

Executive

As Passed by the House

1      **DPS - 58**      **Ohio Pet Fund**

No provision.

**R.C.      955.201**

Changes the definition of "Ohio Pet Fund," which current law defines to mean a nonprofit corporation that is organized under the Nonprofit Corporation Law that consists of humane societies, veterinarians, animal shelters, companion animal breeders, dog wardens, and similar individuals and entities, by replacing "and" with "or" so that the fund consists of any of those individuals and entities rather than all of them. Expands the 501(c)(3) charitable organizations that may receive assistance from the fund to include those 501(c)(3) organizations that have as one of their purposes, rather than as their primary purpose, the support of programs for the sterilization of dogs and cats and educational programs concerning proper veterinary care.

**Fiscal effect: None.**

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2      **DPS - 53**      **Clerk of Courts Titling Fees**

No provision.

**R.C.      1548.10, 4505.09, and 4519.59**

Revises the amount of each fee (generally increased by \$10 in Am. Sub. H.B. 2 of the 128th General Assembly) that a clerk of a court of common pleas retains for issuing a certificate of title as follows: (1) \$10.50 for each watercraft or outboard motor certificate of title issued with a lien or security interest noted on the certificate of title and \$12 when there is no lien or security interest notation, (2) \$11.50 for each motor vehicle, off-highway motorcycle, or all-purpose vehicle certificate of title when there is a lien or security interest noted on the certificate of title, \$12.25 when there is no lien or security interest notation, and \$11.50 for each duplicate certificate of title, and (3) adjusts the remaining amounts paid by a clerk to the Registrar of Motor Vehicles.

**Fiscal effect: This provision makes a correction to the titling fee changes enacted in Am. Sub. H.B. 2 of the 128th General Assembly to better reflect the intention of the General Assembly.**

3      **DPS - 56**      **Snowmobiles, Off-Highway Motorcycles, and All-Purpose Vehicles**

**R.C.      4519.04, 4919.09**

(1) No provision.

(2) No provision.

**R.C.      2911.21, 4519.02, 4519.04, and 4519.44**

(1) Adds snowmobiles and off-highway motorcycles to the enhanced penalty provisions of the trespassing statute.

(2) Provides that an all-purpose vehicle that is used for agricultural purposes generally is exempt from the registration requirement if the owner qualifies for the current agricultural use valuation tax credit.

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(3) No provision.

(3) Provides that snowmobiles and off-highway motorcycles are to be issued two decal registration stickers, which are to be placed one on either side of the forward cowling or fuel tank.

(4) Increases the three-year registration fee for snowmobiles, off-highway motorcycles, and all-purpose vehicles from \$5 to \$31.25, increases the length of time a temporary operating permit is valid from 15 days to one year and the cost of such a permit from \$5 to \$11.25.

(4) Increases the three-year registration fee for snowmobiles, off-highway motorcycles, and all-purpose vehicles from the \$31.25 fee that will become effective July 1, 2009, to \$32.25 and permits the Registrar of Motor Vehicles to retain not more than \$6 of each such registration fee for administrative costs rather than the \$5 amount that will become effective July 1, 2009.

(5) No provision.

(5) Removes the minimum age requirement of 12 years for operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles on state-controlled land under Department of Natural Resources jurisdiction when such a minor is accompanied by a parent or guardian who is a licensed driver and is 18 years of age or older.

**Fiscal effect: Increases revenue to SSR Fund 5210, the State Recreational Vehicle Fund, by approximately \$676,820 from snowmobile, off-highway motorcycle, and all-purpose vehicle registration fees and nonresident temporary operating fees.**

**Fiscal effect: Uncertain.**

4      **DPS - 55      State Highway Safety Fund**

No provision.

**R.C.      4501.06**

Updates the references of fees deposited into the State Highway Safety Fund (Fund 7036) to include fees from the cost of replacing a license plate and obtaining an initial or personalized license plate, recently added by Am. Sub. H.B. 2 of the 128th General Assembly.

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**Fiscal effect: This provision makes a technical correction to the references of fees deposited into the State Highway Safety Fund (Fund 7036) as enacted by Am. Sub. H.B. 2 of the 128th General Assembly.**

5      **DPS - 49      "Ohio Nature Preserves" License Plates**

No provision.

**R.C.      4501.243, and 4503.563**

(1) Creates the "Ohio Nature Preserves" license plate, (2) requires payment of a contribution not exceeding \$40 and directs it for deposit in the Ohio Nature Preserves Fund, (3) requires the Department of Natural Resources to use the money in the Ohio Nature Preserves Fund to help finance nature preserve education, nature preserve clean-up projects, and nature preserve maintenance, protections, and restoration, and (4) requires payment of a \$10 administrative fee and directs it for deposit in the State Bureau of Motor Vehicles Fund (Fund 4W40) to compensate the Bureau for additional services required in issuing the plate.

**Fiscal effect: This provision could result in: (1) a potential, likely minimal at most, increase in state revenues and administrative expenditures, and (2) a potential, likely minimal at most, change in the amount of money distributed annually to local governments from the State Bureau of Motor Vehicles Fund (Fund 4W40). Whether the direction of that revenue change will be a minimal gain or minimal loss for local governments will depend upon the degree to which the \$10 administrative fee offsets the Bureau's cost to produce and distribute the "Ohio Nature Preserves" license plate.**

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6      **DPS - 52      Online Commercial Fleet Licensing and Management Program**

No provision.

**R.C.      4503.10**

Requires the Registrar of Motor Vehicles to determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct electronic transactions by July 1, 2010 or sooner. Updates section to reflect its amendment by Am. Sub. H.B. 2 of the 128th General Assembly.

**Fiscal effect: One-time, likely no more than minimal, cost for the Department of Public Safety to perform the required feasibility study.**

7      **DPS - 57      Multi-Year Registration for Commercial Trailers and Semitrailers and Biennial Motor Vehicle Registration**

(1) No provision.

**R.C.      4503.103**

(1) Removes the requirement that a person must own or lease two or more commercial trailers or semitrailers in order to be eligible to register them for up to five years.

(2) No provision.

(2) Requires a person who registers a commercial trailer or semitrailer under the multiyear registration provision to pay the additional \$30 registration fee enacted by Am. Sub. H.B. 2 of the 128th General Assembly for each year of registration as well as the \$3.50 deputy registrar service fee or Bureau of Motor Vehicles service fee, as applicable, for each year of registration.

(3) No provision.

(3) Requires a person who registers a motor vehicle under the existing biennial registration provision to pay the \$3.50 deputy registrar service fee or Bureau of Motor Vehicles

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service fee, as applicable, for each year of registration rather than one and one-half times that service fee as specified in current law.

**Fiscal effect: The language described in dot points (1) and (2) above has no fiscal effect, as it clarifies the intent of changes enacted by Am. Sub. H.B. 2 of the 128th General Assembly. As a result of the language described in dot point (3) above, an additional, minimal at most, amount in service fee revenues may be collected annually by the Registrar of Motor Vehicles and deposited in the State Bureau of Motor Vehicles Fund (Fund 4W40).**

8      **DPS - 62      Fees for Certain Special and Replacement License Plates**

**R.C.      4503.19, 4503.40, and 4503.42**

(1) No provision.

(1) Provides that the fee increases for special field reserve license plates from \$10 to \$25 and special personalized license plates from \$35 to \$50 enacted in Am. Sub. H.B. 2 of the 128th General Assembly apply for each registration renewal with an expiration date on or after October 1, 2009, and for each initial application for registration received on or after that date.

(2) No provision.

(2) Clarifies that \$7.50 of each special field reserve license plate fee, whether it is \$10 or \$25, is to compensate the Bureau of Motor Vehicles for the expenses it incurs in issuing the license plates and the remainder of each such fee, whether it is \$2.50 or \$17.50, is to be deposited into the State Highway Safety Fund (Fund 7036).

(3) No provision.

(3) Clarifies that \$5 of each special personalized license plate fee, whether it is \$35 or \$50, is to compensate the Bureau of Motor Vehicles for the expenses it incurs in issuing the license plates and the remainder of each such

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(4) No provision.

fee, whether it is \$30 or \$45, is to be deposited into the State Highway Safety Fund (Fund 7036).

(4) Clarifies that the \$1 fee charged for a replacement certificate of registration is to be deposited into the State Bureau of Motor Vehicles Fund (Fund 4W40).

(5) No provision.

(5) Provides that \$2 of each \$7.50 fee charged for a replacement set of two license plates and each \$6.50 fee charged for a single replacement license plate or replacement validation sticker is to be deposited into the State Bureau of Motor Vehicles Fund (Fund 7036).

**Fiscal effect: These are largely clarifying changes related to certain fee adjustments enacted by Am. Sub. H.B. 2 of the 128th General Assembly.**

**9      DPS - 61      Multi-year Vehicle Registration Validation Stickers**

No provision.

**R.C.      4503.191**

Allows the Registrar of Motor Vehicles to determine by rule the manner to use to indicate the expiration of a validation sticker issued for an all-purpose vehicle (three-year registration period) or for a trailer or semitrailer (up to a five-year registration period).

**Fiscal effect: Uncertain.**

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10	DPS - 59	Placards and License Plates for Walking-Impaired	R.C. 4503.44
No provision.			<p>Creates the Rehabilitation Employment Fund to be used by the Rehabilitation Services Commission to fund employment-related services and requires the Registrar of Motor Vehicles and any deputy registrar to ask each applicant for a removable windshield placard or temporary removable windshield placard or duplicate removable windshield placard or license plate issued to a person who is walking-impaired whether the person wishes to make a \$2 contribution to the Rehabilitation Employment Fund.</p> <p><b>Fiscal effect: The state cost to collect the contribution is likely to be minimal at most, if that. The amount of money that may be collected in contributions annually for deposit in the Rehabilitation Employment Fund is uncertain.</b></p>
11	DPS - 47	Operation of Small Three-Wheel Motorcycles	R.C. 4507.03
No provision.			<p>Specifies that a person who has a valid driver's or commercial driver's license cannot be required to have a motorcycle operator's endorsement to operate a three-wheel motorcycle with a motor of not more than 50 cubic centimeters piston displacement.</p> <p><b>Fiscal effect: Potential, likely no more than minimal, annual loss in motorcycle related registration revenues.</b></p>

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12	DPS - 54	Vision Screening Fee	No provision.	R.C. 4507.24	Requires a deputy registrar of motor vehicles to transmit the entire \$1.75 increase in the vision screening fee enacted by Am. Sub. H.B. 2 of the 128th General Assembly to the Registrar of Motor Vehicles for deposit into the State Highway Safety Fund (Fund 7036), rather than just \$1 of the increase.	<b>Fiscal effect: This provision makes a correction to the vision screening fee changes as enacted by Am. Sub. H.B. 2 of the 128th General Assembly.</b>
13	DPS - 45	Motor Vehicle Child Restraint Law	No provision.	R.C. 4511.81	Eliminates the prohibition against using violations of the motor vehicle child restraint law in other criminal proceedings.	<b>Fiscal effect: Uncertain.</b>

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14	DPS - 50	Motor Vehicle Violations	<p>R.C. <b>4513.021, 4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.19, 4513.21, 4513.22, 4513.23, 4513.24, 4513.242, 4513.28, 4513.60, 4513.65, 4513.99, 4549.10, and 4549.12</b></p>
No provision.			<p>Reclassifies 29 specified motor vehicle violations (primarily vehicle equipment requirements) as minor misdemeanors, regardless of prior similar offenses.  <b>Fiscal effect: Uncertain.</b></p>
15	DPS - 60	All-Purpose Vehicle Affidavit	<p>R.C. <b>4519.03</b></p> <p>Permits the owner of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued, to register the motorcycle or vehicle by presenting an affidavit of ownership rather than requiring the owner to obtain first a certificate of title for the off-highway motorcycle or all-purpose vehicle.  <b>Fiscal effect: Uncertain.</b></p>
No provision.			

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16      **DPS - 17**      **Cash Transfers from Reparations Fund to Disaster Preparedness Fund**

**Section: 512.20**

Transfers \$350,000 in cash in each of FYs 2010 and 2011 from the Reparations Fund (SSR Fund 4020), which is used by the Attorney General, to the Disaster Preparedness Fund (SSR Fund 5EX0), which is used by the Department of Public Safety.

No provision.

17      **DPS - 51**      **Federal Stimulus - Justice Programs**

No provision.

**Sections: 601.10, 601.11, and 690.10**

Amends Am. Sub. H.B. 2 of the 128th General Assembly to move appropriation item 768613, Federal Stimulus – Justice Programs, and related \$4,604,597 appropriation from the FY 2008-FY 2009 biennium to the FY 2010-FY 2011 biennium. Requires the appropriation be used to support activities to prevent and control crime and to improve the criminal justice system.

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**18            CEB - 5            Disaster Assistance**

**Section: 245.10**

Permits the Department of Public Safety to request, and the Controlling Board to approve, transfers from GRF appropriation item 911401, Emergency Purposes/Contingencies, to line items used by the Department to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies, and allows such transfers to be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

**Section: 245.10**

Same as the Executive.

**19            CEB - 6            Disaster Services**

**Section: 245.10**

- (1) Permits the Department of Public Safety to request, and the Controlling Board to approve, transfers from the Disaster Services Fund (Fund 5E20) to a fund and appropriation item used by the Department to provide for assistance to political subdivisions made necessary by natural disasters or emergencies.
- (2) Allows such transfers to be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.
- (3) Requires the Emergency Management Agency (EMA) to use the funding for the State Disaster Relief Program for

**Section: 245.10**

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.

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disasters declared by the Governor, and the State Individual Assistance Program for disasters declared by the Governor and the federal Small Business Administration, and requires the EMA to publish and make available application packets for those two programs.

(4) Requires the Controlling Board to use Fund 5E20 to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief for disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist.

(4) Same as the Executive.

**20            CEB - 7            Southern Ohio Correctional Facility Cost**

**Section: 245.10**

Permits the Division of Criminal Justice Services and the Public Defender Commission to request, upon approval of the Director of Budget and Management, additional funds from the GRF appropriation item 911401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility.

**Section: 245.10**

Same as the Executive.

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21            **CEB - 2            Mandate Assistance**

**Section: 245.10**

- (1) Requires that the amounts appropriated to GRF appropriation item 911404, Mandate Assistance, be used to provide financial assistance to local units of government and school districts for the cost of two state mandates as follows: (a) the cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services, and (b) the costs to school districts of in-service training for child abuse detection.
- (2) Permits the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education to submit to the Controlling Board requests to transfer appropriations from GRF appropriation tem 911404 for the two aforementioned purposes.
- (3) Permits the Controlling Board to transfer appropriations received by a state agency under this provision back to GRF appropriation item 911404, or to the other program of state financial assistance identified under this provision.
- (4) Stipulates it is expected that not all costs incurred by local units of governments and school districts under each of these two aforementioned programs of state financial assistance will be fully reimbursed by the state.
- (5) Prescribes how each of these programs of state financial assistance are to be carried out.
- (6) Permits any moneys allocated to GRF appropriation item 911404 not fully utilized, upon application of the Ohio

**Section: 245.10**

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.
- (4) Same as the Executive.
- (5) Same as the Executive.
- (6) Same as the Executive.

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Public Defender Commission, and with the approval of the Controlling Board, to be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing indigent defense legal services.

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22 PUC - 7 Permissive Commercial Motor Vehicle Enforcement by Local Law Enforcement

No provision.

R.C. 737.39, 311.32, 4905.06, 4919.79, 4919.80, 4923.12, and 4923.20

(1) Allows sheriffs, deputy sheriffs, and municipal police officers trained in the same manner as the State Highway Patrol Motor Carrier Enforcement Unit's uniformed employees to enforce, to the same extent as those employees, compliance with certain motor carrier laws and Public Utilities Commission (PUCO) orders or rules regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements. Authorizes such sheriffs, deputy sheriffs, and municipal police officers to stop commercial motor vehicles and inspect them, as well as certain premises and property, and requires them to cooperate with the PUCO in the course of enforcement. Requires the PUCO to adopt any rules it finds necessary regarding that enforcement, with which sheriffs, deputy sheriffs, and municipal police officers must comply.

No provision.

(2) Provides that the forfeitures collected by such local law enforcement must be deposited into the Local Commercial Motor Vehicle Enforcement Fund, a new fund of the state treasury. Specifies that the first \$200,000 of the forfeitures so deposited in a fiscal year must be used by the PUCO for administration. Provides that forfeitures in excess of \$200,000 but not more than \$1.2 million in a fiscal year must be used for reimbursing related local government training and equipment costs. Specifies that any forfeiture revenue in excess of \$1.2 million within a fiscal year shall be deposited into the General Revenue Fund.

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**Fiscal effect: Revenue from forfeitures collected cannot be determined because it is subject to behavior of those driving commercial motor vehicles. The PUCO will not spend more than \$1.2 million of the forfeitures.**

**23 PUC - 1 Utility Radiological Safety Board Assessments**

**Section: 506.10**

Specifies, absent contractual agreement, the maximum amounts that may be assessed against nuclear electric utilities under R.C.4937.05 on behalf of four state agencies and that may be deposited into the specified funds as follows:

- (1) \$134,631 in each fiscal year to the Utility Radiological Safety Fund (fund 4E40) used by the Department of Agriculture;
- (2) \$887,445 in FY 2010 and \$920,372 in FY 2011 to the Radiation Emergency Response Fund (Fund 6100) used by the Department of Health;
- (3) \$286,114 in each fiscal year to the ER Radiological Safety Fund (Fund 6440) used by the Environmental Protection Agency; and
- (4) \$1,413,889 in FY 2010 and \$1,415,945 FY 2011 to the Emergency Response Plan Fund (Fund 6570) used by the Department of Public Safety.

**Fiscal effect: Less than \$5.5 million will be assessed against nuclear utilities and spent by state agencies over the biennium.**

**Section: 506.10**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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24 DOT - 63 Motor Fuel Tax Revenue Distribution

No provision.

**Section: 506.20**

Requires the first 2% of monthly motor fuel tax receipts to be deposited to the credit of the Highway Operating Fund (Fund 7002).

No provision.

Permits the Director of OBM, upon the request of the Director of Public Safety, to make periodic transfers of cash totaling \$16,220,000 in each fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 7036).

**Fiscal effect: Gain in revenue to Fund 7002 of approximately \$36.4 million per year, based on FY 2008 motor fuel tax receipts of \$1.82 billion. When the transfers to Fund 7036 are taken into account, the net gain to Fund 7002 is approximately \$20.2 million per year.**

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Local Government Provisions

25 MIS - 14 Certain County Sheriff and Law Enforcement Accident Report Fees

R.C. 311.17, 2949.17, 5502.12

(1) No provision.

(1) Increases certain fees that a sheriff charges for the service and return of certain writs and orders and for transporting convicted felons to state correctional institutions.

(2) No provision.

(2) Requires a charge of \$4 for accident reports and \$4 for photos or any electronic format related to accident reports.

**Fiscal effect: Likely annual increase of uncertain magnitude in fees collected by the Department of Public Safety and various local law enforcement agencies.**