



# Ohio Legislative Service Commission

## Final Analysis

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**Reps.** McGregor and Mallory, Rosenberger, Stautberg, Terhar, Wachtmann, Pillich, R. Adams, Becker, Beck, Reece, Driehaus, Derickson, Barnes, Buchy, Maag, Conditt, Green, Hackett, Retherford, Schuring, Sears, Stebelton, Batchelder

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## ACT SUMMARY

### **Agreements to fund bridge-related projects**

- Authorizes the Director of Transportation to enter into an agreement with another state for the replacement, improvement, rehabilitation, operation, and maintenance of both of the following:

--A bridge or system of bridges at one location that carries two interstate highways over the Ohio River to another state, and

--Roadways providing for ingress to and egress from that bridge or system of bridges.

- Prohibits the agreement from obligating the state to spend more than 50% of the total project costs, but exempts the agreement from general funding restrictions under continuing law.

### **Public-private partnership (P3) agreements**

- Allows the Department of Transportation (ODOT) to reimburse private entities for a portion of the actual costs each private entity incurred in submitting a proposal for a public-private initiative if the proposal was solicited by ODOT, and establishes requirements governing the reimbursement.

- Requires a P3 to provide all of the following in addition to the requirements under continuing law:
  - Whether administrative fees or other charges will be collected for use of a transportation facility and the basis by which those fees will be determined and modified;
  - A contract performance bond in an amount specified by the Director, in conformance with terms and conditions specified by the Director; and
  - A payment bond in an amount specified by the Director, conditioned upon specified terms and conditions.
- Requires that if a P3 is related to a toll project, money collected by ODOT must be deposited as provided in the agreement.
- Provides that a P3 is not subject to the law that governs construction contracts entered into by the Director.
- Clarifies that building and construction materials that will be incorporated into a transportation facility pursuant to a P3 are exempt from the sales tax and the use tax.

### **Toll projects**

- Makes an exception to the general prohibition against establishing tolls on an existing nontoll public road by authorizing tolls on certain projects involving a bridge or system of bridges at one location over the Ohio River.
- Amends the term "toll project" in the ODOT Toll Project Law to include:
  - The replacement, improvement, rehabilitation, operation, and maintenance of a bridge or system of bridges at one location that carries two interstate highways over the Ohio River to another state; and
  - The replacement, improvement, rehabilitation, operation, and maintenance of the roadways that provide ingress to and egress from the bridge or system of bridges, generally following the route of those interstate highways.
- Provides for a "toll project operator" in the ODOT Toll Project Law, and defines it to mean ODOT or any agency, political subdivision, authority, or other entity that operates a toll project, including a private entity that operates a toll project pursuant to a P3.

- Requires a toll project operator to display signs that identify the user fees that apply to the toll project, and requires the signs to be displayed in advance of the toll project at specified locations.

### **Use of a toll project by a motor vehicle**

- Provides that the registered owner of a motor vehicle that utilizes a toll project is liable for payment of the applicable user fee.
- Defines "registered owner" to be all of the following:
  - Any person or entity identified by the Bureau of Motor Vehicles (BMV) or any other state's motor vehicle office as the owner of a motor vehicle;
  - The lessee of a motor vehicle pursuant to a lease of six months or longer; and
  - The renter of a motor vehicle pursuant to a written rental agreement with a motor vehicle renting dealer.
- Provides that all of the following persons must be afforded ready access, while in the performance of their official duties, to all property under ODOT jurisdiction and without payment of any user fee:
  - Public police officers;
  - Operators of municipal, township, county, and state maintenance vehicles;
  - Operators of U.S. military vehicles traveling in a convoy; and
  - Operators of official emergency response vehicles.

### **User fees for toll projects**

- Changes the term "tolls" to "user fee," and defines it to be a rate, toll, fee, or other charge imposed by a toll project operator for use of all or part of a transportation facility, including a toll project.
- Specifies that "user fee" also includes any such rate, toll, fee, or other charge imposed by a toll project operator pursuant to a P3.
- Permits ODOT to collect a user fee by utilizing an electronic toll collection device on a motor vehicle, and, for any motor vehicle that does not use such a device, by utilizing an electronic-monitoring system for user fee collection.



## Collection of user fees by a toll project operator

- Establishes procedures that govern the collection of user fees by a toll project operator, and provides that some procedures are mandatory, such as those that guarantee a registered owner due process of law, while others are discretionary.
- Provides that if a motor vehicle utilizes a toll project and the user fee is not paid through an electronic toll collection device or otherwise, the toll project operator may send the registered owner an invoice for the unpaid user fee, and establishes requirements governing the content of the invoice.
- Provides that if a registered owner who receives an invoice does not pay the fees due and does not request a hearing in a timely manner, the toll project operator may send the registered owner a late notice.
- Permits a registered owner who receives an invoice or a late notice for an unpaid user fee or an administrative fee to appeal the invoice or late notice and request a hearing conducted by a hearing officer of the toll project operator.
- Requires that if the hearing officer finds the registered owner liable for payment of the fees at issue, and the registered owner does not make payment in full at the completion of the hearing, the hearing officer must issue a motor vehicle certificate of registration issuance prevention order.
- Specifies that a "motor vehicle certificate of registration issuance prevention order" generally is an order prohibiting the registration of a motor vehicle registered to a person who failed to pay a user fee and prohibiting the registration of a motor vehicle for which user fees were not paid.
- Permits a registered owner who is found by a hearing officer to be liable for payment of the fees at issue to appeal the decision to the municipal or county court that has jurisdiction over the location of the toll project, and requires the court to determine liability for the payment of fees at the appeal hearing.
- Provides that if a registered owner to whom a late notice is sent does not pay the fees due and does not request a hearing in a timely manner, the toll project operator may either issue a registration issuance prevention order or file a civil suit against the registered owner.
- Provides that if a registered owner is found in an appeal hearing before a municipal or county court to be liable for payment of the fees at issue, and the registered owner does not make payment in full within 35 days of the hearing, the toll project operator may file a civil suit against the registered owner.



- Requires the court overseeing a civil suit that finds a registered owner liable for payment of user fees and administrative fees also to impose specified civil penalties on the registered owner.
- Provides that in an appeal hearing or a civil trial before a municipal or county court, if the court finds that the registered owner is liable for payment of the fees at issue, and the registered owner does not make payment in full at the completion of the hearing or trial, the toll project operator or court must:
  - Notify the BMV or equivalent office of another state or jurisdiction; and
  - Issue a motor vehicle certificate of registration issuance prevention order in relation to the registered owner and the motor vehicle that utilized the toll project.

### **Information related to electronic toll collection and electronic monitoring**

- Permits a toll project operator to enter into an agreement with ODOT and the BMV, or a unit of government of any other state or jurisdiction that is functionally equivalent to the BMV, to obtain motor vehicle owner and registration information necessary to conduct electronic toll collection and electronic monitoring.
- Places limitations on the use of information collected by a toll project operator from an electronic toll collection device or an electronic-monitoring system, or obtained from ODOT, the BMV, or another state or jurisdiction.
- Requires a toll project operator to ensure that all images and other data collected are maintained in a protected database with security that is at least comparable to the security used for databases operated by ODOT, and are used solely for the collection of unpaid user fees and administrative fees.
- Requires a toll project operator to purge, write over, or otherwise eliminate from existence the images or other data not later than 180 days after the collection of any unpaid user fees or administrative fees.

### **User fee collection agreements**

- Authorizes the Director to enter into an agreement with an equivalent agency in any other state or jurisdiction in order to enforce user fee collection with respect to out-of-state motor vehicles.
- Permits the agreement to provide that the other state or jurisdiction will give effect to a motor vehicle certificate of registration issuance prevention order (see above) issued in Ohio.

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## CONTENT AND OPERATION

### Introduction

The act generally addresses the financing of certain transportation infrastructure projects through both of the following type of provisions:

(1) General provisions that govern toll projects, user fees, public-private partnership agreements (P3s), interstate highway agreements, and bonded indebtedness; and

(2) Specific provisions that govern the replacement, improvement, rehabilitation, operation, and maintenance of a bridge or system of bridges at one location carrying two interstate highways over the Ohio River and the roadways providing ingress to and egress from such a bridge or bridges.

While the general provisions apply to any future toll project or P3, the specific provisions of the act apply to one existing bridge located in the Cincinnati area (The I-71/75 Brent Spence Bridge) and any future bridge or system of bridges at one location that carries two interstate highways over the Ohio River.

Generally, the act does all of the following:

(1) Authorizes the Director of Transportation to enter into interstate agreements regarding any bridge or system of bridges at one location that carries two interstate highways over the Ohio River;

(2) Exempts any such bridge project from certain general funding restrictions in continuing law;

(3) Alters the law related to P3s;

(4) Alters the law related to toll projects and the collections of user fees for toll projects;

(5) Establishes procedures for the electronic collection of user fees;

(6) Establishes due process procedures by which user fees and any associated administrative fees may be contested;



(7) Provides for agreements with other states regarding the collection of user fees;

(8) Establishes requirements for the collection of data and procedures for keeping such data secure; and

(9) Alters the law governing the use of user fees to service bonded debt obligations.

### **Agreements to fund bridge-related projects**

The act authorizes the Director of Transportation to enter into an agreement with another state for the replacement, improvement, rehabilitation, operation, and maintenance of both of the following:

(1) A bridge or system of bridges at one location that carries two interstate highways over the Ohio River to another state; and

(2) Roadways providing for ingress to and egress from that bridge or system of bridges. The act also specifies that such an agreement cannot obligate the state to expend more than 50% of the total project costs.<sup>1</sup>

The above authorization is separate from a provision of continuing law, unchanged by the act, that authorizes the Director to enter into agreements with other states or subdivisions thereof or the United States for cooperation in the repair, maintenance, or construction of any bridge crossing a stream that forms a boundary line of Ohio if the Director determines it to be in the interest of the welfare and safety of the citizens of Ohio. The act also excepts the newly authorized agreements from general funding restrictions under continuing law, which require that no such agreement may be made that obligates Ohio to expend more than the cost of construction of the portion of the bridge that is located within Ohio, or more than 50% of the cost of maintenance of the bridge, and caps maintenance expenses at not more than \$300,000 per year.<sup>2</sup>

### **Public-private partnership (P3) agreements**

#### **Reimbursement for proposals solicited by the Department of Transportation**

The act allows the Department of Transportation (ODOT) to reimburse one or more private entities for a portion of the actual costs each private entity incurred in submitting a proposal for a public-private initiative if the proposal was solicited by

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<sup>1</sup> R.C. 5501.44(A)(3).

<sup>2</sup> R.C. 5501.44(A)(1).



ODOT. When considering the reimbursement of those costs, the Director must describe in the request for proposals the terms and conditions that will apply to the reimbursement. The act authorizes the Director to include in the terms and conditions a requirement that, in exchange for the reimbursement, each private entity execute an agreement to transfer to the Department the rights to the use of the work product contained in the proposal.<sup>3</sup>

The act requires that the Director make all decisions related to the reimbursement of any specific private entity and related to the maximum amount that may be reimbursed. However, ODOT is prohibited from reimbursing a private entity if the private entity enters into the P3 that is the subject of the solicited proposal, except as set forth in the request for proposals or in the P3. Reimbursement is not subject to competitive selection requirements or approval by the Controlling Board.<sup>4</sup>

If ODOT includes a reimbursement provision in a request for proposals and ODOT subsequently terminates the solicitation prior to the solicitation expiration date, the act requires ODOT to prorate the amount of the reimbursement that is to be paid to each private entity that is participating in the solicitation on the date ODOT terminates it. ODOT must calculate the proration percentage by determining the number of days from the date the solicitation first was offered until the date ODOT terminated the solicitation and dividing that number by the number of days of the original solicitation period. Except as otherwise provided in writing by ODOT, if ODOT includes a reimbursement provision in a request for proposals and subsequently enters into negotiations based on the selection of a desired proposal and ODOT elects to terminate those negotiations for the convenience of ODOT and through no fault of the proposer, the proposer is entitled to the full reimbursement amount.<sup>5</sup>

#### **Additional factor ODOT must consider in evaluating a P3 bid**

The act contains a new factor ODOT must consider when evaluating and selecting a bid or proposal to enter into a P3. ODOT must consider whether the bid or proposal includes a teaming agreement that identifies the primary designer of record or design firm that represents not less than 30% of the estimated design fee, the primary construction contractor that represents not less than 30% of the estimated construction

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<sup>3</sup> R.C. 5501.71(G)(1).

<sup>4</sup> R.C. 5501.71(G)(2).

<sup>5</sup> R.C. 5501.71(G)(3), and (4).

dollar value amount, and the primary financier representing not less than 50% of the total project cost.<sup>6</sup>

### **Content of a P3**

The act requires P3s to provide all of the following in addition to the requirements under continuing law:

(1) Whether administrative fees or other charges will be collected for use of a transportation facility and the basis by which those fees will be determined and modified;

(2) A contract performance bond in an amount specified by the Director, conditioned upon the private entity performing the work in accordance with the agreed upon terms, within the time prescribed, and in conformance with any other such terms and conditions as are specified by the Director; and

(3) A payment bond in an amount specified by the Director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the agreement and any other such terms and conditions as are specified by the Director.<sup>7</sup>

Continuing law generally requires a P3 to include provisions governing all of the following:

(1) The planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing, or operation of a transportation facility;

(2) The term of the agreement;

(3) The type of property interest, if any, the private entity will have in the transportation facility;

(4) A maintenance plan;

(5) Whether user fees will be collected and the basis by which the fees will be determined and modified;

(6) Compliance with applicable laws;

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<sup>6</sup> R.C. 5501.71(C)(9).

<sup>7</sup> R.C. 5501.73(B)(5), (10), and (11).



- (7) Grounds for termination of the agreement;
- (8) Disposition of the facility upon completion of the agreement; and
- (9) Procedures by which an agreement may be amended.

Specified additional provisions also may be included in a P3 agreement under continuing law.<sup>8</sup>

### **Other provisions related to P3 agreements**

The act provides that if a P3 is related to a toll project, money collected by ODOT must be deposited as provided in the agreement. This is an exception to a provision of continuing law that provides that money collected by ODOT pursuant to a P3 must be deposited into the state treasury to the credit of the Highway Operating Fund.<sup>9</sup>

The act provides that P3s are not subject to the law that governs construction contracts entered into by the Director.<sup>10</sup>

The act clarifies that building and construction materials that will be incorporated into a transportation facility pursuant to a P3 are exempt from the sales tax and the use tax.<sup>11</sup> Continuing law also exempts the following, among other exemptions not pertinent to the act, from those taxes:

(1) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with Ohio or a political subdivision of Ohio, or with the United States government or any of its agencies; and

(2) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by Ohio or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements.<sup>12</sup>

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<sup>8</sup> R.C. 5501.73(B), (C), and (D).

<sup>9</sup> R.C. 5501.73(F).

<sup>10</sup> R.C. 5501.73(G).

<sup>11</sup> R.C. 5501.78.

<sup>12</sup> R.C. 5739.02(B)(13) and 5741.02(C)(2), not in the act.



## ODOT Toll Project Law generally

The act makes a number of revisions to the law governing toll projects. Generally, under continuing law the Director may approve toll projects. The provisions governing such toll projects are located in sections 5531.11 through 5531.18 of the Revised Code (hereinafter "ODOT Toll Project Law"). The act establishes an exception to a general prohibition in continuing law against establishing tolls on an existing nontoll public road by generally authorizing such tolls on certain projects involving a bridge or system of bridges at one location that carries two interstate highways over the Ohio River (see "**Definition of "toll project"**," below). In addition, the act retains a provision of continuing law that provides that any revenue derived from a toll project must be used only for purposes of the toll project, but expands that provision to include a toll project or any aspect of a toll project pursuant to a P3. The act further provides that all ODOT toll projects are subject to the selection process of the Transportation Review Advisory Council (TRAC), instead of the major new capacity selection process of the TRAC as under prior law.<sup>13</sup>

### Definition of "toll project"

The act expands the definition of the term "toll project" to include the replacement, improvement, rehabilitation, operation, and maintenance of a bridge or system of bridges at one location that carries two interstate highways over the Ohio River to another state, and for the replacement, improvement, rehabilitation, operation, and maintenance of the roadways that provide ingress to and egress from such a bridge or system of bridges, generally following the route of those interstate highways.<sup>14</sup>

The act also provides that "toll project" includes new interchanges constructed for economic purposes connecting a multi-lane highway that was not connected previously with other interstates, state highways, and local roads. Under prior law, such new interchanges had to connect a multi-lane, *fully controlled access highway* that was not connected previously with such other highways.

The act eliminates from the definition of "toll project" any sections or extensions of a toll project designated by ODOT as such for a particular purpose. The act also eliminates a redundant statement that nothing in the definition section of the ODOT toll project law may be construed to permit tolls to be charged on existing nontoll

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<sup>13</sup> R.C. 5531.12.

<sup>14</sup> R.C. 5531.11(N)(4).



highways. The general prohibition against establishing tolls on an existing nontoll public road is retained elsewhere with one new exception (as discussed above).<sup>15</sup>

### **"Toll project operator"**

The act allows a "toll project operator" to operate a toll project. By definition, a "toll project operator" includes ODOT, but also includes any agency, political subdivision, authority, or other entity that operates a toll project, including a private entity that operates a toll project pursuant to a P3.<sup>16</sup>

### **"User fees"**

The act substitutes the term "user fee" for "tolls" throughout the law governing ODOT toll projects. "User fee" is defined under the act as a rate, toll, fee, or other charge imposed by a toll project operator for use of all or part of a transportation facility, including a toll project. "User fee" also includes any such rate, toll, fee, or other charge imposed by a toll project operator pursuant to a P3. Prior law defined "tolls" as tolls, special fees or permit fees, or other charges by ODOT to the owners, lessors, lessees, operators of motor vehicles, or other users of a toll project for the operation or use of or the right to operate on a toll project.<sup>17</sup>

The act provides that, as part of the plan, schedule, or system that the Director is required to establish for toll project user fees or charges under continuing law, the Director also must develop a written process for setting user fee rates. In developing the process, the Director must seek and consider public comment. The Director must hold at least one public hearing within 50 miles of the location of the toll project for which the written process is developed. The act also permits the Director, in accordance with the Administrative Procedure Act, to adopt additional rules as the Director determines necessary for the establishment, collection, and enforcement of user fees and administrative fees, including the purpose, amount, and duration of the fees.<sup>18</sup>

Under the act, the Director must fix and adjust user fees (prior law did not specify an actor) so as to provide funds at least sufficient with other revenues of the transportation system of Ohio, to pay all of the following:

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<sup>15</sup> R.C. 5531.11(N)(2) and (3) and 5531.12(C).

<sup>16</sup> R.C. 5531.11(O).

<sup>17</sup> R.C. 5531.11(P).

<sup>18</sup> R.C. 5531.14(B).



(1) Any debt service charges (prior law specified "bond service charges") on obligations issued to pay the costs of one or more toll projects as those charges become due and payable;

(2) Together with any other amounts available for such purpose, any obligations under a P3 entered into in connection with a toll project as such amounts become due and payable (this provision is new law); and

(3) The cost of maintaining, improving, repairing, constructing, financing (financing was not included in prior law), and operating toll projects within the interstate system or the state highway system (prior law specified only the state highway system) and its different parts and sections, and to create and maintain any reserves for these purposes.<sup>19</sup>

The act provides that user fees that are received pursuant to a P3 must be deposited in accordance with that P3 and used for the exclusive benefit of the toll project, not to the credit of the Ohio Toll Fund as under prior law.<sup>20</sup>

The act also requires that the issuing authority of obligations for the purpose of financing a toll project and any bond servicing procedures comply with any applicable P3.<sup>21</sup>

### **Use of a toll project by a motor vehicle**

Under the act, the registered owner of a motor vehicle that utilizes a toll project is liable for payment of the applicable user fee.<sup>22</sup> The "registered owner" of a motor vehicle is all of the following persons:

(1) Any person or entity identified by the BMV or any other state motor vehicle bureau, department, or office as the owner of a motor vehicle;

(2) The lessee of a motor vehicle pursuant to a lease of six months or longer; and

(3) The renter of a motor vehicle pursuant to a written rental agreement with a motor vehicle renting dealer.<sup>23</sup>

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<sup>19</sup> R.C. 5531.14(D)(1) to (3).

<sup>20</sup> R.C. 5531.14(E).

<sup>21</sup> R.C. 5531.14(F).

<sup>22</sup> R.C. 5531.144(A).

<sup>23</sup> R.C. 5531.11(I).



## **Collection of user fees for the use of a toll project**

Under the act, ODOT may collect a user fee by utilizing a system of collection that is capable of charging an account holder the appropriate user fee by transmission of information from an electronic toll collection device on a motor vehicle. In addition, for any motor vehicle that does not use an electronic toll collection device, ODOT may utilize an electronic-monitoring system for user fee collection.<sup>24</sup> An "electronic-monitoring system" is any form of electronic or other vehicle sensor or identifying device that automatically produces one or more photographs, one or more microphotographs, a videotape, recorded images, or other form of identifying data of each vehicle at the time it is used or operated on a toll project.<sup>25</sup>

### **Invoice for user fee**

If a motor vehicle uses a toll project and the user fee is not paid through an electronic toll collection device or otherwise, the toll project operator first must use the electronic-monitoring system for the toll project to determine if the registered owner of the motor vehicle has established an account for the payment of the user fee. If such an account has been established, the toll project operator is required to charge the account holder the appropriate user fee. If the toll project operator cannot locate an established account, or if the toll project operator locates an established account but the account cannot be charged the appropriate user fee, the toll project operator may send by regular first class mail an invoice for the unpaid user fee. The toll project operator must send the invoice to the registered owner of the motor vehicle as shown in the records of either of the following:

(1) The BMV; or

(2) The department, division, bureau, office, or other unit of government of any other state or jurisdiction that is functionally equivalent to the BMV.<sup>26</sup>

### **Contents of invoice**

The invoice the toll project operator sends to the registered owner must include all of the following:

(1) The registered owner's name and current known address;

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<sup>24</sup> R.C. 5531.141(A).

<sup>25</sup> R.C. 5531.11(C).

<sup>26</sup> R.C. 5531.141(B)(1).



(2) Descriptions and amounts of all user fees and administrative fees assessed. An "administrative fee" is a fee imposed by a toll project operator for toll collection, processing, and related activities.<sup>27</sup>

(3) A request for payment within 35 days after the date of mailing of the invoice;

(4) A warning of the potential consequences for failing to pay the total amount due as indicated in the invoice, including additional fees and penalties, potential court summons, and inability to renew motor vehicle registrations;

(5) Information for disputing the invoice and a form that a person may use to file a notice to contest liability for a user fee or administrative fee;

(6) Contact information for the customer service center for the applicable toll project; and

(7) Information about obtaining an electronic toll collection device and establishing an electronic toll collection account.<sup>28</sup>

The act also provides for the mailing of a late notice later in the collection process by a toll project operator to a registered owner.<sup>29</sup> Every late notice must contain all of the above information.<sup>30</sup>

#### **Discretion of the toll project operator**

Under the act, with respect to any user fee and any associated administrative fee, the toll project operator, in the toll project operator's sole discretion, may determine not to pursue collection of that user fee or administrative fee or to terminate collection measures in relation to that user fee or administrative fee.<sup>31</sup>

#### **Permissible actions of a person or entity upon receipt of an invoice for a user fee**

The act provides that a person or entity that receives an invoice for a user fee from a toll project operator must do one of the following:

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<sup>27</sup> R.C. 5531.11(A).

<sup>28</sup> R.C. 5531.143(A) to (G).

<sup>29</sup> R.C. 5531.142(C).

<sup>30</sup> R.C. 5531.143(A) to (G).

<sup>31</sup> R.C. 5531.141(B)(2).



(1) Pay the user fee and any administrative fee listed in the invoice directly to the toll project operator within 35 days after the date of the mailing of the invoice;

(2) File with the toll project operator a notice to contest liability for the unpaid user fee within 35 days after the date of mailing of the invoice by utilizing the form that is supplied with the invoice;

(3) If the registered owner is a motor vehicle leasing dealer or a motor vehicle renting dealer, notify the toll project operator within 35 days after the date of mailing of the invoice of the name and address of the person who was the lessee or renter of the motor vehicle at the time the user fee was incurred. Upon receipt of the name and address of the lessee or renter of a motor vehicle, the toll project operator must send an invoice to the motor vehicle lessee or renter.

These provisions also apply to a person or entity that receives a late notice.<sup>32</sup>

## **Challenges to liability for a user fee**

The act establishes procedures governing hearings and appeals in which a motorist may challenge the motorist's liability for a user fee or administrative fee as alleged in an invoice or late notice sent by a toll project operator.

### **Hearing to contest liability**

If the registered owner, in response to an invoice or a late notice, submits a notice to contest liability for the user fee or any administrative fee, the toll project operator must schedule a hearing at which the registered owner may contest liability for the fee and send written notice by regular first class mail to the registered owner listing the time and date of the hearing. A hearing officer of the toll project operator must preside over the hearing, which must be held not later than 35 days after the date of mailing of the hearing notice. The hearing must be held at a location within the county in which the toll project is located. At the hearing, the registered owner may present evidence as to the reasons why the registered owner is not liable for payment of the user fee or administrative fee.<sup>33</sup>

The hearing officer must determine if the registered owner is liable for the payment of any user fee or administrative fee. If the hearing officer finds that the registered owner is not liable for payment of the user fee or administrative fee, the hearing officer must enter that finding into the records of the toll project operator and

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<sup>32</sup> R.C. 5531.142(A)(1) to (3) and (B).

<sup>33</sup> R.C. 5531.144(B)(1).



cancel the invoice. If the hearing officer finds that the registered owner is liable for payment of the user fee or any administrative fee, the hearing officer must enter that finding into the records of the toll project operator.<sup>34</sup>

### **Failure to pay after a finding of liability**

If the registered owner is found liable for payment of the fee in question and payment in full is not made upon completion of the hearing, the hearing officer must notify the Registrar of Motor Vehicles of the hearing officer's decision and include with the notification to the Registrar a "motor vehicle certificate of registration issuance prevention order."<sup>35</sup> This is an order that prohibits the Registrar and any deputy registrar from doing both of the following: (1) accepting any application for a new or renewal motor vehicle certificate of registration in the name of the registered owner; and (2) issuing or renewing any motor vehicle certificate of registration for a motor vehicle that utilized a toll project for which the required user fee or associated administrative fee was not paid by the registered owner of that motor vehicle.<sup>36</sup>

The hearing officer must give the registered owner a copy of the order. The order remains in effect until the toll project operator notifies the Registrar that all unpaid user fees and administrative fees have been paid in full. If the hearing officer finds that the registered owner is liable for payment of the user fee or any administrative fee and the registered owner resides in another state, the hearing officer must send notice of the hearing officer's decision to the department, division, bureau, office, or other unit of government that is functionally equivalent to the BMV. The hearing officer must include with the notice the registration issuance prevention order, which has the same effect in the other state or jurisdiction as in Ohio.<sup>37</sup>

### **Waiver of the right to appeal**

If the registered owner does not pay all unpaid user fees and administrative fees within 35 days after the date of the hearing officer's decision and the registered owner does not file an appeal with the municipal or county court having jurisdiction over the location of the toll project within that same 35-day period, the registered owner is considered to have waived the registered owner's right to appeal the hearing officer's

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<sup>34</sup> R.C. 5531.144(B)(1), (2), and (3).

<sup>35</sup> R.C. 5533.144(B)(3).

<sup>36</sup> R.C. 5531.11(F).

<sup>37</sup> R.C. 5531.144(B)(3).



decision and the toll project operator may file a civil suit against the registered owner in that municipal or county court.<sup>38</sup>

### **Appeal of a hearing decision**

A registered owner who is found liable for payment of any fees by the hearing officer may file an appeal with the municipal or county court having jurisdiction over the location of the toll project within 35 days after the date of the hearing officer's decision. Upon the timely filing of such an appeal, the clerk of the municipal or county court must notify the Registrar of the filing of the appeal. The timely filing of the appeal automatically stays the registration issuance prevention order pending the results of the appeal.<sup>39</sup>

At the appeal hearing, the municipal or county court must determine whether the registered owner is liable for the payment of any user fee or administrative fee. If the court finds that the registered owner is not liable for payment of the user fee or administrative fee, the court must issue a ruling to that effect and cancel the invoice. The toll project operator immediately must inform the Registrar of the ruling and direct the Registrar to cancel the registration issuance prevention order.<sup>40</sup>

If the court finds that the registered owner is liable for payment of the user fee or any administrative fee, the court must issue a ruling to that effect. Upon completion of the appeal hearing, if the registered owner makes payment in full to the toll project operator of all user fees and administrative fees that the court found were due, the toll project operator must inform the Registrar of the ruling and of the payment in full by the registered owner, and also must direct the Registrar to cancel the registration issuance prevention order.<sup>41</sup>

### **Failure to pay after an appellate finding of liability**

If payment in full is not made to the toll project operator upon completion of the appeal hearing, the toll project operator must inform the Registrar of the ruling and the failure by the registered owner to make payment in full. The stay of the registration issuance prevention order then terminates and the order becomes effective. Further, if within 35 days after the date of the court's ruling the registered owner fails to pay in full the user fee and any administrative fee that the court found were due, the toll project

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<sup>38</sup> R.C. 5531.144(B)(4) and (C)(1).

<sup>39</sup> R.C. 5531.144(C)(1).

<sup>40</sup> R.C. 5531.144(C)(2).

<sup>41</sup> R.C. 5531.144(C)(2).



operator may file a civil suit against the registered owner in the proper municipal or county court.<sup>42</sup>

## **Collection of unpaid fees levied for the use of a toll project**

The act generally establishes procedures that determine the actions that may be taken by a toll project operator in order to recover user fees and other administrative fees related to the use of a toll project.

### **Late notice**

If the registered owner fails to pay the amount due or to contest the invoice within 35 days after the date of mailing of the invoice, the toll project operator may send to the registered owner by regular first class mail a late notice, which must contain the same information as the original invoice. The toll project operator may charge an administrative fee for each late notice, the amount of which the Director must establish by rule.<sup>43</sup>

### **Registration issuance prevention order**

#### **Issuance**

If the toll project operator sends a late notice to the registered owner and the registered owner, within 35 days after the date of mailing of the late notice, fails to pay the fees contained in the late notice and fails to submit a notice to contest liability for any of those fees, the toll project operator may issue a registration issuance prevention order to the Registrar and send a copy of the order to the registered owner. If the registered owner resides in another state or jurisdiction, the toll project operator must send the order to the department, division, bureau, office, or other unit of government that is functionally equivalent to the BMV. The order has the same effect in the other state or jurisdiction as in Ohio.<sup>44</sup>

At any time after a toll project operator issues a registration issuance prevention order, the registered owner may pay all user fees and administrative fees owed to the toll project operator. If such payment is made, the toll project operator must inform the Registrar of the payment and direct the Registrar to cancel the order.<sup>45</sup> Similarly, upon completion of the appeal hearing, if the registered owner pays in full to the toll project

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<sup>42</sup> R.C. 5531.144(C)(2).

<sup>43</sup> R.C. 5531.142(C).

<sup>44</sup> R.C. 5531.145(A)(1).

<sup>45</sup> R.C. 5531.145(D).



operator all user fees and administrative fees for which the court ruled the registered owner was liable, the toll project operator must inform the Registrar and direct the Registrar to cancel the order.<sup>46</sup>

### **Hearing to contest a registration issuance prevention order**

If the toll project operator sends a registration issuance prevention order to the Registrar, the registered owner may file a request for a hearing in the proper municipal or county court within 35 days after the date the toll project operator sends the order to the Registrar. The order remains in effect pending the results of the court hearing. In an appeal hearing regarding the registration issuance prevention order, the municipal or county court must determine whether the registered owner is liable for the payment of any user fee or administrative fee and whether the issuance by the toll project operator of the order was valid.<sup>47</sup>

If the court finds that the registered owner is not liable for payment of the user fee or administrative fee, the court must issue a ruling to that effect and dismiss the late notice. The toll project operator immediately must inform the Registrar of the ruling and direct the Registrar to cancel the order.<sup>48</sup> If the court finds that the registered owner is liable for the payment of the user fee or administrative fee, the court must also determine whether the registration issuance prevention order was valid as discussed below.

### **If the registered owner is found liable for payment of a fee and issuance of the registration issuance prevention order was valid**

If the court finds that the registered owner is liable for payment of the user fee or any administrative fee and that the issuance by the toll project operator of the registration issuance prevention order was valid, the court must issue a ruling to that effect. If payment in full is not made to the toll project operator upon completion of the appeal hearing, the toll project operator must inform the Registrar of the ruling and the failure by the registered owner to make payment in full, and the order remains in effect.<sup>49</sup>

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<sup>46</sup> R.C. 5531.145(C)(4).

<sup>47</sup> R.C. 5531.145(B) and (C)(1).

<sup>48</sup> R.C. 5531.145(C)(1).

<sup>49</sup> R.C. 5531.145(C)(2).



### **If the registered owner is liable for payment of a fee but issuance of the registration issuance prevention order was not valid**

If the court finds that the registered owner is liable for payment of the user fee or any administrative fee but the issuance by the toll project operator of the registration issuance prevention order was not valid, the court must issue a ruling to that effect. The toll project operator must inform the Registrar of the ruling and direct the Registrar to cancel the order. The registered owner remains liable for payment of the user fee or any administrative fee. The toll project operator may reissue the registration issuance prevention order and, if the toll project operator does so, the registered owner may appeal the order.<sup>50</sup>

### **Waiver of the right to appeal**

If the registered owner fails to file an appeal with the proper court within the appropriate 35-day period, the registered owner is considered to have waived the registered owner's right to appeal the issuance of the registration issuance prevention order. In addition, the toll project operator may file a civil suit against the registered owner in the proper court.<sup>51</sup>

### **Civil law suit**

There are three circumstances in which a toll project operator may file a civil law suit in order to recover fees:

(1) A court rules that the registered owner is liable for payment of the user fee or any administrative fee and the registered owner does not pay all such fees within 35 days after the court issues the ruling;<sup>52</sup>

(2) The toll project operator sends a late notice to the registered owner and the registered owner, within 35 days after the date of mailing of the late notice, fails to pay the fees contained in the late notice and fails to submit a notice to contest liability for any of those fees;<sup>53</sup> or

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<sup>50</sup> R.C. 5531.145(C)(3).

<sup>51</sup> R.C. 5531.145(B).

<sup>52</sup> R.C. 5531.145(C)(5).

<sup>53</sup> R.C. 5531.145(A)(2).

(3) The toll project operator sends a motor vehicle certificate of registration issuance prevention order and the registered owner of the vehicle fails to file an appeal with the municipal or county court within 35 days.<sup>54</sup>

A toll project operator may file a civil suit against a registered owner in the municipal court or county court having jurisdiction over the location of the toll project. The toll project operator also must file all related documentation and information contained in the original invoice with the clerk of the municipal or county court. Generally, the toll project operator is prohibited from filing a civil suit earlier than 35 days after the date of mailing of a late notice to the registered owner.<sup>55</sup> However, in a circumstance in which a registered owner is liable for multiple user fees and any associated administrative fees involving one or more motor vehicles, the toll project operator may file a civil suit addressing all such user fees and administrative fees. A civil suit cannot include fees incurred more than 125 days prior to the date of filing of the suit.<sup>56</sup>

#### **Issuance of a summons to the registered owner**

The clerk of the municipal court or county court is required to execute a summons by sending a copy of the summons in accordance with the Rules of Civil Procedure to one of the following:

(1) The address of the registered owner of the vehicle as shown in the records of the BMV;

(2) The person as identified and provided by a motor vehicle leasing dealer or motor vehicle renting dealer; or

(3) The address of the registered owner as shown in the records of the department, division, bureau, office, or other unit of government of any other state or jurisdiction that is functionally equivalent to the BMV.

The summons must compel the registered owner to appear in the municipal court or county court, and must include notice of the time and place of the trial as well as the potential civil penalty and any associated costs. The summons also must include a statement that the registered owner's motor vehicle utilized a toll project and therefore the registered owner incurred liability for payment of the applicable user fee. The summons constitutes sufficient notice to the registered owner that the vehicle was

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<sup>54</sup> R.C. 5531.145(B).

<sup>55</sup> R.C. 5531.146(A)(1).

<sup>56</sup> R.C. 5531.146(A)(2).

used on a toll project and, as a result, the registered owner is liable for payment of the user fee.<sup>57</sup>

#### **Proof that a motor vehicle utilized a toll project**

Proof that a motor vehicle utilized a toll project and therefore the registered owner is liable for payment of the applicable user fee must be evidenced by either or both of the following:

(1) Information and documentation obtained from an electronic-monitoring system or electronic toll collection system;

(2) A certificate confirming the identification of the vehicle issued by a toll project operator that is based on an inspection of photographs, microphotographs, videotapes, other recorded images or identifying data produced by an electronic-monitoring system, or through electronic data collected by an electronic toll collection system.

The certificate and attached documentation are prima facie evidence of the facts contained therein. The court is required to ensure that the certificate and any photographs, microphotographs, videotapes, or other recorded images or electronic data evidencing liability for payment of the applicable user fee are available for inspection in any proceeding to adjudicate the liability for payment of the user fee.<sup>58</sup>

#### **Registered owner of a stolen motor vehicle not liable**

A registered owner is not liable for a user fee, and it is a complete defense to a cause of action asserting such liability, if within 35 days after the mailing of the invoice, late notice, or a summons the registered owner produces for the toll project operator or the court a certified copy of a report of a law enforcement agency that shows both of the following:

(1) The motor vehicle had been reported stolen prior to the time that the motor vehicle utilized the toll project; and

(2) The motor vehicle had remained stolen at the time of the alleged violation.

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<sup>57</sup> R.C. 5531.146(A)(3).

<sup>58</sup> R.C. 5531.146(B).



In such circumstances, the court is required to dismiss the case against the registered owner.<sup>59</sup>

### **Pretrial settlement offer by the toll project operator to the registered owner**

The toll project operator may offer to the registered owner the option to pay the unpaid user fee and any administrative fee, as specified in the summons, plus a reduced civil penalty, provided that the registered owner actually pays to the toll project operator the entire calculated amount not less than 14 days prior to the scheduled trial date. The toll project operator must establish a schedule for such reduced civil penalties that are offered to registered owners, and the toll project operator is required to adhere to the schedule when making any such offer. The toll project operator may revise the schedule from time-to-time as the toll project operator determines necessary.

If the registered owner accepts the offer and the toll project operator receives the entire amount not less than 14 days prior to the scheduled trial date, the toll project operator is required to move the court, not less than five business days prior to the trial date, to dismiss the summons issued to the registered owner. Upon such a motion, the court must dismiss the summons and dismiss the case.<sup>60</sup>

### **Penalties**

#### ***Fees and civil fines***

If the municipal or county court finds that the registered owner is liable for payment of the user fee, the court must order the registered owner to pay all applicable court costs, user fees due, and administrative fees. The court also is required to impose a civil penalty upon the registered owner, as follows:

- (1) For a first instance, as shown in the records of the toll project operator, in which the registered owner was liable for payment of a user fee and the registered owner did not pay the user fee and did not submit a timely notice to contest the user fee and the toll project operator sent both an invoice and a late notice to the registered owner, \$75;
- (2) For a second such instance within one year of a first such instance, \$150;
- (3) For a third such instance within two years of a second such instance, \$250;

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<sup>59</sup> R.C. 5531.146(C)(1) and (2).

<sup>60</sup> R.C. 5531.146(D).



(4) For a fourth or subsequent instance within three years of a third such instance, \$500.<sup>61</sup>

A civil penalty cannot be made part of the driving record of the person upon whom the civil penalty is imposed, and it cannot be considered in any manner for insurance purposes in the provision of motor vehicle insurance coverage. No person may be subject to both a civil suit brought under the act and to criminal prosecution under any Revised Code provision or any administrative rule for nonpayment of user fees or related administrative fees.<sup>62</sup>

#### ***Motor vehicle certificate of registration issuance prevention orders***

If the court finds that the registered owner is liable for payment of a user fee, the court is required to issue a motor vehicle certificate of registration issuance prevention order. The order remains in effect until the court has notified the Registrar that all unpaid user fees, administrative fees, and civil penalties have been paid in full and the court has issued a new order rescinding its previous order. The Registrar and all deputy registrars are required to comply with the order.

If the registered owner resides in another state or jurisdiction, the court is required to issue the registration issuance prevention order and send a copy of the order to the department, division, bureau, office, or other unit of government of the other state or jurisdiction that is functionally equivalent to the BMV for enforcement in that state or jurisdiction. The order has the same effect in the other state or jurisdiction as in Ohio.<sup>63</sup>

#### ***Disposition of all user fees, administrative fees, and penalties***

The clerk of the municipal or county court is required to pay all user fees, administrative fees, and penalties the court assesses and collects under the civil suit provisions to ODOT for deposit into the state treasury to the credit of the state Highway Operating Fund or for payment by ODOT in accordance with a P3.<sup>64</sup>

#### **Certain collection procedures prohibited**

Under the act, a toll project operator cannot initiate collection procedures that are regulated by federal law against a registered owner in certain circumstances. Such

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<sup>61</sup> R.C. 5531.146(E)(1)(a) to (d).

<sup>62</sup> R.C. 5531.146(G)(1) and (2).

<sup>63</sup> R.C. 5531.146(F)(1) and (2).

<sup>64</sup> R.C. 5531.146(E)(2).

collection procedures may include debt collection through third party debt collectors governed by the federal Fair Debt Collection Practices Act. The act prohibits such collection procedures under the following circumstances:

(1) During the 35-day period after the date of mailing of an invoice or a late notice to the registered owner;

(2) The registered owner has timely submitted a notice to contest liability for a user fee or any administrative fee to the toll project operator. However, the toll project operator may initiate such collection procedures if, at the hearing conducted by the hearing officer, the hearing officer finds that the registered owner is liable for payment of the user fee or administrative fee at issue and the registered owner does not pay the fee at issue in full within 35 days after the hearing officer makes the finding.

(3) The registered owner has filed a request for an appeal hearing with the municipal or county court having jurisdiction over the location of the toll project. However, the toll project operator may initiate such collection procedures if, at the appeal hearing conducted by the municipal or county court, the court finds that the registered owner is liable for payment of the user fee or administrative fee at issue and the registered owner does not pay the fee at issue in full within 35 days after the court issues a ruling to that effect.

(4) The toll project operator has filed a civil suit against the registered owner in the municipal or county court having jurisdiction over the location of the toll project.<sup>65</sup>

## **Information necessary to conduct toll collection**

### **Agreements with other states and jurisdictions**

The act permits a toll project operator to enter into an agreement with ODOT and the BMV and the department, division, bureau, office, or other unit of government of any other state or jurisdiction that is functionally equivalent to the BMV to obtain motor vehicle owner and registration information that is necessary to conduct electronic toll collection and electronic monitoring.<sup>66</sup>

### **Limitations on, and the security of, necessary information**

Under the act, a toll project operator is required to ensure that information collected by an electronic toll collection device, an electronic-monitoring system in conjunction with an electronic toll collection system, or obtained from ODOT, the BMV,

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<sup>65</sup> R.C. 5531.147(A) to (D).

<sup>66</sup> R.C. 5531.148(A).



or another state or jurisdiction is limited solely to information that is (1) necessary for the collection of unpaid user fees and administrative fees, (2) necessary to establish the liability of the registered owner of a motor vehicle for payment of a user fee, or (3) necessary in any proceeding to establish or confirm such liability.<sup>67</sup>

In addition, a toll project operator also must ensure that all such images or other data collected are maintained in a protected database with security that is at least comparable to the security used for databases operated by ODOT, and are used solely for the collection of unpaid user fees and administrative fees.<sup>68</sup>

### **Restrictions applicable to necessary information**

Under the act, all of the following apply to the images and other data necessary to conduct electronic toll collection:

(1) The images and other data are not public records under the Public Records Law.

(2) A toll project operator or any other person is prohibited from selling or using the images and data for sales, solicitation, or marketing purposes. This provision does not prohibit ODOT or the toll project operator from using the images and data to facilitate collection or payment of user fees and administrative fees.

(3) A toll project operator or any other person is prohibited from disclosing the images and data to any other entity except to a registered owner who contests liability for and challenges the imposition of a user fee or administrative fee; or except as may be necessary for the collection of unpaid user fees or administrative fees.

(4) The images and data cannot be used in any court in a pending action or proceeding except upon an order from a court of competent jurisdiction or unless the action or proceeding relates to the liability of the registered owner of a motor vehicle for payment of a user fee.<sup>69</sup>

### **Elimination of images and data**

Except as otherwise provided in the act, a toll project operator is prohibited from retaining any images or other data collected by an electronic toll collection device, an electronic-monitoring system, or acquired from ODOT, the BMV, or another state or

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<sup>67</sup> R.C. 5531.148(B)(1).

<sup>68</sup> R.C. 5531.148(B)(2)(a) and (b).

<sup>69</sup> R.C. 5531.148(B)(3)(a) to (d).

jurisdiction. The toll project operator is required to purge, write over, or otherwise eliminate from existence the images or other data not later than 180 days after the collection of any unpaid user fees or administrative fees. Upon request from the Director of Transportation, any entity operating an electronic toll collection system or electronic-monitoring system in conjunction with an electronic toll collection system must certify compliance with these provisions and, upon request, must make all records pertaining to such system available for inspection and audit by the Director or the Director's designee.<sup>70</sup>

The act prohibits any entity operating an electronic toll collection system or electronic-monitoring system in conjunction with an electronic toll collection system from failing to certify compliance with these provisions or failing, upon request, to make all records pertaining to such system available for inspection and audit by the Director or the Director's designee.<sup>71</sup> Whoever violates this prohibition is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.<sup>72</sup>

### **Payment of certain fees to the BMV; agreements with other state agencies**

The act requires a toll project operator to compensate the BMV for its actions in enforcing the ODOT Toll project Law with respect to the registered owner of a motor vehicle that is titled or registered in Ohio. The toll project operator must provide this compensation by collecting and paying to the BMV, on a monthly basis, a \$5 administrative fee for each certificate of registration issuance prevention order sent to and processed by the BMV under the ODOT Toll Project Law. The BMV is required to deposit all such money it collects in the state treasury to the credit of the State Bureau of Motor Vehicles Fund.<sup>73</sup>

Under the act, the Director may enter into an agreement with the department, division, bureau, office, or other unit of government of any other state or jurisdiction that is functionally equivalent to ODOT or the BMV for the purpose of enforcing the user fee collection provisions of the Toll Project Law contained in the act against the registered owner of a motor vehicle that is registered in another state or jurisdiction. The agreement may provide for the denial of the issuance of a new or renewal motor vehicle certificate of registration in the name of that person and the denial of any motor

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<sup>70</sup> R.C. 5531.148(B)(4)(a).

<sup>71</sup> R.C. 5531.148(B)(4)(b).

<sup>72</sup> R.C. 5531.148(B)(5).

<sup>73</sup> R.C. 5531.149(A).



vehicle certificate of registration for the motor vehicle that utilized the toll project for which the required user fee or associated administrative fee was not paid in such other state or jurisdiction.<sup>74</sup>

### **Free access to a toll project by certain persons**

The act provides that the rules the Director must adopt for the control and regulation of a toll project must provide that all of the following persons be afforded ready access, while in the performance of their official duties, to all property under ODOT jurisdiction and without the payment of any user fee:

- (1) Public police officers;
- (2) Operators of municipal, township, county, and state maintenance vehicles;
- (3) Operators of United States military vehicles traveling in a convoy;
- (4) Operators of official emergency response vehicles.

Prior law specified that only public police officers must be afforded such access.<sup>75</sup>

### **Signs that identify a "toll project" for the traveling public**

Under the act, a toll project operator is required to display signs that identify the applicable user fees, including fees for motor vehicles that do not have an active, functioning electronic toll collection device registered for and in use in the vehicle. The toll project operator must erect or otherwise display signs in advance of the toll project at locations that are of distances that are sufficient to notify motor vehicle operators of the opportunity to exit the street or highway on which they are traveling before the street or highway becomes, becomes part of, or otherwise leads to the toll project and for the use of which user fees apply.<sup>76</sup>

### **The Director of Transportation and certain contracts for a toll project**

The act provides that the Director may enter into any contracts, including professional contracts, the Director determines to be necessary, convenient, or proper for the construction, improvement, repair, maintenance, administration, or operation of

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<sup>74</sup> R.C. 5531.149(B).

<sup>75</sup> R.C. 5531.15(B)(1) to (4).

<sup>76</sup> R.C. 5531.14(A).



toll projects not only in the manner specified in continuing law governing ODOT contracts but also pursuant to a P3.<sup>77</sup>

### **Maintenance of a toll project**

The act requires a toll project to be maintained and kept in good condition and repair in accordance with the terms of an ODOT P3. This requirement is in addition to the requirement in continuing law that ODOT maintain each toll project.<sup>78</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	05-06-14
Reported, H. Finance and Appropriations	05-21-14
Passed House (88-7)	05-21-14
Reported, S. Transportation	06-04-14
Passed Senate (31-0)	06-04-14

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<sup>77</sup> R.C. 5531.13(B) and (C).

<sup>78</sup> R.C. 5531.16(A).

