Linda S. Crawford *Legislative Service Commission*

Sub. S.B. 156

125th General Assembly
(As Passed by the General Assembly)

Sens. **Jordan, Roberts, Jacobson, Stivers, Armbruster, Carey, Randy Gardner, Robert Gardner, Harris, Mallory, Mumper, Schuler, Wachtmann, Zurz**

Reps. **Aslanides, Hoops, McGregor, Schlichter, Brinkman, Buehrer, Calvert, Clancy, Combs, Driehaus, C. Evans, Faber, Flowers, Gibbs, Gilb, Grendell, Hagan, Hughes, Husted, Martin, Niehaus, Oelslager, Olman, Raussen, Reidelbach, Schaffer, Schmidt, Schneider, G. Smith, Taylor, White, Widowfield, Willamowski, Young**

Effective date: *

ACT SUMMARY

- Names parts of 11 state highways and one bridge.
- Authorizes the issuance of a "Choose Life" license plate bearing an identifying marking designed by Choose Life, Inc., and approved by the Registrar of Motor Vehicles; requires the Registrar to collect a contribution in the amount of $20 plus a $10 processing fee for each application for registration and registration renewal that involves "Choose Life" license plates; and requires the contributions collected from persons who are issued the license plates to be deposited into the "Choose Life" Fund, which the act creates, and paid by the Director of Health to certain eligible private, nonprofit organizations.
- Establishes procedures for the Public Utilities Commission to designate exempt railroad crossings where certain buses and other specified vehicles may cross without making the stop otherwise required of those vehicles.

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* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

CONTENT AND OPERATION

Naming of highways and a bridge

The act names the following highways and bridge:

Highway or bridge name and Revised Code section #	Location	Signage	Comment
"U.S.A.F. Pararescue Memorial Parkway" (5533.62)	State Route 48, running north and south, commencing in Shelby county and continuing through Miami, Montgomery, and Warren counties and ending in Clermont county	The Director of Transportation is authorized to erect suitable markers indicating its name (standard provision)	
"Robert E. Hagan Memorial Highway" (5533.643)	State Route 711, beginning at I-680 in Mahoning county and extending northeast to its intersection with U.S. Route 422	Standard provision	Robert E. Hagan served in the General Assembly from 1983-1988.
"Veterans' Glass City Skyway" (5533.81)	Bridge spanning the Maumee River in Lucas county that is part of I-280 and has a scheduled completion date of approximately August, 2005	Standard provision	
"Kenneth Jutte-John Garman Memorial Highway" (5533.82)	State Route 66 located in Auglaize county, running north and south between State Routes 119 and 274	Standard provision	Kenneth Jutte and John Garman, members of the New Bremen Volunteer Fire Department, were killed when a concrete silo exploded in New

Highway or bridge name and Revised Code section #	Location	Signage	Comment
			Knoxville on October 1, 2003.
"Bob Evans Highway" (5533.83)	U.S. Route 35, running east and west within Gallia county only	Standard provision	Bob Evans served on the Ohio Board of Regents, has supported organizations such as 4-H, the Future Farmers of America, the Heart Fund, and Easter Seals, and founded the restaurant chain and retail foods company that bear his name.
"Nehemiah and Permelia Atwood Memorial Highway" (5533.84)	(1) State Route 588, beginning in Rio Grande and running eastward to its intersection with Jackson Pike in Rodney, and (2) Jackson Pike, commencing at the intersection with State Route 588 and running eastward to its intersection with State Route 160	Standard provision	After the death of her husband, Nehemiah Atwood, Permelia Atwood founded Rio Grande College in 1876.
"Charles E. Holzer Highway" (5533.85)	State Route 160, running north and south within Gallia county only	Standard provision	Charles E. Holzer, Sr., and Charles E. Holzer, Jr., both physicians, founded the Holzer Hospital and the Holzer School of Nursing in Gallipolis.

Highway or bridge name and Revised Code section #	Location	Signage	Comment
"Ohio Army National Guard 216th Engineering Battalion Memorial Highway" (5533.86)	State Route 756, running east and west within Brown and Clermont counties only	Standard provision	
"Veterans' Memorial Highway" (5533.87)	State Route 209, located within Guernsey county, beginning at its intersection with Wheeling Avenue within Cambridge and extending south to Exit 178	Standard provision	
"Defiance County Veterans' Memorial Highway" (5533.88)	U.S. Route 24, running east and west within Defiance county only	The Director is authorized to erect suitable markers indicating its name, but only if ODOT receives private contributions sufficient to pay all costs of manufacturing, erecting, and maintaining the markers. Any private money ODOT receives for these purposes must be deposited in the state treasury to the credit of the State Highway Operating Fund or any other ODOT fund as determined by the Director. No public money may be used to pay the costs	

Highway or bridge name and Revised Code section #	Location	Signage	Comment
		associated with the markers.	
"Bill Hinig Memorial Highway" (5533.89)	U.S. Route 250, beginning at I-77 and running southeast through Uhrichsville	Standard	Bill Hinig served in the Ohio House of Representatives from 1965-1989.
"Lawrence E. Hughes Memorial Highway" (5533.90)	State Route 315 running north and south within Franklin county only, beginning where it crosses over King Avenue and extending north to the boundary of Franklin and Delaware counties	The Director is authorized to erect suitable markers indicating its name and the Director may accept private contributions to pay all or part of the costs of manufacturing, erecting, and maintaining the markers. Any private money ODOT receives for these purposes must be deposited in the state treasury to the credit of the State Highway Operating Fund or any other ODOT fund as determined by the Director.	Lawrence E. Hughes served in the Ohio House of Representatives from 1969-1982.

"Choose Life" license plates

Under the act, the owner or lessee of any passenger car, noncommercial motor vehicle, motor home, or other vehicle of a class approved by the Registrar of Motor Vehicles may apply to the Registrar for the issuance of "Choose Life" license plates. The application for "Choose Life" license plates may be combined with a request for a special reserved license plate provided in current law. Upon receipt of the completed application and compliance with the requirements of the

act, the Registrar is required to issue to the applicant a set of "Choose Life" license plates with a validation sticker, or a validation sticker alone when required by current law.

In addition to the letters and numbers ordinarily inscribed on license plates, "Choose Life" license plates must be inscribed with the words "Choose Life" and a marking designed by Choose Life, Inc., a private, nonprofit Florida corporation. The Registrar must review the design and must approve it if it is feasible. If the design is not feasible, the Registrar must notify Choose Life, Inc. of this fact and the organization may resubmit designs until a feasible design is approved. The license plates must bear county identification stickers that identify the county of registration by name or number. (Sec. 4503.91(A).)

"Choose Life" license plates are issued upon receipt of a contribution of $20 as provided in the act (see below); payment of the regular fees associated with the issuance of license plates prescribed in continuing law, a fee of $10 for the purpose of compensating the Bureau of Motor Vehicles for additional services required in the issuing of "Choose Life" license plates and compliance with all other applicable laws relating to the registration of motor vehicles. (Sec. 4503.91(B) and (C).)

For each application for registration and renewal that the Registrar receives under the act, the Registrar is required to collect a contribution of $20 and transmit it to the Treasurer of State for deposit in the "Choose Life" Fund, which the act creates (see below). The Registrar also is required to deposit into the existing state Bureau of Motor Vehicles Fund the additional $10 fee that the applicant pays for the purpose of compensating the Bureau. (Sec. 4503.91(C).)

"Choose Life" Fund

The act creates in the state treasury the "Choose Life" Fund, consisting of the contributions by applicants for "Choose Life" license plates and of money from the Fund that was distributed by the Director of Health to an eligible organization but was returned by the organization because it was not expended (see below). All investment earnings of the Fund must be credited to the Fund. (Sec. 3701.65.)

Under the act, the Director of Health at least annually must distribute the money in the Fund to any eligible private, nonprofit organization that applies for funding. The Director must distribute the funds based on the county in which the organization is located and in proportion to the number of "Choose Life" license plates issued during the preceding year to vehicles registered in that county. Within each county, eligible organizations that apply for funding must share

equally in the funds available for distribution to organizations located within that county.

The Director is required to develop an application form for funds and may determine the funding schedule and procedures. The application must inform the applicant of the eligibility conditions for receiving funds. The application must require evidence that the organization meets all of the following eligibility requirements:

(1) It is a private, nonprofit organization;

(2) It is committed to counseling pregnant women about the option of adoption;

(3) It provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;

(4) It does not charge women for any services received;

(5) It is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;

(6) It does not discriminate in its provision of any services on the basis of race, religion, color, marital status, national origin, handicap, gender, or age.

The Director is prohibited from distributing funds to an organization that does not provide verifiable evidence of meeting the above requirements and may not provide additional funds to any organization that fails to comply with provisions of the act regarding its previous receipt of funds.

An organization that receives funds is required to do all of the following:

(1) Use not more than 60% of the funds for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;

(2) Use not more than 40% of the funds for counseling, training, or advertising;

(3) Not use any of those funds for administrative expenses, legal expenses, or capital expenditures;

(4) Annually return to the Choose Life Fund any unused money that exceeds 10% of the money distributed to the organization.

The organization must submit to the Director an annual audited financial statement verifying its compliance with these funding requirements.

Stopping of certain vehicles at highway grade crossings

Under law generally retained by the act, the operator of (1) any bus, (2) any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school, and (3) any vehicle transporting a material that federal law requires to display an identifying placard, before crossing any highway grade crossing, must take certain actions. The operator must stop the vehicle and listen through an open door or open window and look in both directions along the track for any approaching train or for signals indicating an approaching train. If there is no approaching train, only then may the operator proceed, exercising due care. Under prior law, this requirement did not apply at any highway grade crossing located within a municipal corporation or to abandoned tracks, spur tracks, side tracks, and industrial tracks when the Public Utilities Commission had authorized and approved the crossing of the tracks without making the required stop.

The act provides that this stopping requirement also does not apply at any highway rail grade crossing that the Commission authorizes and approves as an "exempt crossing" (sec. 4511.63(B)).

Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission must authorize a limited period of time for the filing of comments by any party regarding the application. The Commission must notify each railroad operating over the crossing of the comment period by registered mail, and then must conduct a public hearing in the community that is seeking the exempt crossing designation, after providing appropriate prior public notice of the comment period and the public hearing. (Sec. 4511.63(B)(1).)

After considering any comments or other information received, the Commission may approve or reject the application. The Commission may establish conditions for the exempt crossing designation by order, including requiring the placement of a traffic signal at the crossing. A designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions the Commission orders are satisfied. (Sec. 4511.63(B)(2).)

The Commission may issue an order rescinding an exempt crossing designation if it finds that a condition at the exempt crossing has changed to such an extent that the continuation of the designation compromises public safety. It may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation, and if it so acts, it must order the removal of any exempt crossing signs and may issue any other necessary order. (Sec. 4511.63(B)(3).)

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	12-02-03	p.	1227
Reported, S. Highways & Transportation	05-05-04	p.	1834
Passed Senate (33-0)	05-12-04	pp.	1895-1896
Reported, H. Transportation & Public Safety	12-02-04	p.	2341
Passed House (82-15)	12-08-04	pp.	2482-2484
Senate concurred in House amendments (20-9)	12-08-04	pp.	2750-2752

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