



**S.B. 300**

126th General Assembly  
(As Introduced)

**Sen. Armbruster**

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**BILL SUMMARY**

- For the State Infrastructure Bank (SIB) program (1) provides that money received by the SIB as repayment of loans made by the SIB is not money raised by taxation regardless of the source of the money, (2) specifically permits townships receiving distributions from the Gasoline Excise Tax Fund in the state treasury to use that money to pay the principal, interest, and charges on SIB obligations, and (3) eliminates a provision specifically allowing municipal corporations and counties to pledge and obligate license and fuel tax money and tax increment financing service payments, but limiting such use to public transportation project obligations.
- Allows the Director of Transportation to enter into agreements and cooperate with the Secretary of Transportation to perform environmental reviews and gives the Director rulemaking authority for this purpose.
- Revises ODOT's procedures for qualifying and debarring construction project bidders.
- Establishes that a commercial driver's license (CDL) holder who violates the general implied consent law by refusing to submit to a blood, breath, or urine test after being arrested for an OVI offense is subject to the disqualification sanctions applicable for a CDL implied consent conviction.
- Revises the CDL skills testing provisions and establishes that third-party testers must be licensed by the Director of Public Safety, rather than acting pursuant to a contract.

- Defines a "multifunction school activity bus" and establishes the conditions under which such a vehicle may be operated.
- Defines a "low-speed vehicle" and establishes the conditions under which such a vehicle may be operated.
- Prohibits the Registrar of Motor Vehicles from implementing legislation creating new special license plates until the Registrar has at least 1,000 signatures indicating intent to purchase the new license plates.
- Adds a police command vehicle to the list of vehicles the operation of which does not require a CDL.
- Eliminates references to a "temporary instruction permit identification card" while retaining references to the "temporary instruction permit" as the single item necessary to operate a motor vehicle before obtaining a driver's license.
- Makes other changes to the law governing driver's licenses and vehicle safety programs.

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## CONTENT AND OPERATION

### Repayment of State Infrastructure Bank obligations

#### Background

Current law provides for the establishment of the State Infrastructure Bank (SIB) under the Director of Transportation. The SIB consists of, among other amounts, money received from the federal government in the form of grants, awards and assistance, and proceeds of obligations issued by the Treasurer of State for state infrastructure projects or to provide financial assistance for other types of projects for which the SIB was created.

The Director has authority to use the SIB to:

- Encourage public and private investment in transportation facilities that contribute to the multi-modal and intermodal transportation capabilities of the state;
- Develop a variety of financing techniques designed to expand the availability of funding resources and to reduce direct state costs;
- Maximize private and local participation in financing projects; and
- Improve the efficiency of the state transportation system by using and developing the particular advantages of each transportation mode to the fullest.

To further these purposes, the Director may provide SIB financial assistance to public and private entities for qualified projects. The assistance may be in the form of loans, loan guarantees, letters of credit, leases, lease-purchase agreements, interest rate subsidies, debt service reserves, and other forms of aid the Director determines.

#### Repayment of SIB loans

(R.C. 5531.10 and 5735.27)

Current law provides formulas for the distribution to local governments of revenue from the annual state license tax levied on the operation of motor vehicles



on public roads and highways and the motor fuel excise tax. Current law also generally prohibits pledging or obligating money raised from state taxation for the payment of bond service charges on bonds sold through the SIB to raise funding for financial assistance for state infrastructure projects or to directly fund such projects. But the law also provides an exception to the prohibition. Under the exception, municipal corporations and counties may pledge and obligate the license and fuel tax money that they receive to the payment of amounts payable by those municipal corporations and counties to the SIB, and the bond proceedings for obligations may provide that such payments constitute pledged receipts. Current law permits municipal corporations and counties to pledge and obligate any tax increment financing (TIF) service payments they receive in lieu of taxes for the same purposes. However, such tax and TIF money can be so obligated, pledged, and paid only with respect to obligations issued exclusively for public transportation projects.

The bill eliminates the provisions permitting the pledging and obligation of the license and fuel tax money and the TIF service payments with respect to public transportation project obligations. In place of these provisions, the bill provides that money received by the SIB as repayment of loans made by the SIB is not money raised by taxation regardless of the source of the money; such money may be obligated or pledged for the payment of bond service charges. Additionally, the bill specifically permits townships receiving distributions from the Gasoline Excise Tax Fund in the state treasury to use that money to pay the principal, interest, and charges on SIB obligations.

**Department of Transportation, environmental review process**

(R.C. 5531.11)

Pursuant to federal authorization, the bill allows the Director of Transportation to enter into agreements and cooperate with the U.S. Secretary of Transportation to perform environmental reviews, consult, make decisions, assume specified federal environmental review responsibilities, and take other necessary actions required by the agreement and authorized under federal law. The Director may adopt rules for these purposes. The bill specifies that any expenditure of money by the Director in connection with authorized agreements must be payable from funds available to the Director.

The bill waives the state's immunity from civil liability and consents, only in regard to actions arising from the assumption of federal functions, as described above, to be sued, and have its civil liability determined, in an appropriate federal court in accordance with the same rules of law applicable to suits against a federal agency.

## *Department of Transportation bidding and debarment procedures*

(R.C. 5525.03 and 5525.09)

The bill revises ODOT's procedures for qualifying construction project bidders as follows:

- Requires the Director of Transportation to act upon a prospective bidder's application within 30 days after the Director receives the application, rather than within 30 days after it is presented to the Director as in current law;
- In determining whether an applicant is competent and responsible, requires the Director to examine any information the Director considers relevant, not just the application;
- Specifically allows the Director to adopt rules to determine whether the applicant is competent and responsible, replacing the current authority to adopt rules for applicant qualifications;
- Specifies that the Director must issue a certificate of qualification if an applicant is found to possess the required financial resources, as well as the other required qualifications;
- Revises requirements for the certificate of qualification so that (1) the statement fixing the aggregate amount of uncompleted work includes work for any or all "project owners," rather than "owners," and (2) the applicant may be limited to the submission of bids upon one or more classes of work, rather than a single class of work;
- When an applicant seeks an amendment of a certificate of qualification as to the amount or class of work, requires the Director to review any information the Director considers relevant, as well as the documentation the applicant submits, and requires the Director to amend the certificate or deny the request within 15 days after receiving the information, rather than within 15 days after the documentation is submitted.

The bill revises ODOT's debarment procedures for qualified construction project bidders as follows:

- Allows the Director to debar any person from continuing with existing contracts, not just from participating in future contracts, with ODOT;



- Allows debarment of any person due to the actions or omissions of that person or of any of that person's personnel, rather than a bidding company and any partner of a partnership, or the officers and directors of an association or corporation whose certificate of qualification is revoked or not renewed by the Director;
- Instead of requiring the Director to revoke a certificate of qualification, establishes that during the period of debarment, any existing certificate of qualification of the debarred person is automatically revoked, and prohibits the Director from issuing a certificate of qualification to the debarred person or to any other person affiliated with or employing the debarred person, rather than prohibiting the Director from issuing a certificate for any company, partnership, association, or corporation affiliated with a debarred individual, as under current law.

Current law prohibits any applicant for qualification as a bidder from knowingly making a false statement with respect to the person's financial worth in any written documents filed with ODOT concerning the bidding qualification process; any person who violates the prohibition is disqualified from submitting bids on ODOT contracts for two years following the date of the person's conviction. Under the bill, the disqualification is permissive, rather than mandatory, and is for any length of time determined by the Director, rather than two years. The bill also allows the Director to modify or rescind the disqualification at any time.

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

#### **Implied consent refusal**

(R.C. 4506.16)

Under the current commercial driver's license (CDL) law, a person who drives a commercial motor vehicle in Ohio is deemed to have given consent to having the person's blood, breath, or urine tested for alcohol or a controlled substance; this implied consent is specific to persons operating a commercial motor vehicle and is in addition to the general implied consent provision applicable to any person who operates or is in control of a vehicle in Ohio who is arrested for operating a vehicle under the influence of alcohol or drugs (R.C. 4511.191, not in the bill). A person who refuses to submit to the blood, breathe, or urine test after being requested under the CDL law is disqualified from operating a commercial motor vehicle for one year on a first conviction and is disqualified for life upon a second conviction.

Under the bill, a CDL holder who violates the general implied consent law by refusing to submit to a blood, breath, or urine test after being arrested for an OVI offense is subject to the disqualification sanctions applicable for a CDL implied consent conviction. Upon a first license suspension imposed under the general implied consent law, a CDL holder is subject to a one-year disqualification and upon a second such license suspension, the person is disqualified for life from operating a commercial motor vehicle. These disqualification sanctions apply whether the person was operating a commercial or noncommercial motor vehicle at the time of the violation of the general implied consent law.

### **Skills test**

(R.C. 4506.09)

CDL law requires applicants for a CDL to pass both a knowledge and a skills test. The skills test, which consists of a pre-trip inspection, basic vehicle control, and on-road driving, may be administered by the State Highway Patrol (or any other authorized Public Safety employee) or by a third-party testing under a contract with the Director of Public Safety. The bill establishes that third-party testers must be licensed by the Director, rather than acting pursuant to a contract. For the most part, the bill maintains the provisions of law that currently govern agreements between the Director and third-party testers, including the divisible fee of not more than \$85, submission of random examinations, inspections, and audits of the third party, and establishment of qualification and training standards for examiners. Under the bill, these provisions are to be established by rule of the Director. The bill also authorizes the Director to include in the rules any other provisions considered necessary to ensure that the skills test is administered in accordance with federal requirements.

The bill removes specific language from current law concerning an appointment fee serving as the skills test fee and the division of the \$85 fee into specified amounts for each portion of the skills test. The bill also removes language requiring state employees to take a practice skills test offered by third-party testers and reserving the right of the state to take remedial action against third-party testers who fail to comply with state or federal testing standards.

### **Exempt operation of certain vehicles**

(R.C. 4506.03)

In general, no person may operate a commercial motor vehicle unless the person holds a CDL. Under current law, a CDL is not required to operate certain vehicles that otherwise fit the weight, size, or other criteria for being considered a commercial motor vehicle and therefore would require the operator to have a

CDL; the vehicles for which a CDL is not required currently include a farm truck, fire equipment, certain public safety vehicles, recreational vehicles, snow and ice removal vehicles (under certain circumstances), military vehicles, certain vehicles used for noncommercial purposes, and a police SWAT team vehicle. The bill adds a police command vehicle to the list of vehicles the operation of which does not require a CDL.

### **Driver's licenses**

#### **Temporary instruction permit**

(R.C. 4507.05 and 4507.23)

Prior to obtaining an initial driver's license, a person learning to drive currently is issued a temporary instruction permit and a temporary instruction permit card, both of which must be in the person's possession when operating a motor vehicle. The bill eliminates references to a "temporary instruction permit identification card" while retaining references to the "temporary instruction permit" as the single item necessary to operate a motor vehicle before obtaining a driver's license.

#### **Residency**

(R.C. 4507.02)

The bill prohibits any person who has been an Ohio resident for 30 days or more from operating a motor vehicle under the authority of a driver's license issued by another jurisdiction; violation of this prohibition is a first degree misdemeanor. For purposes of driver's license law, "resident" is defined as a person who, in accordance with rules adopted by the Registrar, resides in this state on a permanent basis (R.C. 4507.01, not in the bill).

#### **Digitalized photographs**

(R.C. 4507.53)

Currently, digitalized photographic records of the Department of Public Safety may be released only to state, local, or federal governmental agencies for criminal justice purposes and to any court. In addition to these authorized releases, the bill allows digitalized photographic records to be released to any State Highway Patrol driver's license examiner or examination personnel for the purpose of verifying the identity of a driver's license applicant.

### **Special license plates**

(R.C. 4503.77 and 4503.78)

Currently, unless the law specifically provides otherwise, the Registrar of Motor Vehicles is "not required to" implement legislation creating a license plate until the Registrar receives written statements from at least 1,000 people indicating that they intend to obtain the special license plate being created. Rather than giving the Registrar the option of not implementing the legislation, the bill specifically prohibits the Registrar from implementing legislation creating new special license plates until the Registrar has at least 1,000 signatures indicating intent to purchase the new license plates.

The bill also clarifies that, if the special license plate remains serviceable, the Registrar may accept a registration renewal for a special license plate that is subject to cancellation because fewer than 1,000 plates of that type have been issued.

### **School buses**

#### **Multifunction school activity bus**

(R.C. 4511.01, 4511.75, 4511.762, 4511.77, and 4511.771)

For purposes of traffic laws, "school bus" generally is defined as every bus designed for carrying more than nine passengers that is operated for the transportation of children to or from a school session or a school function. The bill expands the definition of school bus to include a "multifunction school activity bus," which the bill further defines as a school bus that does not transport children to or from their residence and does not receive or discharge children at designated bus stops along a roadway. The bill then excepts a multifunction school activity bus from several provisions that otherwise apply to school buses, including the requirement that a school bus be painted school bus yellow, be marked with the words "school bus" and "stop" in specified lettering, and be equipped with amber and red lights. As a school bus, a multifunction school activity bus is required to be inspected by the State Highway Patrol and may not be operated unless the bus displays a decal indicating that it has passed the required annual inspection. The bill also makes conforming changes to the existing law provisions requiring the removal of distinctive features when a bus no longer is used to transport children to and from school or school functions.

### **School bus markings**

(R.C. 4511.762)

Under current law, a bus that previously was registered and marked as a school bus must be repainted a different color and have the words "stop" and "school bus" obliterated when it no longer is used as a school bus. In addition, the bill specifies that the flashing red and amber lights must be removed, the automatically extended stop warning sign must be removed, the safety inspection decal must be removed, and the school bus identification number must be obliterated. Violation of this provision is a minor misdemeanor on a first offense and a fourth degree misdemeanor upon a subsequent violation of this provision or specified related provisions.

### **School bus rules**

(R.C. 4511.75)

Current law requires a school bus driver to actuate the red and amber school bus lights and automatically extended stop warning sign only when the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending head start programs. Current law requires the visual signals and stop warning sign to "be synchronized or otherwise operated as required by rule of the board." The bill establishes that the signal and stop warning signs be operated as required by rules adopted jointly by the Department of Public Safety and the Department of Education.

### **Head start buses**

(R.C. 4511.75)

Under current law if a bus owned and operated by a head start agency is painted and equipped as a school bus, irrespective of whether or not the bus has 15 or more children aboard at any time, it is a school bus for which motor vehicle operators must stop. The bill removes the specific references to paint and equipment and establishes that "school bus," as used in relation to children who attend a head start program, means a school bus as generally defined for purposes of traffic laws, irrespective of whether or not the bus has 15 or more children aboard at any time.

### **State Highway Patrol bus inspections**

(R.C. 4503.07, 4511.761, and 4513.50)

The bill authorizes the owner or operator of a school bus or a church bus to drive the bus directly to a State Highway Patrol inspection site and back to the person's place of business without a valid registration and without displaying a safety inspection decal; however, no passengers may occupy the bus when it is being driven to and from the inspection site.

Under current law, the commercial bus inspection program conducted by the State Highway Patrol generally applies to buses other than school buses, church buses, and vehicles owned or leased by government agencies or political subdivisions. The bill specifies that the vehicles subject to the commercial bus inspection program are those that are registered in this state.

### **Low-speed vehicles**

(R.C. 4501.01(WW), 4511.214, and 4513.42)

The bill defines a "low-speed vehicle" and establishes the conditions under which such a vehicle may be operated in Ohio. A low-speed vehicle is a four-wheeled motor vehicle with a maximum attainable speed of at least 20 mph but not more than 25 mph and complies with federal safety standards for such vehicles. The bill prohibits the operation of a low-speed vehicle on any street or highway having a speed limit greater than 35 mph, but specifically does not prohibit a person operating a low-speed vehicle from proceeding across an intersection of a street or highway having a greater speed limit. Operating a low-speed vehicle on a street or highway with a speed limit greater than 35 mph is a minor misdemeanor. Under the bill, no person who is operating a low-speed vehicle that complies with the applicable federal safety standards may be required to comply with any conflicting equipment provisions of state law.

### **Maximum lengths for vehicles being operated on public highways**

(R.C. 5577.05)

Current law establishes the maximum lengths for various types and combinations of vehicles being operated on public highways. The bill revises the maximum length permitted for a type of vehicle known as a "saddlemount." A "saddlemount vehicle transporter combination" is defined as "any combination of vehicles in which a straight truck or commercial tractor tows one or more straight trucks or commercial tractors, each connected by a saddle to the frame or fifth wheel of the straight truck or commercial tractor in front of it" (R.C. 5577.01, not in the bill). Under current law drive-away saddlemount vehicle transporter

combinations and drive-away saddlemount with fullmount vehicle transporter combinations may not exceed 75 feet in length. Under the bill, such vehicles may not exceed 75 feet when operated on any roadway not designated as an interstate, United States route, or state route. The bill establishes 97 feet as the maximum allowable length for such vehicles when operated on any interstate, United States route, or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or state route.

Current law excludes specific parts and vehicle accessories from being measured to determine whether a vehicle conforms to the maximum vehicle lengths. The following items currently are not measured when determining vehicle length: safety devices, bumpers attached to the front or rear of a bus or combination, a B-train assembly used between the first and second semitrailers of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices, and any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. The bill adds nonproperty carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading to the list of those items not considered when determining vehicle length.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-23-06

S0300-I-126.doc/jc

