment, in conformity with this chapter and Chapter 1548. of 6154
the Revised Code and with rules ~~of the division~~, shall be valid as 6155
if assigned directly by the division. Any person so designated as 6156
an agent by the chief shall post with the division security as may 6157
be required by the director of natural resources. The chief may 6158
issue an order temporarily or permanently restricting or 6159
suspending an agent's authorization without a hearing if the chief 6160
finds that the agent has violated this chapter or Chapter 1548. of 6161
the Revised Code, rules ~~adopted under them~~, or any agreements 6162

prescribed by the chief. 6163

(2) A clerk of the court of common pleas may apply for 6164
designation as an authorized agent of the chief. The division 6165
shall accept the clerk's bond that is required under section 6166
2303.02 of the Revised Code for any security that is required for 6167
agents under this division, provided that the bond includes a 6168
rider or other provision specifically covering the clerk's duties 6169
as an authorized agent of the chief. 6170

(J) All records of the division made or kept pursuant to this 6171
section shall be public records. Those records shall be available 6172
for inspection at reasonable hours and in a manner compatible with 6173
normal operations of the division. 6174

(K) The owner shall furnish the division notice within 6175
fifteen days of the following: 6176

(1) The transfer, other than through the creation of a 6177
security interest in any watercraft, of all or any part of the 6178
owner's interest or, if the watercraft is owned by two persons 6179
under joint ownership with right of survivorship established under 6180
section 2131.12 of the Revised Code, of all or any part of the 6181
joint interest of either of the two persons. The transfer shall 6182
not terminate the registration certificate. 6183

(2) Any change in the address appearing on the certificate. 6184
As a part of the notification, the owner shall furnish the chief 6185
with the owner's new address. 6186

(3) The destruction or abandonment of the watercraft. 6187

(L) The chief may issue duplicate registration certificates 6188
or duplicate tags to owners of currently registered watercraft, 6189
the fee for which shall be four dollars. 6190

(M) If the chief finds that a registration certificate 6191
previously issued to an owner is in error to a degree that would 6192

impair its basic purpose and use, the chief may issue a corrected 6193
certificate to the owner without charge. 6194

(N) No authorized agent shall issue and no person shall 6195
receive or accept from an authorized agent a registration 6196
certificate assigned to the authorized agent under division (I) of 6197
this section unless the exact month, day, and year of issue are 6198
plainly written on the certificate by the agent. Certificates 6199
issued with incorrect dates of issue are void from the time they 6200
are issued. 6201

(O) The chief, in accordance with Chapter 119. of the Revised 6202
Code, shall adopt rules governing the renewal of watercraft 6203
registrations by electronic means. 6204

(P) As used in this section: 6205

(1) "Disabled veteran" means a person who is included in 6206
either of the following categories: 6207

(a) Because of a service-connected disability, has been or is 6208
awarded funds for the purchase of a motor vehicle under the 6209
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 6210
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 6211

(b) Has a service-connected disability rated at one hundred 6212
per cent by the veterans administration. 6213

(2) "Prisoner of war" means any regularly appointed, 6214
enrolled, enlisted, or inducted member of the military forces of 6215
the United States who was captured, separated, and incarcerated by 6216
an enemy of the United States at any time, and any regularly 6217
appointed, enrolled, or enlisted member of the military forces of 6218
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 6219
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 6220
South Africa, or the republics formerly associated with the Union 6221
of Soviet Socialist Republics or Yugoslavia who was a citizen of 6222
the United States at the time of the appointment, enrollment, or 6223

enlistment, and was captured, separated, and incarcerated by an 6224
enemy of this country during World War II. 6225

(Q) Any disabled veteran, congressional medal of honor 6226
awardee, or prisoner of war may apply to the chief for a 6227
certificate of registration, or for a renewal of the certificate 6228
of registration, without the payment of any fee required by this 6229
section. The application for a certificate of registration shall 6230
be accompanied by evidence of disability or by documentary 6231
evidence in support of a congressional medal of honor that the 6232
chief requires by rule. The application for a certificate of 6233
registration by any person who has been a prisoner of war shall be 6234
accompanied by written evidence in the form of a record of 6235
separation, a letter from one of the armed forces of a country 6236
listed in division (P)(2) of this section, or other evidence that 6237
the chief may require by rule, that the person was honorably 6238
discharged or is currently residing in this state on active duty 6239
with one of the branches of the armed forces of the United States, 6240
or was a prisoner of war and was honorably discharged or received 6241
an equivalent discharge or release from one of the armed forces of 6242
a country listed in division (P)(2) of this section. 6243

(R) Annually by the fifteenth day of January, the director of 6244
natural resources shall determine the amount of fees that would 6245
have been collected in the prior calendar year for each 6246
certificate of registration issued or renewed pursuant to division 6247
(Q) of this section and shall certify the total amount of foregone 6248
revenue to the director of budget and management for 6249
reimbursement. The director of budget and management shall 6250
transfer the amount certified from the general revenue fund to the 6251
waterways safety fund. 6252

Sec. 1547.541. The owner of a watercraft that is more than 6253
twenty-five years old, is essentially as originally constructed, 6254

and is owned primarily as a collector's item and for participation 6255
in club activities, exhibitions, tours, parades, and similar uses, 6256
but is not used for general recreation may apply to the chief of 6257
the division of parks and watercraft for ~~an~~ a historic watercraft 6258
identification plate. The chief, by rule, may establish additional 6259
criteria for the registration of historic watercraft that the 6260
chief considers necessary. 6261

The chief shall prescribe the form of application and shall 6262
issue ~~an~~ a historic watercraft identification plate, which shall 6263
be securely affixed to the watercraft. The plate shall bear no 6264
date, but shall bear the inscription "historic watercraft." A 6265
registration number assigned by the chief shall be shown on the 6266
plate. The plate is valid without renewal as long as the 6267
watercraft exists and ownership does not change. The fee for the 6268
plate is twenty-five dollars. 6269

Whenever the ownership of ~~an~~ a historic watercraft changes, 6270
an application for transfer of registration, together with a fee 6271
of ten dollars, shall be filed with the division of parks and 6272
watercraft, and a new certificate of registration shall be issued. 6273

The historic watercraft identification plate shall be shown 6274
on the watercraft in the same manner as a number required under 6275
sections 1547.53 and 1547.57 of the Revised Code. 6276

If the watercraft is to be used for general recreation, it 6277
also shall be registered as required by section 1547.54 of the 6278
Revised Code. 6279

Sec. 1547.542. (A) Any person or organization owning any 6280
number of canoes, rowboats, inflatable watercraft, or sailboats 6281
for the purpose of rental to the public may apply with the chief 6282
of the division of parks and watercraft for and receive an annual 6283
certificate of livery registration. No watercraft shall be rented 6284
to the public from a livery or other place of business in this 6285

state unless it first has been numbered and registered in 6286
accordance with this section or section 1547.54 of the Revised 6287
Code. Certificates of livery registration shall be issued by an 6288
authorized agent who is selected by the chief from among those 6289
designated under section 1547.54 of the Revised Code. The 6290
certificate shall display all of the following: 6291

(1) The name of the owner of the livery; 6292

(2) The date of issuance; 6293

(3) The date of expiration; 6294

(4) The number of watercraft registered; 6295

(5) The fee paid; 6296

(6) An authorized facsimile of the signature of the chief 6297
provided by the authorized agent who is selected to issue the 6298
certificate; 6299

(7) The signature of the livery owner; 6300

(8) The livery watercraft registration number assigned to the 6301
livery owner. 6302

The owner of the livery shall be issued a tag for each 6303
watercraft that has been registered in accordance with this 6304
section. The tag shall be affixed to each such watercraft in 6305
accordance with this section prior to the watercraft's being 6306
rented to the public. The chief shall prescribe the content and 6307
form of the tag in rules ~~adopted under section 1547.52 of the~~ 6308
~~Revised Code.~~ 6309

The owner of a livery shall obtain an amended certificate of 6310
livery registration from the chief whenever the composition of the 6311
fleet changes. 6312

(B) Not later than March 15, 2015, the owner of a livery 6313
shall identify each watercraft in the fleet for which a 6314
certificate of registration has been issued under this section in 6315

one of the following ways: 6316

(1) By displaying the livery watercraft registration number 6317
assigned to the livery owner on the forward half of both sides of 6318
the watercraft in block characters that are of a single color that 6319
contrasts with the color of the hull and are at least three inches 6320
in height. The livery watercraft registration number shall be 6321
displayed in such a manner that the number is visible under normal 6322
operating conditions. In addition, the tag that has been issued to 6323
the watercraft under this section shall be placed not more than 6324
six inches from the livery watercraft registration number on the 6325
port side of the watercraft. 6326

(2) By displaying the livery name on the rear half of the 6327
watercraft in such a manner that it is clearly visible under 6328
normal operating conditions. If there is insufficient space or it 6329
is impractical to display the livery name on the sides of the 6330
watercraft, the livery name may be displayed on the rear half of 6331
the watercraft's deck, provided that the display of the name does 6332
not interfere with the placement of the tag that has been issued 6333
to the watercraft. In addition, the tag shall be placed in one of 6334
the following locations: 6335

(a) In the upper right corner of the transom so that the tag 6336
does not interfere with the legibility of the hull identification 6337
number of the watercraft; 6338

(b) Six inches from the stern on the outside of the 6339
watercraft below the port side gunwale; 6340

(c) On the inside of the watercraft on the upper portion of 6341
the starboard side gunwale so that the tag is visible from the 6342
port side of the watercraft; 6343

(d) On a deck on the rear half of the watercraft. 6344

For purposes of division (B) of this section, each watercraft 6345
in a livery fleet shall be identified in a uniform and consistent 6346

manner. 6347

(C) The fee for each watercraft registered under this section 6348
shall be an annual registration fee. The fee shall be one-third of 6349
the triennial registration fees prescribed in section 1547.54 of 6350
the Revised Code. However, if the size of the fleet does not 6351
increase, the fee for an amended certificate of livery 6352
registration shall be the fee prescribed for issuing a duplicate 6353
registration certificate under section 1547.54 of the Revised 6354
Code, and the chief shall not refund to the livery owner all or 6355
any portion of an annual registration fee applicable to a 6356
watercraft transferred or abandoned by the livery owner. If the 6357
size of the fleet increases, the livery owner shall be required to 6358
pay the applicable annual registration fee for each watercraft 6359
registered under an amended certificate of livery registration 6360
that is in excess of the number of watercraft contained in the 6361
annual certificate of livery registration. 6362

In addition to the fees established in this section, 6363
watercraft that are not powercraft shall be charged a waterways 6364
conservation assessment fee. The fee shall be collected at the 6365
time of the issuance of an annual livery registration under this 6366
section and shall be one dollar and fifty cents for each 6367
watercraft included in the registration. The fee shall be 6368
deposited in the state treasury and credited to a distinct account 6369
in the waterways safety fund created in section 1547.75 of the 6370
Revised Code. 6371

(D) The certificate of livery registration, rental 6372
agreements, and required safety equipment are subject to 6373
inspection at any time at the livery's place of business by any 6374
authorized representative of the division of parks and watercraft 6375
or any law enforcement officer in accordance with section 1547.63 6376
of the Revised Code. 6377

(E) Except as provided in this section, all watercraft 6378

registered under this section are subject to this chapter and 6379
Chapter 1548. of the Revised Code. 6380

(F) The chief may issue an order temporarily restricting or 6381
suspending a livery certificate of registration and the privileges 6382
associated with it without a hearing if the chief finds that the 6383
holder of the certificate has violated this chapter. 6384

Sec. 1547.543. (A) Any bona fide dealer in watercraft, or any 6385
manufacturer of watercraft, upon annual application to the 6386
division of parks and watercraft, may receive for each separate 6387
place of business a dealer or manufacturer registration 6388
certificate assigning a dealer number for use while operating 6389
watercraft on the waters in this state. A dealer or manufacturer 6390
registration certificate shall not be used for any commercial 6391
purpose such as the rental or chartering of watercraft, nor shall 6392
the certificate be loaned to any person for the purpose of 6393
circumventing any law of this state. 6394

The fee for such a certificate shall be fifty dollars 6395
annually. 6396

The chief of the division ~~of watercraft~~ shall select an 6397
authorized agent from among those designated under section 1547.54 6398
of the Revised Code to issue dealer and manufacturer registration 6399
certificates. The agent shall provide an authorized facsimile of 6400
the signature of the chief on each registration certificate and on 6401
each pocket-sized certificate issued under this section. 6402

(B) Registration certificates issued to marine dealers or 6403
manufacturers shall be available for inspection at all times at 6404
the dealers' or manufacturers' place of business for which the 6405
certificates were issued. 6406

(C) The division shall issue to each registered dealer or 6407
manufacturer one or more pocket-sized certificates bearing the 6408

dealer or manufacturer registration number, which shall be carried 6409
by the dealer, the manufacturer, or an employee aboard any 6410
watercraft being operated on the waters in this state. 6411

(D) Each dealer in or manufacturer of watercraft shall 6412
display on both sides of any watercraft being operated on the 6413
waters in this state the dealer or manufacturer registration 6414
number and the validation decals assigned by the authorized agent 6415
selected by the chief under this section so that the decals and 6416
number are clearly visible under normal operating conditions. The 6417
authorized agent selected by the chief shall furnish with each 6418
dealer or manufacturer registration certificate one or more sets 6419
of registration validation decals of a size and shape prescribed 6420
by the chief. Additional sets of decals may be purchased for a 6421
two-dollar fee. 6422

(E) The chief may issue an order temporarily or permanently 6423
restricting or suspending a dealer or manufacturer registration 6424
certificate without a hearing if the chief finds that the holder 6425
of the certificate has violated this section. 6426

Sec. 1547.544. On receipt of a notice pursuant to section 6427
3123.43 of the Revised Code, the division of parks and watercraft 6428
shall comply with sections 3123.41 to 3123.50 of the Revised Code 6429
and any applicable rules adopted under section 3123.63 of the 6430
Revised Code with respect to a certificate issued pursuant to 6431
section 1547.542 or 1547.543 of the Revised Code. 6432

Sec. 1547.55. All moneys collected by the chief of the 6433
division of parks and watercraft under this chapter shall be paid 6434
into the waterways safety fund established in section 1547.75 of 6435
the Revised Code. All expenses for salaries, operation, and 6436
administration of the division of ~~watercraft~~ relating to boating 6437
shall be paid from the fund. The chief may make expenditures from 6438

the fund for publishing statutes and rules concerning watercraft, 6439
for publications which are solely for the purpose of providing 6440
education in watercraft safety, sanitation, or operation, and for 6441
other educational devices for that purpose. The chief shall make 6442
payments to the division of parks and recreation, the division of 6443
wildlife, conservancy districts, and political subdivisions of 6444
this state as further provided in section 1547.56 of the Revised 6445
Code. No moneys paid into the fund shall be used or paid out for 6446
any purposes other than those for which the fund is appropriated. 6447
All investment earnings of the fund shall be credited to the fund. 6448

Sec. 1547.56. All applications for a registration certificate 6449
filed with the chief of the division of parks and watercraft shall 6450
bear a notation as to water principally used by the watercraft. 6451
The ~~division of parks and recreation,~~ the division of wildlife, 6452
conservancy districts, and other political subdivisions having 6453
impounded bodies of water upon which boating is permitted and 6454
authorized shall file annually with the chief an application for 6455
refund. The chief shall annually reimburse ~~the division of parks~~ 6456
~~and recreation,~~ the division of wildlife, conservancy districts, 6457
and such other political subdivisions which have made proper 6458
application, in the amount of money collected by the chief as fees 6459
for the issuance of registration certificates commensurate with 6460
the number of watercraft having designated the waters of the 6461
division, conservancy district, or political subdivision as the 6462
water principally used. The amounts so refunded shall not be less 6463
than ninety per cent of the amounts separately collected by ~~the~~ 6464
~~division of parks and recreation,~~ the division of wildlife, 6465
conservancy districts, and other political subdivisions, in the 6466
calendar year 1959, for watercraft license fees so long as the 6467
total revenue received by the division of parks and watercraft in 6468
each succeeding license year thereafter is equal to, or in excess 6469
of, the total revenue derived by all state departments, 6470

conservancy districts, and political subdivisions of this state, 6471
requiring licenses, and received by them in the calendar year 6472
1959. The chief shall first deduct from the amount to be refunded 6473
the applicable pro rata share of all costs of operation of the 6474
division of watercraft determined by the ratio between the amount 6475
to be so refunded and the total fees received by the division of ~~of~~ 6476
~~watercraft~~ for issuances of registration certificates. On all 6477
applications which have designated water other than those 6478
specified above as water principally used, the chief shall pay the 6479
fees received from the applications to the waterways safety fund 6480
established in section 1547.75 of the Revised Code. 6481

Sec. 1547.57. (A) Except as otherwise provided in division 6482
(C) of this section, when the chief of the division of parks and 6483
watercraft issues a registration certificate under section 1547.54 6484
of the Revised Code, the chief also shall issue to the applicant 6485
two tags not larger than three inches square, color coded, 6486
indicating the expiration date of the certificate. The owner of 6487
watercraft currently documented by the United States coast guard 6488
and for which a registration certificate is issued shall securely 6489
affix one tag to the watercraft's port side and the other tag to 6490
the starboard side so that the tags are clearly visible under 6491
normal operating conditions. The tags shall be removed from the 6492
watercraft when they become invalid. The owner of any other 6493
watercraft for which a registration certificate is issued shall 6494
securely affix one tag to the watercraft's port side, six inches 6495
toward the stern from the identification number, and the other tag 6496
to the starboard side, six inches toward the stern from the 6497
identification number. The tags shall be securely affixed to the 6498
watercraft prior to its operation, but shall be removed from the 6499
watercraft when they become invalid. A person may operate without 6500
a registration certificate issued under section 1547.54 of the 6501
Revised Code, for a period not to exceed forty-five days, any 6502

watercraft required to be titled on the waters in this state if 6503
the person is in compliance with section 1547.531 of the Revised 6504
Code. 6505

(B) The owner of every watercraft requiring numbering by this 6506
state shall attach to each side of the bow of the watercraft the 6507
permanent identification number in such manner as may be 6508
prescribed by applicable federal standards in order that it shall 6509
be clearly visible. The number shall be maintained in a legible 6510
condition at all times. No number other than the number assigned 6511
to a watercraft or granted by reciprocity pursuant to this chapter 6512
shall be painted, attached, or otherwise displayed on either side 6513
of the bow of the watercraft. 6514

(C) When the chief issues a registration certificate under 6515
section 1547.54 of the Revised Code for a canoe, rowboat, or 6516
inflatable watercraft that has not been numbered under section 6517
1547.53 of the Revised Code, the chief also shall issue to the 6518
applicant a tag not larger than three inches by six inches, with 6519
distinguishing color coding and a number for identification 6520
purposes. The owner of the canoe, rowboat, or inflatable 6521
watercraft for which the registration certificate is issued shall 6522
affix the tag securely to a location on the canoe, rowboat, or 6523
inflatable watercraft as prescribed by rules ~~adopted by the chief~~ 6524
~~under section 1547.52 of the Revised Code.~~ 6525

(D) No person shall operate or permit to be operated any 6526
watercraft on the waters in this state in violation of this 6527
section. 6528

Sec. 1547.59. The operator of a vessel involved in a 6529
collision, accident, or other casualty, so far as the operator can 6530
do so without serious danger to the operator's own vessel, crew, 6531
and passengers, shall render to other persons affected by the 6532
collision, accident, or other casualty such assistance as may be 6533

practicable and as may be necessary in order to save them from or 6534
minimize any danger caused by the collision, accident, or other 6535
casualty. The operator also shall give the operator's name, 6536
address, and identification of the operator's vessel in writing to 6537
any person injured and to the owner of any property damaged in the 6538
collision, accident, or other casualty. 6539

Any person who renders assistance at the scene of a 6540
collision, accident, or other casualty involving a vessel is not 6541
liable in a civil action for damages or injury to persons or 6542
property resulting from any act or omission in rendering 6543
assistance or in providing or arranging salvage, towage, medical 6544
treatment, or other assistance, except that the person is liable 6545
for willful or wanton misconduct in rendering assistance. Nothing 6546
in this section precludes recovery from any tortfeasor causing a 6547
collision, accident, or other casualty of damages caused or 6548
aggravated by the rendering of assistance. 6549

In the case of collision, accident, or other casualty 6550
involving a vessel, the operator thereof, if the collision, 6551
accident, or other casualty results in loss of life, personal 6552
injury requiring medical treatment beyond first aid, ~~or~~ damage to 6553
property in excess of five hundred dollars, or the total loss of a 6554
vessel, shall file with the chief of the division of parks and 6555
watercraft a full description of the collision, accident, or other 6556
casualty on a form prescribed by the chief. ~~The report so filed~~ 6557
~~shall be used for statistical purposes only and shall not be~~ 6558
~~admissible for any purpose in any civil, criminal, or~~ 6559
~~administrative action at law.~~ 6560

If the operator of the vessel involved in a collision, 6561
accident, or other casualty is incapacitated, the investigating 6562
law enforcement officer shall file the required form as prescribed 6563
by the chief. 6564

Sec. 1547.61. This chapter and other applicable laws of this 6565
state govern the operation, equipment, registration, numbering, 6566
and all other matters relating thereto whenever any vessel is 6567
operated on the waters in this state, whether the waters are under 6568
the jurisdiction and control of a state department, conservancy 6569
district, or political subdivision, or when any activity regulated 6570
by this chapter takes place thereon; but nothing in this chapter 6571
prevents the adoption of any rule or ordinance relating to 6572
operation and equipment of vessels the provisions of which are 6573
identical to the provisions of this chapter or rules ~~adopted under~~ 6574
~~it~~; provided, that such rules or ordinances shall be operative 6575
only so long as and to the extent that they continue to be 6576
identical to the provisions of this chapter or rules ~~adopted under~~ 6577
~~it~~. Conservancy districts and political subdivisions may adopt 6578
ordinances or rules limiting the horsepower of inboard or outboard 6579
motors, the maximum and minimum size and type of vessels, and the 6580
speed at which vessels may be operated, except that, upon 6581
impounded bodies of water covering three thousand five hundred 6582
acres of land or more, no conservancy district or political 6583
subdivision shall prohibit the use of motors of one hundred twenty 6584
horsepower or less when used in conjunction with properly 6585
proportioned boats in a reasonable area to be designed for the use 6586
of those motors and boats and for water skiing; and provided that 6587
upon Tappan Lake no conservancy district or political subdivision 6588
shall prohibit the use of motors of sixty-five horsepower or less 6589
when used in conjunction with properly proportioned boats in a 6590
reasonable area to be designated for the use of those motors and 6591
boats and for water skiing. 6592

Any state department, conservancy district, or political 6593
subdivision may, at any time, but only after public notice 6594
published in a newspaper of local circulation, make formal 6595
application to the chief of the division of parks and watercraft 6596

for special rules with reference to the operation of vessels on 6597
any waters within its territorial limits and shall set forth 6598
therein the reasons which make such special rules necessary or 6599
appropriate. 6600

The division of parks and watercraft may make special rules 6601
governing the operation of vessels on any waters within the 6602
territorial limits of any political subdivision. 6603

No political subdivision or conservancy district shall charge 6604
any license fee or other charge against the owner of any vessel 6605
for the right or privilege of operating the vessel upon the waters 6606
of any such political subdivision or conservancy district, and no 6607
license or number in addition to those provided for under this 6608
chapter shall be required by any state department, conservancy 6609
district, or political subdivision. 6610

Sec. 1547.63. Every sheriff, deputy sheriff, marshal, deputy 6611
marshal, member of the organized police department of any 6612
municipal corporation, police constable of any township, wildlife 6613
officer, ~~park officer, preserve~~ natural resources officer, 6614
conservancy district police officer, and other law enforcement 6615
officer, within the area of ~~his~~ any such law enforcement officer's 6616
authority, may enforce this chapter and rules ~~adopted by the chief~~ 6617
~~of the division of watercraft~~ and, in the exercise thereof, may 6618
stop and board any vessel subject to this chapter and rules 6619
~~adopted under it.~~ 6620

Sec. 1547.65. (A) A watercraft constructed on or after 6621
November 1, 1972, shall have a hull identification number 6622
permanently displayed and affixed to it in accordance with federal 6623
law. 6624

(B) A watercraft constructed before November 1, 1972, shall 6625
have a hull identification number assigned to it by the chief of 6626

the division of parks and watercraft at the time of registration, 6627
at the time of application for title, after transfer of ownership, 6628
or at the time of a change to this state as the principal location 6629
of operation. The number shall be permanently displayed and 6630
affixed as prescribed by rules ~~adopted under section 1547.52 of~~ 6631
~~the Revised Code.~~ 6632

(C) A person who builds a watercraft or imports a watercraft 6633
from another country for personal use and not for the purpose of 6634
sale shall request a hull identification number from the chief and 6635
permanently display and affix the number as prescribed by rules 6636
~~adopted under section 1547.52 of the Revised Code.~~ 6637

(D) No person shall operate or permit to be operated any 6638
watercraft on the waters in this state in violation of this 6639
section. 6640

Sec. 1547.66. No person shall deface or alter any serial 6641
number, model designation, or other identifying mark on any 6642
watercraft or motor as placed thereon by the manufacturer thereof, 6643
or remove, deface, or alter the registration number of any 6644
watercraft as the registration number appears on the bow thereof 6645
except by specific order of the chief of the division of parks and 6646
watercraft. 6647

No person shall give purposely false information concerning 6648
any watercraft or motor when applying for registration of the 6649
watercraft. Any certificate issued which is found to be based on 6650
such false information is void. 6651

Sec. 1547.67. The division of parks and watercraft, with the 6652
approval of the director of natural resources, may expend, for the 6653
purpose of assisting political subdivisions, conservancy 6654
districts, and state departments to establish or maintain and 6655
operate a marine patrol for the purpose of enforcing this chapter 6656

and Chapter 1548. of the Revised Code and rules adopted under them 6657
and to provide emergency response to boating accidents on the 6658
water, such funds as are appropriated by the general assembly for 6659
that purpose and, in addition, such moneys from the waterways 6660
safety fund established in section 1547.75 of the Revised Code as 6661
determined to be necessary by the division not to exceed ten per 6662
cent of all moneys accruing to the fund. In no case shall the 6663
grant to a political subdivision, conservancy district, or state 6664
department, not including the department of natural resources, 6665
total more than thirty-five thousand dollars in a calendar year. 6666
Moneys so allocated may be used for the purchase, maintenance, and 6667
operation of vessels and marine equipment, educational materials, 6668
and personnel salaries that are necessary for enforcement of this 6669
chapter and Chapter 1548. of the Revised Code and rules adopted 6670
under them and to provide emergency response to boating accidents 6671
on the water. 6672

The division shall disburse the moneys as provided in this 6673
section in accordance with its determination of need in the 6674
enforcement of this chapter and Chapter 1548. of the Revised Code 6675
and rules adopted under them and shall disburse those moneys only 6676
on a cost share basis to supplement funds allocated by a political 6677
subdivision, conservancy district, or state department for that 6678
purpose. A grantee shall provide at least twenty-five per cent of 6679
the total program cost. 6680

Sec. 1547.68. To assist political subdivisions, conservancy 6681
districts, state departments, or nonprofit organizations in 6682
establishing or participating in boating safety education 6683
programs, the division of parks and watercraft, with the approval 6684
of the director of natural resources, may expend moneys 6685
appropriated by the general assembly for those purposes and, 6686
additionally, moneys from the waterways safety fund established in 6687
section 1547.75 of the Revised Code determined to be necessary by 6688

the division, but not to exceed ten per cent of all moneys 6689
accruing to the fund. In no case shall a grant to any one 6690
political subdivision, conservancy district, state department, or 6691
nonprofit organization total more than thirty thousand dollars in 6692
a calendar year. Moneys so allocated may be used for personnel 6693
salaries and training, materials, supplies, equipment, and related 6694
expenses needed to conduct boating education programs. 6695

The division shall disburse the moneys as provided in this 6696
section in accordance with its determination of need in the 6697
enforcement of this chapter and rules ~~adopted under it~~ or for the 6698
establishment of or participation in a boating safety education 6699
program. The division shall disburse moneys only on a cost share 6700
basis. A grantee shall provide at least twenty-five per cent of 6701
the total program cost and may do so with cash, in-kind services 6702
or contributions, or a combination. The cost share shall be 6703
allocated by a political subdivision, conservancy district, state 6704
department, or nonprofit organization for those purposes. 6705

Sec. 1547.71. The division of parks and watercraft shall act 6706
as the refuge and small boat harbor agency of the state for the 6707
purpose of participating with, and co-operating with the 6708
department of the army, corps of engineers, pursuant to the 6709
enabling provisions in the act known as the "Fletcher Act of 1932" 6710
and its amendments and successors, including Public Law 14 of the 6711
79th congress authorized March 2, 1945, pursuant to House Document 6712
No. 446 of the 78th congress. 6713

The division of ~~watercraft~~ shall participate and co-operate 6714
with the corps of engineers in acquiring, constructing, and 6715
maintaining refuge and light draft vessel harbor projects, 6716
channels, and facilities for vessels in the navigable waters lying 6717
within the boundaries of the state. 6718

Sec. 1547.72. (A) The division of parks and watercraft, 6719
whenever it considers it in the best interests of the state, and 6720
as an aid to lake commerce and navigation or recreational boating, 6721
may construct, maintain, repair, and operate refuge harbors and 6722
other projects for the harboring, mooring, docking, launching, and 6723
storing of light draft vessels, and marine recreational 6724
facilities. Subject to section 1547.77 of the Revised Code, those 6725
harbors, projects, and facilities may be constructed on waters in 6726
this state. If a refuge harbor lies between the shoreline and a 6727
harbor line established by the United States government so as to 6728
interfere with the wharfing out by a littoral owner to navigable 6729
waters, the littoral owner shall consent thereto in writing before 6730
the location and construction thereof. 6731

The division may lease any space in those refuge harbors or 6732
other projects for the harboring, mooring, docking, launching, and 6733
storing of light draft vessels. The rental therefor shall be 6734
determined by the division. 6735

(B) The division, with the approval of the director of 6736
natural resources, may expend for the acquisition of any rights in 6737
land; for the construction, maintenance, repair, and operation of 6738
refuge harbors and other projects for the harboring, mooring, 6739
docking, launching, and storing of light draft vessels, and marine 6740
recreational facilities on waters in this state; for planning, 6741
studies, surveys, and engineering therefor; or for the improvement 6742
of harbors, channels, and waterways to foster vessel safety, funds 6743
appropriated by the general assembly for those purposes and, in 6744
addition, moneys accruing to the waterways safety fund established 6745
in section 1547.75 of the Revised Code. 6746

(C) The division, with the approval of the director, may 6747
distribute moneys for the purpose of administering federal 6748
assistance to public and private entities in accordance with 6749

guidelines established under each federal grant program. Public 6750
and private entities that receive moneys under this division may 6751
charge fees at the facilities in accordance with the applicable 6752
federal guidelines. 6753

Sec. 1547.74. Facilities in harbors and connecting waterways 6754
established under sections 1546.021, 1547.71, and 1547.72, ~~and~~ 6755
~~1547.78~~ of the Revised Code shall be open to all on equal and 6756
reasonable terms. 6757

Sec. 1547.75. There is hereby created in the state treasury 6758
the waterways safety fund ~~for the purposes provided in this~~ 6759
~~chapter and Chapter 1548. of the Revised Code. All moneys~~ 6760
~~collected or received to implement the chapters shall be deposited~~ 6761
~~in the state treasury to the credit of the fund. The fund shall~~ 6762
consist of money credited to it under this chapter and Chapters 6763
1546. and 1548. of the Revised Code. The fund shall be used for 6764
boating-related activities under those chapters. 6765

Sec. 1547.77. Any action taken by the chief of the division 6766
of parks and watercraft under ~~sections 1547.71 to 1547.78~~ Chapters 6767
1546. and 1547. relating to refuge and small boat harbors of the 6768
Revised Code shall not be deemed in conflict with certain powers 6769
and duties conferred upon and delegated to federal agencies and to 6770
municipal corporations under Section 7 of Article XVIII, Ohio 6771
Constitution, or as provided by sections 721.04 to 721.11 of the 6772
Revised Code. 6773

Sec. 1547.79. All fines, forfeitures, and penalties arising 6774
from prosecutions, convictions, confiscations, or other actions 6775
commenced by department of natural resources law enforcement 6776
officers, including, but not limited to, wildlife officers, ~~park~~ 6777
~~officers,~~ and ~~state watercraft~~ natural resources officers under 6778

this chapter or Chapter 1548. of the Revised Code, or commenced by 6779
~~state watercraft~~ natural resources officers under any law 6780
prohibiting the dumping of refuse, trash, or litter into the 6781
waters in this state, shall be paid to the director of natural 6782
resources and by ~~him~~ the director paid into the waterways safety 6783
fund established in section 1547.75 of the Revised Code for the 6784
purposes provided in sections 1547.55, 1547.67, 1547.71, and 6785
1547.72 of the Revised Code. 6786

Sec. 1547.80. (A) Notwithstanding any provision of the 6787
Revised Code to the contrary, the ~~department of natural resources,~~ 6788
division of parks and watercraft, in consultation with the 6789
department of public safety, shall adopt rules regarding the 6790
security of ports on waterways in this state and the facilities 6791
associated with those ports. The rules shall include but not be 6792
limited to provisions that do the following: 6793

(1) Designate the ports, located in whole or in part within 6794
this state, to which the requirements of this section apply, 6795
considering the size and activity of the port, its proximity to a 6796
metropolitan location, its proximity to a sensitive site as 6797
defined in section 4563.30 of the Revised Code, and any other 6798
criteria related to security that the department considers 6799
reasonable; 6800

(2) Require the designated ports to register biennially with 6801
the department of natural resources; 6802

(3) Require the designated ports to do all of the following: 6803

(a) Prepare a written security plan that is consistent with 6804
the most recent security guidelines established pursuant to the 6805
national maritime transportation security plan by the secretary in 6806
the department in which the United States coast guard is located; 6807

(b) Develop a written list of emergency contacts and 6808

telephone numbers; 6809

(c) Restrict access to vessels by unauthorized persons; 6810

(d) Require those piloting or renting vessels to provide 6811
identification; 6812

(e) Create an emergency ~~locator~~ locator map that identifies 6813
areas of the port facilities; 6814

(f) Familiarize local law enforcement agencies with the 6815
facilities and consult with them in the development of the port's 6816
security procedures. 6817

(4) Require all owners of vessels or pilots to secure their 6818
vessels; 6819

(5) Require all persons who rent a vessel to present 6820
government-issued identification, in addition to any required 6821
license, to the person who rents them the vessel; 6822

(6) Address the security of port facilities located in whole 6823
or in part in this state in any other manner the department 6824
determines to be necessary. 6825

(B) The security plan and the emergency locator map this 6826
section describes shall display prominently the following 6827
statement: "This document may contain information that, if 6828
disclosed, could endanger the life or safety of the public; 6829
therefore, this document is to be maintained and used in a manner 6830
that preserves the confidentiality of the information it contains 6831
in a manner consistent with law." 6832

(C) Each port facility designated pursuant to division (A) of 6833
this section shall provide a copy of the registration this section 6834
requires and the port's security plan and emergency locator map to 6835
the department of public safety, to the department of natural 6836
resources, to the sheriff of the county in which the port is 6837
located in whole or in part, and if the facility is located in 6838

whole or in part in a municipal corporation, to the chief of 6839
police of each municipal corporation in which the port is located. 6840
Copies of registration, emergency locator maps, and security plans 6841
provided under this division are not public records under section 6842
149.43 of the Revised Code and are not subject to mandatory 6843
disclosure under that section. 6844

(D) This section shall not be construed to replace or 6845
supersede any standards for facilities the United States 6846
department of homeland security and the transportation security 6847
administration require, safety standards of the United States 6848
department of transportation, or any standard or law related to 6849
maritime security enforced by the secretary of the department in 6850
which the United States coast guard is located. 6851

Sec. 1547.81. The director of natural resources or the 6852
director's representative may create, supervise, operate, protect, 6853
and maintain wild, scenic, and recreational river areas. In 6854
creating wild, scenic, and recreational river areas, the director 6855
shall classify each such area as either a wild river area, a 6856
scenic river area, or a recreational river area. The director or 6857
the director's representative may prepare and maintain a plan for 6858
the establishment, development, use, and administration of those 6859
areas as a part of the comprehensive state plans for water 6860
management and outdoor recreation. The director or the director's 6861
representative may cooperate with federal agencies administering 6862
any federal program concerning wild, scenic, or recreational river 6863
areas. 6864

The director may propose for establishment as a wild, scenic, 6865
or recreational river area a part or parts of any watercourse in 6866
this state, with adjacent lands, that in the director's judgment 6867
possesses water conservation, scenic, fish, wildlife, historic, or 6868
outdoor recreation values that should be preserved. The area shall 6869

include lands adjacent to the watercourse in sufficient width to 6870
preserve, protect, and develop the natural character of the 6871
watercourse, but shall not include any lands more than one 6872
thousand feet from the normal waterlines of the watercourse unless 6873
an additional width is necessary to preserve water conservation, 6874
scenic, fish, wildlife, historic, or outdoor recreation values. 6875

The director shall publish the intention to declare an area a 6876
wild, scenic, or recreational river area at least once in a 6877
newspaper of general circulation in each county, any part of which 6878
is within the area, and shall send written notice of the intention 6879
to the legislative authority of each county, township, and 6880
municipal corporation and to each conservancy district established 6881
under Chapter 6101. of the Revised Code, any part of which is 6882
within the area, and to the director of transportation, the 6883
director of development, the director of administrative services, 6884
and the director of environmental protection. The notices shall 6885
include a copy of a map and description of the area. 6886

After thirty days from the last date of publication or 6887
dispatch of written notice as required in this section, the 6888
director shall enter a declaration in the director's journal that 6889
the area is a wild river area, scenic river area, or recreational 6890
river area. When so entered, the area is a wild, scenic, or 6891
recreational river area, as applicable. The director, after thirty 6892
days' notice as prescribed in this section ~~and upon the approval~~ 6893
~~of the recreation and resources commission created in section~~ 6894
~~1501.04 of the Revised Code~~, may terminate the status of an area 6895
as a wild river area, scenic river area, or recreational river 6896
area by an entry in the director's journal. 6897

Declaration by the director that an area is a wild, scenic, 6898
or recreational river area does not authorize the director or any 6899
governmental agency or political subdivision to restrict the use 6900
of land by the owner thereof or any person acting under the 6901

landowner's authority or to enter upon the land and does not 6902
expand or abridge the regulatory authority of any governmental 6903
agency or political subdivision over the area. 6904

The director may enter into a lease or other agreement with a 6905
political subdivision to administer all or part of a wild, scenic, 6906
or recreational river area and may acquire real property or any 6907
estate, right, or interest therein in order to provide for the 6908
protection and public recreational use of a wild, scenic, or 6909
recreational river area. 6910

The chief of the division of parks and watercraft or the 6911
chief's representative may participate in watershed-wide planning 6912
with federal, state, and local agencies in order to protect the 6913
values of wild, scenic, and recreational river areas. 6914

Sec. 1547.83. The chief of the division of parks and 6915
watercraft shall administer the state programs for wild river 6916
areas, scenic river areas, and recreational river areas. The chief 6917
may accept and administer state and federal financial assistance 6918
for the maintenance, protection, and administration of wild, 6919
scenic, and recreational river areas and for construction of 6920
facilities within those areas. The chief, with the approval of the 6921
director of natural resources, may expend for the purpose of 6922
administering the state programs for wild, scenic, and 6923
recreational river areas money that is appropriated by the general 6924
assembly for that purpose, money that is in the scenic rivers 6925
protection fund created in section 4501.24 of the Revised Code, 6926
and money that is in the waterways safety fund created in section 6927
1547.75 of the Revised Code, including money generated by the 6928
waterways conservation assessment fee levied by sections 1547.54 6929
and 1547.542 of the Revised Code, as determined to be necessary by 6930
the division of parks and watercraft not to exceed six hundred 6931
fifty thousand dollars per fiscal year. The chief may condition 6932

any expenditures, maintenance activities, or construction of 6933
facilities on the adoption and enforcement of adequate floodplain 6934
zoning or land use rules. 6935

Any instrument by which real property is acquired pursuant to 6936
this section shall identify the agency of the state that has the 6937
use and benefit of the real property as specified in section 6938
5301.012 of the Revised Code. 6939

The chief may cooperate with federal agencies administering 6940
any federal program concerning wild, scenic, or recreational river 6941
areas. 6942

Sec. 1547.84. (A) There is hereby created the scenic rivers 6943
advisory council. Not later than thirty days after the effective 6944
date of this section, the director of natural resources shall 6945
appoint to the council a member representing each wild, scenic, 6946
and recreational river area that has been created by the director. 6947
The chief of the division of parks and watercraft or the chief's 6948
designee shall serve as an ex officio member of the council. 6949

(B) The director shall stagger the terms of office of the 6950
initial members appointed to the council, provided that both of 6951
the following apply: 6952

(1) No member shall serve an initial term of office of more 6953
than three years; 6954

(2) Not more than four members have an initial term of office 6955
that expires in the same year. 6956

Thereafter, terms of office shall be for three years with 6957
each term ending on the same day of the same month as did the term 6958
that it succeeds. An appointed member shall hold office from the 6959
date of the member's appointment until the end of the term for 6960
which the member was appointed. 6961

(C) Vacancies on the council shall be filled in the manner 6962

provided for original appointments. A member appointed to fill a 6963
vacancy occurring prior to the expiration of the term for which 6964
the member's predecessor was appointed shall hold office for the 6965
remainder of that term. A member shall continue in office 6966
subsequent to the expiration date of the member's term until the 6967
member's successor takes office, or until a period of one hundred 6968
eighty days has elapsed, whichever occurs first. A member may be 6969
reappointed upon the expiration of the member's term. 6970

(D) Members on the council serve without compensation. 6971

(E) The council shall advise the chief on all of the 6972
following: 6973

(1) The acquisition of land and easements for purposes of 6974
sections 1547.81 to 1547.86 of the Revised Code; 6975

(2) The lands and waters that should be included in each 6976
wild, scenic, or recreational river area or each proposed area; 6977

(3) Facilities that should be included in each wild, scenic, 6978
or recreational river area or proposed area; 6979

(4) Other aspects governing the establishment and 6980
administration of each wild, scenic, or recreational river area or 6981
proposed area that may affect the local interest. 6982

(F) If a new wild, scenic, or recreational area is created by 6983
the director, the director shall appoint a new member to the 6984
council representing that area in accordance with rules adopted by 6985
the director under this section. 6986

(G) The director shall adopt rules in accordance with Chapter 6987
119. of the Revised Code governing the appointment of members to 6988
the council. 6989

Sec. 1547.85. The director of natural resources may 6990
participate in the federal program for the protection of certain 6991
selected rivers that are located within the boundaries of the 6992

state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 6993
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 6994
authorize the chief of the division of parks and watercraft to 6995
participate in any other federal program established for the 6996
purpose of protecting, conserving, or developing recreational 6997
access to waters in this state that possess outstanding scenic, 6998
recreational, geologic, fish and wildlife, historic, cultural, or 6999
other similar values. 7000

Sec. 1547.86. Any action taken by the chief of the division 7001
of parks and watercraft under sections 1547.81 to ~~1547.87~~ 1547.86 7002
of the Revised Code shall not be deemed in conflict with certain 7003
powers and duties conferred on and delegated to federal agencies 7004
and to municipal corporations under Section 7 of Article XVIII, 7005
Ohio Constitution, or as provided by sections 721.04 to 721.11 of 7006
the Revised Code. 7007

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 7008
Revised Code is guilty of a felony of the fourth degree. 7009

(B) Whoever violates division (F) of section 1547.08, section 7010
1547.10, division (I) of section 1547.111, section 1547.13, or 7011
section 1547.66 of the Revised Code is guilty of a misdemeanor of 7012
the first degree. 7013

(C) Whoever violates a provision of this chapter or a rule 7014
~~adopted thereunder~~, for which no penalty is otherwise provided, is 7015
guilty of a minor misdemeanor. 7016

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 7017
the Revised Code without causing injury to persons or damage to 7018
property is guilty of a misdemeanor of the fourth degree. 7019

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 7020
the Revised Code causing injury to persons or damage to property 7021

is guilty of a misdemeanor of the third degree. 7022

(F) Whoever violates division (N) of section 1547.54, 7023
division (G) of section 1547.30, or section 1547.131, 1547.25, 7024
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 7025
of the Revised Code or a rule ~~adopted under division (A)(2) of~~ 7026
~~section 1547.52 of the Revised Code~~ is guilty of a misdemeanor of 7027
the fourth degree. 7028

(G) Whoever violates section 1547.11 of the Revised Code is 7029
guilty of a misdemeanor of the first degree and shall be punished 7030
as provided in division (G)(1), (2), or (3) of this section. 7031

(1) Except as otherwise provided in division (G)(2) or (3) of 7032
this section, the court shall sentence the offender to a jail term 7033
of three consecutive days and may sentence the offender pursuant 7034
to section 2929.24 of the Revised Code to a longer jail term. In 7035
addition, the court shall impose upon the offender a fine of not 7036
less than one hundred fifty nor more than one thousand dollars. 7037

The court may suspend the execution of the mandatory jail 7038
term of three consecutive days that it is required to impose by 7039
division (G)(1) of this section if the court, in lieu of the 7040
suspended jail term, places the offender under a community control 7041
sanction pursuant to section 2929.25 of the Revised Code and 7042
requires the offender to attend, for three consecutive days, a 7043
drivers' intervention program that is certified pursuant to 7044
section 5119.38 of the Revised Code. The court also may suspend 7045
the execution of any part of the mandatory jail term of three 7046
consecutive days that it is required to impose by division (G)(1) 7047
of this section if the court places the offender under a community 7048
control sanction pursuant to section 2929.25 of the Revised Code 7049
for part of the three consecutive days; requires the offender to 7050
attend, for that part of the three consecutive days, a drivers' 7051
intervention program that is certified pursuant to section 5119.38 7052
of the Revised Code; and sentences the offender to a jail term 7053

equal to the remainder of the three consecutive days that the 7054
offender does not spend attending the drivers' intervention 7055
program. The court may require the offender, as a condition of 7056
community control, to attend and satisfactorily complete any 7057
treatment or education programs, in addition to the required 7058
attendance at a drivers' intervention program, that the operators 7059
of the drivers' intervention program determine that the offender 7060
should attend and to report periodically to the court on the 7061
offender's progress in the programs. The court also may impose any 7062
other conditions of community control on the offender that it 7063
considers necessary. 7064

(2) If, within six years of the offense, the offender has 7065
been convicted of or pleaded guilty to one violation of section 7066
1547.11 of the Revised Code or one other equivalent offense, the 7067
court shall sentence the offender to a jail term of ten 7068
consecutive days and may sentence the offender pursuant to section 7069
2929.24 of the Revised Code to a longer jail term. In addition, 7070
the court shall impose upon the offender a fine of not less than 7071
one hundred fifty nor more than one thousand dollars. 7072

In addition to any other sentence that it imposes upon the 7073
offender, the court may require the offender to attend a drivers' 7074
intervention program that is certified pursuant to section 5119.38 7075
of the Revised Code. 7076

(3) If, within six years of the offense, the offender has 7077
been convicted of or pleaded guilty to more than one violation or 7078
offense identified in division (G)(2) of this section, the court 7079
shall sentence the offender to a jail term of thirty consecutive 7080
days and may sentence the offender to a longer jail term of not 7081
more than one year. In addition, the court shall impose upon the 7082
offender a fine of not less than one hundred fifty nor more than 7083
one thousand dollars. 7084

In addition to any other sentence that it imposes upon the 7085

offender, the court may require the offender to attend a drivers' 7086
intervention program that is certified pursuant to section 5119.38 7087
of the Revised Code. 7088

(4) Upon a showing that serving a jail term would seriously 7089
affect the ability of an offender sentenced pursuant to division 7090
(G)(1), (2), or (3) of this section to continue the offender's 7091
employment, the court may authorize that the offender be granted 7092
work release after the offender has served the mandatory jail term 7093
of three, ten, or thirty consecutive days that the court is 7094
required by division (G)(1), (2), or (3) of this section to 7095
impose. No court shall authorize work release during the mandatory 7096
jail term of three, ten, or thirty consecutive days that the court 7097
is required by division (G)(1), (2), or (3) of this section to 7098
impose. The duration of the work release shall not exceed the time 7099
necessary each day for the offender to commute to and from the 7100
place of employment and the place in which the jail term is served 7101
and the time actually spent under employment. 7102

(5) Notwithstanding any section of the Revised Code that 7103
authorizes the suspension of the imposition or execution of a 7104
sentence or the placement of an offender in any treatment program 7105
in lieu of being imprisoned or serving a jail term, no court shall 7106
suspend the mandatory jail term of ten or thirty consecutive days 7107
required to be imposed by division (G)(2) or (3) of this section 7108
or place an offender who is sentenced pursuant to division (G)(2) 7109
or (3) of this section in any treatment program in lieu of being 7110
imprisoned or serving a jail term until after the offender has 7111
served the mandatory jail term of ten or thirty consecutive days 7112
required to be imposed pursuant to division (G)(2) or (3) of this 7113
section. Notwithstanding any section of the Revised Code that 7114
authorizes the suspension of the imposition or execution of a 7115
sentence or the placement of an offender in any treatment program 7116
in lieu of being imprisoned or serving a jail term, no court, 7117

except as specifically authorized by division (G)(1) of this 7118
section, shall suspend the mandatory jail term of three 7119
consecutive days required to be imposed by division (G)(1) of this 7120
section or place an offender who is sentenced pursuant to division 7121
(G)(1) of this section in any treatment program in lieu of 7122
imprisonment until after the offender has served the mandatory 7123
jail term of three consecutive days required to be imposed 7124
pursuant to division (G)(1) of this section. 7125

(6) As used in division (G) of this section: 7126

(a) "Equivalent offense" has the same meaning as in section 7127
4511.181 of the Revised Code. 7128

(b) "Jail term" and "mandatory jail term" have the same 7129
meanings as in section 2929.01 of the Revised Code. 7130

(H) Whoever violates section 1547.304 of the Revised Code is 7131
guilty of a misdemeanor of the fourth degree and also shall be 7132
assessed any costs incurred by the state or a county, township, 7133
municipal corporation, or other political subdivision in disposing 7134
of an abandoned junk vessel or outboard motor, less any money 7135
accruing to the state, county, township, municipal corporation, or 7136
other political subdivision from that disposal. 7137

(I) Whoever violates division (B) or (C) of section 1547.49 7138
of the Revised Code is guilty of a minor misdemeanor. 7139

(J) Whoever violates section 1547.31 of the Revised Code is 7140
guilty of a misdemeanor of the fourth degree on a first offense. 7141
On each subsequent offense, the person is guilty of a misdemeanor 7142
of the third degree. 7143

(K) Whoever violates section 1547.05 or 1547.051 of the 7144
Revised Code is guilty of a misdemeanor of the fourth degree if 7145
the violation is not related to a collision, injury to a person, 7146
or damage to property and a misdemeanor of the third degree if the 7147
violation is related to a collision, injury to a person, or damage 7148

to property. 7149

(L) The sentencing court, in addition to the penalty provided 7150
under this section for a violation of this chapter or a rule 7151
~~adopted under it~~ that involves a powercraft powered by more than 7152
ten horsepower and that, in the opinion of the court, involves a 7153
threat to the safety of persons or property, shall order the 7154
offender to complete successfully a boating course approved by the 7155
national association of state boating law administrators before 7156
the offender is allowed to operate a powercraft powered by more 7157
than ten horsepower on the waters in this state. Violation of a 7158
court order entered under this division is punishable as contempt 7159
under Chapter 2705. of the Revised Code. 7160

Sec. 1548.01. (A) As used in this chapter, "electronic" and 7161
"watercraft" have the same meanings as in section ~~1547.01~~ 1546.01 7162
of the Revised Code. 7163

(B) This chapter does not apply to any of the following: 7164

(1) A watercraft covered by a marine document in effect that 7165
has been assigned to it by the United States government pursuant 7166
to federal law; 7167

(2) A watercraft from a country other than the United States 7168
temporarily using the waters in this state; 7169

(3) A watercraft whose owner is the United States, a state, 7170
or a political subdivision of a state; 7171

(4) A ship's lifeboat. As used in division (B)(4) of this 7172
section, "lifeboat" means a watercraft that is held aboard another 7173
vessel and used exclusively for emergency purposes. 7174

(5) A canoe; 7175

(6) A watercraft less than fourteen feet in length without a 7176
permanently affixed mechanical means of propulsion; 7177

(7) A watercraft less than fourteen feet in length with a 7178
permanently fixed mechanical means of propulsion of less than ten 7179
horsepower as determined by the manufacturer's rating; 7180

(8) Outboard motors of less than ten horsepower as determined 7181
by the manufacturer's rating. 7182

(C) The various certificates, applications, and assignments 7183
necessary to provide certificates of title for watercraft and 7184
outboard motors shall be made on appropriate forms approved by the 7185
chief of the division of parks and watercraft. 7186

Sec. 1548.02. The chief of the division of parks and 7187
watercraft shall adopt such rules as the chief considers necessary 7188
to ensure uniform and orderly operation of this chapter, and the 7189
clerks of the courts of common pleas shall conform to those rules. 7190
The chief shall receive and file in the chief's office all 7191
information forwarded to the chief by the clerks under this 7192
chapter and shall maintain indexes covering the state at large for 7193
that information. These indexes shall be for the state at large 7194
and not for individual counties. 7195

The chief shall check with the chief's record all duplicate 7196
certificates of title received in the chief's office from the 7197
clerks. 7198

If it appears that any certificate of title has been 7199
improperly issued or is no longer required, the chief shall cancel 7200
the certificate. Upon the cancellation of any certificate of 7201
title, the chief shall notify the clerk who issued it, and the 7202
clerk shall enter the cancellation in the clerk's records. The 7203
chief also shall notify the person to whom the certificate of 7204
title was issued, as well as any lienholders appearing on it, of 7205
the cancellation and, if it is a physical certificate of title, 7206
shall demand the surrender of the certificate of title, but the 7207
cancellation shall not affect the validity of any lien noted on 7208

it. The holder of a physical certificate of title shall return it 7209
to the chief immediately. 7210

The clerks shall keep on hand a sufficient supply of blank 7211
forms that, except certificate of title and memorandum certificate 7212
forms, shall be furnished and distributed without charge to 7213
registered manufacturers or dealers or to other persons residing 7214
within the county. The clerks shall provide the certificates of 7215
title and ribbons, cartridges, or other devices necessary for the 7216
operation of the certificate of title processing equipment as 7217
determined by the automated title processing board pursuant to 7218
division (C) of section 4505.09 of the Revised Code from moneys 7219
provided to the clerks from the automated title processing fund in 7220
accordance with division (B) of section 4505.09 of the Revised 7221
Code. The clerks shall furnish all other supplies from other 7222
moneys available to the clerks. 7223

Sec. 1548.031. (A) No minor under eighteen years of age shall 7224
sell or otherwise dispose of a watercraft or outboard motor or 7225
purchase or otherwise acquire a watercraft or outboard motor 7226
unless the application for a certificate of title is accompanied 7227
by a form prescribed by the chief of the division of parks and 7228
watercraft and signed in the presence of a clerk or deputy clerk 7229
of a court of common pleas or any notary public by one of the 7230
minor's parents, the minor's guardian, or another person having 7231
custody of the minor authorizing the sale, disposition, purchase, 7232
or acquisition of the watercraft or outboard motor. At the time 7233
the adult signs the form, the adult shall provide identification 7234
establishing that the adult is the individual whose signature 7235
appears on the form. 7236

(B) No right, title, or claim to or interest in a watercraft 7237
or outboard motor shall be acquired by or from a minor unless the 7238
application for a certificate of title is accompanied by the form 7239

required by this section. 7240

(C) No clerk of a court of common pleas shall be held liable 7241
in any civil action that arises under the law of this state for 7242
injury or loss to persons or property caused when a person has 7243
obtained a certificate of title in violation of this section 7244
unless the clerk failed to use reasonable diligence in 7245
ascertaining the age of the minor or the identity of the adult who 7246
signed the form authorizing the sale, disposition, purchase, or 7247
acquisition of the watercraft or outboard motor by the minor. 7248

Sec. 1548.032. (A)(1) If a person who is not an electronic 7249
watercraft dealer owns a watercraft or outboard motor for which a 7250
physical certificate of title has not been issued by a clerk of a 7251
court of common pleas and the person sells the watercraft or 7252
outboard motor to a watercraft dealer registered under section 7253
1547.543 of the Revised Code, the person is not required to obtain 7254
a physical certificate of title to the watercraft or outboard 7255
motor in order to transfer ownership to the dealer. The person 7256
shall present the dealer, in a manner approved by the chief of the 7257
division of parks and watercraft, with sufficient proof of the 7258
person's identity and complete and sign a form prescribed by the 7259
chief attesting to the person's identity and assigning the 7260
watercraft or outboard motor to the dealer. Except as otherwise 7261
provided in this section, the watercraft dealer shall present the 7262
assignment form to any clerk of a court of common pleas together 7263
with an application for a certificate of title and payment of the 7264
fees prescribed by section 1548.10 of the Revised Code. 7265

In a case in which an electronic certificate of title has 7266
been issued and either the buyer or seller of the watercraft or 7267
outboard motor is an electronic watercraft dealer, the electronic 7268
watercraft dealer instead may inform a clerk of a court of common 7269
pleas via electronic means of the sale of the watercraft or 7270

outboard motor and assignment of ownership of the watercraft or 7271
outboard motor. The clerk shall enter the information relating to 7272
the assignment into the automated title processing system, and 7273
ownership of the watercraft or outboard motor passes to the 7274
applicant when the clerk enters this information into the system. 7275
The dealer is not required to obtain a physical certificate of 7276
title to the watercraft or outboard motor in the dealer's name. 7277

(2) A clerk shall charge and collect from a dealer a fee of 7278
five dollars for each watercraft or outboard motor assignment sent 7279
by the dealer to the clerk under division (A)(1) of this section. 7280
The fee shall be distributed in accordance with section 1548.10 of 7281
the Revised Code. 7282

(B) If a person who is not an electronic watercraft dealer 7283
owns a watercraft or outboard motor for which a physical 7284
certificate of title has not been issued by a clerk of a court of 7285
common pleas and the person sells the watercraft or outboard motor 7286
to a person who is not a watercraft dealer registered under 7287
section 1547.543 of the Revised Code, the person shall obtain a 7288
physical certificate of title to the watercraft or outboard motor 7289
in order to transfer ownership of the watercraft or outboard motor 7290
to that person. 7291

Sec. 1548.05. No manufacturer, importer, dealer, or other 7292
person shall sell or otherwise dispose of a new watercraft or 7293
outboard motor to a dealer to be used by the dealer for purposes 7294
of display and resale without delivering to the dealer a 7295
manufacturer's or importer's certificate executed in accordance 7296
with this section and with such assignments on it as are necessary 7297
to show title in the name of the purchaser. No dealer shall 7298
purchase or acquire a new watercraft or outboard motor without 7299
obtaining from the seller the manufacturer's or importer's 7300
certificate. 7301

A manufacturer's or importer's certificate of the origin of a watercraft or outboard motor shall contain the following information in such form and together with such further information as the chief of the division of parks and watercraft may require:

(A) Description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower;

(B) Certification of the date of transfer of the watercraft or outboard motor to a distributor or dealer or other transferee, and the name and address of the transferee;

(C) Certification that this was the first transfer of the new watercraft or outboard motor in ordinary trade and commerce;

(D) Signature and address of a representative of the transferor.

An assignment of a manufacturer's or importer's certificate before a notary public or other officer empowered to administer oaths shall be printed on the reverse side of the manufacturer's or importer's certificate in the form to be prescribed by the chief. The assignment form shall include the name and address of the transferee, a certification that the watercraft or outboard motor is new, and a warranty that the title at the time of delivery is subject only to such liens and encumbrances as are set forth and described in full in the assignment.

Sec. 1548.06. (A)(1) Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of parks and watercraft

and shall be sworn to before a notary public or other officer 7332
empowered to administer oaths. The application shall be filed with 7333
the clerk of any court of common pleas. An application for a 7334
certificate of title may be filed electronically by any electronic 7335
means approved by the chief in any county with the clerk of the 7336
court of common pleas of that county. The application shall be 7337
accompanied by the fee prescribed in section 1548.10 of the 7338
Revised Code. The fee shall be retained by the clerk who issues 7339
the certificate of title and shall be distributed in accordance 7340
with that section. If a clerk of a court of common pleas, other 7341
than the clerk of the court of common pleas of an applicant's 7342
county of residence, issues a certificate of title to the 7343
applicant, the clerk shall transmit data related to the 7344
transaction to the automated title processing system. 7345

(2) If a certificate of title previously has been issued for 7346
the watercraft or outboard motor, the application for a 7347
certificate of title also shall be accompanied by the certificate 7348
of title duly assigned unless otherwise provided in this chapter. 7349
If a certificate of title previously has not been issued for the 7350
watercraft or outboard motor in this state, the application, 7351
unless otherwise provided in this chapter, shall be accompanied by 7352
a manufacturer's or importer's certificate; by a sworn statement 7353
of ownership if the watercraft or outboard motor was purchased by 7354
the applicant on or before October 9, 1963, or if the watercraft 7355
is less than fourteen feet long with a permanently affixed 7356
mechanical means of propulsion and was purchased by the applicant 7357
on or before January 1, 2000; or by a certificate of title, bill 7358
of sale, or other evidence of ownership required by the law of 7359
another state from which the watercraft or outboard motor was 7360
brought into this state. Evidence of ownership of a watercraft or 7361
outboard motor for which an Ohio certificate of title previously 7362
has not been issued and which watercraft or outboard motor does 7363
not have permanently affixed to it a manufacturer's serial number 7364

shall be accompanied by the certificate of assignment of a hull 7365
identification number assigned by the chief as provided in section 7366
1548.07 of the Revised Code. 7367

(3) The clerk shall retain the evidence of title presented by 7368
the applicant and on which the certificate of title is issued, 7369
except that, if an application for a certificate of title is filed 7370
electronically, by a vendor on behalf of a purchaser of a 7371
watercraft or outboard motor, the clerk shall retain the completed 7372
electronic record to which the vendor converted the certificate of 7373
title application and other required documents. The chief, after 7374
consultation with the attorney general, shall adopt rules that 7375
govern the location at which, and the manner in which, are stored 7376
the actual application and all other documents relating to the 7377
sale of a watercraft or outboard motor when a vendor files the 7378
application for a certificate of title electronically on behalf of 7379
a purchaser. 7380

(B) The clerk shall use reasonable diligence in ascertaining 7381
whether the facts in the application are true by checking the 7382
application and documents accompanying it or the electronic record 7383
to which a vendor converted the application and accompanying 7384
documents with the records of watercraft and outboard motors in 7385
the clerk's office. If the clerk is satisfied that the applicant 7386
is the owner of the watercraft or outboard motor and that the 7387
application is in the proper form, the clerk shall issue a 7388
physical certificate of title over the clerk's signature and 7389
sealed with the clerk's seal unless the applicant specifically 7390
requests the clerk not to issue a physical certificate of title 7391
and instead to issue an electronic certificate of title. However, 7392
if the evidence indicates and an investigation shows that one or 7393
more Ohio titles already exist for the watercraft or outboard 7394
motor, the chief may cause the redundant title or titles to be 7395
canceled. 7396

(C) In the case of the sale of a watercraft or outboard motor 7397
by a vendor to a general purchaser or user, the certificate of 7398
title shall be obtained in the name of the purchaser by the vendor 7399
upon application signed by the purchaser. In all other cases, the 7400
certificate shall be obtained by the purchaser. In all cases of 7401
transfer of watercraft or outboard motors, the application for 7402
certificate of title shall be filed within thirty days after the 7403
later of the date of purchase or assignment of ownership of the 7404
watercraft or outboard motor. If the application for certificate 7405
of title is not filed within thirty days after the later of the 7406
date of purchase or assignment of ownership of the watercraft or 7407
outboard motor, the clerk shall charge a late penalty fee of five 7408
dollars in addition to the fee prescribed by section 1548.10 of 7409
the Revised Code. The clerk shall retain the entire amount of each 7410
late penalty fee. 7411

(D) The clerk shall refuse to accept an application for 7412
certificate of title unless the applicant either tenders with the 7413
application payment of all taxes levied by or pursuant to Chapter 7414
5739. or 5741. of the Revised Code based on the applicant's county 7415
of residence less, in the case of a sale by a vendor, any discount 7416
to which the vendor is entitled under section 5739.12 of the 7417
Revised Code, or submits any of the following: 7418

(1) A receipt issued by the tax commissioner or a clerk of 7419
courts showing payment of the tax; 7420

(2) A copy of the unit certificate of exemption completed by 7421
the purchaser at the time of sale as provided in section 5739.03 7422
of the Revised Code; 7423

(3) An exemption certificate, in a form prescribed by the tax 7424
commissioner, that specifies why the purchase is not subject to 7425
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 7426

Payment of the tax shall be in accordance with rules issued 7427

by the tax commissioner, and the clerk shall issue a receipt in 7428
the form prescribed by the tax commissioner to any applicant who 7429
tenders payment of the tax with the application for the 7430
certificate of title. 7431

(E)(1) For receiving and disbursing the taxes paid to the 7432
clerk by a resident of the clerk's county, the clerk may retain a 7433
poundage fee of one and one one-hundredth per cent of the taxes 7434
collected, which shall be paid into the certificate of title 7435
administration fund created by section 325.33 of the Revised Code. 7436
The clerk shall not retain a poundage fee from payments of taxes 7437
by persons who do not reside in the clerk's county. 7438

(2) A clerk, however, may retain from the taxes paid to the 7439
clerk an amount equal to the poundage fees associated with 7440
certificates of title issued by other clerks of courts of common 7441
pleas to applicants who reside in the first clerk's county. The 7442
chief of the division of parks and watercraft, in consultation 7443
with the tax commissioner and the clerks of the courts of common 7444
pleas, shall develop a report from the automated title processing 7445
system that informs each clerk of the amount of the poundage fees 7446
that the clerk is permitted to retain from those taxes because of 7447
certificates of title issued by the clerks of other counties to 7448
applicants who reside in the first clerk's county. 7449

(F) In the case of casual sales of watercraft or outboard 7450
motors that are subject to the tax imposed by Chapter 5739. or 7451
5741. of the Revised Code, the purchase price for the purpose of 7452
determining the tax shall be the purchase price on an affidavit 7453
executed and filed with the clerk by the vendor on a form to be 7454
prescribed by the chief, which shall be prima-facie evidence of 7455
the price for the determination of the tax. In addition to the 7456
information required by section 1548.08 of the Revised Code, each 7457
certificate of title shall contain in bold lettering the following 7458
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 7459

(SELLER AND BUYER). You are required by law to state the true 7460
selling price. A false statement is a violation of section 2921.13 7461
of the Revised Code and is punishable by six months imprisonment 7462
or a fine of up to one thousand dollars, or both. All transfers 7463
are audited by the department of taxation. The seller and buyer 7464
must provide any information requested by the department of 7465
taxation. The buyer may be assessed any additional tax found to be 7466
due." 7467

(G) Each county clerk of courts shall forward to the 7468
treasurer of state all sales and use tax collections resulting 7469
from sales of titled watercraft and outboard motors during a 7470
calendar week on or before the Friday following the close of that 7471
week. If, on any Friday, the offices of the clerk of courts or the 7472
state are not open for business, the tax shall be forwarded to the 7473
treasurer of state on or before the next day on which the offices 7474
are open. Every remittance of tax under this division shall be 7475
accompanied by a remittance report in such form as the tax 7476
commissioner prescribes. Upon receipt of a tax remittance and 7477
remittance report, the treasurer of state shall date stamp the 7478
report and forward it to the tax commissioner. If the tax due for 7479
any week is not remitted by a clerk of courts as required under 7480
this division, the clerk shall forfeit the poundage fees for the 7481
sales made during that week. The treasurer of state may require 7482
the clerks of courts to transmit tax collections and remittance 7483
reports electronically. 7484

(H) For purposes of a transfer of a certificate of title, if 7485
the clerk is satisfied that a secured party has discharged a lien 7486
but has not canceled the lien notation with a clerk, the clerk may 7487
cancel the lien notation on the automated title processing system 7488
and notify the clerk of the county of origin. 7489

(I) Every clerk shall have the capability to transact by 7490
electronic means all procedures and transactions relating to the 7491

issuance of watercraft or outboard motor certificates of title 7492
that are described in the Revised Code as being accomplished by 7493
electronic means. 7494

Sec. 1548.061. Notwithstanding any general requirement in 7495
this chapter to the effect that an application for a certificate 7496
of title to a watercraft or outboard motor shall be "sworn to" or 7497
shall be "sworn to before a notary public or other officer 7498
empowered to administer oaths," that requirement shall apply only 7499
in the case of a transfer of a watercraft or outboard motor 7500
between parties in the course of a sale by a person other than a 7501
registered watercraft dealer, as defined in section ~~1547.01~~ 7502
1546.01 of the Revised Code, to a person who purchases the 7503
watercraft or outboard motor for use as a consumer. 7504

Sec. 1548.07. (A) An application for a certificate of title 7505
shall be sworn to before a notary public or other officer 7506
empowered to administer oaths by the lawful owner or purchaser of 7507
the watercraft or outboard motor and shall contain the following 7508
information in the form and together with any other information 7509
that the chief of the division of parks and watercraft may 7510
require: 7511

(1) Name, address, and social security number or employer's 7512
tax identification number of the applicant; 7513

(2) Statement of how the watercraft or outboard motor was 7514
acquired; 7515

(3) Name and address of the previous owner; 7516

(4) A statement of all liens, mortgages, or other 7517
encumbrances on the watercraft or outboard motor, including a 7518
description of the nature and amount of each lien, mortgage, or 7519
encumbrance, and the name and address of each holder of the lien, 7520
mortgage, or encumbrance; 7521

(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact; 7522
7523

(6) A description of the watercraft, including the make, year, length, series or model, if any, body type, and hull identification number or serial number; or a description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower; 7524
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(7) The purchase price, trade-in allowed, and amount of sales or use tax paid under Chapter 5739. or 5741. of the Revised Code. 7529
7530

(B) If the application is made by two persons regarding a watercraft or outboard motor in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. 7531
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(C) If the applicant wishes to designate a watercraft or outboard motor in beneficiary form, the applicant may do so as provided in section 2131.13 of the Revised Code. 7535
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(D) If the watercraft or outboard motor contains a permanent identification number placed on the watercraft or outboard motor by the manufacturer, this number shall be used as the serial number or hull identification number. If there is no manufacturer's identification number, or if the manufacturer's identification number has been removed or obliterated, the chief, upon receipt of a prescribed application and proof of ownership, may assign an identification number for the watercraft or outboard motor, and this number shall be permanently affixed or imprinted by the applicant, at the place and in the manner designated by the chief, upon the watercraft or outboard motor for which it is assigned. 7538
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Sec. 1548.08. (A) When the clerk of a court of common pleas issues a physical certificate of title for a watercraft or 7550
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outboard motor, the clerk shall issue it over the clerk's official 7552
seal. All physical certificates of title to watercraft or outboard 7553
motors shall contain the information required in the application 7554
for them as prescribed by section 1548.07 of the Revised Code, as 7555
well as spaces for the dates of notation and cancellation of each 7556
lien, mortgage, or encumbrance, over the signature of the clerk. 7557
If any certificate of title is issued for a watercraft or outboard 7558
motor in which two persons are establishing joint ownership with 7559
right of survivorship under section 2106.17 of the Revised Code, 7560
the certificate, in addition to the information required by this 7561
section, shall show that the two persons have established joint 7562
ownership with right of survivorship in the watercraft or outboard 7563
motor. 7564

An assignment of certificate of title before a notary public 7565
or other officer empowered to administer oaths shall appear on the 7566
reverse side of each physical certificate of title in the form to 7567
be prescribed by the chief of the division of parks and 7568
watercraft. The assignment form shall include a warranty that the 7569
signer is the owner of the watercraft or outboard motor and that 7570
there are no mortgages, liens, or encumbrances on the watercraft 7571
or outboard motor except as are noted on the face of the 7572
certificate of title. 7573

(B) An electronic certificate of title is an electronic 7574
record stored in the automated title processing system that 7575
establishes ownership of a watercraft or outboard motor, as well 7576
as any security interests that exist in that watercraft or 7577
outboard motor. 7578

Sec. 1548.09. When the clerk of a court of common pleas 7579
issues a physical certificate of title, the clerk shall issue the 7580
certificate of title on a form and in a manner prescribed by the 7581
chief of the division of parks and watercraft. The clerk shall 7582

file a copy of the physical evidence for the creation of the 7583
certificate of title in a manner prescribed by the chief of the 7584
division ~~of watercraft~~. A clerk may retain digital images of 7585
documents used as evidence for issuance of a certificate of title. 7586
Certified printouts of documents retained as digital images shall 7587
have the same evidentiary value as the original physical 7588
documents. The record of the issuance of the certificate of title 7589
shall be maintained in the automated title processing system. The 7590
clerk shall sign and affix the clerk's seal to the original 7591
certificate of title and, if there are no liens on the watercraft 7592
or outboard motor, shall deliver the certificate to the applicant. 7593
If there are one or more liens on the watercraft or outboard 7594
motor, the clerk shall deliver the certificate of title to the 7595
holder of the first lien. 7596

The chief shall approve a uniform method of numbering 7597
certificates of title. The numbering shall be in such manner that 7598
the county of issuance is indicated. Numbers shall be assigned to 7599
certificates of title in the manner approved by the chief. The 7600
clerk shall file all certificates of title according to policies 7601
prescribed by the chief, and the clerk shall maintain in the 7602
clerk's office indexes for the certificates of title. 7603

The clerk need not retain on file any certificate of title, 7604
duplicate certificate of title, or memorandum certificate of 7605
title, or supporting evidence of them, covering any watercraft or 7606
outboard motor for a period longer than seven years after the date 7607
of its filing; thereafter, the certificate and supporting 7608
information may be destroyed. The clerk shall issue a duplicate 7609
title, when duly applied for, of any title that has been destroyed 7610
as provided in this section. 7611

The clerk shall issue a physical certificate of title to an 7612
applicant unless the applicant specifically requests the clerk not 7613
to issue a physical certificate of title and instead to issue an 7614

electronic certificate of title. The fact that a physical 7615
certificate of title is not issued for a watercraft or outboard 7616
motor does not affect ownership of the watercraft or outboard 7617
motor. In that case, when the clerk completes the process of 7618
entering certificate of title application information into the 7619
automated title processing system, the effect of the completion of 7620
the process is the same as if the clerk actually issued a physical 7621
certificate of title for the watercraft or outboard motor. 7622

Sec. 1548.10. (A) The clerk of the court of common pleas 7623
shall charge and retain fees as follows: 7624

(1) Fifteen dollars for each duplicate copy of a certificate 7625
of title. The clerk shall retain that entire fee. 7626

(2) Fifteen dollars for each certificate of title, which 7627
shall include any notation or indication of any lien or security 7628
interest on a certificate of title and any memorandum certificate 7629
of title or non-negotiable evidence of ownership requested at the 7630
time the certificate of title is issued. The clerk shall retain 7631
ten dollars and fifty cents of that fee when there is a notation 7632
of a lien or security interest on the certificate of title and 7633
twelve dollars when there is no lien or security interest noted on 7634
the certificate of title. 7635

(3) Five dollars for each certificate of title with no 7636
security interest noted that is issued to a licensed watercraft 7637
dealer for resale purposes. The clerk shall retain two dollars of 7638
that fee. 7639

(4) Five dollars for each memorandum certificate of title or 7640
non-negotiable evidence of ownership that is applied for 7641
separately. The clerk shall retain that entire fee. 7642

(B) The fees charged for a certificate of title and the 7643
notation or indication of any lien or security interest on a 7644

certificate of title that are not retained by the clerk shall be 7645
paid to the chief of the division of parks and watercraft by 7646
monthly returns, which shall be forwarded to the chief not later 7647
than the fifth day of the month next succeeding that in which the 7648
certificate is forwarded, or that in which the chief is notified 7649
of a lien or security interest or cancellation of a lien or 7650
security interest. 7651

The chief shall deposit one dollar of the amount the chief 7652
receives for each certificate of title in the automated title 7653
processing fund created in section 4505.09 of the Revised Code. 7654
Moneys deposited in that fund under this section shall be used for 7655
the purpose specified in division (B)(3)(b) of that section. 7656

Sec. 1548.11. (A) In the event of the transfer of ownership 7657
of a watercraft or outboard motor by operation of law, as upon 7658
inheritance, devise, bequest, order in bankruptcy, insolvency, 7659
replevin, or execution of sale, or whenever the engine of a 7660
watercraft is replaced by another engine, a watercraft or outboard 7661
motor is sold to satisfy storage or repair charges, or 7662
repossession is had upon default in performance of the terms of a 7663
security agreement as provided in Chapter 1309. of the Revised 7664
Code, a clerk of a court of common pleas, upon the surrender of 7665
the prior certificate of title or the manufacturer's or importer's 7666
certificate, or, when that is not possible, upon presentation of 7667
satisfactory proof to the clerk of ownership and rights of 7668
possession to the watercraft or outboard motor, and upon payment 7669
of the fee prescribed in section 1548.10 of the Revised Code and 7670
presentation of an application for certificate of title, may issue 7671
to the applicant a certificate of title to the watercraft or 7672
outboard motor. Only an affidavit by the person or agent of the 7673
person to whom possession of the watercraft or outboard motor has 7674
passed, setting forth the facts entitling the person to possession 7675
and ownership, together with a copy of the journal entry, court 7676

order, or instrument upon which the claim of possession and 7677
ownership is founded, is satisfactory proof of ownership and right 7678
of possession. If the applicant cannot produce such proof of 7679
ownership, the applicant may apply directly to the chief of the 7680
division of parks and watercraft and submit such evidence as the 7681
applicant has, and the chief, if the chief finds the evidence 7682
sufficient, may authorize the clerk to issue a certificate of 7683
title. If the chief finds the evidence insufficient, the applicant 7684
may petition the court of common pleas for a court order ordering 7685
the clerk to issue a certificate of title. The court shall grant 7686
or deny the petition based on the sufficiency of the evidence 7687
presented to the court. If, from the records in the office of the 7688
clerk, there appears to be any lien on the watercraft or outboard 7689
motor, the certificate of title shall contain a statement of the 7690
lien unless the application is accompanied by proper evidence of 7691
its extinction. 7692

(B) Upon the death of one of the persons who have established 7693
joint ownership with right of survivorship under section 2131.12 7694
of the Revised Code in a watercraft or outboard motor and the 7695
presentation to the clerk of the title and the certificate of 7696
death of the deceased person, the clerk shall enter into the 7697
records the transfer of the watercraft or outboard motor to the 7698
surviving person, and the title to the watercraft or outboard 7699
motor immediately passes to the surviving person. The transfer 7700
does not affect any liens on the watercraft or outboard motor. 7701

(C) The clerk shall transfer a decedent's interest in one 7702
watercraft, one watercraft trailer, one outboard motor, or one of 7703
each to the decedent's surviving spouse as provided in section 7704
2106.19 of the Revised Code. 7705

(D) Upon the death of an owner of a watercraft or outboard 7706
motor designated in beneficiary form under section 2131.13 of the 7707
Revised Code, upon application of the transfer-on-death 7708

beneficiary or beneficiaries designated pursuant to that section, 7709
and upon presentation to the clerk of the certificate of title and 7710
the certificate of death of the deceased owner, the clerk shall 7711
transfer the watercraft or outboard motor and issue a certificate 7712
of title to the transfer-on-death beneficiary or beneficiaries. 7713
The transfer does not affect any liens upon any watercraft or 7714
outboard motor so transferred. 7715

Sec. 1548.12. Each owner of a watercraft or outboard motor 7716
and each person mentioned as owner in the last certificate of 7717
title, when the watercraft or outboard motor is dismantled, 7718
destroyed, or changed in such manner that it loses its character 7719
as a watercraft or outboard motor, or changed in such manner that 7720
it is not the watercraft or outboard motor described in the 7721
certificate of title, shall surrender the certificate of title to 7722
a clerk of a court of common pleas, and the clerk, with the 7723
consent of any holders of any liens noted on the certificate of 7724
title, then shall enter a cancellation upon the clerk's records 7725
and shall notify the chief of the division of parks and watercraft 7726
of the cancellation. 7727

Upon the cancellation of a certificate of title in the manner 7728
prescribed by this section, the clerk and the chief may cancel and 7729
destroy all certificates and all memorandum certificates in that 7730
chain of title. 7731

Sec. 1548.13. In the event of a lost or destroyed certificate 7732
of title, application shall be made to a clerk of a court of 7733
common pleas by the owner of the watercraft or outboard motor, or 7734
the holder of a lien on it, for a certified copy of the 7735
certificate upon a form prescribed by the chief of the division of 7736
parks and watercraft and accompanied by the fee prescribed by 7737
section 1548.10 of the Revised Code. The application shall be 7738
signed and sworn to by the person making the application, and the 7739

clerk shall issue a certified copy of the certificate of title to 7740
the person entitled to receive it under this chapter. The 7741
certified copy shall be plainly marked across its face with the 7742
word "duplicate," and any subsequent purchaser of the watercraft 7743
or outboard motor in the chain of title originating through the 7744
certified copy acquires only such rights in the watercraft or 7745
outboard motor as the original holder of the certified copy had. 7746
Any purchaser of the watercraft or outboard motor, at the time of 7747
purchase, may require the seller to indemnify the purchaser and 7748
all subsequent purchasers of the watercraft or outboard motor 7749
against any loss that the purchaser or any subsequent purchaser 7750
may suffer by reason of any claim presented upon the original 7751
certificate. In the event of the recovery of the original 7752
certificate of title by the owner, the owner shall surrender it 7753
immediately to a clerk for cancellation. 7754

The holder of a certificate of title for a watercraft or 7755
outboard motor upon which is noted an existing lien, encumbrance, 7756
or mortgage may apply at any time to a clerk for a memorandum 7757
certificate, on a form prescribed by the chief, that is signed and 7758
sworn to by the applicant. Upon receipt of the application 7759
together with the fee prescribed by section 1548.10 of the Revised 7760
Code, and if the application appears to be regular, the clerk 7761
shall issue to the applicant a memorandum certificate for the 7762
watercraft or outboard motor. If the memorandum certificate is 7763
lost or destroyed, the holder of it may obtain a certified copy of 7764
it by applying for the copy on a form prescribed by the chief, 7765
accompanied by the fee prescribed in section 1548.10 of the 7766
Revised Code. In the event of the recovery of the original 7767
memorandum certificate by the owner, the owner shall surrender it 7768
immediately to a clerk for cancellation. Such a memorandum 7769
certificate is not assignable and constitutes no evidence of title 7770
or of right to transfer or encumber the watercraft or outboard 7771
motor described in it. 7772

The owner of a watercraft or outboard motor may apply at any 7773
time to a clerk for a non-negotiable evidence of ownership for the 7774
watercraft or outboard motor. 7775

Sec. 1548.14. The chief of the division of parks and 7776
watercraft, upon the application of any person and payment of the 7777
proper fees, may prepare and furnish title information in such 7778
form and subject to such territorial division or other 7779
classification as ~~he~~ the chief may direct. The chief may search 7780
the records of the division of parks and watercraft and make 7781
reports thereof, and make photographic copies of the division 7782
records and attestations thereof. 7783

Fees therefor shall be charged and collected as follows: 7784

(A) For searches of the records and reports thereof, two 7785
dollars for each name, number, or fact reported on; 7786

(B) For photographic copies of records and attestations 7787
thereof, under the signature of the chief, two dollars per copy. 7788

Such copies shall be taken as prima-facie evidence of the 7789
facts therein stated in any court of the state. The chief and the 7790
clerk of the court of common pleas shall furnish information on 7791
any title without charge to state highway patrol troopers, 7792
sheriffs, or chiefs of police. 7793

Fees collected as provided in this section shall be received 7794
by the chief. 7795

Sec. 1548.141. The chief of the division of parks and 7796
watercraft shall enable the public to access watercraft and 7797
outboard motor title information via electronic means. No fee 7798
shall be charged for this access. The title information that must 7799
be so accessible is only the title information that is in an 7800
electronic format at the time a person requests this access. 7801

The chief shall establish procedures governing this access. 7802
The procedures may be established by rule in accordance with 7803
Chapter 119. of the Revised Code. In adopting these procedures, 7804
the chief shall confer with the clerks of the courts of common 7805
pleas. 7806

Access by the public to watercraft and outboard motor title 7807
information under this section shall comply with all restrictions 7808
contained in the Revised Code and federal law that govern the 7809
disclosure of that information. 7810

Sec. 1548.15. Manufacturers and importers shall appoint and 7811
authorize agents who shall sign manufacturer's or importer's 7812
certificates. The chief of the division of parks and watercraft 7813
may require that a certified copy of a list containing the names 7814
and the facsimile signatures of the authorized agents be furnished 7815
~~him~~ to the chief and be forwarded to each clerk of the court of 7816
common pleas in the respective counties within the state, and the 7817
chief may prescribe the form of authorization to be used by 7818
manufacturers or importers and the method of certification of the 7819
names of said agents. 7820

Sec. 1548.17. Every peace officer, sheriff, ~~watercraft~~ 7821
~~officer, division of parks and recreation~~ natural resources 7822
officer, division of wildlife officer, conservancy district 7823
officer, constable, or state highway patrol trooper, having 7824
knowledge of a stolen watercraft or outboard motor, shall 7825
immediately furnish the chief of the division of parks and 7826
watercraft with full information concerning the theft. 7827

The chief, whenever a report of the theft or conversion of a 7828
watercraft or outboard motor is received, shall make a distinctive 7829
record of it, including the make of the stolen watercraft or 7830
outboard motor and its manufacturer's or assigned serial number, 7831

and shall file the record in the numerical order of the 7832
manufacturer's or assigned serial number with the index records of 7833
the watercraft or outboard motors of such make. The chief shall 7834
prepare a report listing watercraft and outboard motors stolen and 7835
recovered as disclosed by the reports submitted to the chief, to 7836
be distributed as the chief deems advisable. 7837

If, under section 1548.02 of the Revised Code, the chief 7838
learns of the issuance of a certificate of title to such a 7839
watercraft or outboard motor, the chief shall immediately notify 7840
the rightful owner of the watercraft or outboard motor and the 7841
clerk who issued the certificate of title, and if, upon 7842
investigation, it appears that the certificate of title was 7843
improperly issued, the chief shall immediately cancel it. 7844

In the event of the recovery of a stolen or converted 7845
watercraft or outboard motor, the owner shall immediately notify 7846
the chief, who shall remove the record of the theft or conversion 7847
from the chief's file. 7848

Sec. 1548.18. No person shall do any of the following: 7849

(A) Operate in this state a watercraft for which a 7850
certificate of title is required or a watercraft powered by an 7851
outboard motor for which a certificate of title is required 7852
without having the certificate, or a valid temporary permit and 7853
number, in accordance with this chapter or, if a physical 7854
certificate of title has not been issued for it, operate the 7855
watercraft or outboard motor in this state knowing that the 7856
ownership information relating to the watercraft or outboard motor 7857
has not been entered into the automated title processing system by 7858
a clerk of a court of common pleas; 7859

(B) Operate in this state a watercraft for which a 7860
certificate of title is required or a watercraft powered by an 7861
outboard motor for which a certificate of title is required upon 7862

which the certificate of title has been canceled; 7863

(C) Fail to surrender any certificate of title upon 7864
cancellation of it by the chief of the division of parks and 7865
watercraft and notice of the cancellation as prescribed in this 7866
chapter; 7867

(D) Fail to surrender the certificate of title to a clerk of 7868
a court of common pleas as provided in this chapter, in case of 7869
the destruction or dismantling or change of a watercraft or 7870
outboard motor in such respect that it is not the watercraft or 7871
outboard motor described in the certificate of title; 7872

(E) Violate any provision of this chapter for which no 7873
penalty is otherwise provided, or any lawful rules adopted 7874
pursuant to this chapter; 7875

(F) Operate in this state a watercraft or outboard motor 7876
knowing that the certificate of title to or ownership of the 7877
watercraft or outboard motor as otherwise reflected in the 7878
automated title processing system has been canceled. 7879

Sec. 1548.20. (A) Chapter 1309. of the Revised Code does not 7880
permit or require the deposit, filing, or other record of a 7881
security interest covering a watercraft or outboard motor for 7882
which a certificate of title is required. Any security agreement 7883
covering a security interest in a watercraft or outboard motor, if 7884
it is accompanied by delivery of a manufacturer's or importer's 7885
certificate and followed by actual and continued possession of 7886
that certificate by the holder of the instrument, or, in the case 7887
of a certificate of title, if a notation of the security agreement 7888
has been made by a clerk of a court of common pleas on the face of 7889
the certificate of title or the clerk has entered a notation of 7890
the agreement into the automated title processing system and a 7891
physical certificate of title for the watercraft or outboard motor 7892
has not been issued, shall be valid as against the creditors of 7893

the debtor, whether armed with process or not, and against 7894
subsequent purchasers, secured parties, and other lienholders or 7895
claimants. All security interests, liens, mortgages, and 7896
encumbrances entered into the automated title processing system in 7897
relation to a particular certificate of title, regardless of 7898
whether a physical certificate of title is issued, take priority 7899
according to the order of time in which they are entered into the 7900
automated title processing system by the clerk. Exposure for sale 7901
of any watercraft or outboard motor by its owner, with the 7902
knowledge or with the knowledge and consent of the holder of any 7903
security interest, lien, mortgage, or encumbrance on the 7904
watercraft or outboard motor, shall not render the security 7905
interest lien, mortgage, or encumbrance ineffective as against the 7906
creditors of the owner or against holders of subsequent security 7907
interests, liens, mortgages, or encumbrances upon the watercraft 7908
or outboard motor. 7909

(B) If a secured party presents evidence of the security 7910
interest to a clerk of a court of common pleas together with the 7911
certificate of title, if a physical certificate of title for the 7912
watercraft or outboard motor exists, and the fee prescribed by 7913
section 1548.10 of the Revised Code, the clerk, unless the secured 7914
party specifically requests the clerk not to issue a physical 7915
certificate of title, shall issue a new original certificate of 7916
title from the automated title processing records. The new 7917
certificate shall indicate the security interest and the date of 7918
the security interest. The clerk also shall note the security 7919
interest and its date in the clerk's files and enter that 7920
information into the automated title processing system, and on 7921
that day shall notify the chief of the division of parks and 7922
watercraft. The clerk shall indicate by appropriate notation on 7923
the security agreement itself the fact that the security interest 7924
has been noted on the certificate of title. 7925

(C) If a security interest is fully discharged as a result of its holder's receipt of good funds in the correct amount and if the holder holds a physical certificate of title, the holder shall note the discharge of the security interest over the holder's signature on the face of the certificate of title, or, if there is not sufficient space for the notation on the face of the certificate of title, the holder shall note the discharge over the holder's signature on a form prescribed by the chief. Except as otherwise provided in this section, prior to delivering the certificate of title to the owner, the holder or the holder's agent shall convey the certificate of title or a separate sworn statement of the discharge of the security interest and any additional information the chief requires to a clerk. The conveyance shall occur not more than seven business days after the date good funds in the correct amount to fully discharge the security interest have been credited to an account of the holder, provided the holder has been provided accurate information concerning the watercraft or outboard motor. Conveyance of the certificate of title or separate sworn statement of the discharge within the required seven business days may be indicated by postmark or receipt by a clerk within that period. If the discharge of the security interest appears to be genuine, the clerk shall note the discharge of the security interest on the face of the certificate of title, if it was so conveyed, and note it in the automated title processing system.

If a security interest is fully discharged as a result of its holder's receipt of good funds in the correct amount and the holder does not hold a physical certificate of title, when the holder notifies a clerk of the discharge of its security interest, the holder at that time also may request the clerk to issue a physical certificate of title to the watercraft or outboard motor. The request shall specify whether the clerk is to send the certificate of title directly to the owner or to the holder or the

holder's agent for transmission to the owner. If such a request is 7959
made, the clerk shall issue a physical certificate of title and 7960
send it to the specified person. 7961

The clerk shall not honor such a request for a physical 7962
certificate of title if it is not made by the holder at the same 7963
time as the holder's notification to the clerk of the discharge of 7964
its security interest. 7965

(D)(1) In all cases, a secured party may choose to present a 7966
clerk with evidence of a security interest via electronic means, 7967
and the clerk shall enter the security interest into the automated 7968
title processing system. A secured party also may choose to notify 7969
a clerk of the discharge of its security interest via electronic 7970
means, and the clerk shall enter the cancellation into the 7971
automated title processing system. 7972

(2) In the case of a security interest that is being 7973
satisfied by a watercraft dealer to whom a certificate of title is 7974
being transferred, the cancellation of the security interest shall 7975
occur during the course of the transfer. The dealer shall submit a 7976
discharge request to the secured party. A discharge request shall 7977
include good funds in the correct amount to fully discharge the 7978
security interest and accurate information concerning the 7979
watercraft or outboard motor. 7980

(3)(a) Upon receiving a discharge request that complies with 7981
division (D)(2) of this section, except as otherwise provided in 7982
this division, a secured party shall convey the certificate of 7983
title, with the discharge of the security interest noted on its 7984
face, to the dealer within seven business days after the date good 7985
funds in the correct amount to fully discharge the security 7986
interest have been credited to an account of the secured party. 7987

If a secured party is unable to convey to the dealer a 7988
certificate of title within the required seven business days, the 7989

secured party instead shall convey to the dealer an affidavit 7990
stating that the security interest has been discharged, together 7991
with payment for a duplicate certificate of title, within that 7992
period. 7993

(b) Conveyance of a certificate of title, or affidavit and 7994
required payment, from a secured party to a dealer under the 7995
circumstances described in division (D)(3)(a) of this section 7996
within the required seven business days may be indicated by a 7997
postmark within that period. 7998

(4) A secured party is liable to a dealer for a late fee of 7999
ten dollars per day for each certificate of title, or affidavit 8000
and required payment, conveyed to the dealer more than seven 8001
business days but less than twenty-one days after the date 8002
specified in division (D)(3)(a) of this section and, from then on, 8003
twenty-five dollars per day until the certificate of title, or 8004
affidavit and required payment, are conveyed to the dealer. 8005

(E) If a physical certificate of title has not been issued 8006
for a watercraft or outboard motor and all the security interests 8007
relating to that watercraft or outboard motor have been 8008
discharged, the owner of the watercraft or outboard motor may 8009
obtain a physical certificate of title from the clerk of any court 8010
of common pleas upon payment of the fee specified in section 8011
1548.10 of the Revised Code. 8012

(F) If a clerk of a court of common pleas, other than the 8013
clerk of the court of common pleas of the county in which the 8014
owner of a watercraft or outboard motor resides, enters a notation 8015
of the existence of, or the cancellation of, a security interest 8016
relating to the watercraft or outboard motor, the clerk shall 8017
transmit the data relating to the notation to the automated title 8018
processing system. 8019

(G) The electronic transmission of security interest and 8020

other information under this section shall comply with rules 8021
adopted by the registrar of motor vehicles under section 4505.13 8022
of the Revised Code. 8023

(H) As used in this section: 8024

(1) "Accurate information" means the serial number of the 8025
watercraft or outboard motor, if any; the make and model of the 8026
watercraft or outboard motor; and the name and address of the 8027
owner of the watercraft or outboard motor as they appear on the 8028
certificate of title that is to be conveyed. 8029

(2) "Good funds" has the same meaning as in section 4505.13 8030
of the Revised Code. 8031

(3) "Watercraft dealer" has the same meaning as in section 8032
~~1547.01~~ 1546.01 of the Revised Code. 8033

Sec. 1548.22. The chief of the division of parks and 8034
watercraft, after deducting the necessary and actual expenses 8035
incurred by the division in administering Chapter 1548. of the 8036
Revised Code, shall pay to the treasurer of state to the credit of 8037
the waterways safety fund the fees received by ~~him~~ the chief under 8038
sections 1548.10 and 1548.14 of the Revised Code. 8039

Sec. 1557.06. (A) The parks and natural resources local 8040
assistance grant program is hereby established to provide grants 8041
to local government entities for capital improvements for the 8042
acquisition, construction, reconstruction, expansion, improvement, 8043
planning, and equipping of capital projects that enhance the use 8044
and enjoyment of natural resources by individuals. Such projects 8045
include, but are not limited to, the acquisition of lands, 8046
facilities, and waters for public recreation, or for the 8047
preservation of wetlands or unique habitats; the development, 8048
construction, reconstruction, expansion, or rehabilitation of 8049
recreation areas and facilities; and projects to provide public 8050

park and recreation opportunities by improving public access or 8051
safety. Grants shall not be awarded for administrative, operating, 8052
or maintenance costs; or for areas, facilities, or structures for 8053
athletics, arts, historic sites, or other purposes, that are not 8054
used primarily for public recreation. 8055

The director of natural resources shall administer the parks 8056
and natural resources local assistance grant program in accordance 8057
with procedures and criteria that the director shall develop with 8058
~~the approval of the recreation and resources council.~~ 8059

(B) Grants awarded under this section may provide up to 8060
seventy-five per cent of the total project costs approved by the 8061
director. At least twenty per cent of such costs must be provided 8062
by the grant recipient from nonstate, nonfederal sources. Local 8063
government entities may apply for grants individually or jointly. 8064

(C) The criteria developed for the administration of the 8065
program shall require a local government entity receiving a grant 8066
for a project under this section to have sufficient real property 8067
interests in the project for the purposes of the obligations 8068
issued under this chapter, and shall require that the projects be 8069
retained and used in a manner consistent with the purposes of 8070
Section 21 of Article VIII, Ohio Constitution. 8071

(D) The director shall allocate to each county a portion of 8072
the proceeds of the first two hundred million dollars principal 8073
amount in obligations issued under this chapter, for projects of 8074
local government entities within each county. The director shall 8075
determine each county's allocation by calculating both of the 8076
following for each county: 8077

(1) Its per capita share of forty million dollars; 8078

(2) Its per capita share of thirty million dollars plus one 8079
hundred thirteen thousand six hundred thirty-six dollars. 8080

The larger of the amount calculated under division (D)(1) or 8081

(2) of this section for each county shall be that county's 8082
allocation, and whatever percentage of the first two hundred 8083
million dollars principal amount in obligations issued under this 8084
chapter that is necessary to satisfy the requirements of division 8085
(D) of this section, shall be so allocated. 8086

(E) The director shall allocate to each county a portion of 8087
twenty per cent of the proceeds in excess of the first two hundred 8088
million dollars principal amount in obligations issued under this 8089
chapter, for projects of local government entities within each 8090
county. The director shall determine each county's allocation by 8091
calculating both of the following and combining the amounts 8092
calculated for each county: 8093

(1) One-third of twenty per cent of the proceeds to be 8094
divided equally among all of the counties; 8095

(2) Two-thirds of twenty per cent of the proceeds to be 8096
distributed on a per capita basis to each county. 8097

(F) Any moneys granted under division (E) of this section and 8098
not obligated within a county after two funding cycles, at the 8099
discretion of the director, shall be reallocated to projects 8100
either in the county to which they originally were allocated or in 8101
other counties demonstrating a need for the funds. 8102

Sec. 2905.05. (A) No person, by any means and without 8103
privilege to do so, shall knowingly solicit, coax, entice, or lure 8104
any child under fourteen years of age to accompany the person in 8105
any manner, including entering into any vehicle or onto any 8106
vessel, whether or not the offender knows the age of the child, if 8107
both of the following apply: 8108

(1) The actor does not have the express or implied permission 8109
of the parent, guardian, or other legal custodian of the child in 8110
undertaking the activity. 8111

(2) The actor is not a law enforcement officer, medic, 8112
firefighter, or other person who regularly provides emergency 8113
services, and is not an employee or agent of, or a volunteer 8114
acting under the direction of, any board of education, or the 8115
actor is any of such persons, but, at the time the actor 8116
undertakes the activity, the actor is not acting within the scope 8117
of the actor's lawful duties in that capacity. 8118

(B) No person, with a sexual motivation, shall violate 8119
division (A) of this section. 8120

(C) No person, for any unlawful purpose other than, or in 8121
addition to, that proscribed by division (A) of this section, 8122
shall engage in any activity described in division (A) of this 8123
section. 8124

(D) It is an affirmative defense to a charge under division 8125
(A) of this section that the actor undertook the activity in 8126
response to a bona fide emergency situation or that the actor 8127
undertook the activity in a reasonable belief that it was 8128
necessary to preserve the health, safety, or welfare of the child. 8129

(E) Whoever violates division (A), (B), or (C) of this 8130
section is guilty of criminal child enticement, a misdemeanor of 8131
the first degree. If the offender previously has been convicted of 8132
a violation of this section, section 2907.02 or 2907.03 or former 8133
section 2907.12 of the Revised Code, or section 2905.01 or 2907.05 8134
of the Revised Code when the victim of that prior offense was 8135
under seventeen years of age at the time of the offense, criminal 8136
child enticement is a felony of the fifth degree. 8137

(F) As used in this section: 8138

(1) "Sexual motivation" has the same meaning as in section 8139
2971.01 of the Revised Code. 8140

(2) "Vehicle" has the same meaning as in section 4501.01 of 8141
the Revised Code. 8142

(3) "Vessel" has the same meaning as in section ~~1547.01~~ 8143
1546.01 of the Revised Code. 8144

Sec. 2909.09. (A) As used in this section: 8145

(1) "Highway" means any highway as defined in section 4511.01 8146
of the Revised Code or any lane, road, street, alley, bridge, or 8147
overpass. 8148

(2) "Alley," "street," "streetcar," "trackless trolley," and 8149
"vehicle" have the same meanings as in section 4511.01 of the 8150
Revised Code. 8151

(3) "Vessel" and "waters in this state" have the same 8152
meanings as in section ~~1547.01~~ 1546.01 of the Revised Code. 8153

(B) No person shall knowingly, and by any means, drop or 8154
throw any object at, onto, or in the path of any of the following: 8155

(1) Any vehicle, streetcar, or trackless trolley on a 8156
highway; 8157

(2) Any boat or vessel on any of the waters in this state. 8158

(C) Whoever violates this section is guilty of vehicular 8159
vandalism. Except as otherwise provided in this division, 8160
vehicular vandalism is a misdemeanor of the first degree. Except 8161
as otherwise provided in this division, if the violation of this 8162
section creates a substantial risk of physical harm to any person 8163
or the violation of this section causes serious physical harm to 8164
property, vehicular vandalism is a felony of the fourth degree. 8165
Except as otherwise provided in this division, if the violation of 8166
this section causes physical harm to any person, vehicular 8167
vandalism is a felony of the third degree. If the violation of 8168
this section causes serious physical harm to any person, vehicular 8169
vandalism is a felony of the second degree. 8170

Sec. 2930.01. As used in this chapter: 8171

(A) "Crime" means any of the following:	8172
(1) A felony;	8173
(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;	8174 8175 8176 8177 8178
(3) A violation of division (A) or (B) of section 4511.19, division (A) or (B) of section 1547.11, or division (A)(3) of section 4561.15 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions that is the proximate cause of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident in which the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.	8179 8180 8181 8182 8183 8184 8185 8186 8187 8188
(4) A motor vehicle accident to which both of the following apply:	8189 8190
(a) The motor vehicle accident is caused by a violation of a provision of the Revised Code that is a misdemeanor of the first degree or higher.	8191 8192 8193
(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.	8194 8195 8196 8197 8198
(B) "Custodial agency" means one of the following:	8199
(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under	8200 8201

detention for the commission of a specified delinquent act, or who 8202
is detained after a finding of incompetence to stand trial or not 8203
guilty by reason of insanity relative to a crime, including any of 8204
the following: 8205

(a) The department of rehabilitation and correction or the 8206
adult parole authority; 8207

(b) A county sheriff; 8208

(c) The entity that administers a jail, as defined in section 8209
2929.01 of the Revised Code; 8210

(d) The entity that administers a community-based 8211
correctional facility and program or a district community-based 8212
correctional facility and program; 8213

(e) The department of mental health and addiction services or 8214
other entity to which a defendant found incompetent to stand trial 8215
or not guilty by reason of insanity is committed. 8216

(2) The entity that has custody of an alleged juvenile 8217
offender pursuant to an order of disposition of a juvenile court, 8218
including the department of youth services or a school, camp, 8219
institution, or other facility operated for the care of delinquent 8220
children. 8221

(C) "Defendant" means a person who is alleged to be the 8222
perpetrator of a crime in a police report or in a complaint, 8223
indictment, or information that charges the commission of a crime 8224
and that provides the basis for the criminal prosecution and 8225
subsequent proceedings to which this chapter makes reference. 8226

(D) "Member of the victim's family" means a spouse, child, 8227
stepchild, sibling, parent, stepparent, grandparent, or other 8228
relative of a victim but does not include a person who is charged 8229
with, convicted of, or adjudicated to be a delinquent child for 8230
the crime or specified delinquent act against the victim or 8231

another crime or specified delinquent act arising from the same 8232
conduct, criminal episode, or plan. 8233

(E) "Prosecutor" means one of the following: 8234

(1) With respect to a criminal case, it has the same meaning 8235
as in section 2935.01 of the Revised Code and also includes the 8236
attorney general and, when appropriate, the employees of any 8237
person listed in section 2935.01 of the Revised Code or of the 8238
attorney general. 8239

(2) With respect to a delinquency proceeding, it includes any 8240
person listed in division (C) of section 2935.01 of the Revised 8241
Code or an employee of a person listed in that division who 8242
prosecutes a delinquency proceeding. 8243

(F) "Public agency" means an office, agency, department, 8244
bureau, or other governmental entity of the state or of a 8245
political subdivision of the state. 8246

(G) "Public official" has the same meaning as in section 8247
2921.01 of the Revised Code. 8248

(H) "Victim" means either of the following: 8249

(1) A person who is identified as the victim of a crime or 8250
specified delinquent act in a police report or in a complaint, 8251
indictment, or information that charges the commission of a crime 8252
and that provides the basis for the criminal prosecution or 8253
delinquency proceeding and subsequent proceedings to which this 8254
chapter makes reference. 8255

(2) A person who receives injuries as a result of a vehicle, 8256
streetcar, trackless trolley, aquatic device, or aircraft accident 8257
that is proximately caused by a violation described in division 8258
(A)(3) of this section or a motor vehicle accident that is 8259
proximately caused by a violation described in division (A)(4) of 8260
this section and who receives medical treatment as described in 8261

division (A)(3) or (4) of this section, whichever is applicable.	8262
(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.	8263 8264 8265 8266
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	8267 8268
(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.	8269 8270 8271
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	8272 8273
(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.	8274 8275 8276
(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.	8277 8278 8279
(O) "Specified delinquent act" means any of the following:	8280
(1) An act committed by a child that if committed by an adult would be a felony;	8281 8282
(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;	8283 8284 8285
(3) An act committed by a child that is described in division (A)(3) or (4) of this section.	8286 8287
(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	8288 8289 8290 8291

basis for the delinquency proceeding and all subsequent 8292
proceedings to which this chapter makes reference. 8293

(2) As used in divisions (O) and (P)(1) of this section, 8294
"child" has the same meaning as in section 2151.011 of the Revised 8295
Code. 8296

(Q) "Motor vehicle accident" means any accident involving a 8297
motor vehicle. 8298

(R) "Motor vehicle" has the same meaning as in section 8299
4509.01 of the Revised Code. 8300

(S) "Aircraft" has the same meaning as in section 4561.01 of 8301
the Revised Code. 8302

(T) "Aquatic device" means any vessel, or any water skis, 8303
aquaplane, or similar device. 8304

(U) "Vehicle," "streetcar," and "trackless trolley" have the 8305
same meanings as in section 4511.01 of the Revised Code. 8306

(V) "Vehicle, streetcar, trackless trolley, aquatic device, 8307
or aircraft accident" means any accident involving a vehicle, 8308
streetcar, trackless trolley, aquatic device, or aircraft. 8309

(W) "Vessel" has the same meaning as in section ~~1547.01~~ 8310
1546.01 of the Revised Code. 8311

Sec. 2935.01. As used in this chapter: 8312

(A) "Magistrate" has the same meaning as in section 2931.01 8313
of the Revised Code. 8314

(B) "Peace officer" includes, except as provided in section 8315
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 8316
deputy marshal; member of the organized police department of any 8317
municipal corporation, including a member of the organized police 8318
department of a municipal corporation in an adjoining state 8319
serving in Ohio under a contract pursuant to section 737.04 of the 8320

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 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a ~~forest officer designated~~ forest-fire investigator appointed pursuant to section ~~1503.29~~ 1503.09 of the Revised Code, a ~~preserve natural resources officer designated~~ appointed pursuant to section ~~1517.10~~ 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code, ~~a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code;~~ individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint police district; 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 8354
Federal Regulations, as amended; the house of representatives 8355
sergeant at arms if the house of representatives sergeant at arms 8356
has arrest authority pursuant to division (E)(1) of section 8357
101.311 of the Revised Code; an assistant house of representatives 8358
sergeant at arms; the senate sergeant at arms; an assistant senate 8359
sergeant at arms; officer or employee of the bureau of criminal 8360
identification and investigation established pursuant to section 8361
109.51 of the Revised Code who has been awarded a certificate by 8362
the executive director of the Ohio peace officer training 8363
commission attesting to the officer's or employee's satisfactory 8364
completion of an approved state, county, municipal, or department 8365
of natural resources peace officer basic training program and who 8366
is providing assistance upon request to a law enforcement officer 8367
or emergency assistance to a peace officer pursuant to section 8368
109.54 or 109.541 of the Revised Code; a state fire marshal law 8369
enforcement officer described in division (A)(23) of section 8370
109.71 of the Revised Code; and, for the purpose of arrests within 8371
those areas, for the purposes of Chapter 5503. of the Revised 8372
Code, and the filing of and service of process relating to those 8373
offenses witnessed or investigated by them, the superintendent and 8374
troopers of the state highway patrol. 8375

(C) "Prosecutor" includes the county prosecuting attorney and 8376
any assistant prosecutor designated to assist the county 8377
prosecuting attorney, and, in the case of courts inferior to 8378
courts of common pleas, includes the village solicitor, city 8379
director of law, or similar chief legal officer of a municipal 8380
corporation, any such officer's assistants, or any attorney 8381
designated by the prosecuting attorney of the county to appear for 8382
the prosecution of a given case. 8383

(D) "Offense," except where the context specifically 8384
indicates otherwise, includes felonies, misdemeanors, and 8385

violations of ordinances of municipal corporations and other 8386
public bodies authorized by law to adopt penal regulations. 8387

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 8388
deputy marshal, municipal police officer, township constable, 8389
police officer of a township or joint police district, member of a 8390
police force employed by a metropolitan housing authority under 8391
division (D) of section 3735.31 of the Revised Code, member of a 8392
police force employed by a regional transit authority under 8393
division (Y) of section 306.35 of the Revised Code, state 8394
university law enforcement officer appointed under section 3345.04 8395
of the Revised Code, veterans' home police officer appointed under 8396
section 5907.02 of the Revised Code, special police officer 8397
employed by a port authority under section 4582.04 or 4582.28 of 8398
the Revised Code, or a special police officer employed by a 8399
municipal corporation at a municipal airport, or other municipal 8400
air navigation facility, that has scheduled operations, as defined 8401
in section 119.3 of Title 14 of the Code of Federal Regulations, 8402
14 C.F.R. 119.3, as amended, and that is required to be under a 8403
security program and is governed by aviation security rules of the 8404
transportation security administration of the United States 8405
department of transportation as provided in Parts 1542. and 1544. 8406
of Title 49 of the Code of Federal Regulations, as amended, shall 8407
arrest and detain, until a warrant can be obtained, a person found 8408
violating, within the limits of the political subdivision, 8409
metropolitan housing authority housing project, regional transit 8410
authority facilities or areas of a municipal corporation that have 8411
been agreed to by a regional transit authority and a municipal 8412
corporation located within its territorial jurisdiction, college, 8413
university, veterans' home operated under Chapter 5907. of the 8414
Revised Code, port authority, or municipal airport or other 8415
municipal air navigation facility, in which the peace officer is 8416
appointed, employed, or elected, a law of this state, an ordinance 8417

of a municipal corporation, or a resolution of a township. 8418

(2) A peace officer of the department of natural resources, a 8419
state fire marshal law enforcement officer described in division 8420
(A)(23) of section 109.71 of the Revised Code, or an individual 8421
designated to perform law enforcement duties under section 8422
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 8423
detain, until a warrant can be obtained, a person found violating, 8424
within the limits of the peace officer's, state fire marshal law 8425
enforcement officer's, or individual's territorial jurisdiction, a 8426
law of this state. 8427

(3) The house sergeant at arms, if the house sergeant at arms 8428
has arrest authority pursuant to division (E)(1) of section 8429
101.311 of the Revised Code, and an assistant house sergeant at 8430
arms shall arrest and detain, until a warrant can be obtained, a 8431
person found violating, within the limits of the sergeant at 8432
arms's or assistant sergeant at arms's territorial jurisdiction 8433
specified in division (D)(1)(a) of section 101.311 of the Revised 8434
Code or while providing security pursuant to division (D)(1)(f) of 8435
section 101.311 of the Revised Code, a law of this state, an 8436
ordinance of a municipal corporation, or a resolution of a 8437
township. 8438

(4) The senate sergeant at arms and an assistant senate 8439
sergeant at arms shall arrest and detain, until a warrant can be 8440
obtained, a person found violating, within the limits of the 8441
sergeant at arms's or assistant sergeant at arms's territorial 8442
jurisdiction specified in division (B) of section 101.312 of the 8443
Revised Code, a law of this state, an ordinance of a municipal 8444
corporation, or a resolution of a township. 8445

(B)(1) When there is reasonable ground to believe that an 8446
offense of violence, the offense of criminal child enticement as 8447
defined in section 2905.05 of the Revised Code, the offense of 8448
public indecency as defined in section 2907.09 of the Revised 8449

Code, the offense of domestic violence as defined in section 8450
2919.25 of the Revised Code, the offense of violating a protection 8451
order as defined in section 2919.27 of the Revised Code, the 8452
offense of menacing by stalking as defined in section 2903.211 of 8453
the Revised Code, the offense of aggravated trespass as defined in 8454
section 2911.211 of the Revised Code, a theft offense as defined 8455
in section 2913.01 of the Revised Code, or a felony drug abuse 8456
offense as defined in section 2925.01 of the Revised Code, has 8457
been committed within the limits of the political subdivision, 8458
metropolitan housing authority housing project, regional transit 8459
authority facilities or those areas of a municipal corporation 8460
that have been agreed to by a regional transit authority and a 8461
municipal corporation located within its territorial jurisdiction, 8462
college, university, veterans' home operated under Chapter 5907. 8463
of the Revised Code, port authority, or municipal airport or other 8464
municipal air navigation facility, in which the peace officer is 8465
appointed, employed, or elected or within the limits of the 8466
territorial jurisdiction of the peace officer, a peace officer 8467
described in division (A) of this section may arrest and detain 8468
until a warrant can be obtained any person who the peace officer 8469
has reasonable cause to believe is guilty of the violation. 8470

(2) For purposes of division (B)(1) of this section, the 8471
execution of any of the following constitutes reasonable ground to 8472
believe that the offense alleged in the statement was committed 8473
and reasonable cause to believe that the person alleged in the 8474
statement to have committed the offense is guilty of the 8475
violation: 8476

(a) A written statement by a person alleging that an alleged 8477
offender has committed the offense of menacing by stalking or 8478
aggravated trespass; 8479

(b) A written statement by the administrator of the 8480
interstate compact on mental health appointed under section 8481

5119.71 of the Revised Code alleging that a person who had been 8482
hospitalized, institutionalized, or confined in any facility under 8483
an order made pursuant to or under authority of section 2945.37, 8484
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8485
Revised Code has escaped from the facility, from confinement in a 8486
vehicle for transportation to or from the facility, or from 8487
supervision by an employee of the facility that is incidental to 8488
hospitalization, institutionalization, or confinement in the 8489
facility and that occurs outside of the facility, in violation of 8490
section 2921.34 of the Revised Code; 8491

(c) A written statement by the administrator of any facility 8492
in which a person has been hospitalized, institutionalized, or 8493
confined under an order made pursuant to or under authority of 8494
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8495
2945.402 of the Revised Code alleging that the person has escaped 8496
from the facility, from confinement in a vehicle for 8497
transportation to or from the facility, or from supervision by an 8498
employee of the facility that is incidental to hospitalization, 8499
institutionalization, or confinement in the facility and that 8500
occurs outside of the facility, in violation of section 2921.34 of 8501
the Revised Code. 8502

(3)(a) For purposes of division (B)(1) of this section, a 8503
peace officer described in division (A) of this section has 8504
reasonable grounds to believe that the offense of domestic 8505
violence or the offense of violating a protection order has been 8506
committed and reasonable cause to believe that a particular person 8507
is guilty of committing the offense if any of the following 8508
occurs: 8509

(i) A person executes a written statement alleging that the 8510
person in question has committed the offense of domestic violence 8511
or the offense of violating a protection order against the person 8512
who executes the statement or against a child of the person who 8513

executes the statement. 8514

(ii) No written statement of the type described in division 8515
(B)(3)(a)(i) of this section is executed, but the peace officer, 8516
based upon the peace officer's own knowledge and observation of 8517
the facts and circumstances of the alleged incident of the offense 8518
of domestic violence or the alleged incident of the offense of 8519
violating a protection order or based upon any other information, 8520
including, but not limited to, any reasonably trustworthy 8521
information given to the peace officer by the alleged victim of 8522
the alleged incident of the offense or any witness of the alleged 8523
incident of the offense, concludes that there are reasonable 8524
grounds to believe that the offense of domestic violence or the 8525
offense of violating a protection order has been committed and 8526
reasonable cause to believe that the person in question is guilty 8527
of committing the offense. 8528

(iii) No written statement of the type described in division 8529
(B)(3)(a)(i) of this section is executed, but the peace officer 8530
witnessed the person in question commit the offense of domestic 8531
violence or the offense of violating a protection order. 8532

(b) If pursuant to division (B)(3)(a) of this section a peace 8533
officer has reasonable grounds to believe that the offense of 8534
domestic violence or the offense of violating a protection order 8535
has been committed and reasonable cause to believe that a 8536
particular person is guilty of committing the offense, it is the 8537
preferred course of action in this state that the officer arrest 8538
and detain that person pursuant to division (B)(1) of this section 8539
until a warrant can be obtained. 8540

If pursuant to division (B)(3)(a) of this section a peace 8541
officer has reasonable grounds to believe that the offense of 8542
domestic violence or the offense of violating a protection order 8543
has been committed and reasonable cause to believe that family or 8544
household members have committed the offense against each other, 8545

it is the preferred course of action in this state that the 8546
officer, pursuant to division (B)(1) of this section, arrest and 8547
detain until a warrant can be obtained the family or household 8548
member who committed the offense and whom the officer has 8549
reasonable cause to believe is the primary physical aggressor. 8550
There is no preferred course of action in this state regarding any 8551
other family or household member who committed the offense and 8552
whom the officer does not have reasonable cause to believe is the 8553
primary physical aggressor, but, pursuant to division (B)(1) of 8554
this section, the peace officer may arrest and detain until a 8555
warrant can be obtained any other family or household member who 8556
committed the offense and whom the officer does not have 8557
reasonable cause to believe is the primary physical aggressor. 8558

(c) If a peace officer described in division (A) of this 8559
section does not arrest and detain a person whom the officer has 8560
reasonable cause to believe committed the offense of domestic 8561
violence or the offense of violating a protection order when it is 8562
the preferred course of action in this state pursuant to division 8563
(B)(3)(b) of this section that the officer arrest that person, the 8564
officer shall articulate in the written report of the incident 8565
required by section 2935.032 of the Revised Code a clear statement 8566
of the officer's reasons for not arresting and detaining that 8567
person until a warrant can be obtained. 8568

(d) In determining for purposes of division (B)(3)(b) of this 8569
section which family or household member is the primary physical 8570
aggressor in a situation in which family or household members have 8571
committed the offense of domestic violence or the offense of 8572
violating a protection order against each other, a peace officer 8573
described in division (A) of this section, in addition to any 8574
other relevant circumstances, should consider all of the 8575
following: 8576

(i) Any history of domestic violence or of any other violent 8577

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 8609
statements and observations of the peace officers who responded to 8610
the incident that resulted in the arrest or filing of the charges 8611
and of all witnesses to that incident. 8612

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 8613
this section whether to arrest a person pursuant to division 8614
(B)(1) of this section, a peace officer described in division (A) 8615
of this section shall not consider as a factor any possible 8616
shortage of cell space at the detention facility to which the 8617
person will be taken subsequent to the person's arrest or any 8618
possibility that the person's arrest might cause, contribute to, 8619
or exacerbate overcrowding at that detention facility or at any 8620
other detention facility. 8621

(g) If a peace officer described in division (A) of this 8622
section intends pursuant to divisions (B)(3)(a) to (g) of this 8623
section to arrest a person pursuant to division (B)(1) of this 8624
section and if the officer is unable to do so because the person 8625
is not present, the officer promptly shall seek a warrant for the 8626
arrest of the person. 8627

(h) If a peace officer described in division (A) of this 8628
section responds to a report of an alleged incident of the offense 8629
of domestic violence or an alleged incident of the offense of 8630
violating a protection order and if the circumstances of the 8631
incident involved the use or threatened use of a deadly weapon or 8632
any person involved in the incident brandished a deadly weapon 8633
during or in relation to the incident, the deadly weapon that was 8634
used, threatened to be used, or brandished constitutes contraband, 8635
and, to the extent possible, the officer shall seize the deadly 8636
weapon as contraband pursuant to Chapter 2981. of the Revised 8637
Code. Upon the seizure of a deadly weapon pursuant to division 8638
(B)(3)(h) of this section, section 2981.12 of the Revised Code 8639
shall apply regarding the treatment and disposition of the deadly 8640

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 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.

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after

investigating the circumstances surrounding the operation of the 8673
vehicle, may arrest and detain the person. 8674

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8675
municipal police officer, member of a police force employed by a 8676
metropolitan housing authority under division (D) of section 8677
3735.31 of the Revised Code, member of a police force employed by 8678
a regional transit authority under division (Y) of section 306.35 8679
of the Revised Code, special police officer employed by a port 8680
authority under section 4582.04 or 4582.28 of the Revised Code, 8681
special police officer employed by a municipal corporation at a 8682
municipal airport or other municipal air navigation facility 8683
described in division (A) of this section, township constable, 8684
police officer of a township or joint police district, state 8685
university law enforcement officer appointed under section 3345.04 8686
of the Revised Code, peace officer of the department of natural 8687
resources, individual designated to perform law enforcement duties 8688
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 8689
the house sergeant at arms if the house sergeant at arms has 8690
arrest authority pursuant to division (E)(1) of section 101.311 of 8691
the Revised Code, or an assistant house sergeant at arms is 8692
authorized by division (A) or (B) of this section to arrest and 8693
detain, within the limits of the political subdivision, 8694
metropolitan housing authority housing project, regional transit 8695
authority facilities or those areas of a municipal corporation 8696
that have been agreed to by a regional transit authority and a 8697
municipal corporation located within its territorial jurisdiction, 8698
port authority, municipal airport or other municipal air 8699
navigation facility, college, or university in which the officer 8700
is appointed, employed, or elected or within the limits of the 8701
territorial jurisdiction of the peace officer, a person until a 8702
warrant can be obtained, the peace officer, outside the limits of 8703
that territory, may pursue, arrest, and detain that person until a 8704
warrant can be obtained if all of the following apply: 8705

(1) The pursuit takes place without unreasonable delay after 8706
the offense is committed; 8707

(2) The pursuit is initiated within the limits of the 8708
political subdivision, metropolitan housing authority housing 8709
project, regional transit authority facilities or those areas of a 8710
municipal corporation that have been agreed to by a regional 8711
transit authority and a municipal corporation located within its 8712
territorial jurisdiction, port authority, municipal airport or 8713
other municipal air navigation facility, college, or university in 8714
which the peace officer is appointed, employed, or elected or 8715
within the limits of the territorial jurisdiction of the peace 8716
officer; 8717

(3) The offense involved is a felony, a misdemeanor of the 8718
first degree or a substantially equivalent municipal ordinance, a 8719
misdemeanor of the second degree or a substantially equivalent 8720
municipal ordinance, or any offense for which points are 8721
chargeable pursuant to section 4510.036 of the Revised Code. 8722

(E) In addition to the authority granted under division (A) 8723
or (B) of this section: 8724

(1) A sheriff or deputy sheriff may arrest and detain, until 8725
a warrant can be obtained, any person found violating section 8726
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 8727
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 8728
portion of any street or highway that is located immediately 8729
adjacent to the boundaries of the county in which the sheriff or 8730
deputy sheriff is elected or appointed. 8731

(2) A member of the police force of a township police 8732
district created under section 505.48 of the Revised Code, a 8733
member of the police force of a joint police district created 8734
under section 505.482 of the Revised Code, or a township constable 8735
appointed in accordance with section 509.01 of the Revised Code, 8736

who has received a certificate from the Ohio peace officer 8737
training commission under section 109.75 of the Revised Code, may 8738
arrest and detain, until a warrant can be obtained, any person 8739
found violating any section or chapter of the Revised Code listed 8740
in division (E)(1) of this section, other than sections 4513.33 8741
and 4513.34 of the Revised Code, on the portion of any street or 8742
highway that is located immediately adjacent to the boundaries of 8743
the township police district or joint police district, in the case 8744
of a member of a township police district or joint police district 8745
police force, or the unincorporated territory of the township, in 8746
the case of a township constable. However, if the population of 8747
the township that created the township police district served by 8748
the member's police force, or the townships and municipal 8749
corporations that created the joint police district served by the 8750
member's police force, or the township that is served by the 8751
township constable, is sixty thousand or less, the member of the 8752
township police district or joint police district police force or 8753
the township constable may not make an arrest under division 8754
(E)(2) of this section on a state highway that is included as part 8755
of the interstate system. 8756

(3) A police officer or village marshal appointed, elected, 8757
or employed by a municipal corporation may arrest and detain, 8758
until a warrant can be obtained, any person found violating any 8759
section or chapter of the Revised Code listed in division (E)(1) 8760
of this section on the portion of any street or highway that is 8761
located immediately adjacent to the boundaries of the municipal 8762
corporation in which the police officer or village marshal is 8763
appointed, elected, or employed. 8764

(4) A peace officer of the department of natural resources, a 8765
state fire marshal law enforcement officer described in division 8766
(A)(23) of section 109.71 of the Revised Code, or an individual 8767
designated to perform law enforcement duties under section 8768

511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 8769
detain, until a warrant can be obtained, any person found 8770
violating any section or chapter of the Revised Code listed in 8771
division (E)(1) of this section, other than sections 4513.33 and 8772
4513.34 of the Revised Code, on the portion of any street or 8773
highway that is located immediately adjacent to the boundaries of 8774
the lands and waters that constitute the territorial jurisdiction 8775
of the peace officer or state fire marshal law enforcement 8776
officer. 8777

(F)(1) A department of mental health and addiction services 8778
special police officer or a department of developmental 8779
disabilities special police officer may arrest without a warrant 8780
and detain until a warrant can be obtained any person found 8781
committing on the premises of any institution under the 8782
jurisdiction of the particular department a misdemeanor under a 8783
law of the state. 8784

A department of mental health and addiction services special 8785
police officer or a department of developmental disabilities 8786
special police officer may arrest without a warrant and detain 8787
until a warrant can be obtained any person who has been 8788
hospitalized, institutionalized, or confined in an institution 8789
under the jurisdiction of the particular department pursuant to or 8790
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8791
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 8792
found committing on the premises of any institution under the 8793
jurisdiction of the particular department a violation of section 8794
2921.34 of the Revised Code that involves an escape from the 8795
premises of the institution. 8796

(2)(a) If a department of mental health and addiction 8797
services special police officer or a department of developmental 8798
disabilities special police officer finds any person who has been 8799
hospitalized, institutionalized, or confined in an institution 8800

under the jurisdiction of the particular department pursuant to or 8801
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8802
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 8803
violation of section 2921.34 of the Revised Code that involves an 8804
escape from the premises of the institution, or if there is 8805
reasonable ground to believe that a violation of section 2921.34 8806
of the Revised Code has been committed that involves an escape 8807
from the premises of an institution under the jurisdiction of the 8808
department of mental health and addiction services or the 8809
department of developmental disabilities and if a department of 8810
mental health and addiction services special police officer or a 8811
department of developmental disabilities special police officer 8812
has reasonable cause to believe that a particular person who has 8813
been hospitalized, institutionalized, or confined in the 8814
institution pursuant to or under authority of section 2945.37, 8815
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8816
Revised Code is guilty of the violation, the special police 8817
officer, outside of the premises of the institution, may pursue, 8818
arrest, and detain that person for that violation of section 8819
2921.34 of the Revised Code, until a warrant can be obtained, if 8820
both of the following apply: 8821

(i) The pursuit takes place without unreasonable delay after 8822
the offense is committed; 8823

(ii) The pursuit is initiated within the premises of the 8824
institution from which the violation of section 2921.34 of the 8825
Revised Code occurred. 8826

(b) For purposes of division (F)(2)(a) of this section, the 8827
execution of a written statement by the administrator of the 8828
institution in which a person had been hospitalized, 8829
institutionalized, or confined pursuant to or under authority of 8830
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8831
2945.402 of the Revised Code alleging that the person has escaped 8832

from the premises of the institution in violation of section 8833
2921.34 of the Revised Code constitutes reasonable ground to 8834
believe that the violation was committed and reasonable cause to 8835
believe that the person alleged in the statement to have committed 8836
the offense is guilty of the violation. 8837

(G) As used in this section: 8838

(1) A "department of mental health and addiction services 8839
special police officer" means a special police officer of the 8840
department of mental health and addiction services designated 8841
under section 5119.08 of the Revised Code who is certified by the 8842
Ohio peace officer training commission under section 109.77 of the 8843
Revised Code as having successfully completed an approved peace 8844
officer basic training program. 8845

(2) A "department of developmental disabilities special 8846
police officer" means a special police officer of the department 8847
of developmental disabilities designated under section 5123.13 of 8848
the Revised Code who is certified by the Ohio peace officer 8849
training council under section 109.77 of the Revised Code as 8850
having successfully completed an approved peace officer basic 8851
training program. 8852

(3) "Deadly weapon" has the same meaning as in section 8853
2923.11 of the Revised Code. 8854

(4) "Family or household member" has the same meaning as in 8855
section 2919.25 of the Revised Code. 8856

(5) "Street" or "highway" has the same meaning as in section 8857
4511.01 of the Revised Code. 8858

(6) "Interstate system" has the same meaning as in section 8859
5516.01 of the Revised Code. 8860

(7) "Peace officer of the department of natural resources" 8861
means an employee of the department of natural resources who is a 8862

natural resources law enforcement staff officer designated 8863
pursuant to section 1501.013 of the Revised Code, a ~~forest officer~~ 8864
~~designated~~ forest-fire investigator appointed pursuant to section 8865
~~1503.29~~ 1503.09 of the Revised Code, a ~~preserve natural resources~~ 8866
~~officer designated~~ appointed pursuant to section ~~1517.10~~ 1501.24 8867
of the Revised Code, or a wildlife officer designated pursuant to 8868
section 1531.13 of the Revised Code, ~~a park officer designated~~ 8869
~~pursuant to section 1541.10 of the Revised Code, or a state~~ 8870
~~watercraft officer designated pursuant to section 1547.521 of the~~ 8871
~~Revised Code.~~ 8872

(8) "Portion of any street or highway" means all lanes of the 8873
street or highway irrespective of direction of travel, including 8874
designated turn lanes, and any berm, median, or shoulder. 8875

Sec. 2981.01. (A) Forfeitures under this chapter shall be 8876
governed by all of the following purposes: 8877

(1) To provide economic disincentives and remedies to deter 8878
and offset the economic effect of offenses by seizing and 8879
forfeiting contraband, proceeds, and certain instrumentalities; 8880

(2) To ensure that seizures and forfeitures of 8881
instrumentalities are proportionate to the offense committed; 8882

(3) To protect third parties from wrongful forfeiture of 8883
their property; 8884

(4) To prioritize restitution for victims of offenses. 8885

(B) As used in this chapter: 8886

(1) "Aircraft" has the same meaning as in section 4561.01 of 8887
the Revised Code. 8888

(2) "Computers," "computer networks," "computer systems," 8889
"computer software," and "telecommunications device" have the same 8890
meanings as in section 2913.01 of the Revised Code. 8891

(3) "Financial institution" means a bank, credit union, 8892
savings and loan association, or a licensee or registrant under 8893
Chapter 1321. of the Revised Code. 8894

(4) "Firearm" and "dangerous ordnance" have the same meanings 8895
as in section 2923.11 of the Revised Code. 8896

(5) "Innocent person" includes any bona fide purchaser of 8897
property that is subject to forfeiture, including any person who 8898
establishes a valid claim to or interest in the property in 8899
accordance with section 2923.04 of the Revised Code, and any 8900
victim of an alleged offense. 8901

(6) "Instrumentality" means property otherwise lawful to 8902
possess that is used in or intended to be used in an offense. An 8903
"instrumentality" may include, but is not limited to, a firearm, a 8904
mobile instrumentality, a computer, a computer network, a computer 8905
system, computer software, a telecommunications device, money, and 8906
any other means of exchange. 8907

(7) "Law enforcement agency" includes, but is not limited to, 8908
the state board of pharmacy, the enforcement division of the 8909
department of taxation, the Ohio casino control commission, and 8910
the office of the prosecutor. 8911

(8) "Mobile instrumentality" means an instrumentality that is 8912
inherently mobile and used in the routine transport of persons. 8913
"Mobile instrumentality" includes, but is not limited to, any 8914
vehicle, any watercraft, and any aircraft. 8915

(9) "Money" has the same meaning as in section 1301.201 of 8916
the Revised Code. 8917

(10) "Offense" means any act or omission that could be 8918
charged as a criminal offense or a delinquent act, whether or not 8919
a formal criminal prosecution or delinquent child proceeding began 8920
at the time the forfeiture is initiated. Except as otherwise 8921
specified, an offense for which property may be forfeited includes 8922

any felony and any misdemeanor. The commission of an "offense" 8923
includes the commission of a delinquent act. 8924

(11) "Proceeds" means both of the following: 8925

(a) In cases involving unlawful goods, services, or 8926
activities, "proceeds" means any property derived directly or 8927
indirectly from an offense. "Proceeds" may include, but is not 8928
limited to, money or any other means of exchange. "Proceeds" is 8929
not limited to the net gain or profit realized from the offense. 8930

(b) In cases involving lawful goods or services that are sold 8931
or provided in an unlawful manner, "proceeds" means the amount of 8932
money or other means of exchange acquired through the illegal 8933
transactions resulting in the forfeiture, less the direct costs 8934
lawfully incurred in providing the goods or services. The lawful 8935
costs deduction does not include any part of the overhead expenses 8936
of, or income taxes paid by, the entity providing the goods or 8937
services. The alleged offender or delinquent child has the burden 8938
to prove that any costs are lawfully incurred. 8939

(12) "Property" means "property" as defined in section 8940
2901.01 of the Revised Code and any benefit, privilege, claim, 8941
position, interest in an enterprise, or right derived, directly or 8942
indirectly, from the offense. 8943

(13) "Property subject to forfeiture" includes contraband and 8944
proceeds and may include instrumentalities as provided in this 8945
chapter. 8946

(14) "Prosecutor" has the same meaning as in section 2935.01 8947
of the Revised Code. When relevant, "prosecutor" also includes the 8948
attorney general. 8949

(15) "Vehicle" has the same meaning as in section 4501.01 of 8950
the Revised Code. 8951

(16) "Watercraft" has the same meaning as in section ~~1547.01~~ 8952

1546.01 of the Revised Code. 8953

(C) The penalties and procedures under Chapters 2923., 2925., 2933., and 3772. of the Revised Code remain in effect to the extent that they do not conflict with this chapter.

Sec. 3701.18. The director of health shall establish techniques and procedures as appropriate for use by the division of parks and ~~recreation~~ watercraft in the department of natural resources when taking samples and conducting tests under section ~~1541.032~~ 1546.08 of the Revised Code of the waters of this state that are adjacent to public swimming beaches as defined in that section. The director of health, in consultation with and subject to the approval of the director of natural resources, shall specify the frequency with which and location at which the waters are to be sampled and tested.

The director of health shall interpret the results of the water tests conducted under section ~~1541.032~~ 1546.08 of the Revised Code. If the director's interpretation indicates that the bacteria levels in the waters tested present a possible health risk to persons using the waters for swimming and bathing and that the posting of signs advising the public of the condition is warranted, the director shall notify the chief of the division of parks and ~~recreation~~ watercraft.

Sec. 3714.03. (A) As used in this section: 8975

(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.

(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology

acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(3) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 of the Revised Code;

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child day-care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section

3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.

(2) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

(C) 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 horizontal limits of construction and demolition debris placement at the new facility are proposed to be located in any of the following locations:

(1) Within one hundred feet of a perennial stream as defined by the United States geological survey seven and one-half minute quadrangle map or a category 3 wetland;

(2) Within one hundred feet of the facility's property line;

(3)(a) Except as provided in division (C)(3)(b) of this

section, within five hundred feet of a residential or public water supply well. 9045
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(b) Division (C)(3)(a) of this section does not apply to a residential well under any of the circumstances specified in divisions (C)(3)(b)(i) to (iii) of this section as follows: 9047
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(i) The well is controlled by the owner or operator of the construction and demolition debris facility. 9050
9051

(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement. 9052
9053

(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install. 9054
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(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter ~~1541.~~ 1546. of the Revised Code, a state park purchase area established under section ~~1541.02~~ 1546.06 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 9058
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(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature 9072
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preserve under section 1517.05 of the Revised Code, or any area 9076
designated by the United States department of the interior as a 9077
national wildlife refuge; 9078

(6) Within five hundred feet of a lake or reservoir of one 9079
acre or more that is hydrogeologically connected to ground water. 9080
For purposes of division (C)(6) of this section, a lake or 9081
reservoir does not include a body of water constructed and used 9082
for purposes of surface water drainage or sediment control. 9083

(7) Within five hundred feet of a state forest purchased or 9084
otherwise acquired under Chapter 1503. of the Revised Code; 9085

(8) Within five hundred feet of an occupied dwelling unless 9086
written permission is given by the owner of the dwelling. 9087

(D) Neither the director nor any board shall issue a permit 9088
to install under section 3714.051 of the Revised Code to establish 9089
a new construction and demolition debris facility when the limits 9090
of construction and demolition debris placement at the new 9091
facility are proposed to have an isolation distance of less than 9092
five feet from the uppermost aquifer system that consists of 9093
material that has a maximum hydraulic conductivity of 1×10^{-5} 9094
cm/sec and all of the geologic material comprising the isolation 9095
distance has a hydraulic conductivity equivalent to or less than 1 9096
 $\times 10^{-6}$ cm/sec. 9097

(E) Neither the director nor any board shall issue a permit 9098
to install under section 3714.051 of the Revised Code to establish 9099
a new construction and demolition debris facility when the road 9100
that is designated by the owner or operator as the main hauling 9101
road at the facility to and from the limits of construction and 9102
demolition debris placement is proposed to be located within five 9103
hundred feet of an occupied dwelling unless written permission is 9104
given by the owner of the occupied dwelling. 9105

(F) Neither the director nor any board shall issue a permit 9106

to install under section 3714.051 of the Revised Code to establish 9107
a new construction and demolition debris facility unless the new 9108
facility will have all of the following: 9109

(1) Access roads that shall be constructed in a manner that 9110
allows use in all weather conditions and will withstand the 9111
anticipated degree of use and minimize erosion and generation of 9112
dust; 9113

(2) Surface water drainage and sediment controls that are 9114
required by the director; 9115

(3) If the facility is proposed to be located in an area in 9116
which an applicable zoning resolution allows residential 9117
construction, vegetated earthen berms or an equivalent barrier 9118
with a minimum height of six feet separating the facility from 9119
adjoining property. 9120

(G)(1) The siting criteria established in this section shall 9121
be applied to an application for a permit to install at the time 9122
that the application is submitted to the director or a board of 9123
health, as applicable. Circumstances related to the siting 9124
criteria that change after the application is submitted shall not 9125
be considered in approving or disapproving the application. 9126

(2) The siting criteria established in this section by this 9127
amendment do not apply to an expansion of a construction and 9128
demolition debris facility that was in operation prior to December 9129
22, 2005, onto property within the property boundaries identified 9130
in the application for the initial license for that facility or 9131
any subsequent license issued for that facility up to and 9132
including the license issued for that facility for calendar year 9133
2005. The siting criteria established in this section prior to 9134
December 22, 2005, apply to such an expansion. 9135

Sec. 3734.02. (A) The director of environmental protection, 9136

in accordance with Chapter 119. of the Revised Code, shall adopt 9137
and may amend, suspend, or rescind rules having uniform 9138
application throughout the state governing solid waste facilities 9139
and the inspections of and issuance of permits and licenses for 9140
all solid waste facilities in order to ensure that the facilities 9141
will be located, maintained, and operated, and will undergo 9142
closure and post-closure care, in a sanitary manner so as not to 9143
create a nuisance, cause or contribute to water pollution, create 9144
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 9145
257.3-8, as amended. The rules may include, without limitation, 9146
financial assurance requirements for closure and post-closure care 9147
and corrective action and requirements for taking corrective 9148
action in the event of the surface or subsurface discharge or 9149
migration of explosive gases or leachate from a solid waste 9150
facility, or of ground water contamination resulting from the 9151
transfer or disposal of solid wastes at a facility, beyond the 9152
boundaries of any area within a facility that is operating or is 9153
undergoing closure or post-closure care where solid wastes were 9154
disposed of or are being disposed of. The rules shall not concern 9155
or relate to personnel policies, salaries, wages, fringe benefits, 9156
or other conditions of employment of employees of persons owning 9157
or operating solid waste facilities. The director, in accordance 9158
with Chapter 119. of the Revised Code, shall adopt and may amend, 9159
suspend, or rescind rules governing the issuance, modification, 9160
revocation, suspension, or denial of variances from the director's 9161
solid waste rules, including, without limitation, rules adopted 9162
under this chapter governing the management of scrap tires. 9163

Variances shall be issued, modified, revoked, suspended, or 9164
rescinded in accordance with this division, rules adopted under 9165
it, and Chapter 3745. of the Revised Code. The director may order 9166
the person to whom a variance is issued to take such action within 9167
such time as the director may determine to be appropriate and 9168
reasonable to prevent the creation of a nuisance or a hazard to 9169

the public health or safety or the environment. Applications for 9170
variances shall contain such detail plans, specifications, and 9171
information regarding objectives, procedures, controls, and other 9172
pertinent data as the director may require. The director shall 9173
grant a variance only if the applicant demonstrates to the 9174
director's satisfaction that construction and operation of the 9175
solid waste facility in the manner allowed by the variance and any 9176
terms or conditions imposed as part of the variance will not 9177
create a nuisance or a hazard to the public health or safety or 9178
the environment. In granting any variance, the director shall 9179
state the specific provision or provisions whose terms are to be 9180
varied and also shall state specific terms or conditions imposed 9181
upon the applicant in place of the provision or provisions. 9182

The director may hold a public hearing on an application for 9183
a variance or renewal of a variance at a location in the county 9184
where the operations that are the subject of the application for 9185
the variance are conducted. The director shall give not less than 9186
twenty days' notice of the hearing to the applicant by certified 9187
mail or by another type of mail accompanied by a receipt and shall 9188
publish at least one notice of the hearing in a newspaper with 9189
general circulation in the county where the hearing is to be held. 9190
The director shall make available for public inspection at the 9191
principal office of the environmental protection agency a current 9192
list of pending applications for variances and a current schedule 9193
of pending variance hearings. The director shall make a complete 9194
stenographic record of testimony and other evidence submitted at 9195
the hearing. 9196

Within ten days after the hearing, the director shall make a 9197
written determination to issue, renew, or deny the variance and 9198
shall enter the determination and the basis for it into the record 9199
of the hearing. The director shall issue, renew, or deny an 9200
application for a variance or renewal of a variance within six 9201

months of the date upon which the director receives a complete 9202
application with all pertinent information and data required. No 9203
variance shall be issued, revoked, modified, or denied until the 9204
director has considered the relative interests of the applicant, 9205
other persons and property affected by the variance, and the 9206
general public. Any variance granted under this division shall be 9207
for a period specified by the director and may be renewed from 9208
time to time on such terms and for such periods as the director 9209
determines to be appropriate. No application shall be denied and 9210
no variance shall be revoked or modified without a written order 9211
stating the findings upon which the denial, revocation, or 9212
modification is based. A copy of the order shall be sent to the 9213
applicant or variance holder by certified mail or by another type 9214
of mail accompanied by a receipt. 9215

(B) The director shall prescribe and furnish the forms 9216
necessary to administer and enforce this chapter. The director may 9217
cooperate with and enter into agreements with other state, local, 9218
or federal agencies to carry out the purposes of this chapter. The 9219
director may exercise all incidental powers necessary to carry out 9220
the purposes of this chapter. 9221

(C) Except as provided in this division and divisions (N)(2) 9222
and (3) of this section, no person shall establish a new solid 9223
waste facility or infectious waste treatment facility, or modify 9224
an existing solid waste facility or infectious waste treatment 9225
facility, without submitting an application for a permit with 9226
accompanying detail plans, specifications, and information 9227
regarding the facility and method of operation and receiving a 9228
permit issued by the director, except that no permit shall be 9229
required under this division to install or operate a solid waste 9230
facility for sewage sludge treatment or disposal when the 9231
treatment or disposal is authorized by a current permit issued 9232
under Chapter 3704. or 6111. of the Revised Code. 9233

No person shall continue to operate a solid waste facility 9234
for which the director has denied a permit for which an 9235
application was required under division (A)(3) of section 3734.05 9236
of the Revised Code, or for which the director has disapproved 9237
plans and specifications required to be filed by an order issued 9238
under division (A)(5) of that section, after the date prescribed 9239
for commencement of closure of the facility in the order issued 9240
under division (A)(6) of section 3734.05 of the Revised Code 9241
denying the permit application or approval. 9242

On and after the effective date of the rules adopted under 9243
division (A) of this section and division (D) of section 3734.12 9244
of the Revised Code governing solid waste transfer facilities, no 9245
person shall establish a new, or modify an existing, solid waste 9246
transfer facility without first submitting an application for a 9247
permit with accompanying engineering detail plans, specifications, 9248
and information regarding the facility and its method of operation 9249
to the director and receiving a permit issued by the director. 9250

No person shall establish a new compost facility or continue 9251
to operate an existing compost facility that accepts exclusively 9252
source separated yard wastes without submitting a completed 9253
registration for the facility to the director in accordance with 9254
rules adopted under divisions (A) and (N)(3) of this section. 9255

This division does not apply to a generator of infectious 9256
wastes that does any of the following: 9257

(1) Treats, by methods, techniques, and practices established 9258
by rules adopted under division (B)(2)(a) of section 3734.021 of 9259
the Revised Code, any of the following: 9260

(a) Infectious wastes that are generated on any premises that 9261
are owned or operated by the generator; 9262

(b) Infectious wastes that are generated by a generator who 9263
has staff privileges at a hospital as defined in section 3727.01 9264

of the Revised Code; 9265

(c) Infectious wastes that are generated in providing care to 9266
a patient by an emergency medical services organization as defined 9267
in section 4765.01 of the Revised Code. 9268

(2) Holds a license or renewal of a license to operate a 9269
crematory facility issued under Chapter 4717. and a permit issued 9270
under Chapter 3704. of the Revised Code; 9271

(3) Treats or disposes of dead animals or parts thereof, or 9272
the blood of animals, and is subject to any of the following: 9273

(a) Inspection under the "Federal Meat Inspection Act," 81 9274
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 9275

(b) Chapter 918. of the Revised Code; 9276

(c) Chapter 953. of the Revised Code. 9277

(D) Neither this chapter nor any rules adopted under it apply 9278
to single-family residential premises; to infectious wastes 9279
generated by individuals for purposes of their own care or 9280
treatment; to the temporary storage of solid wastes, other than 9281
scrap tires, prior to their collection for disposal; to the 9282
storage of one hundred or fewer scrap tires unless they are stored 9283
in such a manner that, in the judgment of the director or the 9284
board of health of the health district in which the scrap tires 9285
are stored, the storage causes a nuisance, a hazard to public 9286
health or safety, or a fire hazard; or to the collection of solid 9287
wastes, other than scrap tires, by a political subdivision or a 9288
person holding a franchise or license from a political subdivision 9289
of the state; to composting, as defined in section 1511.01 of the 9290
Revised Code, conducted in accordance with section 1511.022 of the 9291
Revised Code; or to any person who is licensed to transport raw 9292
rendering material to a compost facility pursuant to section 9293
953.23 of the Revised Code. 9294

(E)(1) As used in this division:	9295
(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.	9296 9297 9298
(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.	9299 9300 9301 9302
(c) "Satellite facility" means any of the following:	9303
(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;	9304 9305 9306
(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;	9307 9308 9309
(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.	9310 9311 9312 9313
(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code.	9314 9315 9316 9317 9318 9319 9320 9321 9322 9323 9324 9325

The term of a hazardous waste facility installation and operation permit shall not exceed ten years. 9326
9327

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule: 9328
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TYPE OF BASIC MANAGEMENT UNIT		TYPE OF FACILITY	FEE	
Storage facility using:				9341
Containers	On-site, off-site, and satellite		\$ 500	9342 9343 9344 9345
Tanks	On-site, off-site, and satellite		500	9346 9347
Waste pile	On-site, off-site, and satellite		3,000	9348 9349
Surface impoundment	On-site and satellite		8,000	9350
	Off-site		10,000	9351
Disposal facility using:				9352
Deep well injection	On-site and satellite		15,000	9353
	Off-site		25,000	9354
Landfill	On-site and satellite		25,000	9355
	Off-site		40,000	9356
Land application	On-site and satellite		2,500	9357

	Off-site	5,000	9358
Surface impoundment	On-site and satellite	10,000	9359
	Off-site	20,000	9360
Treatment facility using:			9361
Tanks	On-site, off-site, and		9362
	satellite	700	9363
Surface impoundment	On-site and satellite	8,000	9364
	Off-site	10,000	9365
Incinerator	On-site and satellite	5,000	9366
	Off-site	10,000	9367
Other forms			9368
of treatment	On-site, off-site, and		9369
	satellite	1,000	9370

A hazardous waste disposal facility that disposes of 9371
hazardous waste by deep well injection and that pays the annual 9372
permit fee established in section 6111.046 of the Revised Code is 9373
not subject to the permit fee established in this division for 9374
disposal facilities using deep well injection unless the director 9375
determines that the facility is not in compliance with applicable 9376
requirements established under this chapter and rules adopted 9377
under it. 9378

In determining the annual permit fee required by this 9379
section, the director shall not require additional payments for 9380
multiple units of the same method of storage, treatment, or 9381
disposal or for individual units that are used for both storage 9382
and treatment. A facility using more than one method of storage, 9383
treatment, or disposal shall pay the permit fee indicated by the 9384
schedule for each such method. 9385

The director shall not require the payment of that portion of 9386
an annual permit fee of any permit holder that would apply to a 9387
hazardous waste management unit for which a permit has been 9388
issued, but for which construction has not yet commenced. Once 9389

construction has commenced, the director shall require the payment 9390
of a part of the appropriate fee indicated by the schedule that 9391
bears the same relationship to the total fee that the number of 9392
days remaining until the next anniversary date at which payment of 9393
the annual permit fee is due bears to three hundred sixty-five. 9394

The director, by rules adopted in accordance with Chapters 9395
119. and 3745. of the Revised Code, shall prescribe procedures for 9396
collecting the annual permit fee established by this division and 9397
may prescribe other requirements necessary to carry out this 9398
division. 9399

(3) The prohibition against establishing or operating a 9400
hazardous waste facility without a hazardous waste facility 9401
installation and operation permit does not apply to either of the 9402
following: 9403

(a) A facility that is operating in accordance with a permit 9404
renewal issued under division (H) of section 3734.05 of the 9405
Revised Code, a revision issued under division (I) of that section 9406
as it existed prior to August 20, 1996, or a modification issued 9407
by the director under division (I) of that section on and after 9408
August 20, 1996; 9409

(b) Except as provided in division (J) of section 3734.05 of 9410
the Revised Code, a facility that will operate or is operating in 9411
accordance with a permit by rule, or that is not subject to permit 9412
requirements, under rules adopted by the director. In accordance 9413
with Chapter 119. of the Revised Code, the director shall adopt, 9414
and subsequently may amend, suspend, or rescind, rules for the 9415
purposes of division (E)(3)(b) of this section. Any rules so 9416
adopted shall be consistent with and equivalent to regulations 9417
pertaining to interim status adopted under the "Resource 9418
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 9419
6921, as amended, except as otherwise provided in this chapter. 9420

If a modification is requested or proposed for a facility 9421
described in division (E)(3)(a) or (b) of this section, division 9422
(I)(7) of section 3734.05 of the Revised Code applies. 9423

(F) No person shall store, treat, or dispose of hazardous 9424
waste identified or listed under this chapter and rules adopted 9425
under it, regardless of whether generated on or off the premises 9426
where the waste is stored, treated, or disposed of, or transport 9427
or cause to be transported any hazardous waste identified or 9428
listed under this chapter and rules adopted under it to any other 9429
premises, except at or to any of the following: 9430

(1) A hazardous waste facility operating under a permit 9431
issued in accordance with this chapter; 9432

(2) A facility in another state operating under a license or 9433
permit issued in accordance with the "Resource Conservation and 9434
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 9435
amended; 9436

(3) A facility in another nation operating in accordance with 9437
the laws of that nation; 9438

(4) A facility holding a permit issued pursuant to Title I of 9439
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 9440
Stat. 1052, 33 U.S.C.A. 1401, as amended; 9441

(5) A hazardous waste facility as described in division 9442
(E)(3)(a) or (b) of this section. 9443

(G) The director, by order, may exempt any person generating, 9444
collecting, storing, treating, disposing of, or transporting solid 9445
wastes, infectious wastes, or hazardous waste, or processing solid 9446
wastes that consist of scrap tires, in such quantities or under 9447
such circumstances that, in the determination of the director, are 9448
unlikely to adversely affect the public health or safety or the 9449
environment from any requirement to obtain a registration 9450
certificate, permit, or license or comply with the manifest system 9451

or other requirements of this chapter. Such an exemption shall be 9452
consistent with and equivalent to any regulations adopted by the 9453
administrator of the United States environmental protection agency 9454
under the "Resource Conservation and Recovery Act of 1976," 90 9455
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 9456
provided in this chapter. 9457

(H) No person shall engage in filling, grading, excavating, 9458
building, drilling, or mining on land where a hazardous waste 9459
facility, or a solid waste facility, was operated without prior 9460
authorization from the director, who shall establish the procedure 9461
for granting such authorization by rules adopted in accordance 9462
with Chapter 119. of the Revised Code. 9463

A public utility that has main or distribution lines above or 9464
below the land surface located on an easement or right-of-way 9465
across land where a solid waste facility was operated may engage 9466
in any such activity within the easement or right-of-way without 9467
prior authorization from the director for purposes of performing 9468
emergency repair or emergency replacement of its lines; of the 9469
poles, towers, foundations, or other structures supporting or 9470
sustaining any such lines; or of the appurtenances to those 9471
structures, necessary to restore or maintain existing public 9472
utility service. A public utility may enter upon any such easement 9473
or right-of-way without prior authorization from the director for 9474
purposes of performing necessary or routine maintenance of those 9475
portions of its existing lines; of the existing poles, towers, 9476
foundations, or other structures sustaining or supporting its 9477
lines; or of the appurtenances to any such supporting or 9478
sustaining structure, located on or above the land surface on any 9479
such easement or right-of-way. Within twenty-four hours after 9480
commencing any such emergency repair, replacement, or maintenance 9481
work, the public utility shall notify the director or the 9482
director's authorized representative of those activities and shall 9483

provide such information regarding those activities as the 9484
director or the director's representative may request. Upon 9485
completion of the emergency repair, replacement, or maintenance 9486
activities, the public utility shall restore any land of the solid 9487
waste facility disturbed by those activities to the condition 9488
existing prior to the commencement of those activities. 9489

(I) No owner or operator of a hazardous waste facility, in 9490
the operation of the facility, shall cause, permit, or allow the 9491
emission therefrom of any particulate matter, dust, fumes, gas, 9492
mist, smoke, vapor, or odorous substance that, in the opinion of 9493
the director, unreasonably interferes with the comfortable 9494
enjoyment of life or property by persons living or working in the 9495
vicinity of the facility, or that is injurious to public health. 9496
Any such action is hereby declared to be a public nuisance. 9497

(J) Notwithstanding any other provision of this chapter, in 9498
the event the director finds an imminent and substantial danger to 9499
public health or safety or the environment that creates an 9500
emergency situation requiring the immediate treatment, storage, or 9501
disposal of hazardous waste, the director may issue a temporary 9502
emergency permit to allow the treatment, storage, or disposal of 9503
the hazardous waste at a facility that is not otherwise authorized 9504
by a hazardous waste facility installation and operation permit to 9505
treat, store, or dispose of the waste. The emergency permit shall 9506
not exceed ninety days in duration and shall not be renewed. The 9507
director shall adopt, and may amend, suspend, or rescind, rules in 9508
accordance with Chapter 119. of the Revised Code governing the 9509
issuance, modification, revocation, and denial of emergency 9510
permits. 9511

(K) Except for infectious wastes generated by a person who 9512
produces fewer than fifty pounds of infectious wastes at a 9513
premises during any one month, no owner or operator of a sanitary 9514
landfill shall knowingly accept for disposal, or dispose of, any 9515

infectious wastes that have not been treated to render them 9516
noninfectious. 9517

(L) The director, in accordance with Chapter 119. of the 9518
Revised Code, shall adopt, and may amend, suspend, or rescind, 9519
rules having uniform application throughout the state establishing 9520
a training and certification program that shall be required for 9521
employees of boards of health who are responsible for enforcing 9522
the solid waste and infectious waste provisions of this chapter 9523
and rules adopted under them and for persons who are responsible 9524
for the operation of solid waste facilities or infectious waste 9525
treatment facilities. The rules shall provide all of the 9526
following, without limitation: 9527

(1) The program shall be administered by the director and 9528
shall consist of a course on new solid waste and infectious waste 9529
technologies, enforcement procedures, and rules; 9530

(2) The course shall be offered on an annual basis; 9531

(3) Those persons who are required to take the course under 9532
division (L) of this section shall do so triennially; 9533

(4) Persons who successfully complete the course shall be 9534
certified by the director; 9535

(5) Certification shall be required for all employees of 9536
boards of health who are responsible for enforcing the solid waste 9537
or infectious waste provisions of this chapter and rules adopted 9538
under them and for all persons who are responsible for the 9539
operation of solid waste facilities or infectious waste treatment 9540
facilities; 9541

(6)(a) All employees of a board of health who, on the 9542
effective date of the rules adopted under this division, are 9543
responsible for enforcing the solid waste or infectious waste 9544
provisions of this chapter and the rules adopted under them shall 9545
complete the course and be certified by the director not later 9546

than January 1, 1995; 9547

(b) All employees of a board of health who, after the 9548
effective date of the rules adopted under division (L) of this 9549
section, become responsible for enforcing the solid waste or 9550
infectious waste provisions of this chapter and rules adopted 9551
under them and who do not hold a current and valid certification 9552
from the director at that time shall complete the course and be 9553
certified by the director within two years after becoming 9554
responsible for performing those activities. 9555

No person shall fail to obtain the certification required 9556
under this division. 9557

(M) The director shall not issue a permit under section 9558
3734.05 of the Revised Code to establish a solid waste facility, 9559
or to modify a solid waste facility operating on December 21, 9560
1988, in a manner that expands the disposal capacity or geographic 9561
area covered by the facility, that is or is to be located within 9562
the boundaries of a state park established or dedicated under 9563
Chapter ~~1541.~~ 1546. of the Revised Code, a state park purchase 9564
area established under section ~~1541.02~~ 1546.06 of the Revised 9565
Code, any unit of the national park system, or any property that 9566
lies within the boundaries of a national park or recreation area, 9567
but that has not been acquired or is not administered by the 9568
secretary of the United States department of the interior, located 9569
in this state, or any candidate area located in this state and 9570
identified for potential inclusion in the national park system in 9571
the edition of the "national park system plan" submitted under 9572
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 9573
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 9574
filing of the application for the permit, unless the facility or 9575
proposed facility is or is to be used exclusively for the disposal 9576
of solid wastes generated within the park or recreation area and 9577
the director determines that the facility or proposed facility 9578

will not degrade any of the natural or cultural resources of the 9579
park or recreation area. The director shall not issue a variance 9580
under division (A) of this section and rules adopted under it, or 9581
issue an exemption order under division (G) of this section, that 9582
would authorize any such establishment or expansion of a solid 9583
waste facility within the boundaries of any such park or 9584
recreation area, state park purchase area, or candidate area, 9585
other than a solid waste facility exclusively for the disposal of 9586
solid wastes generated within the park or recreation area when the 9587
director determines that the facility will not degrade any of the 9588
natural or cultural resources of the park or recreation area. 9589

(N)(1) The rules adopted under division (A) of this section, 9590
other than those governing variances, do not apply to scrap tire 9591
collection, storage, monocell, monofill, and recovery facilities. 9592
Those facilities are subject to and governed by rules adopted 9593
under sections 3734.70 to 3734.73 of the Revised Code, as 9594
applicable. 9595

(2) Division (C) of this section does not apply to scrap tire 9596
collection, storage, monocell, monofill, and recovery facilities. 9597
The establishment and modification of those facilities are subject 9598
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 9599
Code, as applicable. 9600

(3) The director may adopt, amend, suspend, or rescind rules 9601
under division (A) of this section creating an alternative system 9602
for authorizing the establishment, operation, or modification of a 9603
solid waste compost facility in lieu of the requirement that a 9604
person seeking to establish, operate, or modify a solid waste 9605
compost facility apply for and receive a permit under division (C) 9606
of this section and section 3734.05 of the Revised Code and a 9607
license under division (A)(1) of that section. The rules may 9608
include requirements governing, without limitation, the 9609
classification of solid waste compost facilities, the submittal of 9610

operating records for solid waste compost facilities, and the 9611
creation of a registration or notification system in lieu of the 9612
issuance of permits and licenses for solid waste compost 9613
facilities. The rules shall specify the applicability of divisions 9614
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 9615
Code to a solid waste compost facility. 9616

(O)(1) As used in this division, "secondary aluminum waste" 9617
means waste material or byproducts, when disposed of, containing 9618
aluminum generated from secondary aluminum smelting operations and 9619
consisting of dross, salt cake, baghouse dust associated with 9620
aluminum recycling furnace operations, or dry-milled wastes. 9621

(2) The owner or operator of a sanitary landfill shall not 9622
dispose of municipal solid waste that has been commingled with 9623
secondary aluminum waste. 9624

(3) The owner or operator of a sanitary landfill may dispose 9625
of secondary aluminum waste, but only in a monocell or monofill 9626
that has been permitted for that purpose in accordance with this 9627
chapter and rules adopted under it. 9628

(P)(1) As used in divisions (P) and (Q) of this section: 9629

(a) "Natural background" means two picocuries per gram or the 9630
actual number of picocuries per gram as measured at an individual 9631
solid waste facility, subject to verification by the director of 9632
health. 9633

(b) "Drilling operation" includes a production operation as 9634
defined in section 1509.01 of the Revised Code. 9635

(2) The owner or operator of a solid waste facility shall not 9636
accept for transfer or disposal technologically enhanced naturally 9637
occurring radioactive material if that material contains or is 9638
contaminated with radium-226, radium-228, or any combination of 9639
radium-226 and radium-228 at concentrations equal to or greater 9640
than five picocuries per gram above natural background. 9641

(3) The owner or operator of a solid waste facility may 9642
receive and process for purposes other than transfer or disposal 9643
technologically enhanced naturally occurring radioactive material 9644
that contains or is contaminated with radium-226, radium-228, or 9645
any combination of radium-226 and radium-228 at concentrations 9646
equal to or greater than five picocuries per gram above natural 9647
background, provided that the owner or operator has obtained and 9648
maintains all other necessary authorizations, including any 9649
authorization required by rules adopted by the director of health 9650
under section 3748.04 of the Revised Code. 9651

(4) The director of environmental protection may adopt rules 9652
in accordance with Chapter 119. of the Revised Code governing the 9653
receipt, acceptance, processing, handling, management, and 9654
disposal by solid waste facilities of material that contains or is 9655
contaminated with radioactive material, including, without 9656
limitation, technologically enhanced naturally occurring 9657
radioactive material that contains or is contaminated with 9658
radium-226, radium-228, or any combination of radium-226 and 9659
radium-228 at concentrations less than five picocuries per gram 9660
above natural background. Rules adopted by the director may 9661
include at a minimum both of the following: 9662

(a) Requirements in accordance with which the owner or 9663
operator of a solid waste facility must monitor leachate and 9664
ground water for radium-226, radium-228, and other radionuclides; 9665

(b) Requirements in accordance with which the owner or 9666
operator of a solid waste facility must develop procedures to 9667
ensure that technologically enhanced naturally occurring 9668
radioactive material accepted at the facility neither contains nor 9669
is contaminated with radium-226, radium-228, or any combination of 9670
radium-226 and radium-228 at concentrations equal to or greater 9671
than five picocuries per gram above natural background. 9672

(Q) Notwithstanding any other provision of this section, the 9673

owner or operator of a solid waste facility shall not receive, 9674
accept, process, handle, manage, or dispose of technologically 9675
enhanced naturally occurring radioactive material associated with 9676
drilling operations without first obtaining representative 9677
analytical results to determine compliance with divisions (P)(2) 9678
and (3) of this section and rules adopted under it. 9679

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 9680
(8), and (9) of this section, no person shall operate or maintain 9681
a solid waste facility without a license issued under this 9682
division by the board of health of the health district in which 9683
the facility is located or by the director of environmental 9684
protection when the health district in which the facility is 9685
located is not on the approved list under section 3734.08 of the 9686
Revised Code. 9687

During the month of December, but before the first day of 9688
January of the next year, every person proposing to continue to 9689
operate an existing solid waste facility shall procure a license 9690
under this division to operate the facility for that year from the 9691
board of health of the health district in which the facility is 9692
located or, if the health district is not on the approved list 9693
under section 3734.08 of the Revised Code, from the director. The 9694
application for such a license shall be submitted to the board of 9695
health or to the director, as appropriate, on or before the last 9696
day of September of the year preceding that for which the license 9697
is sought. In addition to the application fee prescribed in 9698
division (A)(2) of this section, a person who submits an 9699
application after that date shall pay an additional ten per cent 9700
of the amount of the application fee for each week that the 9701
application is late. Late payment fees accompanying an application 9702
submitted to the board of health shall be credited to the special 9703
fund of the health district created in division (B) of section 9704
3734.06 of the Revised Code, and late payment fees accompanying an 9705

application submitted to the director shall be credited to the 9706
general revenue fund. A person who has received a license, upon 9707
sale or disposition of a solid waste facility, and upon consent of 9708
the board of health and the director, may have the license 9709
transferred to another person. The board of health or the director 9710
may include such terms and conditions in a license or revision to 9711
a license as are appropriate to ensure compliance with this 9712
chapter and rules adopted under it. The terms and conditions may 9713
establish the authorized maximum daily waste receipts for the 9714
facility. Limitations on maximum daily waste receipts shall be 9715
specified in cubic yards of volume for the purpose of regulating 9716
the design, construction, and operation of solidwaste facilities. 9717
Terms and conditions included in a license or revision to a 9718
license by a board of health shall be consistent with, and pertain 9719
only to the subjects addressed in, the rules adopted under 9720
division (A) of section 3734.02 and division (D) of section 9721
3734.12 of the Revised Code. 9722

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 9723
(9) of this section, each person proposing to open a new solid 9724
waste facility or to modify an existing solid waste facility shall 9725
submit an application for a permit with accompanying detail plans 9726
and specifications to the environmental protection agency for 9727
required approval under the rules adopted by the director pursuant 9728
to division (A) of section 3734.02 of the Revised Code and 9729
applicable rules adopted under division (D) of section 3734.12 of 9730
the Revised Code at least two hundred seventy days before proposed 9731
operation of the facility and shall concurrently make application 9732
for the issuance of a license under division (A)(1) of this 9733
section with the board of health of the health district in which 9734
the proposed facility is to be located. 9735

(b) On and after the effective date of the rules adopted 9736
under division (A) of section 3734.02 of the Revised Code and 9737

division (D) of section 3734.12 of the Revised Code governing 9738
solid waste transfer facilities, each person proposing to open a 9739
new solid waste transfer facility or to modify an existing solid 9740
waste transfer facility shall submit an application for a permit 9741
with accompanying engineering detail plans, specifications, and 9742
information regarding the facility and its method of operation to 9743
the environmental protection agency for required approval under 9744
those rules at least two hundred seventy days before commencing 9745
proposed operation of the facility and concurrently shall make 9746
application for the issuance of a license under division (A)(1) of 9747
this section with the board of health of the health district in 9748
which the facility is located or proposed. 9749

(c) Each application for a permit under division (A)(2)(a) or 9750
(b) of this section shall be accompanied by a nonrefundable 9751
application fee of four hundred dollars that shall be credited to 9752
the general revenue fund. Each application for an annual license 9753
under division (A)(1) or (2) of this section shall be accompanied 9754
by a nonrefundable application fee of one hundred dollars. If the 9755
application for an annual license is submitted to a board of 9756
health on the approved list under section 3734.08 of the Revised 9757
Code, the application fee shall be credited to the special fund of 9758
the health district created in division (B) of section 3734.06 of 9759
the Revised Code. If the application for an annual license is 9760
submitted to the director, the application fee shall be credited 9761
to the general revenue fund. If a permit or license is issued, the 9762
amount of the application fee paid shall be deducted from the 9763
amount of the permit fee due under division (Q) of section 3745.11 9764
of the Revised Code or the amount of the license fee due under 9765
division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the 9766
Revised Code. 9767

(d) As used in divisions (A)(2)(d), (e), and (f) of this 9768
section, "modify" means any of the following: 9769

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility; 9770
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(ii) Any expansion of the limits of solid waste placement at a solid waste facility; 9772
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(iii) Any increase in the depth of excavation at a solid waste facility; 9774
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(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code. 9776
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Not later than forty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant 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 meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public 9780
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meeting, the applicant shall provide information and describe the 9802
application and respond to comments or questions concerning the 9803
application, and the officer or employee of the agency shall 9804
describe the permit application process. At the public meeting, 9805
any person may submit written or oral comments on or objections to 9806
the application. Not more than thirty days after the public 9807
meeting, the applicant shall provide the director with a copy of a 9808
transcript of the full meeting, copies of any exhibits, displays, 9809
or other materials presented by the applicant at the meeting, and 9810
the original copy of any written comments submitted at the 9811
meeting. 9812

(e) Except as provided in division (A)(2)(f) of this section, 9813
prior to taking an action, other than a proposed or final denial, 9814
upon an application submitted under division (A)(2)(a) of this 9815
section for a permit to open a new or modify an existing solid 9816
waste facility, the director shall hold a public information 9817
session and a public hearing on the application within the county 9818
in which the new or modified solid waste facility is or is 9819
proposed to be located or within a contiguous county. If the 9820
application is for a permit to open a new solid waste facility, 9821
the director shall hold the hearing not less than fourteen days 9822
after the information session. If the application is for a permit 9823
to modify an existing solid waste facility, the director may hold 9824
both the information session and the hearing on the same day 9825
unless any individual affected by the application requests in 9826
writing that the information session and the hearing not be held 9827
on the same day, in which case the director shall hold the hearing 9828
not less than fourteen days after the information session. The 9829
director shall publish notice of the public information session or 9830
public hearing not less than thirty days before holding the 9831
information session or hearing, as applicable. The notice shall be 9832
published in each newspaper of general circulation that is 9833
published in the county in which the facility is or is proposed to 9834

be located. If no newspaper of general circulation is published in 9835
the county, the director shall publish the notice in a newspaper 9836
of general circulation in the county. The notice shall contain the 9837
date, time, and location of the information session or hearing, as 9838
applicable, and a general description of the proposed new or 9839
modified facility. At the public information session, an officer 9840
or employee of the environmental protection agency shall describe 9841
the status of the permit application and be available to respond 9842
to comments or questions concerning the application. At the public 9843
hearing, any person may submit written or oral comments on or 9844
objections to the approval of the application. The applicant, or a 9845
representative of the applicant who has knowledge of the location, 9846
construction, and operation of the facility, shall attend the 9847
information session and public hearing to respond to comments or 9848
questions concerning the facility directed to the applicant or 9849
representative by the officer or employee of the environmental 9850
protection agency presiding at the information session and 9851
hearing. 9852

(f) The solid waste management policy committee of a county 9853
or joint solid waste management district may adopt a resolution 9854
requesting expeditious consideration of a specific application 9855
submitted under division (A)(2)(a) of this section for a permit to 9856
modify an existing solid waste facility within the district. The 9857
resolution shall make the finding that expedited consideration of 9858
the application without the public information session and public 9859
hearing under division (A)(2)(e) of this section is in the public 9860
interest and will not endanger human health, as determined by the 9861
director by rules adopted in accordance with Chapter 119. of the 9862
Revised Code. Upon receiving such a resolution, the director, at 9863
the director's discretion, may issue a final action upon the 9864
application without holding a public information session or public 9865
hearing pursuant to division (A)(2)(e) of this section. 9866

(3) Except as provided in division (A)(10) of this section, 9867
and unless the owner or operator of any solid waste facility, 9868
other than a solid waste transfer facility or a compost facility 9869
that accepts exclusively source separated yard wastes, that 9870
commenced operation on or before July 1, 1968, has obtained an 9871
exemption from the requirements of division (A)(3) of this section 9872
in accordance with division (G) of section 3734.02 of the Revised 9873
Code, the owner or operator shall submit to the director an 9874
application for a permit with accompanying engineering detail 9875
plans, specifications, and information regarding the facility and 9876
its method of operation for approval under rules adopted under 9877
division (A) of section 3734.02 of the Revised Code and applicable 9878
rules adopted under division (D) of section 3734.12 of the Revised 9879
Code in accordance with the following schedule: 9880

(a) Not later than September 24, 1988, if the facility is 9881
located in the city of Garfield Heights or Parma in Cuyahoga 9882
county; 9883

(b) Not later than December 24, 1988, if the facility is 9884
located in Delaware, Greene, Guernsey, Hamilton, Madison, 9885
Mahoning, Ottawa, or Vinton county; 9886

(c) Not later than March 24, 1989, if the facility is located 9887
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 9888
Washington county, or is located in the city of Brooklyn or 9889
Cuyahoga Heights in Cuyahoga county; 9890

(d) Not later than June 24, 1989, if the facility is located 9891
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 9892
Summit county or is located in Cuyahoga county outside the cities 9893
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 9894

(e) Not later than September 24, 1989, if the facility is 9895
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 9896
county; 9897

(f) Not later than December 24, 1989, if the facility is 9898
located in a county not listed in divisions (A)(3)(a) to (e) of 9899
this section; 9900

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 9901
section, not later than December 31, 1990, if the facility is a 9902
solid waste facility owned by a generator of solid wastes when the 9903
solid waste facility exclusively disposes of solid wastes 9904
generated at one or more premises owned by the generator 9905
regardless of whether the facility is located on a premises where 9906
the wastes are generated and if the facility disposes of more than 9907
one hundred thousand tons of solid wastes per year, provided that 9908
any such facility shall be subject to division (A)(5) of this 9909
section. 9910

(4) Except as provided in divisions (A)(8), (9), and (10) of 9911
this section, unless the owner or operator of any solid waste 9912
facility for which a permit was issued after July 1, 1968, but 9913
before January 1, 1980, has obtained an exemption from the 9914
requirements of division (A)(4) of this section under division (G) 9915
of section 3734.02 of the Revised Code, the owner or operator 9916
shall submit to the director an application for a permit with 9917
accompanying engineering detail plans, specifications, and 9918
information regarding the facility and its method of operation for 9919
approval under those rules. 9920

(5) The director may issue an order in accordance with 9921
Chapter 3745. of the Revised Code to the owner or operator of a 9922
solid waste facility requiring the person to submit to the 9923
director updated engineering detail plans, specifications, and 9924
information regarding the facility and its method of operation for 9925
approval under rules adopted under division (A) of section 3734.02 9926
of the Revised Code and applicable rules adopted under division 9927
(D) of section 3734.12 of the Revised Code if, in the director's 9928
judgment, conditions at the facility constitute a substantial 9929

threat to public health or safety or are causing or contributing 9930
to or threatening to cause or contribute to air or water pollution 9931
or soil contamination. Any person who receives such an order shall 9932
submit the updated engineering detail plans, specifications, and 9933
information to the director within one hundred eighty days after 9934
the effective date of the order. 9935

(6) The director shall act upon an application submitted 9936
under division (A)(3) or (4) of this section and any updated 9937
engineering plans, specifications, and information submitted under 9938
division (A)(5) of this section within one hundred eighty days 9939
after receiving them. If the director denies any such permit 9940
application, the order denying the application or disapproving the 9941
plans shall include the requirements that the owner or operator 9942
submit a plan for closure and post-closure care of the facility to 9943
the director for approval within six months after issuance of the 9944
order, cease accepting solid wastes for disposal or transfer at 9945
the facility, and commence closure of the facility not later than 9946
one year after issuance of the order. If the director determines 9947
that closure of the facility within that one-year period would 9948
result in the unavailability of sufficient solid waste management 9949
facility capacity within the county or joint solid waste 9950
management district in which the facility is located to dispose of 9951
or transfer the solid waste generated within the district, the 9952
director in the order of denial or disapproval may postpone 9953
commencement of closure of the facility for such period of time as 9954
the director finds necessary for the board of county commissioners 9955
or directors of the district to secure access to or for there to 9956
be constructed within the district sufficient solid waste 9957
management facility capacity to meet the needs of the district, 9958
provided that the director shall certify in the director's order 9959
that postponing the date for commencement of closure will not 9960
endanger ground water or any property surrounding the facility, 9961
allow methane gas migration to occur, or cause or contribute to 9962

any other type of environmental damage. 9963

If an emergency need for disposal capacity that may affect 9964
public health and safety exists as a result of closure of a 9965
facility under division (A)(6) of this section, the director may 9966
issue an order designating another solid waste facility to accept 9967
the wastes that would have been disposed of at the facility to be 9968
closed. 9969

(7) If the director determines that standards more stringent 9970
than those applicable in rules adopted under division (A) of 9971
section 3734.02 of the Revised Code and division (D) of section 9972
3734.12 of the Revised Code, or standards pertaining to subjects 9973
not specifically addressed by those rules, are necessary to ensure 9974
that a solid waste facility constructed at the proposed location 9975
will not cause a nuisance, cause or contribute to water pollution, 9976
or endanger public health or safety, the director may issue a 9977
permit for the facility with such terms and conditions as the 9978
director finds necessary to protect public health and safety and 9979
the environment. If a permit is issued, the director shall state 9980
in the order issuing it the specific findings supporting each such 9981
term or condition. 9982

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 9983
not apply to a solid waste compost facility that accepts 9984
exclusively source separated yard wastes and that is registered 9985
under division (C) of section 3734.02 of the Revised Code or, 9986
unless otherwise provided in rules adopted under division (N)(3) 9987
of section 3734.02 of the Revised Code, to a solid waste compost 9988
facility if the director has adopted rules establishing an 9989
alternative system for authorizing the establishment, operation, 9990
or modification of a solid waste compost facility under that 9991
division. 9992

(9) Divisions (A)(1) to (7) of this section do not apply to 9993
scrap tire collection, storage, monocell, monofill, and recovery 9994

facilities. The approval of plans and specifications, as 9995
applicable, and the issuance of registration certificates, 9996
permits, and licenses for those facilities are subject to sections 9997
3734.75 to 3734.78 of the Revised Code, as applicable, and section 9998
3734.81 of the Revised Code. 9999

(10) Divisions (A)(3) and (4) of this section do not apply to 10000
a solid waste incinerator that was placed into operation on or 10001
before October 12, 1994, and that is not authorized to accept and 10002
treat infectious wastes pursuant to division (B) of this section. 10003

(B)(1) No person shall operate or maintain an infectious 10004
waste treatment facility without a license issued by the board of 10005
health of the health district in which the facility is located or 10006
by the director 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

(2)(a) During the month of December, but before the first day 10010
of January of the next year, every person proposing to continue to 10011
operate an existing infectious waste treatment facility shall 10012
procure a license 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 (B)(2)(c) 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
infectious waste fund of the health district created in division 10026

(C) of section 3734.06 of the Revised Code, and late payment fees 10027
accompanying an application submitted to the director shall be 10028
credited to the general revenue fund. A person who has received a 10029
license, upon sale or disposition of an infectious waste treatment 10030
facility and upon consent of the board of health and the director, 10031
may have the license transferred to another person. The board of 10032
health or the director may include such terms and conditions in a 10033
license or revision to a license as are appropriate to ensure 10034
compliance with the infectious waste provisions of this chapter 10035
and rules adopted under them. 10036

(b) Each person proposing to open a new infectious waste 10037
treatment facility or to modify an existing infectious waste 10038
treatment facility shall submit an application for a permit with 10039
accompanying detail plans and specifications to the environmental 10040
protection agency for required approval under the rules adopted by 10041
the director pursuant to section 3734.021 of the Revised Code two 10042
hundred seventy days before proposed operation of the facility and 10043
concurrently shall make application for a license with the board 10044
of health of the health district in which the facility is or is 10045
proposed to be located. Not later than ninety days after receiving 10046
a complete application under division (B)(2)(b) of this section 10047
for a permit to open a new infectious waste treatment facility or 10048
modify an existing infectious waste treatment facility to expand 10049
its treatment capacity, or receiving a complete application under 10050
division (A)(2)(a) of this section for a permit to open a new 10051
solid waste incineration facility, or modify an existing solid 10052
waste incineration facility to also treat infectious wastes or to 10053
increase its infectious waste treatment capacity, that pertains to 10054
a facility for which a notation authorizing infectious waste 10055
treatment is included or proposed to be included in the solid 10056
waste incineration facility's license pursuant to division (B)(3) 10057
of this section, the director shall hold a public hearing on the 10058
application within the county in which the new or modified 10059

infectious waste or solid waste facility is or is proposed to be 10060
located or within a contiguous county. Not less than thirty days 10061
before holding the public hearing on the application, the director 10062
shall publish notice of the hearing in each newspaper that has 10063
general circulation and that is published in the county in which 10064
the facility is or is proposed to be located. If there is no 10065
newspaper that has general circulation and that is published in 10066
the county, the director shall publish the notice in a newspaper 10067
of general circulation in the county. The notice shall contain the 10068
date, time, and location of the public hearing and a general 10069
description of the proposed new or modified facility. At the 10070
public hearing, any person may submit written or oral comments on 10071
or objections to the approval or disapproval of the application. 10072
The applicant, or a representative of the applicant who has 10073
knowledge of the location, construction, and operation of the 10074
facility, shall attend the public hearing to respond to comments 10075
or questions concerning the facility directed to the applicant or 10076
representative by the officer or employee of the environmental 10077
protection agency presiding at the hearing. 10078

(c) Each application for a permit under division (B)(2)(b) of 10079
this section shall be accompanied by a nonrefundable application 10080
fee of four hundred dollars that shall be credited to the general 10081
revenue fund. Each application for an annual license under 10082
division (B)(2)(a) of this section shall be accompanied by a 10083
nonrefundable application fee of one hundred dollars. If the 10084
application for an annual license is submitted to a board of 10085
health on the approved list under section 3734.08 of the Revised 10086
Code, the application fee shall be credited to the special 10087
infectious waste fund of the health district created in division 10088
(C) of section 3734.06 of the Revised Code. If the application for 10089
an annual license is submitted to the director, the application 10090
fee shall be credited to the general revenue fund. If a permit or 10091
license is issued, the amount of the application fee paid shall be 10092

deducted from the amount of the permit fee due under division (Q) 10093
of section 3745.11 of the Revised Code or the amount of the 10094
license fee due under division (C) of section 3734.06 of the 10095
Revised Code. 10096

(d) The director may issue an order in accordance with 10097
Chapter 3745. of the Revised Code to the owner or operator of an 10098
infectious waste treatment facility requiring the person to submit 10099
to the director updated engineering detail plans, specifications, 10100
and information regarding the facility and its method of operation 10101
for approval under rules adopted under section 3734.021 of the 10102
Revised Code if, in the director's judgment, conditions at the 10103
facility constitute a substantial threat to public health or 10104
safety or are causing or contributing to or threatening to cause 10105
or contribute to air or water pollution or soil contamination. Any 10106
person who receives such an order shall submit the updated 10107
engineering detail plans, specifications, and information to the 10108
director within one hundred eighty days after the effective date 10109
of the order. 10110

(e) The director shall act on any updated engineering plans, 10111
specifications, and information submitted under division (B)(2)(d) 10112
of this section within one hundred eighty days after receiving 10113
them. If the director disapproves any such updated engineering 10114
plans, specifications, and information, the director shall include 10115
in the order disapproving the plans the requirement that the owner 10116
or operator cease accepting infectious wastes for treatment at the 10117
facility. 10118

(3) Division (B) of this section does not apply to a 10119
generator of infectious wastes that meets any of the following 10120
conditions: 10121

(a) Treats, by methods, techniques, and practices established 10122
by rules adopted under division (B)(2)(a) of section 3734.021 of 10123
the Revised Code, any of the following wastes: 10124

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;	10125 10126
(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;	10127 10128 10129
(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.	10130 10131 10132
(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;	10133 10134 10135
(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:	10136 10137
(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	10138 10139
(ii) Chapter 918. of the Revised Code;	10140
(iii) Chapter 953. of the Revised Code.	10141
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.	10142 10143 10144 10145 10146 10147 10148 10149
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.	10150 10151 10152 10153 10154

(C) Except for a facility or activity described in division 10155
(E)(3) of section 3734.02 of the Revised Code, a person who 10156
proposes to establish or operate a hazardous waste facility shall 10157
submit a complete application for a hazardous waste facility 10158
installation and operation permit and accompanying detail plans, 10159
specifications, and such information as the director may require 10160
to the environmental protection agency at least one hundred eighty 10161
days before the proposed beginning of operation of the facility. 10162
The applicant shall notify by certified mail the legislative 10163
authority of each municipal corporation, township, and county in 10164
which the facility is proposed to be located of the submission of 10165
the application within ten days after the submission or at such 10166
earlier time as the director may establish by rule. If the 10167
application is for a proposed new hazardous waste disposal or 10168
thermal treatment facility, the applicant also shall give actual 10169
notice of the general design and purpose of the facility to the 10170
legislative authority of each municipal corporation, township, and 10171
county in which the facility is proposed to be located at least 10172
ninety days before the permit application is submitted to the 10173
environmental protection agency. 10174

In accordance with rules adopted under section 3734.12 of the 10175
Revised Code, prior to the submission of a complete application 10176
for a hazardous waste facility installation and operation permit, 10177
the applicant shall hold at least one meeting in the township or 10178
municipal corporation in which the facility is proposed to be 10179
located, whichever is geographically closer to the proposed 10180
location of the facility. The meeting shall be open to the public 10181
and shall be held to inform the community of the proposed 10182
hazardous waste management activities and to solicit questions 10183
from the community concerning the activities. 10184

(D)(1) Except as provided in section 3734.123 of the Revised 10185
Code, upon receipt of a complete application for a hazardous waste 10186

facility installation and operation permit under division (C) of 10187
this section, the director shall consider the application and 10188
accompanying information to determine whether the application 10189
complies with agency rules and the requirements of division (D)(2) 10190
of this section. After making a determination, the director shall 10191
issue either a draft permit or a notice of intent to deny the 10192
permit. The director, in accordance with rules adopted under 10193
section 3734.12 of the Revised Code or with rules adopted to 10194
implement Chapter 3745. of the Revised Code, shall provide public 10195
notice of the application and the draft permit or the notice of 10196
intent to deny the permit, provide an opportunity for public 10197
comments, and, if significant interest is shown, schedule a public 10198
meeting in the county in which the facility is proposed to be 10199
located and give public notice of the date, time, and location of 10200
the public meeting in a newspaper of general circulation in that 10201
county. 10202

(2) The director shall not approve an application for a 10203
hazardous waste facility installation and operation permit or an 10204
application for a modification under division (I)(3) of this 10205
section unless the director finds and determines as follows: 10206

(a) The nature and volume of the waste to be treated, stored, 10207
or disposed of at the facility; 10208

(b) That the facility complies with the director's hazardous 10209
waste standards adopted pursuant to section 3734.12 of the Revised 10210
Code; 10211

(c) That the facility represents the minimum adverse 10212
environmental impact, considering the state of available 10213
technology and the nature and economics of various alternatives, 10214
and other pertinent considerations; 10215

(d) That the facility represents the minimum risk of all of 10216
the following: 10217

(i) Fires or explosions from treatment, storage, or disposal methods;	10218 10219
(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;	10220 10221
(iii) Adverse impact on the public health and safety.	10222
(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;	10223 10224 10225
(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.	10226 10227 10228 10229 10230 10231 10232 10233 10234 10235 10236 10237 10238 10239 10240 10241 10242 10243 10244 10245 10246 10247 10248 10249

(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, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter ~~1541.~~ 1546. of the Revised Code, a state park purchase area established under section ~~1541.02~~ 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the

United States department of the interior, located in this state, 10281
or any candidate area located in this state identified for 10282
potential inclusion in the national park system in the edition of 10283
the "national park system plan" submitted under paragraph (b) of 10284
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 10285
U.S.C.A. 1a-5, as amended, current at the time of filing of the 10286
application for the permit, unless the facility will be used 10287
exclusively for the storage of hazardous waste generated within 10288
the park or recreation area in conjunction with the operation of 10289
the park or recreation area. Division (D)(2)(h) of this section 10290
does not apply to the facility of any applicant for modification 10291
of a permit unless the modification application proposes to 10292
increase the land area included in the facility or to increase the 10293
quantity of hazardous waste that will be treated, stored, or 10294
disposed of at the facility. 10295

(3) Not later than one hundred eighty days after the end of 10296
the public comment period, the director, without prior hearing, 10297
shall issue or deny the permit in accordance with Chapter 3745. of 10298
the Revised Code. If the director approves an application for a 10299
hazardous waste facility installation and operation permit, the 10300
director shall issue the permit, upon such terms and conditions as 10301
the director finds are necessary to ensure the construction and 10302
operation of the hazardous waste facility in accordance with the 10303
standards of this section. 10304

(E) No political subdivision of this state shall require any 10305
additional zoning or other approval, consent, permit, certificate, 10306
or condition for the construction or operation of a hazardous 10307
waste facility authorized by a hazardous waste facility 10308
installation and operation permit issued pursuant to this chapter, 10309
nor shall any political subdivision adopt or enforce any law, 10310
ordinance, or rule that in any way alters, impairs, or limits the 10311
authority granted in the permit. 10312

(F) The director may issue a single hazardous waste facility 10313
installation and operation permit to a person who operates two or 10314
more adjoining facilities where hazardous waste is stored, 10315
treated, or disposed of if the application includes detail plans, 10316
specifications, and information on all facilities. For the 10317
purposes of this section, "adjoining" means sharing a common 10318
boundary, separated only by a public road, or in such proximity 10319
that the director determines that the issuance of a single permit 10320
will not create a hazard to the public health or safety or the 10321
environment. 10322

(G) No person shall falsify or fail to keep or submit any 10323
plans, specifications, data, reports, records, manifests, or other 10324
information required to be kept or submitted to the director by 10325
this chapter or the rules adopted under it. 10326

(H)(1) Each person who holds an installation and operation 10327
permit issued under this section and who wishes to obtain a permit 10328
renewal shall submit a completed application for an installation 10329
and operation permit renewal and any necessary accompanying 10330
general plans, detail plans, specifications, and such information 10331
as the director may require to the director no later than one 10332
hundred eighty days prior to the expiration date of the existing 10333
permit or upon a later date prior to the expiration of the 10334
existing permit if the permittee can demonstrate good cause for 10335
the late submittal. The director shall consider the application 10336
and accompanying information, inspection reports of the facility, 10337
results of performance tests, a report regarding the facility's 10338
compliance or noncompliance with the terms and conditions of its 10339
permit and rules adopted by the director under this chapter, and 10340
such other information as is relevant to the operation of the 10341
facility and shall issue a draft renewal permit or a notice of 10342
intent to deny the renewal permit. The director, in accordance 10343
with rules adopted under this section or with rules adopted to 10344

implement Chapter 3745. of the Revised Code, shall give public 10345
notice of the application and draft renewal permit or notice of 10346
intent to deny the renewal permit, provide for the opportunity for 10347
public comments within a specified time period, schedule a public 10348
meeting in the county in which the facility is located if 10349
significant interest is shown, and give public notice of the 10350
public meeting. 10351

(2) Within sixty days after the public meeting or close of 10352
the public comment period, the director, without prior hearing, 10353
shall issue or deny the renewal permit in accordance with Chapter 10354
3745. of the Revised Code. The director shall not issue a renewal 10355
permit unless the director determines that the facility under the 10356
existing permit has a history of compliance with this chapter, 10357
rules adopted under it, the existing permit, or orders entered to 10358
enforce such requirements that demonstrates sufficient 10359
reliability, expertise, and competency to operate the facility 10360
henceforth under this chapter, rules adopted under it, and the 10361
renewal permit. If the director approves an application for a 10362
renewal permit, the director shall issue the permit subject to the 10363
payment of the annual permit fee required under division (E) of 10364
section 3734.02 of the Revised Code and upon such terms and 10365
conditions as the director finds are reasonable to ensure that 10366
continued operation, maintenance, closure, and post-closure care 10367
of the hazardous waste facility are in accordance with the rules 10368
adopted under section 3734.12 of the Revised Code. 10369

(3) An installation and operation permit renewal application 10370
submitted to the director that also contains or would constitute 10371
an application for a modification shall be acted upon by the 10372
director in accordance with division (I) of this section in the 10373
same manner as an application for a modification. In approving or 10374
disapproving the renewal portion of a permit renewal application 10375
containing an application for a modification, the director shall 10376

apply the criteria established under division (H)(2) of this section. 10377
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(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section. 10379
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(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director. 10383
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(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's

treatment rate of more than twenty-five per cent over the rate so 10440
authorized, or an increase in a facility's disposal capacity over 10441
the capacity so authorized. The authorized disposal capacity for a 10442
facility shall be calculated from the approved design plans for 10443
the disposal units at that facility. In no case during a five-year 10444
period shall a facility's storage capacity or treatment rate be 10445
modified to increase by more than twenty-five per cent in the 10446
aggregate without the director's approval in accordance with 10447
division (D)(2) of this section. Notwithstanding any provision of 10448
division (I) of this section to the contrary, a request for 10449
modification of a facility's annual total waste receipt limit 10450
shall be classified and approved or disapproved by the director 10451
under division (I)(5) of this section. 10452

(c) Authority to add any of the following categories of 10453
regulated activities not previously authorized at a facility by 10454
the facility's permit: storage at a facility not previously 10455
authorized to store hazardous waste, treatment at a facility not 10456
previously authorized to treat hazardous waste, or disposal at a 10457
facility not previously authorized to dispose of hazardous waste; 10458
or authority to add a category of hazardous waste management unit 10459
not previously authorized at the facility by the facility's 10460
permit. Notwithstanding any provision of division (I) of this 10461
section to the contrary, a request for authority to add or to 10462
modify an activity or a hazardous waste management unit for the 10463
purposes of performing a corrective action shall be classified and 10464
approved or disapproved by the director under division (I)(5) of 10465
this section. 10466

(d) Authority to treat, store, or dispose of waste types 10467
listed or characterized as reactive or explosive, in rules adopted 10468
under section 3734.12 of the Revised Code, or any acute hazardous 10469
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 10470
previously authorized to treat, store, or dispose of those types 10471

of wastes by the facility's permit unless the requested authority 10472
is limited to wastes that no longer exhibit characteristics 10473
meeting the criteria for listing or characterization as reactive 10474
or explosive wastes, or for listing as acute hazardous waste, but 10475
still are required to carry those waste codes as established in 10476
rules adopted under section 3734.12 of the Revised Code because of 10477
the requirements established in 40 C.F.R. 261(a) and (e), as 10478
amended, that is, the "mixture," "derived-from," or "contained-in" 10479
regulations. 10480

(4) A written request for a modification from the permittee 10481
shall be submitted to the director and shall contain such 10482
information as is necessary to support the request. Requests for 10483
modifications shall be acted upon by the director in accordance 10484
with this section and rules adopted under it. 10485

(5) Class 1 modification applications that require prior 10486
approval of the director, as provided in division (I)(1) of this 10487
section or as determined in accordance with rules adopted under 10488
division (K) of this section, Class 2 modification applications, 10489
and Class 3 modification applications that are not described in 10490
divisions (I)(3)(a) to (d) of this section shall be approved or 10491
disapproved by the director in accordance with rules adopted under 10492
division (K) of this section. The board of county commissioners of 10493
the county, the board of township trustees of the township, and 10494
the city manager or mayor of the municipal corporation in which a 10495
hazardous waste facility is located shall receive notification of 10496
any application for a modification for that facility and shall be 10497
considered as interested persons with respect to the director's 10498
consideration of the application. 10499

As used in division (I) of this section: 10500

(a) "Owner" means the person who owns a majority or 10501
controlling interest in a facility. 10502

(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.

(6) The approval or disapproval by the director of a Class 1 modification application is not a final action that is appealable under Chapter 3745. of the Revised Code. The approval or disapproval by the director of a Class 2 modification or a Class 3 modification is a final action that is appealable under that chapter. In approving or disapproving a request for a modification, the director shall consider all comments pertaining to the request that are received during the public comment period and the public meetings. The administrative record for appeal of a final action by the director in approving or disapproving a request for a modification shall include all comments received during the public comment period relating to the request for modification, written materials submitted at the public meetings relating to the request, and any other documents related to the director's action.

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E)(3)(a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I)(1) to (6) of this

section in the same manner as a modification to a hazardous waste facility installation and operation permit. 10535
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(J)(1) Except as provided in division (J)(2) of this section, 10537
an owner or operator of a hazardous waste facility that is 10538
operating in accordance with a permit by rule under rules adopted 10539
by the director under division (E)(3)(b) of section 3734.02 of the 10540
Revised Code shall submit either a hazardous waste facility 10541
installation and operation permit application for the facility or 10542
a modification application, whichever is required under division 10543
(J)(1)(a) or (b) of this section, within one hundred eighty days 10544
after the director has requested the application or upon a later 10545
date if the owner or operator demonstrates to the director good 10546
cause for the late submittal. 10547

(a) If the owner or operator does not have a hazardous waste 10548
facility installation and operation permit for any hazardous waste 10549
treatment, storage, or disposal activities at the facility, the 10550
owner or operator shall submit an application for such a permit to 10551
the director for the activities authorized by the permit by rule. 10552
Notwithstanding any other provision of law to the contrary, the 10553
director shall approve or disapprove the application for the 10554
permit in accordance with the procedures governing the approval or 10555
disapproval of permit renewals under division (H) of this section. 10556

(b) If the owner or operator has a hazardous waste facility 10557
installation and operation permit for hazardous waste treatment, 10558
storage, or disposal activities at the facility other than those 10559
authorized by the permit by rule, the owner or operator shall 10560
submit to the director a request for modification in accordance 10561
with division (I) of this section. Notwithstanding any other 10562
provision of law to the contrary, the director shall approve or 10563
disapprove the modification application in accordance with 10564
division (I)(5) of this section. 10565

(2) The owner or operator of a boiler or industrial furnace 10566

that is conducting thermal treatment activities in accordance with 10567
a permit by rule under rules adopted by the director under 10568
division (E)(3)(b) of section 3734.02 of the Revised Code shall 10569
submit a hazardous waste facility installation and operation 10570
permit application if the owner or operator does not have such a 10571
permit for any hazardous waste treatment, storage, or disposal 10572
activities at the facility or, if the owner or operator has such a 10573
permit for hazardous waste treatment, storage, or disposal 10574
activities at the facility other than thermal treatment activities 10575
authorized by the permit by rule, a modification application to 10576
add those activities authorized by the permit by rule, whichever 10577
is applicable, within one hundred eighty days after the director 10578
has requested the submission of the application or upon a later 10579
date if the owner or operator demonstrates to the director good 10580
cause for the late submittal. The application shall be accompanied 10581
by information necessary to support the request. The director 10582
shall approve or disapprove an application for a hazardous waste 10583
facility installation and operation permit in accordance with 10584
division (D) of this section and approve or disapprove an 10585
application for a modification in accordance with division (I)(3) 10586
of this section, except that the director shall not disapprove an 10587
application for the thermal treatment activities on the basis of 10588
the criteria set forth in division (D)(2)(g) or (h) of this 10589
section. 10590

(3) As used in division (J) of this section: 10591

(a) "Modification application" means a request for a 10592
modification submitted in accordance with division (I) of this 10593
section. 10594

(b) "Thermal treatment," "boiler," and "industrial furnace" 10595
have the same meanings as in rules adopted under section 3734.12 10596
of the Revised Code. 10597

(K) The director shall adopt, and may amend, suspend, or 10598

rescind, rules in accordance with Chapter 119. of the Revised Code 10599
in order to implement divisions (H) and (I) of this section. 10600
Except when in actual conflict with this section, rules governing 10601
the classification of and procedures for the modification of 10602
hazardous waste facility installation and operation permits shall 10603
be substantively and procedurally identical to the regulations 10604
governing hazardous waste facility permitting and permit 10605
modifications adopted under the "Resource Conservation and 10606
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 10607
amended. 10608

Sec. 3734.11. (A) No person shall violate any section of this 10609
chapter, any rule adopted under it, or any order issued under 10610
section 3734.13 of the Revised Code. 10611

(B) No person who holds a permit or license issued under this 10612
chapter shall violate any of the terms and conditions of the 10613
permit or license. 10614

(C) No person shall operate a solid waste facility or portion 10615
of such a facility within the boundaries of a state park 10616
established or dedicated under Chapter ~~1541.~~ 1546. of the Revised 10617
Code, a state park purchase area established under section ~~1541.02~~ 10618
1546.06 of the Revised Code, any unit of the national park system, 10619
or any property that lies within the boundaries of a national park 10620
or recreation area, but that has not been acquired or is not 10621
administered by the secretary of the United States department of 10622
the interior, located in this state, or any candidate area located 10623
in this state and identified for potential inclusion in the 10624
national park system in the edition of the "national park system 10625
plan" submitted under paragraph (b) of section 8 of "The Act of 10626
August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, 10627
current at the time of filing of the application for the permit, 10628
unless either of the following applies: 10629

(1) The facility was operating on December 21, 1988, under an operating license issued under section 3734.05 of the Revised Code;

(2) The facility is used only for disposal of solid wastes generated within the park or recreation area in accordance with a permit or license issued under section 3734.05 of the Revised Code.

(D) No person shall make any false material statement or representation in any affidavit, disclosure form, or other document required to be submitted to the attorney general by this chapter or any rule adopted under it.

Sec. 3767.32. (A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive;

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant to Chapter 3734. or 6111. of the Revised Code.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located;

(2) The person is directed to do so by a public official as

part of a litter collection drive; 10660

(3) The person is directed to do so by a person whom the 10661
person reasonably believes to have the privilege to use the litter 10662
receptacle; 10663

(4) The litter consists of any of the following: 10664

(a) The contents of a litter bag or container of a type and 10665
size customarily carried and used in a motor vehicle; 10666

(b) The contents of an ash tray of a type customarily 10667
installed or carried and used in a motor vehicle; 10668

(c) Beverage containers and food sacks, wrappings, and 10669
containers of a type and in an amount that reasonably may be 10670
expected to be generated during routine commuting or business or 10671
recreational travel by a motor vehicle; 10672

(d) Beverage containers, food sacks, wrappings, containers, 10673
and other materials of a type and in an amount that reasonably may 10674
be expected to be generated during a routine day by a person and 10675
deposited in a litter receptacle by a casual passerby. 10676

(C)(1) As used in division (B)(1) of this section, "public 10677
property" includes any private property open to the public for the 10678
conduct of business, the provision of a service, or upon the 10679
payment of a fee, but does not include any private property to 10680
which the public otherwise does not have a right of access. 10681

(2) As used in division (B)(4) of this section, "casual 10682
passerby" means a person who does not have depositing litter in a 10683
litter receptacle as the person's primary reason for traveling to 10684
or by the property on which the litter receptacle is located. 10685

(D) As used in this section: 10686

(1) "Litter" means garbage, trash, waste, rubbish, ashes, 10687
cans, bottles, wire, paper, cartons, boxes, automobile parts, 10688
furniture, glass, or anything else of an unsightly or unsanitary 10689

nature. 10690

(2) "Deposit" means to throw, drop, discard, or place. 10691

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal. 10692
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(E) This section may be enforced by any sheriff, deputy sheriff, police officer of a municipal corporation, police constable or officer of a township, or township or joint police district, wildlife officer designated under section 1531.13 of the Revised Code, ~~park officer, forest officer, preserve natural resources~~ officer appointed under section 1501.24 of the Revised Code, forest-fire investigator appointed under section 1503.09 of the Revised Code, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer's jurisdiction. 10695
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Sec. 3937.42. (A) The chief or head law enforcement officer of any federal, state, or local law enforcement agency or a prosecuting attorney of any county may request any insurance company, or agent authorized by the company to act on its behalf, that has investigated or is investigating a claim involving motor vehicle insurance or vessel insurance to release any information in its possession relevant to the claim. The company or agent shall release the information that is requested in writing by the law enforcement officer. 10705
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(B) If an insurance company, or agent authorized by the company to act on its behalf, has reason to suspect that a loss involving a motor vehicle or vessel that is insured by the company is part of a fraudulent scheme to obtain control of insurance proceeds, the company or agent shall notify a law enforcement officer or a prosecuting attorney of any county having jurisdiction over the alleged fraud. 10714
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(C) An insurance company, or agent authorized by the company 10721
to act on its behalf, shall release any information requested in 10722
writing pursuant to division (A) of this section and cooperate 10723
with the officer or a prosecuting attorney of any county 10724
authorized to request the information. The company or agent shall 10725
take such action as may be reasonably requested of it by the 10726
officer or a prosecuting attorney of any county and shall permit 10727
any other person ordered by a court to inspect any information 10728
that is specifically requested by the court. 10729

The information that may be requested pursuant to this 10730
section may include, but is not limited to, the following: 10731

(1) Any insurance policy relevant to the claim under 10732
investigation and any application for such a policy; 10733

(2) Policy premium payment records; 10734

(3) History of previous claims involving a motor vehicle or 10735
vessel made by the insured; 10736

(4) Material relating to the investigation of the claim, 10737
including statements of any person, proof of loss, and any other 10738
relevant evidence. 10739

(D) If the law enforcement officer or a prosecuting attorney 10740
of any county mentioned in division (A) of this section has 10741
received information pursuant to this section from an insurance 10742
company, or agent authorized by the company to act on its behalf, 10743
the officer or a prosecuting attorney of any county may release 10744
to, and share with, the insurance company or agent any information 10745
in the officer's or prosecuting attorney's possession relative to 10746
the claim, upon the written request of the insurance company or 10747
agent. 10748

(E) In the absence of fraud, recklessness, or malice, no 10749
insurance company, or agent authorized by the company to act on 10750
its behalf, is liable for damages in any civil action, including 10751

any action brought pursuant to section 1347.10 of the Revised Code 10752
for any oral or written statement made or any other action taken 10753
that is necessary to supply information required pursuant to this 10754
section. 10755

(F) Except as otherwise provided in division (D) of this 10756
section, any officer or a prosecuting attorney of any county 10757
receiving any information furnished pursuant to this section shall 10758
hold the information in confidence and shall not disclose it to 10759
anyone except other law enforcement officers or agencies until its 10760
release is required pursuant to a criminal or civil proceeding. 10761

(G) Any officer or a prosecuting attorney of any county 10762
referred to in division (A) of this section may testify as to any 10763
information in the officer's or prosecuting attorney's possession 10764
regarding the claim referred to in that division in any civil 10765
action in which any person seeks recovery under a policy against 10766
an insurance company. 10767

(H) As used in this section: 10768

(1) "Motor vehicle" has the same meaning as in section 10769
4501.01 of the Revised Code. 10770

(2) "Vessel" has the same meaning as in section ~~1547.01~~ 10771
1546.01 of the Revised Code. 10772

(I)(1) No person shall purposely refuse to release any 10773
information requested pursuant to this section by an officer or a 10774
prosecuting attorney of any county authorized by division (A) of 10775
this section to request the information. 10776

(2) No person shall purposely refuse to notify an appropriate 10777
law enforcement officer or a prosecuting attorney of any county of 10778
a loss required to be reported pursuant to division (B) of this 10779
section. 10780

(3) No person shall purposely fail to hold in confidence 10781

information required to be held in confidence by division (F) of 10782
this section. 10783

Sec. 4167.01. As used in this chapter: 10784

(A) "Public employer" means any of the following: 10785

(1) The state and its instrumentalities; 10786

(2) Any political subdivisions and their instrumentalities, 10787
including any county, county hospital, municipal corporation, 10788
city, village, township, park district, school district, state 10789
institution of higher learning, public or special district, state 10790
agency, authority, commission, or board; 10791

(3) Any other branch of public employment not mentioned in 10792
division (A)(1) or (2) of this section. 10793

(B) "Public employee" means any individual who engages to 10794
furnish services subject to the direction and control of a public 10795
employer, including those individuals working for a private 10796
employer who has contracted with a public employer and over whom 10797
the national labor relations board has declined jurisdiction. 10798
"Public employee" does not mean any of the following: 10799

(1) A firefighter, an emergency medical technician-basic, an 10800
emergency medical technician-intermediate, a paramedic, or a peace 10801
officer employed by a public employer as defined in division 10802
(A)(2) of this section, any member of the organized militia 10803
ordered to duty by state authority pursuant to Chapter 5923. of 10804
the Revised Code, or a firefighter, an emergency medical 10805
technician-basic, an emergency medical technician-intermediate, or 10806
a paramedic employed by a private employer that is organized as a 10807
nonprofit fire company or life squad that contracts with a public 10808
employer to provide fire protection or emergency medical services; 10809

(2) Any person employed as a correctional officer in a county 10810
or municipal corporation correctional institution, whether the 10811

county or municipal corporation solely or in conjunction with each 10812
other operates the institution; 10813

(3) Any person who engages to furnish services subject to the 10814
direction and control of a public employer but does not receive 10815
compensation, either directly or indirectly, for those services; 10816

(4) Any ~~forest officer, park officer, watercraft~~ forest-fire 10817
investigator, natural resources officer, wildlife officer, or 10818
preserve officer. 10819

(C) "Public employee representative" means an employee 10820
organization certified by the state employment relations board 10821
under section 4117.05 of the Revised Code as the exclusive 10822
representative of the public employees in a bargaining unit. 10823

(D) "Employment risk reduction standard" means a standard 10824
which requires conditions, or the adoption or use of one or more 10825
practices, means, methods, operations, or processes, reasonably 10826
necessary or appropriate to provide safe and healthful employment 10827
and places of employment. 10828

(E) "Ohio employment risk reduction standard" means any risk 10829
reduction standard adopted or issued under this chapter. 10830

(F) "Undue hardship" means any requirement imposed under this 10831
chapter or a rule or order issued thereunder that would require a 10832
public employer to take an action with significant difficulty or 10833
expense when considered in light of all of the following factors: 10834

(1) The nature and cost of the action required under this 10835
chapter; 10836

(2) The overall financial resources of the public employer 10837
involved in the action; 10838

(3) The number of persons employed by the public employer at 10839
the particular location where the action may be required; 10840

(4) The effect on expenses and resources or the impact 10841

otherwise of the action required upon the operations of the public 10842
employer at the location where the action may be required; 10843

(5) The overall size of the public employer with respect to 10844
the number of its public employees; 10845

(6) The number, type, and location of the public employer's 10846
operations, including the composition, structure, and functions of 10847
the workforce of the public entity; 10848

(7) The geographic separateness, administrative, or fiscal 10849
relationship of the public employer's operations to the whole 10850
public employer. 10851

Sec. 4303.182. (A) Except as otherwise provided in divisions 10852
(B) to (K) of this section, permit D-6 shall be issued to the 10853
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 10854
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 10855
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 10856
that permit as follows: 10857

(1) Between the hours of ten a.m. and midnight on Sunday if 10858
sale during those hours has been approved under question (C)(1), 10859
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 10860
under question (B)(2) of section 4301.355 of the Revised Code, or 10861
under section 4301.356 of the Revised Code and has been authorized 10862
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 10863
Revised Code, under the restrictions of that authorization; 10864

(2) Between the hours of eleven a.m. and midnight on Sunday, 10865
if sale during those hours has been approved on or after October 10866
16, 2009, under question (B)(1), (2), or (3) of section 4301.351 10867
or 4301.354 of the Revised Code, under question (B)(2) of section 10868
4301.355 of the Revised Code, or under section 4301.356 of the 10869
Revised Code and has been authorized under section 4301.361, 10870
4301.364, 4301.365, or 4301.366 of the Revised Code, under the 10871

restrictions of that authorization; 10872

(3) Between the hours of eleven a.m. and midnight on Sunday 10873
if sale between the hours of one p.m. and midnight was approved 10874
before October 16, 2009, under question (B)(1), (2), or (3) of 10875
section 4301.351 or 4301.354 of the Revised Code, under question 10876
(B)(2) of section 4301.355 of the Revised Code, or under section 10877
4301.356 of the Revised Code and has been authorized under section 10878
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, 10879
under the other restrictions of that authorization. 10880

(B) Permit D-6 shall be issued to the holder of any permit, 10881
including a D-4a and D-5d permit, authorizing the sale of 10882
intoxicating liquor issued for a premises located at any publicly 10883
owned airport, as defined in section 4563.01 of the Revised Code, 10884
at which commercial airline companies operate regularly scheduled 10885
flights on which space is available to the public, to allow sale 10886
under such permit between the hours of ten a.m. and midnight on 10887
Sunday, whether or not that sale has been authorized under section 10888
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 10889

(C) Permit D-6 shall be issued to the holder of a D-5a 10890
permit, and to the holder of a D-3 or D-3a permit who is the owner 10891
or operator of a hotel or motel that is required to be licensed 10892
under section 3731.03 of the Revised Code, that contains at least 10893
fifty rooms for registered transient guests, and that has on its 10894
premises a retail food establishment or a food service operation 10895
licensed pursuant to Chapter 3717. of the Revised Code that 10896
operates as a restaurant for purposes of this chapter and is 10897
affiliated with the hotel or motel and within or contiguous to the 10898
hotel or motel and serving food within the hotel or motel, to 10899
allow sale under such permit between the hours of ten a.m. and 10900
midnight on Sunday, whether or not that sale has been authorized 10901
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 10902
Revised Code. 10903

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit between the hours of eleven a.m. and midnight on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio history connection area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit between the hours of one p.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361 of the Revised Code. A D-6 permit issued under this division is subject to the results of an election, held after the D-6 permit is issued, on question (B)(4) as set forth in section 4301.351 of the Revised Code. Following the end of the period during which an election may be held on question (B)(4) as set forth in that section, sales of intoxicating liquor may continue at an outdoor performing arts center under a D-6 permit issued under this division, unless an election on that question is held during the permitted period and a majority of the voters voting in the precinct on that question vote "no."

As used in this division, "outdoor performing arts center" 10936
means an outdoor performing arts center that is located on not 10937
less than eight hundred acres of land and that is open for 10938
performances from the first day of April to the last day of 10939
October of each year. 10940

(G) Permit D-6 shall be issued to the holder of any permit 10941
that authorizes the sale of beer or intoxicating liquor and that 10942
is issued to a golf course owned by the state, a conservancy 10943
district, a park district created under Chapter 1545. of the 10944
Revised Code, or another political subdivision to allow sale under 10945
that permit between the hours of ten a.m. and midnight on Sunday, 10946
whether or not that sale has been authorized under section 10947
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 10948

(H) Permit D-6 shall be issued to the holder of a D-5g permit 10949
to allow sale under that permit between the hours of ten a.m. and 10950
midnight on Sunday, whether or not that sale has been authorized 10951
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 10952
Revised Code. 10953

(I) Permit D-6 shall be issued to the holder of any D permit 10954
for a premises that is licensed under Chapter 3717. of the Revised 10955
Code and that is located at a ski area to allow sale under the D-6 10956
permit between the hours of ten a.m. and midnight on Sunday, 10957
whether or not that sale has been authorized under section 10958
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 10959

As used in this division, "ski area" means a ski area as 10960
defined in section 4169.01 of the Revised Code, provided that the 10961
passenger tramway operator at that area is registered under 10962
section 4169.03 of the Revised Code. 10963

(J) Permit D-6 shall be issued to the holder of any permit 10964
that is described in division (A) of this section for a permit 10965
premises that is located in a community entertainment district, as 10966

defined in section 4301.80 of the Revised Code, that was approved 10967
by the legislative authority of a municipal corporation under that 10968
section between October 1 and October 15, 2005, to allow sale 10969
under the permit between the hours of ten a.m. and midnight on 10970
Sunday, whether or not that sale has been authorized under section 10971
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 10972

(K) A D-6 permit shall be issued to the holder of any D 10973
permit for a premises that is licensed under Chapter 3717. of the 10974
Revised Code and that is located in a state park to allow sales 10975
under the D-6 permit between the hours of ten a.m. and midnight on 10976
Sunday, whether or not those sales have been authorized under 10977
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 10978
Code. 10979

As used in this division, "state park" means a state park 10980
that is established or dedicated under Chapter ~~1541.~~ 1546. of the 10981
Revised Code and that has a working farm on its property. 10982

(L) If the restriction to licensed premises where the sale of 10983
food and other goods and services exceeds fifty per cent of the 10984
total gross receipts of the permit holder at the premises is 10985
applicable, the division of liquor control may accept an affidavit 10986
from the permit holder to show the proportion of the permit 10987
holder's gross receipts derived from the sale of food and other 10988
goods and services. If the liquor control commission determines 10989
that affidavit to have been false, it shall revoke the permits of 10990
the permit holder at the premises concerned. 10991

(M) The fee for the D-6 permit is five hundred dollars when 10992
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 10993
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 10994
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 10995
for the D-6 permit is four hundred dollars when it is issued to 10996
the holder of a C-2 permit. 10997

Sec. 4501.24. There is hereby created in the state treasury 10998
the scenic rivers protection fund. The fund shall consist of the 10999
contributions not to exceed forty dollars that are paid to the 11000
registrar of motor vehicles by applicants who voluntarily choose 11001
to obtain scenic rivers license plates pursuant to section 4503.56 11002
of the Revised Code. 11003

The contributions deposited in the fund shall be used by the 11004
department of natural resources to help finance wild, scenic, and 11005
recreational river areas conservation, education, corridor 11006
protection, restoration, and habitat enhancement and clean-up 11007
projects along rivers in those areas. The chief of the division of 11008
parks and watercraft in the department may expend money in the 11009
fund for the acquisition of wild, scenic, and recreational river 11010
areas, for the maintenance, protection, and administration of such 11011
areas, and for construction of facilities within those areas. All 11012
investment earnings of the fund shall be credited to the fund. 11013

As used in this section, "wild river areas," "scenic river 11014
areas," and "recreational river areas" have the same meanings as 11015
in section ~~1547.01~~ 1546.01 of the Revised Code. 11016

Sec. 4503.575. (A) The owner or lessee of any passenger car, 11017
noncommercial motor vehicle, recreational vehicle, noncommercial 11018
trailer used exclusively to transport a boat between a place of 11019
storage and a marina or around a marina, or other vehicle of a 11020
class approved by the registrar of motor vehicles may apply to the 11021
registrar for the registration of the vehicle and issuance of Ohio 11022
state parks license plates. The application for Ohio state parks 11023
license plates may be combined with a request for a special 11024
reserved license plate under section 4503.40 or 4503.42 of the 11025
Revised Code. Upon receipt of the completed application and 11026
compliance with division (B) of this section, the registrar shall 11027
issue to the applicant the appropriate vehicle registration, Ohio 11028

state parks license plates, and a validation sticker, or a 11029
validation sticker alone when required by section 4503.191 of the 11030
Revised Code. 11031

In addition to the letters and numbers ordinarily inscribed 11032
on the license plates, Ohio state parks license plates shall be 11033
inscribed with identifying words or markings designed by the 11034
division of parks and ~~recreation~~ watercraft of the department of 11035
natural resources and approved by the registrar. Ohio state parks 11036
license plates shall bear county identification stickers that 11037
identify the county of registration by name or number. 11038

(B) Ohio state parks license plates and a validation sticker 11039
or, when applicable, a validation sticker alone shall be issued 11040
upon receipt of an application for registration of a motor vehicle 11041
submitted under this section and a contribution as provided in 11042
division (C) of this section, payment of the regular license tax 11043
as prescribed under section 4503.04 of the Revised Code, any 11044
applicable motor vehicle tax levied under Chapter 4504. of the 11045
Revised Code, any applicable additional fee prescribed by section 11046
4503.40 or 4503.42 of the Revised Code, and an additional fee of 11047
ten dollars, and compliance with all other applicable laws 11048
relating to the registration of motor vehicles. 11049

(C) For each application for registration and registration 11050
renewal that the registrar receives under this section, the 11051
registrar shall collect a contribution in an amount not to exceed 11052
forty dollars as determined by the chief of the division of parks 11053
and ~~recreation~~ watercraft. The registrar shall transmit this 11054
contribution to the treasurer of state for deposit in the state 11055
park fund created in section ~~1541.22~~ 1546.21 of the Revised Code. 11056

The additional fee of ten dollars described in division (B) 11057
of this section shall be for the purpose of compensating the 11058
bureau of motor vehicles for additional services required in 11059

issuing license plates under this section. The registrar shall 11060
transmit that fee to the treasurer of state for deposit into the 11061
state treasury to the credit of the bureau of motor vehicles fund 11062
created by section 4501.25 of the Revised Code. 11063

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 11064
shall charge and retain fees as follows: 11065

(a) Five dollars for each certificate of title that is not 11066
applied for within thirty days after the later of the assignment 11067
or delivery of the motor vehicle described in it. The entire fee 11068
shall be retained by the clerk. 11069

(b) Fifteen dollars for each certificate of title or 11070
duplicate certificate of title including the issuance of a 11071
memorandum certificate of title, or authorization to print a 11072
non-negotiable evidence of ownership described in division (G) of 11073
section 4505.08 of the Revised Code, non-negotiable evidence of 11074
ownership printed by the clerk under division (H) of that section, 11075
and notation of any lien on a certificate of title that is applied 11076
for at the same time as the certificate of title. The clerk shall 11077
retain eleven dollars and fifty cents of that fee for each 11078
certificate of title when there is a notation of a lien or 11079
security interest on the certificate of title, twelve dollars and 11080
twenty-five cents when there is no lien or security interest noted 11081
on the certificate of title, and eleven dollars and fifty cents 11082
for each duplicate certificate of title. 11083

(c) Four dollars and fifty cents for each certificate of 11084
title with no security interest noted that is issued to a licensed 11085
motor vehicle dealer for resale purposes and, in addition, a 11086
separate fee of fifty cents. The clerk shall retain two dollars 11087
and twenty-five cents of that fee. 11088

(d) Five dollars for each memorandum certificate of title or 11089
non-negotiable evidence of ownership that is applied for 11090

separately. The clerk shall retain that entire fee. 11091

(2) The fees that are not retained by the clerk shall be paid 11092
to the registrar of motor vehicles by monthly returns, which shall 11093
be forwarded to the registrar not later than the fifth day of the 11094
month next succeeding that in which the certificate is issued or 11095
that in which the registrar is notified of a lien or cancellation 11096
of a lien. 11097

(B)(1) The registrar shall pay twenty-five cents of the 11098
amount received for each certificate of title issued to a motor 11099
vehicle dealer for resale, one dollar for certificates of title 11100
issued with a lien or security interest noted on the certificate 11101
of title, and twenty-five cents for each certificate of title with 11102
no lien or security interest noted on the certificate of title 11103
into the state bureau of motor vehicles fund established in 11104
section 4501.25 of the Revised Code. 11105

(2) Fifty cents of the amount received for each certificate 11106
of title shall be paid by the registrar as follows: 11107

(a) Four cents shall be paid into the state treasury to the 11108
credit of the motor vehicle dealers board fund, which is hereby 11109
created. All investment earnings of the fund shall be credited to 11110
the fund. The moneys in the motor vehicle dealers board fund shall 11111
be used by the motor vehicle dealers board created under section 11112
4517.30 of the Revised Code, together with other moneys 11113
appropriated to it, in the exercise of its powers and the 11114
performance of its duties under Chapter 4517. of the Revised Code, 11115
except that the director of budget and management may transfer 11116
excess money from the motor vehicle dealers board fund to the 11117
bureau of motor vehicles fund if the registrar determines that the 11118
amount of money in the motor vehicle dealers board fund, together 11119
with other moneys appropriated to the board, exceeds the amount 11120
required for the exercise of its powers and the performance of its 11121
duties under Chapter 4517. of the Revised Code and requests the 11122

director to make the transfer. 11123

(b) Twenty-one cents shall be paid into the highway operating 11124
fund. 11125

(c) Twenty-five cents shall be paid into the state treasury 11126
to the credit of the motor vehicle sales audit fund, which is 11127
hereby created. The moneys in the fund shall be used by the tax 11128
commissioner together with other funds available to the 11129
commissioner to conduct a continuing investigation of sales and 11130
use tax returns filed for motor vehicles in order to determine if 11131
sales and use tax liability has been satisfied. The commissioner 11132
shall refer cases of apparent violations of section 2921.13 of the 11133
Revised Code made in connection with the titling or sale of a 11134
motor vehicle and cases of any other apparent violations of the 11135
sales or use tax law to the appropriate county prosecutor whenever 11136
the commissioner considers it advisable. 11137

(3) Two dollars of the amount received by the registrar under 11138
divisions (A)(1)(a), (b), and (d) of this section and one dollar 11139
and fifty cents of the amount received by the registrar under 11140
division (A)(1)(c) of this section for each certificate of title 11141
shall be paid into the state treasury to the credit of the 11142
automated title processing fund, which is hereby created and which 11143
shall consist of moneys collected under division (B)(3) of this 11144
section and under sections 1548.10 and 4519.59 of the Revised 11145
Code. All investment earnings of the fund shall be credited to the 11146
fund. The moneys in the fund shall be used as follows: 11147

(a) Except for moneys collected under section 1548.10 of the 11148
Revised Code and as provided in division (B)(3)(c) of this 11149
section, moneys collected under division (B)(3) of this section 11150
shall be used to implement and maintain an automated title 11151
processing system for the issuance of motor vehicle, off-highway 11152
motorcycle, and all-purpose vehicle certificates of title in the 11153
offices of the clerks of the courts of common pleas. 11154

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(c) Moneys collected under division (B)(3) of this section shall be used in accordance with section 4505.25 of the Revised Code to implement Sub. S.B. 59 of the 124th general assembly.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each

of the following:	11187
(a) The automated title processing equipment and certificates of title requirements for each county;	11188 11189
(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;	11190 11191
(c) The repayment to the counties for existing title processing equipment;	11192 11193
(d) With the approval of the director of public safety, the award of grants from the automated title processing fund to the clerk of courts of any county who employs a person who assists with the design of, updates to, tests of, installation of, or any other activity related to, an automated title processing system. Any grant awarded under division (C)(2)(d) of this section shall be deposited into the appropriate county certificate of title administration fund created under section 325.33 of the Revised Code and shall not be used to supplant any other funds.	11194 11195 11196 11197 11198 11199 11200 11201 11202
(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.	11203 11204 11205 11206 11207
(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.	11208 11209 11210 11211 11212
Sec. 4517.03. (A) A place of business that is used for selling, displaying, offering for sale, or dealing in motor vehicles shall be considered as used exclusively for those purposes even though snowmobiles, farm machinery, outdoor power	11213 11214 11215 11216

equipment, watercraft and related products, or products 11217
manufactured or distributed by a motor vehicle manufacturer with 11218
which the motor vehicle dealer has a franchise agreement are sold 11219
or displayed there, or if repair, accessory, gasoline and oil, 11220
storage, parts, service, or paint departments are maintained 11221
there, or such products or services are provided there, if the 11222
departments are operated or the products or services are provided 11223
for the business of selling, displaying, offering for sale, or 11224
dealing in motor vehicles. Places of business or departments in a 11225
place of business used to dismantle, salvage, or rebuild motor 11226
vehicles by means of using used parts, are not considered as being 11227
maintained for the purpose of assisting or furthering the selling, 11228
displaying, offering for sale, or dealing in motor vehicles. A 11229
place of business shall be considered as used exclusively for 11230
selling, displaying, offering for sale, or dealing in motor 11231
vehicles even though a business owned by a motor vehicle leasing 11232
dealer or a motor vehicle renting dealer is located at the place 11233
of business. 11234

(B)(1)(a) No new motor vehicle dealer shall sell, display, 11235
offer for sale, or deal in motor vehicles at any place except an 11236
established place of business that is used exclusively for the 11237
purpose of selling, displaying, offering for sale, or dealing in 11238
motor vehicles. The place of business shall have space, under 11239
roof, for the display of at least one new motor vehicle. The 11240
established place of business or, if the dealer operates a remote 11241
service facility, the dealer's remote service facility shall have 11242
facilities and space for the inspection, servicing, and repair of 11243
at least one motor vehicle. However a new motor vehicle dealer 11244
selling manufactured or mobile homes is exempt from the 11245
requirement that a place of business have space, under roof, for 11246
the display of at least one new motor vehicle and facilities and 11247
space for the inspection, servicing, and repair of at least one 11248
motor vehicle. 11249

(b) A new motor vehicle dealer does not violate division 11250
(B)(1) of this section if a customer of the new motor vehicle 11251
dealer executes purchase or lease documentation at a location 11252
other than the new motor vehicle dealer's established place of 11253
business. 11254

(c) A commercial transaction involving the sale or lease by a 11255
new motor vehicle dealer of a new or used heavy duty vehicle, as 11256
defined in 49 C.F.R. 523.6, is deemed to have taken place at the 11257
new motor vehicle dealer's established place of business if the 11258
sale or lease is negotiated and the documents are executed at the 11259
customer's business location. 11260

(2) A licensed new motor vehicle dealer may operate a remote 11261
service facility with the consent of the manufacturer and only to 11262
perform repairs, warranty work, recall work, and maintenance on 11263
motor vehicles as part of the dealer's franchised and licensed new 11264
motor vehicle dealership. The remote service facility shall be 11265
included on the new motor vehicle dealer's license and be deemed 11266
to be part of the dealer's licensed location. 11267

(3) No person shall use a remote service facility for 11268
selling, displaying, or offering for sale motor vehicles. 11269

(C) No used motor vehicle dealer shall sell, display, offer 11270
for sale, or deal in motor vehicles at any place except an 11271
established place of business that is used exclusively for the 11272
purpose of selling, displaying, offering for sale, or dealing in 11273
motor vehicles. 11274

(D) No motor vehicle leasing dealer shall make a motor 11275
vehicle available for use by another, in the manner described in 11276
division (M) of section 4517.01 of the Revised Code, at any place 11277
except an established place of business that is used for leasing 11278
motor vehicles; except that a motor vehicle leasing dealer who is 11279
also a new motor vehicle dealer or used motor vehicle dealer may 11280

lease motor vehicles at the same place of business at which the 11281
dealer sells, offers for sale, or deals in new or used motor 11282
vehicles. 11283

(E) No motor vehicle leasing dealer or motor vehicle renting 11284
dealer shall sell a motor vehicle within ninety days after a 11285
certificate of title to the motor vehicle is issued to the dealer, 11286
except as follows: 11287

(1) A salvage certificate of title may be issued to replace 11288
the original certificate of title. 11289

(2) A motor vehicle leasing dealer may sell a motor vehicle 11290
to another motor vehicle leasing dealer at the end of a sublease 11291
pursuant to that sublease. 11292

(3) A motor vehicle leasing dealer may sell a motor vehicle 11293
previously titled to an ultimate purchaser to another licensed 11294
motor vehicle dealer. 11295

(4) A motor vehicle leasing dealer may sell a motor vehicle 11296
when the motor vehicle has been titled in the dealer's name or in 11297
the name of an entity affiliated with the dealer in this state or 11298
another state for a cumulative period of ninety days. 11299

(F) No distributor shall distribute new motor vehicles to new 11300
motor vehicle dealers at any place except an established place of 11301
business that is used exclusively for the purpose of distributing 11302
new motor vehicles to new motor vehicle dealers; except that a 11303
distributor who is also a new motor vehicle dealer may distribute 11304
new motor vehicles at the same place of business at which the 11305
distributor sells, displays, offers for sale, or deals in new 11306
motor vehicles. 11307

(G) No person, firm, or corporation that sells, displays, or 11308
offers for sale tent-type fold-out camping trailers is subject to 11309
the requirement that the person's, firm's, or corporation's place 11310
of business be used exclusively for the purpose of selling, 11311

displaying, offering for sale, or dealing in motor vehicles. No 11312
person, firm, or corporation that sells, displays, or offers for 11313
sale tent-type fold-out camping trailers, trailers, semitrailers, 11314
or park trailers is subject to the requirement that the place of 11315
business have space, under roof, for the display of at least one 11316
new motor vehicle and facilities and space for the inspection, 11317
servicing, and repair of at least one motor vehicle. 11318

(H) Nothing in this section shall be construed to prohibit 11319
persons licensed under this chapter from making sales calls. 11320

(I) Whoever violates this section is guilty of a misdemeanor 11321
of the fourth degree. 11322

(J) As used in this section: 11323

(1) "Motor vehicle leasing dealer" has the same meaning as in 11324
section 4517.01 of the Revised Code. 11325

(2) "Motor vehicle renting dealer" has the same meaning as in 11326
section 4549.65 of the Revised Code. 11327

(3) "Watercraft" has the same meaning as in section ~~1547.01~~ 11328
1546.01 of the Revised Code. 11329

Sec. 4585.31. As used in sections 4585.31 to 4585.34 of the 11330
Revised Code, "owner of any property" or "owner of the property" 11331
means an owner, lessee, or other person entitled to possession of 11332
the property. 11333

The owner of any property on which a watercraft or outboard 11334
motor valued at less than ten thousand dollars has been left for 11335
six months without permission may sell the watercraft or motor at 11336
public auction and recover the owner's maintenance or repair 11337
charges, including parts and labor charges and dockage or storage 11338
charges, if all of the following conditions are met: 11339

(A) The owner of the property applies for a search of the 11340
records of the division of parks and watercraft in the department 11341

of natural resources for the name and address of the owner of the 11342
watercraft or motor and for a search for any lien or mortgage 11343
thereon. 11344

(B) Upon receiving the results of the searches, the owner of 11345
the property sends notice by certified mail, return receipt 11346
requested, to: 11347

(1) The last known address of the owner of the watercraft or 11348
motor, to remove the watercraft or motor; 11349

(2) Any lienholder or mortgagee, stating where the watercraft 11350
or motor is located and any maintenance or repair charges, 11351
including parts and labor charges and dockage or storage charges. 11352
Unless the lienholder or mortgagee redeems the watercraft or motor 11353
within forty-five days after the return receipt is received by the 11354
sender, the lien or mortgage is invalid. The lienholder or 11355
mortgagee may, to the extent of the lienholder's or mortgagee's 11356
previously secured interest, assert a claim for any amount 11357
deposited in the county treasury for the watercraft or motor 11358
pursuant to section 4585.33 of the Revised Code. 11359

(C) The watercraft or motor remains unredeemed by the owner, 11360
lienholder, or mortgagee for forty-five days after the return 11361
receipts are recovered by the sender. 11362

(D) The owner of the property requests a watercraft dealer 11363
certified in accordance with section 1547.543 of the Revised Code 11364
or an independent marine surveyor and appraiser to appraise the 11365
watercraft or motor and secures written confirmation that the fair 11366
market value of the watercraft or motor is less than ten thousand 11367
dollars. 11368

(E) The owner of the property advertises that the watercraft 11369
or motor will be sold at public auction. The advertisement of sale 11370
shall be published once a week for two consecutive weeks in the 11371
auction section of a newspaper of general circulation in the 11372

county where the watercraft or motor has been left without 11373
permission. The advertisement shall include a description of the 11374
watercraft or motor, the name of the owner, and the date, time, 11375
and place of the sale. 11376

(F) An auction sale is conducted on the property where the 11377
watercraft or motor was left without permission of the owner of 11378
the property, at which the highest bidder is the purchaser of the 11379
watercraft or motor. The owner of the property shall provide a 11380
reasonable period of time prior to the sale for prospective 11381
purchasers to examine the watercraft or motor. The owner of the 11382
property may bid at the sale. 11383

(G) Immediately after the auction sale, the owner of the 11384
property executes an affidavit in triplicate, on a form prescribed 11385
by the secretary of state and provided by the clerk of courts, 11386
stating: 11387

(1) That the requirements of this section have been met; 11388

(2) The length of time that the watercraft or motor was left 11389
on the owner's property without permission, as of the date of the 11390
auction sale; 11391

(3) The expenses incurred by the owner of the property in 11392
connection with the watercraft or motor as of the date of the 11393
auction sale, including the expenses of conducting the sale and, 11394
if the property is operated as a place of storage for charge, any 11395
accrued dockage or storage charges and any maintenance or repair 11396
charges, including parts and labor charges; 11397

(4) The name and address of the purchaser of the watercraft 11398
or motor at the auction sale and the amount of the purchaser's 11399
bid. 11400

(H) Upon payment of the bid price by the purchaser, the owner 11401
of the property presents the affidavit in triplicate required by 11402
division (G) of this section, the written confirmation of value 11403

required by division (D) of this section, and the return receipts 11404
required by division (B) of this section to the purchaser of the 11405
watercraft or motor. 11406

Sec. 4585.32. The purchaser of any watercraft or outboard 11407
motor at an auction sale held pursuant to section 4585.31 of the 11408
Revised Code may obtain a certificate of title to the watercraft 11409
or motor, free of all liens, mortgages, and other encumbrances, if 11410
~~he~~ the purchaser presents the affidavit in triplicate, written 11411
confirmation of value, and return receipts obtained in accordance 11412
with division (H) of section 4585.31 of the Revised Code to the 11413
clerk of courts of the county in which the auction sale was held. 11414
The clerk shall issue the certificate of title upon presentation 11415
of such documentation and payment of the fee prescribed in section 11416
1548.10 of the Revised Code. The clerk shall retain one copy of 11417
the affidavit and shall mail one copy to the county treasurer and 11418
one copy to the chief of the division of parks and watercraft in 11419
the department of natural resources. 11420

Sec. 5311.01. As used in this chapter, except as otherwise 11421
provided: 11422

(A) "Agent" means any person who represents a developer or 11423
who acts for or on behalf of a developer in selling or offering to 11424
sell any ownership interest in a condominium development. "Agent" 11425
does not include an attorney whose representation of a developer 11426
consists solely of rendering legal services. 11427

(B) "Additional property" means land, including surface and 11428
air rights, or improvements to land that are described in an 11429
original declaration and that may be added in the future to an 11430
expandable condominium property. 11431

(C) "Affiliate of a developer" means any person who controls 11432
a developer or is controlled by a developer. For the purposes of 11433

this division: 11434

(1) A person "controls" a developer if any of the following 11435
applies: 11436

(a) The person is a general partner, officer, member, 11437
manager, director, or employer of the developer. 11438

(b) The person owns, controls, holds with power to vote, or 11439
holds proxies representing more than twenty per cent of the voting 11440
interest in the developer, doing so either directly or indirectly, 11441
acting in concert with one or more other persons, or through one 11442
or more subsidiaries. 11443

(c) The person controls, in any manner, the election of a 11444
majority of the developer's directors. 11445

(d) The person has contributed more than twenty per cent of 11446
the developer's capital. 11447

(2) A person "is controlled by" a developer if any of the 11448
following applies: 11449

(a) The developer is a general partner, member, manager, 11450
officer, director, or employer of the person. 11451

(b) The developer owns, controls, holds with power to vote, 11452
or holds proxies representing more than twenty per cent of the 11453
voting interest in the person, doing so either directly or 11454
indirectly, acting in concert with one or more other persons, or 11455
through one or more subsidiaries. 11456

(c) The developer controls, in any manner, the election of a 11457
majority of the person's directors. 11458

(d) The developer has contributed more than twenty per cent 11459
of the person's capital. 11460

(3) "Control" does not exist for purposes of division (C)(1) 11461
or (2) of this section if a person or developer holds any power 11462
described in either of those divisions solely as security for an 11463

obligation and that power is not exercised. 11464

(D) "Body of water" means a stream, lake, pond, marsh, river, 11465
or other body of natural or artificial surface water. 11466

(E) "Common assessments" means assessments that are charged 11467
proportionately against all units for common purposes. 11468

(F) "Common elements" means, unless otherwise provided in the 11469
declaration, the following parts of the condominium property: 11470

(1) The land described in the declaration; 11471

(2) All other areas, facilities, places, and structures that 11472
are not part of a unit, including, but not limited to, the 11473
following: 11474

(a) Foundations, columns, girders, beams, supports, 11475
supporting walls, roofs, halls, corridors, lobbies, stairs, 11476
stairways, fire escapes, entrances, and exits of buildings; 11477

(b) Basements, yards, gardens, parking areas, garages, and 11478
storage spaces; 11479

(c) Premises for the lodging of janitors or persons in charge 11480
of the property; 11481

(d) Installations of central services, including, but not 11482
limited to, power, light, gas, hot and cold water, heating, 11483
refrigeration, air conditioning, and incinerating; 11484

(e) Elevators, tanks, pumps, motors, fans, compressors, 11485
ducts, and, in general, all apparatus and installations existing 11486
for common use; 11487

(f) Community and commercial facilities that are not listed 11488
in division (F)(2)(a), (b), (c), (d), or (e) of this section but 11489
provided for in the declaration; 11490

(g) All parts of the condominium property that are not listed 11491
in division (F)(2)(a), (b), (c), (d), (e), or (f) of this section 11492

that are necessary or convenient to its existence, maintenance, 11493
and safety, that are normally in common use, or that have been 11494
designated as common elements in the declaration or drawings. 11495

(G) "Common expenses" means expenses designated as common 11496
expenses in this chapter or in the declaration. 11497

(H) "Common losses" means the amount by which the common 11498
expenses during any period of time exceeds the common assessments 11499
and common profits during that period. 11500

(I) "Common profits" means the amount by which the total 11501
income received from any of the following exceeds expenses 11502
allocable to the particular income, rental, fee, or charge: 11503

(1) Assessments charged for special benefits to specific 11504
units; 11505

(2) Rents received from the rental of equipment or space in 11506
common elements; 11507

(3) Any other fee, charge, or income other than common 11508
assessments. 11509

(J) "Common surplus" means the amount by which common 11510
assessments collected during any period exceed common expenses. 11511

(K) "Condominium" means a form of real property ownership in 11512
which a declaration has been filed submitting the property to the 11513
condominium form of ownership pursuant to this chapter and under 11514
which each owner has an individual ownership interest in a unit 11515
with the right to exclusive possession of that unit and an 11516
undivided ownership interest with the other unit owners in the 11517
common elements of the condominium property. 11518

(L) "Condominium development" means a condominium property in 11519
which two or more individual residential or water slip units, 11520
together with their undivided interests in the common elements of 11521
the property, are offered for sale pursuant to a common 11522

promotional plan. 11523

(M) "Condominium instruments" means the declaration and 11524
accompanying drawings and plans, the bylaws of the unit owners 11525
association, the condominium development disclosure statement 11526
described in section 5311.26 of the Revised Code, any contracts 11527
pertaining to the management of the condominium property, and any 11528
other documents, contracts, or instruments establishing ownership 11529
of or exerting control over a condominium property or unit. 11530

(N) "Condominium ownership interest" means a fee simple 11531
estate or a ninety-nine-year leasehold estate, renewable forever, 11532
in a unit, together with an appurtenant undivided interest in the 11533
common elements. 11534

(O) "Condominium property" means all real and personal 11535
property submitted to the provisions of this chapter, including 11536
land, the buildings, improvements, and structures on that land, 11537
the land under a water slip, the buildings, improvements, and 11538
structures that form or that are utilized in connection with that 11539
water slip, and all easements, rights, and appurtenances belonging 11540
to the land or to the land under a water slip. 11541

(P) "Conversion condominium development" means a condominium 11542
development that was operated as a rental property and occupied by 11543
tenants immediately prior to the submission of the property to the 11544
provisions of this chapter. 11545

(Q) "Convertible unit" means a unit that may be converted 11546
into one or more units and common elements, including limited 11547
common elements. 11548

(R) "Declaration" means the instrument by which property is 11549
submitted to the provisions of this chapter. "Declaration" 11550
includes all amendments to that declaration. 11551

(S) "Developer" means any person who directly or indirectly 11552
sells or offers for sale condominium ownership interests in a 11553

condominium development. "Developer" includes the declarant of a 11554
condominium development and any successor to that declarant who 11555
stands in the same relation to the condominium development as the 11556
declarant. 11557

(T) "Exclusive use area" means common elements that the 11558
declaration reserves for delegation by the board of directors to 11559
the use of a certain unit or units, to the exclusion of other 11560
units. 11561

(U) "Expandable condominium property" means a condominium 11562
property in which the original declaration reserves the right to 11563
add additional property. 11564

(V) "Leasehold condominium development" means a condominium 11565
development in which each unit owner owns a ninety-nine-year 11566
leasehold estate, renewable forever, in the owner's unit, in the 11567
land upon which that unit is situated, or in both, together with 11568
an undivided leasehold interest in the common elements, with all 11569
leasehold interests due to expire at the same time. 11570

(W) "Limited common elements" means the common elements that 11571
the declaration designates as being reserved for use by a certain 11572
unit or units, to the exclusion of the other units. 11573

(X) "Offer" includes any inducement or solicitation to 11574
encourage a person to acquire a condominium ownership interest in 11575
a condominium development. 11576

(Y) "Par value" means a number, expressed in dollars, points, 11577
or as a percentage or fraction, attached to a unit by the 11578
declaration. 11579

(Z) "Purchaser" means a person who purchases a condominium 11580
ownership interest for consideration pursuant to an agreement for 11581
the conveyance or transfer of that interest for consideration. 11582

(AA) "Sale of a condominium ownership interest" means the 11583

execution by both parties of an agreement for the conveyance or 11584
transfer for consideration of a condominium ownership interest. 11585
"Sale of a condominium ownership interest" does not include a 11586
transfer of one or more units from the developer to another 11587
developer, a subsidiary of the developer, or a financial 11588
institution for the purpose of facilitating the sale or 11589
development of the remaining or unsold portion of the condominium 11590
property or additional property. 11591

(BB) "Unit" means the part of the condominium property that 11592
is designated as a unit in the declaration, is delineated as a 11593
unit on the drawings prepared pursuant to section 5311.07 of the 11594
Revised Code, and is one of the following: 11595

(1) A residential unit, in which the designated part of the 11596
condominium property is devoted in whole or in part to use as a 11597
residential dwelling consisting of one or more rooms on one or 11598
more floors of a building. A "residential unit" may include 11599
exterior portions of the building, spaces in a carport, and 11600
parking spaces as described and designated in the declaration and 11601
drawings. 11602

(2) A water slip unit, which consists of the land that is 11603
under the water in a water slip and the land that is under the 11604
piers or wharves that form the water slip, and that is used for 11605
the mooring of watercraft. 11606

(3) A commercial unit in which the property is designated for 11607
separate ownership or occupancy solely for commercial purposes, 11608
industrial purposes, or other nonresidential or nonwater slip use. 11609

(CC) "Unit owner" means a person who owns a condominium 11610
ownership interest in a unit. 11611

(DD) "Unit owners association" means the organization that 11612
administers the condominium property and that consists of all the 11613
owners of units in a condominium property. 11614

(EE) "Watercraft" has the same meaning as in ~~division (A) of~~ 11615
section ~~1547.01~~ 1546.01 of the Revised Code. 11616

(FF) "Water slip" means a channel of water between piers or 11617
wharves. 11618

Sec. 5735.05. (A) To provide revenue for maintaining the 11619
state highway system; to widen existing surfaces on such highways; 11620
to resurface such highways; to pay that portion of the 11621
construction cost of a highway project which a county, township, 11622
or municipal corporation normally would be required to pay, but 11623
which the director of transportation, pursuant to division (B) of 11624
section 5531.08 of the Revised Code, determines instead will be 11625
paid from moneys in the highway operating fund; to enable the 11626
counties of the state properly to plan, maintain, and repair their 11627
roads and to pay principal, interest, and charges on bonds and 11628
other obligations issued pursuant to Chapter 133. of the Revised 11629
Code or incurred pursuant to section 5531.09 of the Revised Code 11630
for highway improvements; to enable the municipal corporations to 11631
plan, construct, reconstruct, repave, widen, maintain, repair, 11632
clear, and clean public highways, roads, and streets, and to pay 11633
the principal, interest, and charges on bonds and other 11634
obligations issued pursuant to Chapter 133. of the Revised Code or 11635
incurred pursuant to section 5531.09 of the Revised Code for 11636
highway improvements; to enable the Ohio turnpike and 11637
infrastructure commission to construct, reconstruct, maintain, and 11638
repair turnpike projects; to maintain and repair bridges and 11639
viaducts; to purchase, erect, and maintain street and traffic 11640
signs and markers; to purchase, erect, and maintain traffic lights 11641
and signals; to pay the costs apportioned to the public under 11642
sections 4907.47 and 4907.471 of the Revised Code and to 11643
supplement revenue already available for such purposes; to pay the 11644
costs incurred by the public utilities commission in administering 11645
sections 4907.47 to 4907.476 of the Revised Code; to distribute 11646

equitably among those persons using the privilege of driving motor 11647
vehicles upon such highways and streets the cost of maintaining 11648
and repairing them; to pay the interest, principal, and charges on 11649
highway capital improvements bonds and other obligations issued 11650
pursuant to Section 2m of Article VIII, Ohio Constitution, and 11651
section 151.06 of the Revised Code; to pay the interest, 11652
principal, and charges on highway obligations issued pursuant to 11653
Section 2i of Article VIII, Ohio Constitution, and sections 11654
5528.30 and 5528.31 of the Revised Code; to pay the interest, 11655
principal, and charges on major new state infrastructure bonds and 11656
other obligations of the state issued pursuant to Section 13 of 11657
Article VIII, Ohio Constitution, and section 5531.10 of the 11658
Revised Code; to provide revenue for the purposes of sections 11659
1547.71 to ~~1547.78~~ 1547.77 of the Revised Code; and to pay the 11660
expenses of the department of taxation incident to the 11661
administration of the motor fuel laws, a motor fuel excise tax is 11662
hereby imposed on all motor fuel dealers upon receipt of motor 11663
fuel within this state at the rate of two cents plus the cents per 11664
gallon rate on each gallon so received, to be computed in the 11665
manner set forth in section 5735.06 of the Revised Code; provided 11666
that no tax is hereby imposed upon the following transactions: 11667

(1) The sale of dyed diesel fuel by a licensed motor fuel 11668
dealer from a location other than a retail service station 11669
provided the licensed motor fuel dealer places on the face of the 11670
delivery document or invoice, or both if both are used, a 11671
conspicuous notice stating that the fuel is dyed and is not for 11672
taxable use, and that taxable use of that fuel is subject to a 11673
penalty. The tax commissioner, by rule, may provide that any 11674
notice conforming to rules or regulations issued by the United 11675
States department of the treasury or the Internal Revenue Service 11676
is sufficient notice for the purposes of division (A)(1) of this 11677
section. 11678

(2) The sale of K-1 kerosene to a retail service station, 11679
except when placed directly in the fuel supply tank of a motor 11680
vehicle. Such sale shall be rebuttably presumed to not be 11681
distributed or sold for use or used to generate power for the 11682
operation of motor vehicles upon the public highways or upon the 11683
waters within the boundaries of this state. 11684

(3) The sale of motor fuel by a licensed motor fuel dealer to 11685
another licensed motor fuel dealer; 11686

(4) The exportation of motor fuel by a licensed motor fuel 11687
dealer from this state to any other state or foreign country; 11688

(5) The sale of motor fuel to the United States government or 11689
any of its agencies, except such tax as is permitted by it, where 11690
such sale is evidenced by an exemption certificate, in a form 11691
approved by the tax commissioner, executed by the United States 11692
government or an agency thereof certifying that the motor fuel 11693
therein identified has been purchased for the exclusive use of the 11694
United States government or its agency; 11695

(6) The sale of motor fuel that is in the process of 11696
transportation in foreign or interstate commerce, except insofar 11697
as it may be taxable under the Constitution and statutes of the 11698
United States, and except as may be agreed upon in writing by the 11699
dealer and the commissioner; 11700

(7) The sale of motor fuel when sold exclusively for use in 11701
the operation of aircraft, where such sale is evidenced by an 11702
exemption certificate prescribed by the commissioner and executed 11703
by the purchaser certifying that the motor fuel purchased has been 11704
purchased for exclusive use in the operation of aircraft; 11705

(8) The sale for exportation of motor fuel by a licensed 11706
motor fuel dealer to a licensed exporter described in division 11707
(DD)(1) of section 5735.01 of the Revised Code; 11708

(9) The sale for exportation of motor fuel by a licensed 11709

motor fuel dealer to a licensed exporter described in division 11710
(DD)(2) of section 5735.01 of the Revised Code, provided that the 11711
destination state motor fuel tax has been paid or will be accrued 11712
and paid by the licensed motor fuel dealer. 11713

(10) The sale to a consumer of diesel fuel, by a motor fuel 11714
dealer for delivery from a bulk lot vehicle, for consumption in 11715
operating a vessel when the use of such fuel in a vessel would 11716
otherwise qualify for a refund under section 5735.14 of the 11717
Revised Code. 11718

Division (A)(1) of this section does not apply to the sale or 11719
distribution of dyed diesel fuel used to operate a motor vehicle 11720
on the public highways or upon water within the boundaries of this 11721
state by persons permitted under regulations of the United States 11722
department of the treasury or of the Internal Revenue Service to 11723
so use dyed diesel fuel. 11724

(B) The two cent motor fuel tax levied by this section is 11725
also for the purpose of paying the expenses of administering and 11726
enforcing the state law relating to the registration and operation 11727
of motor vehicles. 11728

(C) After the tax provided for by this section on the receipt 11729
of any motor fuel has been paid by the motor fuel dealer, the 11730
motor fuel may thereafter be used, sold, or resold by any person 11731
having lawful title to it, without incurring liability for such 11732
tax. 11733

If a licensed motor fuel dealer sells motor fuel received by 11734
the licensed motor fuel dealer to another licensed motor fuel 11735
dealer, the seller may deduct on the report required by section 11736
5735.06 of the Revised Code the number of gallons so sold for the 11737
month within which the motor fuel was sold or delivered. In this 11738
event the number of gallons is deemed to have been received by the 11739
purchaser, who shall report and pay the tax imposed thereon. 11740

Sec. 5735.051. The general assembly finds as a fact that, of 11741
the revenues that occur from excises imposed by sections 5735.05, 11742
5735.25, 5735.29, and 5735.30 of the Revised Code, one per cent is 11743
attributable to the operation of motor vehicles upon waters within 11744
the boundaries of this state. Of this amount, seven-eighths shall 11745
be credited to the waterways safety fund and shall be used for the 11746
purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of the Revised 11747
Code, and one-eighth shall be credited to the wildlife boater 11748
angler fund and shall be used for the purposes specified in 11749
section 1531.35 of the Revised Code. 11750

Sec. 5735.25. To provide revenue for supplying the state's 11751
share of the cost of planning, constructing, widening, and 11752
reconstructing the state highways; for supplying the state's share 11753
of the cost of eliminating railway grade crossings upon such 11754
highways; to pay that portion of the construction cost of a 11755
highway project which a county, township, or municipal corporation 11756
normally would be required to pay, but which the director of 11757
transportation, pursuant to division (B) of section 5531.08 of the 11758
Revised Code, determines instead will be paid from moneys in the 11759
highway operating fund; to enable the counties and townships of 11760
the state to properly plan, construct, widen, reconstruct, and 11761
maintain their public highways, roads, and streets; to enable 11762
counties to pay principal, interest, and charges on bonds and 11763
other obligations issued pursuant to Chapter 133. of the Revised 11764
Code or incurred pursuant to section 5531.09 of the Revised Code 11765
for highway improvements; to enable municipal corporations to 11766
plan, construct, reconstruct, repave, widen, maintain, repair, 11767
clear, and clean public highways, roads, and streets; to enable 11768
municipal corporations to pay the principal, interest, and charges 11769
on bonds and other obligations issued pursuant to Chapter 133. of 11770
the Revised Code or incurred pursuant to section 5531.09 of the 11771

Revised Code for highway improvements; to maintain and repair 11772
bridges and viaducts; to purchase, erect, and maintain street and 11773
traffic signs and markers; to purchase, erect, and maintain 11774
traffic lights and signals; to pay the costs apportioned to the 11775
public under section 4907.47 of the Revised Code; to provide 11776
revenue for the purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of 11777
the Revised Code and to supplement revenue already available for 11778
such purposes; to pay the expenses of the department of taxation 11779
incident to the administration of the motor fuel laws, to 11780
supplement revenue already available for such purposes, to pay the 11781
interest, principal, and charges on bonds and other obligations 11782
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 11783
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 11784
the interest, principal, and charges on highway obligations issued 11785
pursuant to Section 2i of Article VIII, Ohio Constitution, and 11786
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 11787
excise tax is hereby imposed on all motor fuel dealers upon their 11788
receipt of motor fuel within this state, at the rate of two cents 11789
per gallon on each gallon so received. This tax is subject to the 11790
specific exemptions set forth in this chapter of the Revised Code. 11791
It shall be reported, computed, paid, collected, administered, 11792
enforced, and refunded, and the failure properly and correctly to 11793
report and pay the tax shall be penalized, in exactly the same 11794
manner as is provided in this chapter. Such sections relating to 11795
motor fuel excise taxes are reenacted and incorporated as if 11796
specifically set forth in this section. The tax levied by this 11797
section shall be in addition to the tax imposed under this 11798
chapter. 11799

Sec. 5735.29. To provide revenue for supplying the state's 11800
share of the cost of constructing, widening, maintaining, and 11801
reconstructing the state highways; to maintain and repair bridges 11802
and viaducts; to purchase, erect, and maintain street and traffic 11803

signs and markers; to purchase, erect, and maintain traffic lights 11804
and signals; to pay the expense of administering and enforcing the 11805
state law relative to the registration and operation of motor 11806
vehicles; to make road improvements associated with retaining or 11807
attracting business for this state, to pay that portion of the 11808
construction cost of a highway project which a county, township, 11809
or municipal corporation normally would be required to pay, but 11810
which the director of transportation, pursuant to division (B) of 11811
section 5531.08 of the Revised Code, determines instead will be 11812
paid from moneys in the highway operating fund; to provide revenue 11813
for the purposes of sections 1547.71 to ~~1547.78~~ 1547.77 of the 11814
Revised Code; and to supplement revenue already available for such 11815
purposes, to pay the expenses of the department of taxation 11816
incident to the administration of the motor fuel laws, to 11817
supplement revenue already available for such purposes; and to pay 11818
the interest, principal, and charges on highway obligations issued 11819
pursuant to Section 2i of Article VIII, Ohio Constitution, and 11820
sections 5528.30 and 5528.31 of the Revised Code; to enable the 11821
counties and townships of the state to properly plan, construct, 11822
widen, reconstruct, and maintain their public highways, roads, and 11823
streets; to enable counties to pay principal, interest, and 11824
charges on bonds and other obligations issued pursuant to Chapter 11825
133. of the Revised Code or incurred pursuant to section 5531.09 11826
of the Revised Code for highway improvements; to enable municipal 11827
corporations to plan, construct, reconstruct, repave, widen, 11828
maintain, repair, clear, and clean public highways, roads, and 11829
streets; to enable municipal corporations to pay the principal, 11830
interest, and charges on bonds and other obligations issued 11831
pursuant to Chapter 133. of the Revised Code or incurred pursuant 11832
to section 5531.09 of the Revised Code for highway improvements; 11833
and to pay the costs apportioned to the public under section 11834
4907.47 of the Revised Code, a motor fuel excise tax is hereby 11835
imposed on all motor fuel dealers upon their receipt of motor fuel 11836

within the state at the rate of two cents on each gallon so 11837
received; provided, that effective July 1, 2003, the motor fuel 11838
excise tax imposed by this section shall be at the rate of four 11839
cents on each gallon so received; effective July 1, 2004, the 11840
motor fuel excise tax imposed by this section shall be at the rate 11841
of six cents on each gallon so received; and, subject to section 11842
5735.292 of the Revised Code, effective July 1, 2005, the motor 11843
fuel excise tax imposed by this section shall be at the rate of 11844
eight cents on each gallon so received. This tax is subject to the 11845
specific exemptions set forth in this chapter of the Revised Code. 11846
It shall be reported, computed, paid, collected, administered, 11847
enforced, and refunded, and the failure properly and correctly to 11848
report and pay the tax shall be penalized, in exactly the same 11849
manner as is provided in this chapter. Such sections relating to 11850
motor fuel excise taxes are reenacted and incorporated as if 11851
specifically set forth in this section. The tax levied by this 11852
section is in addition to any other taxes imposed under this 11853
chapter. 11854

No municipal corporation, county, or township shall expend 11855
any revenues received from the tax levied by this section for any 11856
purpose other than one of the specific highway-related purposes 11857
stated in this section. In addition, each municipal corporation, 11858
county, or township shall use at least ninety per cent of all 11859
revenues received from the tax levied by this section to 11860
supplement, rather than supplant, other local funds used for 11861
highway-related purposes. 11862

Sec. 5735.30. (A) For the purpose of providing funds to pay 11863
the state's share of the cost of constructing and reconstructing 11864
highways and eliminating railway grade crossings on the major 11865
thoroughfares of the state highway system and urban extensions 11866
thereof, to pay that portion of the construction cost of a highway 11867
project which a county, township, or municipal corporation 11868

normally would be required to pay, but which the director of 11869
transportation, pursuant to division (B) of section 5531.08 of the 11870
Revised Code, determines instead will be paid from moneys in the 11871
highway operating fund, to pay the interest, principal, and 11872
charges on bonds and other obligations issued pursuant to Section 11873
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 11874
5528.11 of the Revised Code, to pay the interest, principal, and 11875
charges on highway obligations issued pursuant to Section 2i of 11876
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 11877
of the Revised Code, to provide revenues for the purposes of 11878
sections 1547.71 to ~~1547.78~~ 1547.77 of the Revised Code, and to 11879
pay the expenses of the department of taxation incident to the 11880
administration of the motor fuel laws, a motor fuel excise tax is 11881
hereby imposed on all motor fuel dealers upon their receipt of 11882
motor fuel within the state, at the rate of one cent on each 11883
gallon so received, to be reported, computed, paid, collected, 11884
administered, enforced, refunded, and subject to the same 11885
exemptions and penalties as provided in this chapter of the 11886
Revised Code. 11887

The tax imposed by this section shall be in addition to the 11888
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 11889
Revised Code. 11890

(B) The treasurer of state shall place to the credit of the 11891
tax refund fund created by section 5703.052 of the Revised Code, 11892
out of receipts from the tax levied by this section, amounts equal 11893
to the refunds certified by the tax commissioner pursuant to this 11894
section. The refund provided for by division (A) of this section 11895
shall be paid from such fund. The treasurer shall then transfer 11896
the amount required by section 5735.051 of the Revised Code to the 11897
waterways safety fund and the amount required by section 5735.053 11898
of the Revised Code to the motor fuel tax administration fund. The 11899
balance of taxes for which the liability has become fixed prior to 11900

July 1, 1955, under this section, after the credit to the tax refund fund, shall be credited to the highway operating fund. 11901
11902

(C)(1) The moneys derived from the tax levied by this section, after the credit and transfers required by division (B) of this section, during each calendar year, shall be credited to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code, until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.17 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year and during the next succeeding calendar year. 11903
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(2) All moneys received in the state treasury from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway operating fund, except as provided in division (C)(3) of this section. 11917
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(3) From the date of the receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.18 of the Revised Code, certifying that the moneys to the credit of the highway improvement bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all bonds and other obligations which may be issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, the moneys derived from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway 11922
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operating fund.	11933
Section 2. That existing sections 109.71, 109.751, 109.77,	11934
121.04, 145.01, 145.332, 149.301, 154.01, 154.22, 742.63,	11935
1501.011, 1501.012, 1501.02, 1501.07, 1501.09, 1501.11, 1501.12,	11936
1501.13, 1501.14, 1501.45, 1503.012, 1503.03, 1503.05, 1503.09,	11937
1503.10, 1503.11, 1503.14, 1503.141, 1503.15, 1503.18, 1506.35,	11938
1509.73, 1509.78, 1514.10, 1517.23, 1519.03, 1519.04, 1520.02,	11939
1520.03, 1533.89, 1541.02, 1541.031, 1541.032, 1541.04, 1541.05,	11940
1541.06, 1541.07, 1541.082, 1541.083, 1541.09, 1541.16, 1541.17,	11941
1541.18, 1541.19, 1541.20, 1541.22, 1541.23, 1541.24, 1541.26,	11942
1541.31, 1541.32, 1541.42, 1541.99, 1547.05, 1547.051, 1547.052,	11943
1547.06, 1547.08, 1547.111, 1547.14, 1547.18, 1547.20, 1547.24,	11944
1547.25, 1547.26, 1547.30, 1547.301, 1547.303, 1547.31, 1547.36,	11945
1547.38, 1547.41, 1547.53, 1547.531, 1547.532, 1547.54, 1547.541,	11946
1547.542, 1547.543, 1547.544, 1547.55, 1547.56, 1547.57, 1547.59,	11947
1547.61, 1547.63, 1547.65, 1547.66, 1547.67, 1547.68, 1547.71,	11948
1547.72, 1547.74, 1547.75, 1547.77, 1547.79, 1547.80, 1547.81,	11949
1547.83, 1547.85, 1547.86, 1547.99, 1548.01, 1548.02, 1548.031,	11950
1548.032, 1548.05, 1548.06, 1548.061, 1548.07, 1548.08, 1548.09,	11951
1548.10, 1548.11, 1548.12, 1548.13, 1548.14, 1548.141, 1548.15,	11952
1548.17, 1548.18, 1548.20, 1548.22, 1557.06, 2905.05, 2909.09,	11953
2930.01, 2935.01, 2935.03, 2981.01, 3701.18, 3714.03, 3734.02,	11954
3734.05, 3734.11, 3767.32, 3937.42, 4167.01, 4303.182, 4501.24,	11955
4503.575, 4505.09, 4517.03, 4585.31, 4585.32, 5311.01, 5735.05,	11956
5735.051, 5735.25, 5735.29, and 5735.30 and sections 1501.04,	11957
1503.02, 1503.24, 1503.25, 1503.26, 1503.29, 1503.30, 1503.31,	11958
1517.03, 1517.04, 1517.10, 1521.031, 1523.01, 1523.02, 1523.03,	11959
1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10,	11960
1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17,	11961
1523.18, 1523.19, 1523.20, 1541.01, 1541.03, 1541.10, 1541.11,	11962
1541.40, 1541.41, 1547.01, 1547.51, 1547.52, 1547.521, 1547.522,	11963
1547.523, 1547.73, 1547.78, 1547.84, and 1547.87 of the Revised	11964

Code are hereby repealed. 11965

Section 3. (A) It is the intent of the General Assembly on 11966
the effective date of this section to merge the Division of Parks 11967
and Recreation and the Division of Watercraft in the Department of 11968
Natural Resources into a new division known as the Division of 11969
Parks and Watercraft in the Department of Natural Resources in 11970
order to better serve the public and operate more efficiently. Any 11971
reference to the Division of Parks and Recreation or the Division 11972
of Watercraft means the Division of Parks and Watercraft created 11973
in Chapter 1546. of the Revised Code. Whenever the Division of 11974
Parks and Recreation or Division of Watercraft or the Chief of the 11975
respective Division is referred to in a statute, contract, or 11976
other document, the reference is deemed to refer to the Division 11977
of Parks and Watercraft or the Chief of the Division of Parks and 11978
Watercraft, whichever is appropriate in context. 11979

(B) Personnel of the Division of Parks and Recreation and the 11980
Division of Watercraft are transferred to the Division of Parks 11981
and Watercraft with all of the rights and benefits they had before 11982
the transfer. 11983

(C) Notwithstanding any provision of law to the contrary, as 11984
part of the merger of the Division of Parks and Recreation and the 11985
Division of Watercraft into the new Division of Parks and 11986
Watercraft, all interests in real property of the Division of 11987
Parks and Recreation and Division of Watercraft are transferred to 11988
the Division of Parks and Watercraft. Notwithstanding any 11989
provision of law to the contrary, all appropriations, 11990
encumbrances, contracts, outstanding obligations, settlements, 11991
memorandums of understanding, grants, and any other agreements of 11992
the Division of Parks and Recreation and the Division of 11993
Watercraft are transferred to the Division of Parks and 11994
Watercraft. All equipment, supplies, records, and other property 11995

of the Division of Parks and Recreation and the Division of 11996
Watercraft are transferred to the Division of Parks and 11997
Watercraft. 11998

(D) Notwithstanding any provision of law to the contrary, the 11999
Director of the Legislative Service Commission shall renumber the 12000
Administrative Code rules of the Division of Parks and Recreation 12001
and the Division of Watercraft for the newly created Division of 12002
Parks and Watercraft. The only permissible changes are to 12003
accommodate the new numbering and Division name. All 12004
Administrative Code rules of the Division of Parks and Recreation 12005
and the Division of Watercraft are enforceable by the Division of 12006
Parks and Watercraft until they are renumbered and in effect for 12007
the Division of Parks and Watercraft, at which time they are 12008
automatically rescinded. 12009

(E) The Division of Parks and Watercraft succeeds the 12010
Division of Parks and Recreation and the Division of Watercraft in 12011
the prosecution of all criminal matters formerly under the 12012
jurisdiction of the Division of Parks and Recreation and the 12013
Division of Watercraft. The Division of Parks and Watercraft shall 12014
continue after the effective date of this section to use signs, 12015
badges, uniforms, records, documents, motor vehicles, watercraft, 12016
or any other thing or property owned or used by the Division 12017
marked with the former Division of Parks and Recreation or the 12018
Division of Watercraft. Any law enforcement officer or other 12019
official with the Division of Parks and Watercraft wearing or 12020
using a badge, uniform, documents, motor vehicle, watercraft, or 12021
any other thing or property owned or used by the Division marked 12022
with the former Division of Parks and Recreation or the former 12023
Division of Watercraft name acts with full authority to enforce 12024
the law. 12025

(F) The Director of Natural Resources may enter into any 12026
agreement reasonably necessary for the merger of the Division of 12027

Parks and Recreation and the Division of Watercraft into the 12028
division of parks and watercraft created in Chapter 1546. of the 12029
Revised Code. 12030

(G) Any action or proceeding pending on the effective date of 12031
this section involving the merger of the Division of Parks and 12032
Recreation and the Division of Watercraft by this act is not 12033
affected by the merger of these Divisions and shall be prosecuted 12034
or defended in the name of the Division of Parks and Watercraft. 12035
In all such actions and proceedings, the Division of Parks and 12036
Watercraft, upon application to the court or other tribunal, shall 12037
be substituted as a party. 12038

(H) All orders and determinations of the Chief of the 12039
Division of Parks and Recreation or the Chief of the Division of 12040
Watercraft continue in effect until modified or rescinded by the 12041
Chief of the Division of Parks and Watercraft. 12042

(I) On the effective date of this section, the Division of 12043
Parks and Watercraft becomes successor to, assumes the obligations 12044
and authority of, and otherwise continues the Division of Parks 12045
and Recreation and the Division of Watercraft. Any business 12046
commenced but not completed by the Division of Parks and 12047
Recreation or the Division of Watercraft shall be completed by the 12048
Division of Parks and Watercraft. Any validation, cure, right, 12049
privilege, remedy, obligation, or liability is not lost or 12050
impaired solely by reason of the merger required by this act and 12051
shall be administered by the Division of Parks and Watercraft in 12052
accordance with this act. 12053

Section 4. Section 4303.182 of the Revised Code is presented 12054
in this act as a composite of the section as amended by both Am. 12055
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly. The 12056
General Assembly, applying the principle stated in division (B) of 12057
section 1.52 of the Revised Code that amendments are to be 12058
harmonized if reasonably capable of simultaneous operation, finds 12059

that the composite is the resulting version of the section in	12060
effect prior to the effective date of the section as presented in	12061
this act.	12062