



Sub. H.B. 581

123rd General Assembly

(As Reported by H. State Government)

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BILL SUMMARY

- Allows various actions relating to the titling of motor vehicles, off-highway motorcycles, and all-purpose vehicles to be completed by "electronic means" approved by the Registrar of Motor Vehicles, in addition to or in modification of methods authorized by current law.
- Requires the Registrar of Motor Vehicles to establish a pilot program, by rule, to appoint persons to act as limited authority deputy registrars.
- Requires the Registrar to designate certain motor vehicle dealers to act as electronic motor vehicle dealers and to designate certain off-highway motorcycle and all-purpose vehicle dealers to act as electronic dealers.
- Requires the issuance of a physical certificate of title to a motor vehicle, off-highway motorcycle, or all-purpose vehicle unless the applicant for the certificate specifically requests an electronic certificate of title.

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CONTENT AND OPERATION

Overview of the bill

The bill allows various actions relating to the *titling* of motor vehicles, off-highway motorcycles, and all-purpose vehicles to be completed by electronic means approved by the Registrar of Motor Vehicles, in addition to or in modification of the methods authorized by current law. It relatedly requires the Registrar to establish a pilot program to appoint certain persons to act as *limited authority deputy registrars*, and requires the Registrar to designate certain dealers of motor vehicles, off-highway motorcycles, or all-purpose vehicles to act as *electronic dealers*. The bill further requires the issuance of a *physical certificate of title* to a motor vehicle, off-highway motorcycle, or all-purpose vehicle unless the applicant for the certificate specifically requests the issuance of an electronic certificate of title. Finally, the bill makes a few other changes to provisions of the Motor Vehicle Code (Title 45).

Electronic motor vehicle dealers, electronic off-highway motorcycle and all-purpose vehicle dealers, and associated definitions

The bill requires the Registrar of Motor Vehicles to designate as an *electronic motor vehicle dealer* a motor vehicle dealer who meets all of the following criteria: (1) the dealer holds a current, valid dealer license issued under the Motor Vehicle Dealer Licensing Law, (2) the dealer participates in the Title Defect Recision Fund created under existing law, (3) the dealer has the capability, via electronic means, to send motor vehicle title and registration information, as specified by the Registrar, to the Registrar and court of common pleas clerks, and (4) the dealer meets other criteria for electronic motor vehicle dealers that the Registrar may establish by rule adopted under the Administrative Procedure Act (secs. 4503.01(SS) and 4503.034). It also requires the Registrar to designate as an *electronic dealer* a dealer of off-highway motorcycles or all-purpose vehicles who (1) has the capability, via electronic means, to send title and registration information relating to off-highway motorcycles and all-purpose vehicles, as

specified by the Registrar, to the Registrar and clerks of courts of common pleas and (2) meets other criteria for electronic dealers the Registrar may establish by rule adopted under the Administrative Procedure Act (secs. 4519.01(K) and 4519.511). When adopting the rules that establish "other criteria" as described above, the Registrar must confer with a representative of each of the following organizations: the Attorney General' office, the Ohio Fraternal Order of Police, the State Highway Patrol, the Ohio Chiefs of Police Association, the Buckeye State Sheriffs Association, the Ohio Prosecuting Attorneys Association, the Ohio Clerk of Courts Association, and the Ohio Automobile Dealers Association (secs. 4505.034(D) and 4519.511(B)).

The bill uses the following terms defined in existing law in connection with the previously described dealers and electronic titling of motor vehicles, off-highway motorcycles, and all-purpose vehicles: (1) "**electronic record**" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another and (2) "**electronic**" means electrical, digital, magnetic, optical, or electromagnetic technology or any other form of technology that entails capabilities similar to the latter technologies (secs. 4501.01(OO) and (PP) and 4519.01(J)).

Temporary placards and fees

Current law authorizes the Registrar of Motor Vehicles to issue to a motorized bike dealer or a licensed motor vehicle dealer temporary license placards to be issued to *purchasers* for use on vehicles sold by the dealer. The dealer currently must notify the Registrar within 48 hours of the issuance of a temporary license placard, *on a form* prescribed by the Registrar. The bill instead requires that the dealer notify the Registrar of the issuance of a placard by electronic means via computer equipment purchased and maintained by the dealer or in any other manner prescribed by the Registrar. (Sec. 4503.182(B).)

Current law also fixes the fee for each placard issued by the Registrar to a "motor vehicle dealer" at \$2 plus a fee of \$2.25. Under the bill, the placard fee remains \$2 plus the fee of \$2.25 if the dealer notifies the Registrar of the issuance of the placard in a manner other than by electronic means via such computer equipment; but the fee for each placard issued by the Registrar to a motor vehicle dealer is only \$2 if the dealer notifies the Registrar of the issuance of the placards by electronic means via such computer equipment. The bill additionally specifies that, when a motor vehicle dealer issues a placard to the purchaser of a vehicle that the dealer sells, the *dealer* must collect and retain a fee of \$4.25. (Sec. 4503.182(B).)

Certificates of title

Application for a certificate of title: in general

The bill allows an application for a certificate of title to a motor vehicle, off-highway motorcycle, or all-purpose vehicle to be filed electronically by any "electronic means" (replacing current law's "electronic image transmission"—motor vehicles only) *approved by the Registrar of Motor Vehicles*, as an alternative to applying for a certificate of title by other means authorized by current law. Current law permits an application's electronic image transmission relative to a motor vehicle certificate of title only in counties in which the clerk of the court of common pleas permits an electronic filing; the bill removes the clerk "permission" provision in conjunction with adding the Registrar's approval provision. (Secs. 4505.06(A) and 4519.55.)

The bill also provides that the owner of a motor vehicle, off-highway motorcycle, or all-purpose vehicle must apply for a certificate of title for the motorcycle or vehicle when required by the applicable certificate of title law, but, except as otherwise specifically required in that law, the owner may elect whether or not to have the clerk of the court of common pleas to whom the application is submitted issue a *physical certificate of title* for the motor vehicle, off-highway motorcycle, or all-purpose vehicle as provided by current law. It further provides that, except as otherwise specifically provided in the applicable certificate of title law, any provision of that law relating to the *cancellation, issuance, or surrender* of a certificate of title (including, but not limited to, provisions that contain a phrase such as "when a certificate of title is issued," "the clerk shall issue a certificate of title," or "the person shall obtain a certificate of title to the motor vehicle, off-highway motorcycle, or all-purpose vehicle," and another phrase of similar import) includes those circumstances when a clerk enters certificate of title information into the Automated Title Processing System but does not take any further action relating to a physical certificate of title for the motor vehicle, off-highway motorcycle, or all-purpose vehicle. (Secs. 4505.021 and 4519.512.)

Issuance of physical certificate of title

The bill requires that a clerk of a court of common pleas issue a physical certificate to title to an applicant *unless* the applicant specifically requests the clerk to issue an electronic certificate of title. The fact that a physical certificate of title is not issued for a motor vehicle, off-highway motorcycle, or all-purpose vehicle does not affect ownership of the motorcycle or vehicle. In that case, when the clerk completes the process of entering certificate of title application information into the Automated Title Processing System, the effect of the completion of the process is the same as if the clerk actually issued a physical certificate of title for

the motor vehicle, off-highway motorcycle, or all-purpose vehicle. (Secs. 4505.06(A), 4505.08(F), 4519.57, and 4519.58.)

An *electronic motor vehicle dealer* who applies for a certificate of title on behalf of a customer who purchases a motor vehicle from the dealer, or an *electronic dealer* who applies for a certificate of title on behalf of a customer who purchases an off-highway motorcycle or all-purpose vehicle from the dealer, may print a "non-negotiable evidence of ownership" for the customer if the customer so requests. The authorization to print the non-negotiable evidence of ownership must come from the clerk with whom the dealer makes application for the certificate of title for the customer, but the printing by the dealer does not create an agency relationship of any kind between the dealer and the clerk. (Secs. 4505.08(G) and 4519.58.) The bill relatedly requires the clerk to charge a fee of \$5 for each non-negotiable evidence of ownership and to retain all of the fee (secs. 4505.09(A) and 4519.59(A)).

Processing of applications for certificates of title

Any clerk. Current law requires that an application for a certificate of title for a motor vehicle, off-highway motorcycle, or all-purpose vehicle be filed with the clerk of the court of common pleas of the county in which the applicant resides if the applicant is an Ohio resident or of the county in which the transaction is consummated if the applicant is not an Ohio resident. The bill instead requires that the application be filed with *any* clerk, and this requirement will apply whether the application is filed electronically or by other permissible means with a clerk. If a clerk who issues a certificate of title to an applicant is not, however, the clerk of the court of common pleas of the applicant's county of residence, the clerk must transmit data related to the transaction to the database of the automated data processing system in the office of the clerk of the court of common pleas of the applicant's county of residence. (Secs. 4505.06(A) and 4519.55.)

The bill also generally allows *any* clerk to perform certain other actions relating to certificates of title that current law permits only the clerk of the county in which the last certificate of title was issued to perform (secs. 4505.10(A), 4505.102(B)(5), 4505.11(A), (B), (C)(1), (D)(1), (E), (G), and (H)(2), 4505.12, 4505.13(B), 4519.60, 4519.61(A), (B), (C)(1), (D)(1), (E), and (F), 4519.62, and 4519.68(B)).

Retained matter. Existing law requires that a clerk retain the physical evidence of title presented by an applicant and on which a certificate of title is issued. The bill generally continues that requirement but provides that, if an application for a certificate of title is filed *electronically* by an *electronic motor vehicle dealer* on behalf of the purchaser of a motor vehicle or is filed electronically by an *electronic dealer* on behalf of the purchaser of an off-highway

motorcycle or all-purpose vehicle, the clerk must retain *a complete electronic record* of the documentation so filed. (Secs. 4505.06(A) and 4519.55.)

The bill requires such an electronic motor vehicle dealer and such an electronic dealer to forward the actual application and all other documents relating to the sale of the motor vehicle, off-highway motorcycle, or all-purpose vehicle to the clerk within 30 days after the certificate of title to it is issued. The Registrar of Motor Vehicles, after consultation with the Attorney General, must adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a motor vehicle, off-highway motorcycle, or all-purpose vehicle when an electronic motor vehicle dealer or an electronic dealer files an application for a certificate of title electronically on the purchaser's behalf. (Secs. 4505.06(A) and 4519.55.)

Time period provisions. Under the bill, the process of entering certificate of title application information with respect to a *motor vehicle* into the Automated Title Processing System, if a physical certificate of title is *not* to be issued, must be completed within five business days after the application for title is filed with a clerk. Existing law, unchanged by the bill, requires that a physical certificate of title be issued within this five-day period. (Sec. 4505.06(A).)

The bill requires a clerk to "retain on file" the *complete electronic record of documentation* described above in relation to motor vehicles, off-highway motorcycles, or all-purpose vehicles, for the same time periods as existing law requires the clerk to retain on file records relating to a physical certificate of title for those vehicles or motorcycles. These time periods are seven years for current records, and five years for inactive records, after the date of filing. (Secs. 4505.08(A) and 4519.58.)

Required capability. The bill requires every clerk to have capability to transact by electronic means all procedures and transactions relating to the issuance of motor vehicle, off-highway motorcycle, and all-purpose vehicle certificates of title that are described in the Revised Code as being accomplished by electronic means. The Registrar of Motor Vehicles, after consulting with the Automated Title Processing Board, must (1) determine the hardware and software that clerks must possess to be able to accomplish transactions by electronic means, (2) provide that hardware and software to the clerks, and (3) pay for that hardware and software from amounts in the Automated Title Processing Fund. The hardware and software is the Department of Public Safety's property and must be listed on the Department's inventory. (Secs. 4505.06(I), 4505.09(B)(3)(c), and 4519.55(B).)

Physical versus electronic certificates of title in specific circumstances

Certain person--dealer assignments. Under the bill, if a person who is not an electronic motor vehicle dealer owns a motor vehicle for which a physical certificate of title *has not been issued* by a clerk of a court of common pleas and the person sells the motor vehicle *to an electronic motor vehicle dealer*, or if a person who is not an electronic dealer owns an off-highway motorcycle or all-purpose vehicle for which a certificate of title has not been issued by a clerk and sells the motorcycle or vehicle to an electronic dealer, the person is not required to obtain a physical certificate of title to the motor vehicle, off-highway motorcycle, or all-purpose vehicle in order to transfer ownership to the dealer. The person must present the dealer, in a manner approved by the Registrar of Motor Vehicles, with sufficient proof of the person's identity and complete and sign a form prescribed by the Registrar that attests to the person's identity and assigns the motor vehicle, off-highway motorcycle, or all-purpose vehicle to the dealer. The dealer then must inform a clerk via electronic means of the sale of the motor vehicle, off-highway motorcycle, or all-purpose vehicle and the assignment of its ownership to the dealer. The clerk must enter the information relating to the assignment, including, but not limited to, the odometer disclosure statement required by existing law (motor vehicles only), into the Automated Title Processing System; ownership of the motor vehicle, off-highway motorcycle, or all-purpose vehicle passes to the dealer when the clerk enters this information into the System; and the clerk must charge and collect from the dealer a fee of \$5 for each motor vehicle, off-highway motorcycle, or all-purpose vehicle assigned to the dealer in this manner. The bill does not require the dealer to obtain a certificate of title to the vehicle or motorcycle in the dealer's name. (Secs. 4505.032(A) and 4519.521(A).)

Certain dealer--dealer assignments. The ownership of a motor vehicle, off-highway motorcycle, or all-purpose vehicle may be assigned *between* electronic motor vehicle *dealers*, or between electronic dealers, without any of the dealers obtaining a certificate of title to the motor vehicle, off-highway motorcycle, or all-purpose vehicle in the name of any of the dealers. The bill requires each assignor dealer to inform a clerk of a court of common pleas via electronic means of the sale of a motor vehicle, off-highway motorcycle, or all-purpose vehicle to, and of the assignment of its ownership to, an assignee dealer. The clerk must enter the information relating to the assignment, including, but not limited to, the odometer disclosure statement required by existing law (motor vehicles only), into the Automated Title Processing System; ownership of the motor vehicle, off-highway motorcycle, or all-purpose vehicle passes to the assignee dealer when the clerk enters this information into the System; and the clerk must charge and collect from the assignor dealer a fee of \$5 for each assignment of ownership of a motor vehicle, off-highway motorcycle, or all-

purpose vehicle that the assignor dealer makes in this manner. (Secs. 4505.032(B) and 4519.521(B).)

Fee distribution. The \$5 fee that must be charged and collected as described in the two immediately preceding paragraphs must be distributed in the following manner (secs. 4505.09(E) and 4519.59(C)):

- The clerk must retain \$2.25 of the fee.
- The remaining \$2.75 of the fee must be paid to the Registrar by monthly returns, which must be forwarded to the Registrar not later than the fifth day of the month next succeeding that in which the fee is collected.
- The Registrar must pay (1) 25¢ of the amount the Registrar receives into the State Bureau of Motor Vehicles Fund established under current law, (2) 4¢ of that amount into the state treasury to the credit of the Motor Vehicle Dealers Board Fund established under current law, (3) 21¢ of that amount into the General Revenue Fund, (4) 25¢ of that amount into the state treasury to the credit of the Motor Vehicles Sales Audit Fund established under current law, and (5) \$2 of that amount into the state treasury to the credit of the Automated Title Processing Fund created under current law.

Other sales. If a person who is not an electronic motor vehicle dealer owns a motor vehicle for which a physical certificate of title *has not been issued* by a clerk and the person sells the motor vehicle to a person *who is not an electronic motor vehicle dealer*, or if a person who is not an electronic dealer owns an off-highway motorcycle or all-purpose vehicle for which a physical certificate of title *has not been issued* by a clerk and the person sells the motorcycle or vehicle to a person *who is not an electronic dealer*, the person selling the vehicle or motorcycle must obtain a physical certificate to title to it in order to transfer its ownership to the person who is not either type of dealer (sec. 4505.032(C) and 4519.521(C)).

Special odometer disclosure statement--related rules. The bill requires the Registrar, after consultation with the Attorney General, to adopt rules that govern the manner in which an odometer disclosure statement relating to an assignment of a motor vehicle as described in this portion of the analysis must be electronically entered into the Automated Title Processing System (sec. 4505.032(D)).

Conforming changes. The bill technically amends several statutes to reflect the fact that motor vehicles, off-highway motorcycles, or all-purpose vehicles may be acquired without obtaining a certificate of title under the

circumstances described in this portion of the analysis (secs. 4505.032, 4505.04, 4505.06(A), 4519.52, and 4519.53).

Collection of sales and use tax by court of common pleas clerks

Existing law generally prohibits a clerk of a court of common pleas from accepting an application for a certificate of title for a motor vehicle, off-highway motorcycle, or all-purpose vehicle unless payment of the applicable sales or use tax accompanies the application. For receiving and disbursing these taxes, the clerk *may retain* a "poundage fee" of one and one-hundredth percent, or one percent if the transfer of *a motor vehicle* is made in another state or in interstate commerce, which must be paid into the Certificate of Title Administration Fund created under current law in each county treasury. (Secs. 4505.06(B) and (D) and 4519.55.)

The bill prohibits a clerk from retaining a "poundage fee" from payments of taxes by a person *who does not reside* in the clerk's county. The clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title *issued by other clerks* to applicants who reside in the first clerk's county. The Registrar of Motor Vehicles, in consultation with the Tax Commissioner and the clerks of the courts of common pleas, must develop a report from the Automated Title Processing System that informs each clerk of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by other clerks to applicants who reside in the first clerk's county. (Secs. 4505.06 (B) and (D) and 4519.55(B).)¹

Amounts available to clerks from the Automated Title Processing Fund

Under the bill, each calendar month, the Registrar of Motor Vehicles must pay from the Automated Title Processing Fund to the certificate of title administration fund of each county an amount that equals \$1.25 for each certificate of title, \$2.50 for each duplicate certificate of title, memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership, and \$2.50 for each notation of a security interest, lien, or encumbrance on a certificate of title, that (1) pertains to a motor vehicle, off-highway motorcycle, or all-purpose vehicle and (2) involves a resident of that county who

¹ Existing law specifies that a clerk must accept payment of a tax in cash or by certified check, draft, or money order, and may accept the payment of a tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or another accepted form of payment. The bill adds to the forms of payments that must be accepted (a) cashier's checks and (b) teller checks issued by any insured financial institution (secs. 4505.06(E) and 4519.55).

paid the fee for the document or service during the immediately preceding calendar month to the *clerk* of the court of common pleas of *a different county*. The Registrar must make these payments only during the two-year period that begins on the date that fees associated with the documents or services are first payable by a resident of one county to the clerk of the court of common pleas of a different county. (Secs. 4505.09(B)(3)(c) and 4505.25(A) and (B).)

The Registrar also may use money from the Automated Title Processing Fund, in accordance with appropriations made by the General Assembly, to pay expenses related to implementing the bill (secs. 4505.09(B)(3)(c) and 4505.25(C)).

Relatedly, the bill requires the Registrar, in accordance with the Administrative Procedure Act, to adopt rules governing the payment of amounts from the Automated Title Processing Fund as described above. In adopting these rules, the Registrar must confer with the clerks of the courts of common pleas. (Sec. 4505.25(D).)

Access to motor vehicle, off-highway motorcycle, and all-purpose vehicle title information

The bill requires the Registrar of Motor Vehicles to enable the public to access motor vehicle, off-highway motorcycle, or all-purpose vehicle title information via electronic means. The Registrar, in accordance with the Administrative Procedure Act, must adopt rules governing this access. In adopting these rules, the Registrar must confer with the clerks of the court of common pleas. Access by the public to the information must comply with all restrictions contained in the Revised Code and federal law that govern disclosure of that information. (Secs. 4505.141 and 4519.631.)

Prohibitions relating to certificates of title

Current law prohibits any person from operating a motor vehicle, off-highway motorcycle, or all-purpose vehicle for which a certificate of title is required without having that certificate. The bill continues these prohibitions and also prohibits any person from operating a motor vehicle, off-highway motorcycle, or all-purpose vehicle for which a certificate of title is required (1) knowing that the ownership information relating to the vehicle or motorcycle has not been entered into the automated data processing system by a clerk of a court of common pleas when a physical certificate of title has not been issued or (2) knowing that the certificate of title to the vehicle or motorcycle or its ownership as otherwise reflected in the Automated Title Processing System has been canceled. (Secs. 4505.18(A)(1) and (7) and 4519.66(A) and (F).)

Existing law also prohibits any person from procuring or attempting to procure a certificate of title to a motor vehicle, off-highway motorcycle, or all-purpose vehicle, or from passing or attempting to pass a certificate of title or any assignment to a motor vehicle, off-highway motorcycle, or all-purpose vehicle, knowing or having reason to believe that it or any part of it has been acquired through commission of a theft offense. The bill adds a prohibition against gaining or attempting to gain in any other manner ownership to a motor vehicle, off-highway motorcycle, or all-purpose vehicle with that knowledge or reason to believe. (Secs. 4505.19(A) and 4519.67(A).)

Security interests in motor vehicles, off-highway motorcycles, and all-purpose vehicles

The bill amends current law to provide that, if a physical certificate of title has *not been issued*, the entry of a clerk of a court of common pleas of a notation of a security interest agreement into the *Automated Title Processing System* has the same effect as when a notation of such an agreement is made on the face of a physical certificate of title. The effect under current law, unchanged by the bill, is that the security interest is valid as against the creditors of the debtor and subsequent purchasers, secured parties, and other lienholders or claimants. (Sec. 4505.13(B) and 4519.68(B).)

The bill also provides that a security interest in a motor vehicle, off-highway motorcycle, or all-purpose vehicle held as *inventory for sale* by a dealer has priority over creditors of the dealer without entry of a notation of the security interest into the Automated Title Processing System if a physical certificate of title has *not been issued*. Current law provides that such a security interest has that priority without notation of the security interest on a physical certificate of title or retention of a manufacturer's or importer's certificate. (Sec. 4505.13(A)(2) and 4519.68(A)(2).)

If a physical certificate of title has not been issued for a motor vehicle, off-highway motorcycle, or all-purpose vehicle and all the security interests relating to it have been discharged, its owner may obtain a physical certificate of title from the clerk of any court of common pleas upon payment of the regular fee (secs. 4505.13(D) and 4519.68(C)).

If a clerk of a court of common pleas, other than the clerk of the court of common pleas of the county in which the owner of a motor vehicle, off-highway motorcycle, or all-purpose vehicle resides, enters a notation of the existence of, or the cancellation of, a security interest relating to the vehicle or motorcycle, the clerk must transmit the data relating to the notation to the automated data processing system in the office of the clerk of court of common pleas of the county of the owner's residence (sec. 4505.13(E) and 4519.68(D)).

Pilot program for limited authority deputy registrars

The bill requires the Registrar of Motor Vehicles to adopt rules that establish a pilot program to appoint limited authority deputy registrars. The adoption must be within 30 days after the bill's effective date. (Section 3(A) and (B) of the bill.)

The Registrar may appoint the clerk of a common pleas court as a limited authority deputy registrar notwithstanding a provision of current law that prohibits the appointment of clerks as deputy registrar. Each limited authority deputy registrar appointed under the pilot program (1) must conduct only initial and transfer motor vehicle registration transactions via electronic means, and VIN inspections, in a manner approved in the rules the Registrar adopts, (2) is entitled to collect and retain a fee of \$2.25 for each transaction or inspection conducted, and (3) must collect all fees and taxes that are required by law and related to these transactions or inspections in a manner approved by the Registrar. (Sec. 4503.03(B); Section 3(A) of the bill.)

The bill exempts the limited authority deputy registrars from the provisions of current law that (1) disqualify a person from serving as a deputy registrar because of campaign contributions the person, the person's spouse, or a member of the persons' immediate family makes to certain candidates or political entities within a specified period of time and (2) require a deputy registrar to file annual statements with the Registrar and the Secretary of State related to such contributions (sec. 4503.03(B); sec. 4503.033, not in the bill; Section 3(A) of the bill).

The Registrar must make recommendations, not later than 24 months after the bill's effective date, to the Governor, Speaker of the House of Representatives, and President of the Senate regarding the success of the pilot program and the feasibility of establishing a permanent system of limited authority deputy registrars (Section 3(C) of the bill).

Powers and duties of deputy registrars

Under the bill, the rules that current law requires the Registrar of Motor Vehicles to adopt to govern the operations of deputy registrars, additionally must authorize or require deputy registrars to conduct transactions for the public that the Registrar considers appropriate and that are in addition to those transactions deputy registrars are authorized or required to conduct by law. The rules, however, cannot authorize or require a deputy registrar to exercise any powers or perform any duties or functions that a clerk of a court of common pleas is authorized or required to exercise or perform under the titling laws for motor

vehicles, off-highway motorcycles, all-purpose vehicles, outboard motors, or watercraft. (Sec. 4503.03(D).)

Legislative Service Commission study

The bill requires the Legislative Service Commission to study (1) the bill's effect on customer service in the issuance of certificates of title and (2) the bill's fiscal impact, including but not limited to, its impact on the collection of state and local permissive sales and use taxes and on balances in county certificate of title administration funds. The Commission, in conducting the study, may seek the assistance of state agencies, political subdivisions, and organizations such as the County Commissioners Association of Ohio, the Ohio Clerk of Courts Association, and the Ohio Automobile Dealers Association. (Section 4(A) and (B) of the bill.)

To permit the General Assembly to properly address future funding needs, the Commission must provide a written report on the study to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the House and Senate Minority Leaders not later than 120 days prior to the ending date for the payment of moneys from the Automated Title Processing Fund to counties because certificate of title-related fees were collected from their residents by clerks of courts of common pleas of other counties (Section 4(C) of the bill).

HISTORY

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