

Executive	As Passed by the House	As Passed by the Senate	As Amended by Conference Committee
1 DOT - 61 Division of Equal Opportunity	<p>R.C. 5501.04</p> <p>Creates a Division, and a Deputy Director of, Equal Opportunity in DOT and requires the new Division to ensure that all groups protected by state and federal civil rights laws are afforded equal opportunity in the employment of or on projects of DOT and to participate in contracts DOT awards.</p>	No provision.	<p>R.C. 5501.04</p> <p>Same as the House.</p>
No provision.	<p>Requires the Director of DOT to report to the Governor and the General Assembly on the Division's activities and accomplishments.</p>	No provision.	Same as the House.
	<p>Fiscal effect: Likely minimal. DOT's Office of Civil Rights, currently housed under DOT's Chief Legal Counsel, already performs much, if not all, of the duties that would be required of the proposed division. There may be some new payroll costs associated with the Deputy Director position. There may also be some administrative costs to reflect the organizational changes associated with the Office of Civil Rights' duties being housed under the Division of Equal Opportunity rather than the Chief Legal Counsel, but these are likely to be minimal.</p>		<p>Fiscal effect: Same as the House.</p>

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2 DOT - 62 Southeastern Ohio Port Authority Container-on-Barge Study			
No provision.	<p>Section: 503.95 Earmarks \$100,000 in FY 2010 from Highway Operating Fund appropriation item 771412, Planning and Research - Federal, for the Southeastern Ohio Port Authority to conduct a study of and to implement container-on-barge service on the Ohio River.</p>	No provision.	No provision.
No provision.	<p>Requires the study to take into account cargo origin and destinations, cost comparisons, target cargoes, and required infrastructure to connect with surface transportation.</p>	No provision.	No provision.
3 DOT - 65 Curb Cut on State Route 91 in Lake County			
No provision.	No provision.	<p>Section: 503.95 Requires the Director of DOT to permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.</p>	<p>Section: 503.95 Same as the Senate.</p>
4 DOT - 63 Motor Fuel Tax Revenue Distribution			
No provision.	<p>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).</p>	<p>Section: 506.20 No provision.</p>	<p>Section: 506.20 Same as the House.</p>

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<p>No provision.</p>	<p>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).</p> <p>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.</p>	<p>Same as the House.</p> <p>Fiscal effect: Reduces revenue to Fund 7002 by up to \$16.22 million per fiscal year and subsequently, increases revenue to Fund 7036 by the same amount.</p>	<p>Same as the House.</p> <p>Fiscal effect: Same as the House.</p>
<p>5 DOT - 64 Amish Transportation Study</p>			
<p>No provision.</p>	<p>No provision.</p>	<p>Section: 755.10</p> <p>Requires the Director of DOT to conduct an Amish transportation study in Burton Township, Geauga County and specifies what is to be included as part of the study.</p>	<p>No provision.</p>
<p>6 DOT - 66 Ohio Task Force on Transportation Funding and Fuel Taxes</p>			
<p>(1) No provision.</p>	<p>(1) No provision.</p>	<p>Section: 755.20</p> <p>(1) Creates the Ohio Task Force on Transportation Funding and Fuel Taxes, consisting of six members from the General Assembly, four designees from the executive branch, and ten members representing specified industry groups.</p>	<p>(1) No provision.</p>

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(2) No provision.	(2) No provision.	(2) Requires the Task Force to consider current transportation funding, transportation funding needs, and funding options.	(2) No provision.
(3) No provision.	(3) No provision.	(3) Requires a report with recommendations to be submitted by June 30, 2010 to the Governor, President of the Senate, Speaker of the House, and the minority leaders of each chamber.	(3) No provision.

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7 DAS - 70 Propane-Powered State Vehicles	No provision.	No provision.	<p>Section: 701.70</p> <p>Requires the Department of Administrative Services to conduct a two-year pilot project in which a total of 10% of state-owned, gasoline-powered passenger cars, sport utility vehicles, and light-duty pickup trucks are converted to a propane fuel system. Requires the Department to conduct a study of the pilot project to assess all aspects of the use by the state of propane-powered vehicles during the pilot project and to submit a final report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives not later than December 31, 2011.</p> <p>Fiscal effect: Increase in administrative costs for the Department of Administrative Services and increase in costs to convert 10% of those vehicles listed to a propane fuel system.</p>
			<p>Section: 701.70</p> <p>Same as the Senate, but limits the pilot program to fleets in the Department of Natural Resources, Department of Public Safety, and Department of Transportation.</p> <p>Fiscal effect: Under the new provision, the Department of Administrative Services would still be required to administer and oversee the program, incurring some associated expenses. The majority of the cost associated complying with the provision is likely to be born by those agencies listed above, as they, and not DAS, are responsible for the maintenance of their own vehicles.</p>

Executive

As Passed by the House

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8 EPA - 24 State Clean Diesel Funding Task Force

No provision.

No provision.

Section: 709.20

Creates the ten-member State Clean Diesel Funding Task Force to study methods of funding state clean diesel incentive programs and to issue a report, including a recommendation for a stable and dedicated long-term funding source for the Diesel Emissions Reduction Grant Program, to the General Assembly and the Governor by January 1, 2010. Abolishes the Task Force upon the issuance of the report.

No provision.

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9 DNR - 23 Public Access Roads for State Facilities

Section: 343.60.10

Permits the Director of Natural Resources to submit a request to the Director of Transportation to enter into an interagency agreement for the use of up to \$5,000,000 in each fiscal year from Department of Transportation appropriation item 772421, Highway Construction – State. Requires the Director of Transportation to use the amount requested for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

No provision.

No provision.

No provision.

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10 DPS - 13 Enforcement of the Seat Belt Use Requirements

R.C. 4507.05, 4507.071, 4511.093, and 4513.263; Sections 755.20 and 815.10

R.C. 4507.05, 4507.071, 4511.093, and 4513.263; Sections 755.20, 755.21, and 815.10

(1) Removes all the secondary enforcement limitations that apply to seat belt requirements, whereby a law enforcement officer cannot stop a vehicle in which the officer has observed a person in the vehicle violating a seat belt use requirement unless the officer observes another separate motor vehicle violation for which the officer can legally stop the vehicle

(1) Same as the Executive.

(1) No provision.

(1) No provision.

(2) Provides that, as a result of the provision providing for the primary enforcement of seat belt use violations in this state, (1) the Ohio Department of Transportation (ODOT) is required to apply for a one-time federal grant (estimated at \$26.7 million) from the National Highway Traffic Safety Administration offered in the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 – A Legacy for Users (SAFETEA-LU), (2) of the grant money ODOT receives, \$1 million must be transferred to the Ohio Department of Public Safety and expended on safety activities in accordance with applicable federal law, and (3) ODOT must expend all the remaining grant money on eligible transportation safety issues.

(2) Same as the Executive.

(2) No provision.

(2) No provision.

Executive	As Passed by the House	As Passed by the Senate	As Amended by Conference Committee
(3) No provision.	(3) Prohibits the operation of an automobile unless each child occupying a seating position in the front seat is secured in a child restraint device or booster seat, or restrained in an approved child restraint system or in an occupant restraining devices; establishes a minimum fine of \$25 for a violation of this prohibition; increases the fine one existing seat belt prohibition that currently does not have a penalty.	(3) No provision.	(3) No provision.
(4) No provision.	(4) Requires law enforcement officers to document on a form for 15 months all traffic stops that are based on a seat belt use violation; requires the entity that produces the report on the primary enforcement of the seat belt use law to review all the forms and analyze the information contained therein.	(4) No provision.	(4) No provision.

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Fiscal effect: As a result of this provision, the number of citations for seat belt violations could increase, thereby resulting in a revenue gain. LSC fiscal staff's preliminary review of the available evidence from the experience of other states suggests, however, that when the law moves from a secondary to primary offense, the voluntary compliance rate increases dramatically. As a result, seat belt citations declined significantly. If this were to happen in Ohio, then revenues from seat belt citations could decrease, the magnitude of which is uncertain.

Fiscal effect: Same as the Executive, except there likely would be additional costs related to developing a cultural competency training program, as well as entering into an agreement with an outside entity to study the primary enforcement of the seat belt use law in this state. The state and local fiscal effects of provisions (3) and (4) are uncertain.

The fine for a seat belt violation is generally \$30 for an operator and \$20 for a passenger. All fines collected for violations of the state's mandatory seat belt law, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable, are forwarded for deposit in the state treasury and apportioned between five state funds as follows: (1) Seat Belt Education Fund, 8%, (2) Elementary School Program Fund, 8%, (3) Occupational Licensing and Regulatory Fund, 2%, (4) Trauma and Emergency Medical Services Fund, 28%, and (5) Trauma and Emergency Medical Services Grants Fund, 54%.

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As Passed by the House

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As Amended by Conference Committee

11 DPS - 12 Construction Zone Automated Speed Enforcement System Pilot Project

Section: 755.30

(1) Creates the two-year Construction Zone Automated Speed Enforcement System Pilot Project, under which a state speeding violation that occurs within a construction zone that is located on an interstate highway and is detected by an automated speed enforcement system constitutes a civil offense for which a civil penalty not exceeding \$250 is assessed against the owner of the motor vehicle that was involved in the offense.

(2) Requires the Department of Public Safety to administer the Pilot Project, with the advice and assistance of the Ohio Department of Transportation (ODOT).

(3) Requires, if the automated speed enforcement system determines a motor vehicle has committed a state speeding violation, a State Highway Patrol trooper to review the photographic image or digitally recorded image of the motor vehicle to determine if the speeding violation did indeed occur, inform the Department of Public Safety or the Department's designee of that fact, and requires the Department or the Department's designee to issue to the motor vehicle owner a citation for the offense.

Section: 755.30

(1) Same as the Executive, except provides that an automated speed enforcement system that is part of the Pilot Project may be operational only when workers are present within the construction zone and clarifies that the Pilot Project's provisions apply to the operator of a motor vehicle that is involved in a speeding violation that is processed under the Pilot Project who is not the owner of the vehicle.

(2) Same as the Executive, except provides that ODOT is to grant to the Department, or its designee, any permits as may be necessary to implement the Pilot Project, rather than any easements.

(3) Same as the Executive.

(1) No provision.

(2) No provision.

(3) No provision.

(1) No provision.

(2) No provision.

(3) No provision.

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(4) Provides generally that a motor vehicle owner who is issued a citation is liable for the violation and for payment, and specifies the circumstances in which an owner or operator of a motor vehicle is not liable for the violation and payment of the civil penalty.	(4) Same as the Executive.	(4) No provision.	(4) No provision.
(5) Requires the Department of Public Safety to establish a nonjudicial, administrative hearing procedure at which a motor vehicle owner who receives a citation is able to appear in person to challenge the citation	(5) Same as the Executive.	(5) No provision.	(5) No provision.
(6) Permits an owner or operator of a motor vehicle who challenges the citation to appeal a decision of the Department of Public Safety or the Department's designee that imposes liability on the owner or operator and the civil penalty to the municipal court or county court within whose territorial jurisdiction the violation occurred, and requires that court to affirm the decision if the court finds that the decision is supported by sufficient reliable, credible evidence and is in accordance with the law.	(6) Same as the Executive.	(6) No provision.	(6) No provision.
(7) Specifies that a state speeding violation that is detected by an automated speed enforcement system and is processed under the Pilot Project is a civil violation for which a maximum civil penalty of \$250 must be assessed and requires the Department of Public to establish the amount of the civil penalty.	(7) Same as the Executive, except requires the citations issued under the Pilot Project to indicate clearly the amount of the civil penalty and amount of the administrative fee that will be paid to the private entity that operates the Pilot Project, if any.	(7) No provision.	(7) No provision.

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<p>(8) Distributes each civil penalty collected as follows (1) 55% to the treasury of the municipal corporation in which the violation occurred, or if the violation occurred outside the territorial jurisdiction of a municipal corporation, into the treasury of the county in which the violation occurred, (2) 45% to the state treasury to the credit of the General Revenue Fund, and (3) 5% must be deposited into the state treasury to the credit of the existing Trauma and Emergency Medical Services Fund.</p>	<p>(8) Same as the Executive, except changes the percentage that is distributed to the municipal corporation or county in which the violation occurred from 55% to 50%.</p>	<p>(8) No provision.</p>	<p>(8) No provision.</p>
<p>(9) Provides that, in addition to the civil penalty, the Department must impose an administrative fee in every such case, determine the amount of the fee by rule, and all such fees must be deposited into the state treasury to the credit of the Automated Speed Enforcement System Fund, which the bill creates.</p>	<p>(9) Same as the Executive.</p>	<p>(9) No provision.</p>	<p>(9) No provision.</p>
<p>(10) Requires the Department of Public Safety, in consultation with ODOT and in accordance with the Administrative Procedure Act, to adopt all rules necessary and proper for the establishment, implementation, and administration of the Pilot Project.</p>	<p>(10) Same as the Executive.</p>	<p>(10) No provision.</p>	<p>(10) No provision.</p>
<p>(11) Provides that no points may be assessed against a violator's driver's license.</p>	<p>(11) Same as the Executive.</p>	<p>(11) No provision.</p>	<p>(11) No provision.</p>
<p>(12) Prohibits any municipal corporation, county, or township from enacting an ordinance or adopting a resolution authorizing the use of an automated speed</p>	<p>(12) Same as the Executive.</p>	<p>(12) No provision.</p>	<p>(12) No provision.</p>

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enforcement system on any interstate highway within its boundaries.			
(13) Permits the Department of Public Safety to enter into a contract with a private entity for the establishment and operation of the automated speed enforcement system.	(13) Same as the Executive.	(13) No provision.	(13) No provision.
(14) Requires the Department of Public Safety erect signs that inform traffic approaching the construction zone that the construction zone contains an automated speed enforcement system to enforce the speed limit, and makes the Department responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs.	(14) Same as the Executive.	(14) No provision.	(14) No provision.
(15) Creates in the state treasury the Automated Speed Enforcement System Fund, consisting of the administrative fees collected under the Pilot Project, to be used only to pay expenses associated with the Pilot Project, including paying a private entity to establish, operate, and administer the Pilot Project.	(15) Same as the Executive.	(15) No provision.	(15) No provision.
(16) Terminates on the Pilot Project on July 1, 2011, and requires, subsequent to reaching final resolution on all citations issued and all payments that are due the Department's have been paid, the Director of Budget and Management transfer all remaining money in the Automated Speed Enforcement System Fund to the General Revenue Fund.	(16) Same as the Executive.	(16) No provision.	(16) No provision.

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Fiscal effect: The additional workload and related operating expenses that this provision will create for the state, as well as the amount of revenue that may be generated for the state and certain municipalities or counties is uncertain.

Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Amended by Conference Committee
12 PWC - 4 Local Transportation Improvement Program Cash Transfers			
Sections: 512.30, 610.10	Sections: 512.30, 610.10	Sections: 512.30, 610.10	Sections: 512.30, 610.10
Authorizes the Director of OBM to make periodic transfers of cash from the Highway Operating Fund (Fund 7002) to the Local Transportation Improvement Program Fund (Fund 7052) totaling \$100 million in each fiscal year.	Same as the Executive.	Same as the Executive.	Same as the Executive.
Eliminates a transfer of \$200 million from the Budget Stabilization Fund to Fund 7052 that was included in H.B. 554, the Jobs Stimulus bill of the 127th G.A.	Same as the Executive.	Same as the Executive.	Same as the Executive.
Fiscal effect: Transfers \$100 million cash in FY 2010 and FY 2011 from Fund 7002 to Fund 7052 to provide additional funding for the Local Transportation Improvement Program (LTIP). This is in place of a \$200 million transfer from the Budget Stabilization Fund in FY 2009 that was authorized by H.B. 554, the Jobs Stimulus Bill of the 127th General Assembly.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate	As Amended by Conference Committee
<u>Local Government Provisions</u>			
13 MIS - 32 Force Accounts			
No provision.	No provision.	<p>R.C. 117.16, 117.162, 723.52, 723.53, 5517.02, 5543.19, 5575.01, 5579.10</p> <p>Requires the Auditor of State to adjust the Department of Transportation, county, township, and municipal corporation force account limits by 25% of current limits and by consumer price indexes every year beginning in 2011.</p>	No provision.
No provision.	No provision.	<p>Establishes scope of work limits allowing for use of force accounts for certain bridge and culvert construction performed in counties, townships, and nonchartered municipal corporations.</p>	No provision.
No provision.	No provision.	<p>Specifies force account limits for certain county, township, and municipal projects, and reduces the scope of work limits for one year if a political subdivision violates its scope of work limits.</p> <p>Fiscal effect: Uncertain. Overall, the provision will increase force account limits and grant more flexibility to the Department of Transportation and political subdivisions when completing capital projects using their own resources.</p>	No provision.