



Sub. H.B. 230

125th General Assembly
(As Passed by the House)

Reps. Reinhard, Schlichter, Widowfield, Aslanides, Carmichael, Cates, DeBose, C. Evans, Flowers, Gibbs, Hagan, Otterman, Perry, Raussen, Schmidt, Seitz, Setzer, Webster

CONTENT AND OPERATION

Introduction

The bill contains mainly administrative and procedural changes for the Department of Public Safety. Major new provisions include:

(1) Trailers and semitrailers weighing less than 4,000 pounds are expressly made subject to the motor vehicle registration tax, while concrete pumps and concrete conveyors and trailers and semitrailers used to transport industrialized units, manufactured homes, and mobile homes are exempted from the registration tax.

(2) The "Performance Registration and Information Systems Management Program (PRISM)" is created within the Bureau of Motor Vehicles for the purpose of coordinating motor carrier safety information with federal and state agencies. The Registrar is required to collect and maintain necessary motor carrier, commercial motor vehicle, and driver data in compliance with federal law.

(3) The Superintendent of the State Highway Patrol is required to adopt rules governing the use of electronic clearance devices by commercial motor vehicles that permit these vehicles to bypass a scale location.

(4) The regulatory authority over private investigators and security service providers is transferred from the Division of Real Estate and Professional Licensing, Department of Commerce, to the Department of Public Safety.

(5) The Department of Transportation is authorized to regulate certain outdoor advertising devices located within urban areas but outside specified boundaries of a municipal corporation, but the issuance of permits for such devices located in these areas is restricted based on the size and structure of the devices. The current authority of the Department to regulate advertising devices

outside urban areas is expanded to *any* distance more than 660 feet of the right-of-way of an interstate or primary system highway (devices within 660 feet continue to be subject to additional regulations).

To facilitate the use of the analysis in conjunction with reading the bill, this analysis generally is organized by Revised Code chapter and section; in some cases, sections addressing the same issue have been grouped together.

PEACE OFFICER TRAINING	
R.C. §	Description of provision
109.801	Requires special police officers of the Highway Patrol and enforcement agents of the Department of Public Safety (liquor and food stamp agents) to complete firearms requalification every year. ¹

DEPARTMENT OF COMMERCE	
R.C. §	Description of provision
121.08	Eliminates a cross reference related to the regulation of private investigators in Chapter 4749.

WATERCRAFT CERTIFICATE OF TITLE LAW	
R.C. §	Description of provision
1548.08	Specifies that an electronic certificate of title is an electronic record stored in the Automated Title Processing System (ATPS) that establishes ownership of a watercraft or outboard motor, as well as any security interests that exist in that watercraft or outboard motor.
1548.09	Allows the Chief of the Division of Watercraft to determine the form of a physical certificate of title for watercraft and outboard motors and also the manner in which the title is issued. Requires the clerk to file a copy of the physical evidence (actual documents) for the creation of a certificate of title in a manner prescribed by the Chief. Permits a clerk of courts to retain digital images of documents used as evidence for issuance of a certificate of title.

¹ This codifies a current departmental requirement of the Department of Public Safety.

WATERCRAFT CERTIFICATE OF TITLE LAW	
R.C. §	Description of provision
	<p>Provides that certified printouts of documents retained as digital images have the same evidentiary value as the original physical documents.</p> <p>Requires the record of the issuance of a certificate of title to be maintained in the ATPS.</p>
1548.13	<p>Allows a watercraft or outboard motor owner to apply for a non-negotiable evidence of ownership, regardless of whether the person previously had been issued an electronic certificate of title as is required under current law.²</p>
1548.20	<p>Provides that if a security interest in a watercraft or outboard motor is fully discharged as a result of its holder's receipt of good funds in the correct amount and the holder does not hold a physical certificate of title, the holder may request the clerk to issue a physical certificate of title directly to the owner or to the holder or the holder's agent for transmission to the owner.</p> <p>The clerk must issue a physical certificate of title as requested, except that the clerk cannot honor such a request for a physical certificate of title if it is not made by the holder at the same time as the holder's notification to the clerk of the discharge of the security interest.</p>

DRIVERS LICENSE SUSPENSION PROVISIONS, MINOR TRAFFIC OFFENSES	
R.C. §	Description of provision
2935.27	<p>Provides that if a person charged with a minor misdemeanor traffic offense fails either to appear in court as required to plead guilty to the charge and pay the fine, or to comply with or satisfy the judgment of the court within the time allowed, the court must declare the <i>forfeiture</i> of the person's driver's license that had been deposited as security in relation to the citation, rather than the <i>suspension</i> of the person's license as required by current law.</p>

² Current law requires an electronic certificate of title to be issued for a watercraft or outboard motor before the owner can obtain a non-negotiable evidence of ownership. The bill allows a person who holds a physical certificate of title to also obtain non-negotiable evidence. Non-negotiable evidence is a document indicating ownership that cannot be used to transfer ownership to another person.

DRIVERS LICENSE SUSPENSION PROVISIONS, MINOR TRAFFIC OFFENSES	
R.C. §	Description of provision
	Prohibits the Registrar from restoring the person's driving or vehicle registration privileges until the person pays the required \$15 reinstatement fee.
2937.221	Provides that if a person who is charged with a minor misdemeanor traffic offense posts the person's driver's or commercial driver's license as bond and then fails either to appear in court at the required date and time or to satisfy the judgment of the court, the court <i>may</i> declare the forfeiture of the person's driver's license, rather than the suspension of the person's license as permitted by current law. Prohibits the Registrar from restoring the person's driving or vehicle registration privileges until the person pays the required \$15 reinstatement fee.

APPROVAL OF THE "MATURE DRIVING PROGRAM"	
R.C. §	Description of provision
3937.43	Transfers the authority to approve the state's motor vehicle accident prevention course (known as the "Mature Driving Program") from the State Highway Patrol to the Department of Public Safety.

MOTOR VEHICLES--GENERAL PROVISIONS	
R.C. §	Description of provision
4501.01	Updates a cross-reference.
4501.02	Permits the Registrar to establish accounts in a bank or depository and deposit in those accounts to the credit of "State of Ohio, Bureau of Motor Vehicles" any funds the Registrar collects.
4501.021 (NEW)	Gives the Registrar authority to determine how license, ID card, and registration records will be collected, stored, and maintained, notwithstanding the state records retention law.
4501.11	Permits money in the existing state Security, Investigations, and Policing Fund to be used to coordinate homeland security activities. ³

³ Money in this fund consists of fines collected from, and bonds and bail forfeited by, persons apprehended or arrested by State Highway Patrol troopers.

MOTOR VEHICLE REGISTRATION LAW	
R.C. §	Description of provision
4503.01	<p>Expressly includes trailers and semitrailers weighing less than 4,000 pounds within the scope of motor vehicles subject to the registration tax in order to receive a license plate.</p> <p>Exempts the following vehicles from the motor vehicle registration laws: (1) trailers and semitrailers used to transport industrialized units,⁴ manufactured homes, and mobile homes, and (2) concrete pumps and concrete conveyors.</p>
4503.03	<p>Makes permanent the authority of the Registrar to appoint clerks of courts as deputy registrars in counties with a population of less than 40,000 persons. This authority currently expires October 31, 2004. Clarifies that such a clerk does not need to be acting in a county auditor's capacity to be eligible to act as a deputy registrar.</p> <p>Changes the expiration of deputy registrar contracts from June 30 to the last Saturday in June.</p> <p>Eliminates the requirement for the Auditor of State to examine the records of a deputy registrar who has been removed for a contract violation.</p>
4503.034	<p>Updates cross-references to those Revised Code sections authorizing deputy registrars to collect a service fee. (See R.C. 4503.24 and 4519.05.)</p>
4503.04	<p>Updates vehicle registration tax language by removing apportioned commercial vehicles that have their taxes established in another Revised Code section.</p>
4503.041	<p>Allows the operator of a trailer weighing less than 4,000 pounds to pull the trailer to a scale facility to determine its weight <i>before</i> registration under certain conditions.⁵</p>
4503.042	<p>Increases the administrative fee charged by the Registrar for registration of apportioned commercial motor vehicles in</p>

⁴ An "industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site of its intended use. (R.C. 3781.06(C)(3).)

⁵ Normally a vehicle that must be registered and display a license plate or plates cannot be operated or taken on the public roads until these steps have occurred.

MOTOR VEHICLE REGISTRATION LAW	
R.C. §	Description of provision
	accordance with previously established increases in deputy registrar service fees. ⁶
4503.10	In regard to an application for a motor vehicle registration, revises the list of features required to be included in the description of the motor vehicle being registered.
4503.12	Allows the transfer of a vehicle registration and license plates if the vehicle ownership is transferred to an affiliated company. Simplifies the statutory structure and language.
4503.13	Requires the Registrar of Motor Vehicles, rather than the clerk of the municipal or county court as required by current law, to charge and collect from an arrested person who had an outstanding arrest warrant and was prohibited from registering a motor vehicle in the person's name the existing arrest warrant processing fee of \$15.
4503.231	Eliminates the issuance of a decal by the Bureau of Motor Vehicles to be displayed on an out-of-state vehicle that is driven in this state by a person with limited driving privileges.
4503.24	Allows deputy registrars to process registrations for chauffeured limousines and to collect the standard service fee for the transaction. ⁷ Requires license plates that are issued to chauffeured limousines to have the word "livery" printed at the bottom of the plates, and eliminates issuance of a "livery" sticker.
4503.44	In regard to handicapped windshield parking placards and temporary placards, eliminates the need for a physician to fill out a signed statement certifying that an applicant meets the criteria for the placard, but retains the requirement that an applicant have a prescription prescribing the placard. In regard to temporary removable windshield placards only, does both of the following: (1) permits any active-duty member of the U.S. armed forces who has an illness or injury that limits or

⁶ When a deputy registrar performs a transaction, such as issuing license plates or renewing a driver's license, the deputy may charge and retain a service fee of \$3.25. If a person goes to an office of the BMV for a transaction, the BMV may charge and retain an identical service fee. This service fee increased to \$3.50 per transaction effective January 1, 2004.

⁷ Currently only the Registrar may process these registrations.

MOTOR VEHICLE REGISTRATION LAW	
R.C. §	Description of provision
	impairs the ability to walk to apply for a temporary removable windshield placard upon presentation of evidence of the person's active-duty status and the illness or injury. Permits such evidence to include a current Department of Defense (DOD) convalescent leave statement, any DOD document that indicates that the person currently has an ill or injured casualty status or has limited duties, or a prescription from any physician or chiropractor prescribing the placard for the applicant, and (2) eliminates any service fee in the case of such active-duty people.
4503.642 (NEW)	<p>Creates the "Performance Registration and Information Systems Management" (PRISM) program in the Bureau of Motor Vehicles and allows the Registrar to use this program to suspend or deny motor vehicle registrations, license plates, permits, or certificates of title if a motor carrier has been prohibited from operating by a federal agency. (Complies with a federal mandate.)</p> <p>Authorizes an administrative hearing for persons adversely affected by the suspension or denial, but limits the hearing to the issues of whether the person is correctly identified, whether the person has been prohibited from operating by the federal agency, and whether the federal agency has rescinded its prohibition.</p>

MOTOR VEHICLE PERMISSIVE LOCAL REGISTRATION TAXES	
R.C. §	Description of provision
4504.01	Specifically exempts concrete pumps and concrete conveyors from the definition of "motor vehicle" for purposes of the motor vehicle permissive local tax law.

MOTOR VEHICLE CERTIFICATE OF TITLE LAW	
R.C. §	Description of provision
4505.07	<p>Clarifies that a <i>physical</i> certificate of title is printed on a special paper with a secure printing process.</p> <p>Specifies that an electronic certificate of title is an electronic record stored in the Automated Title Processing System (ATPS) that establishes ownership of a motor vehicle, as well as any security interests that exist in that motor vehicle.</p>



MOTOR VEHICLE CERTIFICATE OF TITLE LAW	
R.C. §	Description of provision
4505.08	<p>Requires a clerk of courts to issue a physical certificate of title on a form and in a manner prescribed by the Registrar and to file a copy of the physical evidence for the creation of the certificate in a manner prescribed by the Registrar.⁸</p> <p>Permits a clerk of courts to retain digital images of documents used as evidence for issuance of a certificate of title.</p> <p>Provides that certified printouts of documents retained as digital images have the same evidentiary value as the original physical documents.</p> <p>Requires the record of the issuance of a certificate of title to be maintained in the ATPS.</p> <p>Eliminates authority for a clerk of courts to destroy the electronic record of an electronic certificate of title seven years after its filing.</p> <p>Requires the automated title processing system to contain (1) all active records, (2) an index of the active records, and (3) a record and index of all inactive titles for ten years, and a record and index of all inactive titles for manufactured and mobile homes for 30 years.</p> <p>Specifies that a written copy of information in the database that a clerk of courts provides must be considered the original for any legal proceeding.</p> <p>Allows a motor vehicle owner to apply for a non-negotiable evidence of ownership, regardless of whether the person previously had been issued an electronic certificate of title as is required under current law. (Same as the watercraft title provision in R.C. 1548.13.)</p>
4505.09	<p>In regard to the current fee imposed for failing to file an application for a certificate of title when required, specifies that the clerk of court must charge the \$5 late fee if an application for certificate of title is not filed within 30 days after <i>the later of</i> the assignment of the certificate of title or delivery of the motor vehicle.</p> <p>Specifically provides that the purpose of the existing Automated Title Processing Board is to "facilitate the operation and</p>

⁸ Currently, when a clerk issues a physical certificate of title, the clerk must issue it in duplicate and retain one copy and file it in the clerk's office.

MOTOR VEHICLE CERTIFICATE OF TITLE LAW

R.C. §	Description of provision
	<p>maintenance of an automated title processing system and approve the procurement of automated title processing system equipment."</p> <p>Provides that voting members of the Board, excluding the Registrar or the Registrar's representative, serve without compensation but are to be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties.</p> <p>Specifies that the Registrar or the Registrar's representative receive neither compensation nor reimbursement as a Board member.</p> <p>Eliminates the authority for a county issuing more than 100,000 certificates of title annually, with the approval of the Registrar, to purchase and maintain an automated title processing system with the cost of the county system paid from the Automated Processing Title Fund.</p>
4505.10	<p>Allows an applicant for a certificate of title to petition the court of common pleas for an order directing the clerk of courts to issue the certificate if ownership of the motor vehicle was transferred by operation of law but the applicant was unable to produce either proof of ownership to the clerk of courts or sufficient evidence to the Registrar.</p>
4505.11	<p>Removes the requirement for a salvage certificate of title and a certificate of title marked "REBUILT SALVAGE" to bear the same <i>number</i> as the original certificate of title; retains the requirement for the salvage certificate to bear the same <i>information</i> as the original certificate while specifying that the salvage certificate of title may bear a different number than the original certificate.</p> <p>Allows an insurance company to send the original certificate of title marked "for destruction" to any clerk of courts rather than only to the clerk of the county where the salvage dealer being assigned the title is located.</p> <p>Provides that upon the delivery by a county auditor to the clerk of a court of common pleas of a certificate of title to a manufactured or mobile home that will be taxed as real property, the clerk must inactivate that certificate of title and maintain it in the ATPS.</p>
4505.13	<p>Eliminates the requirement that a clerk of court note the cancellation of a security interest upon the clerk's records, but retains the requirement that the cancellation be noted on the face of the certificate and in the automated title processing system.</p>



MOTOR VEHICLE CERTIFICATE OF TITLE LAW	
R.C. §	Description of provision
	<p>Provides that if a security interest in a motor vehicle is fully discharged as a result of its holder's receipt of good funds in the correct amount and the holder does not hold a physical certificate of title, the holder may request the clerk to issue a physical certificate of title directly to the owner or to the holder or the holder's agent for transmission to the owner.</p> <p>The clerk must issue a physical certificate of title as requested, except that the clerk cannot honor such a request for a physical certificate of title if it is not made by the holder at the same time as the holder's notification to the clerk of the discharge of the security interest. (Same as the watercraft provision in R.C. 1548.20.)</p>
4505.141	Retains the requirement that the Registrar enable public access to motor vehicle title information by electronic means, but allows, rather than requires, the procedures to be established by rule. Presumably the Registrar can change the procedure for public access by means other than changing rules.

COMMERCIAL DRIVER'S LICENSE (CDL) LAW	
R.C. §	Description of provision
4506.01	Provides that a "tank vehicle" does not include (1) an empty storage container that is not designed for transportation and that is readily distinguishable from a transportation tank, or (2) ready-mix concrete mixers. ⁹
4506.08	Reduces the fee for a CDL abstract of a driving record from \$3 to \$2.
4506.09	Permits private parties that are authorized to administer the skills test portion of the commercial driver's license exam to charge the same divisible skills test fee and appointment fee that the Department of Public Safety is authorized to charge. ¹⁰

⁹ To operate a commercial tractor that is pulling a "tank vehicle," a special CDL endorsement is required.

¹⁰ The \$50 skills test fee consists of \$10 for the pre-trip inspection portion of the test, \$10 for the off-road maneuvering portion, and \$30 for the on-road portion. The appointment fee of \$50 serves as the skills test fee if the applicant appears and takes all portions of the test.

COMMERCIAL DRIVER'S LICENSE (CDL) LAW	
R.C. §	Description of provision
	Updates a federal citation and references.
4506.11	Removes blood type from the list of information appearing on a CDL.
4506.12	Provides that in addition to any endorsement that otherwise may apply, a person who is engaged in the <i>towing</i> of a disabled or wrecked motor vehicle must hold a CDL bearing any endorsement required to drive the towed vehicle, except that the driver is not required to have either (1) a passenger endorsement to tow an unoccupied passenger vehicle, or (2) any endorsement required for the wrecked or disabled vehicle when the driver initially removes a vehicle from the site of an emergency where the vehicle became wrecked or disabled to the nearest appropriate repair, disposal, or storage facility.

DRIVER'S LICENSE LAW	
R.C. §	Description of provision
4507.13	Removes blood type from the list of information appearing on a driver's license. ¹¹
4507.141	Eliminates the \$5 fee for issuance of a card identifying a person as hearing-impaired.
4507.1614 (NEW)	Provides that, when the law requires the Registrar to suspend the probationary license or temporary instruction permit of a person who commits certain violations prior to reaching 18 years of age, the suspension must be imposed regardless of whether the disposition of the case in juvenile court occurred <i>after</i> the person's 18th birthday.
4507.19	Allows the Registrar to suspend or cancel any driver's or commercial driver's license or identification card that was obtained fraudulently or unlawfully, rather than just a driver's license that was obtained unlawfully as specified in current law.
4507.20	Eliminates a requirement that the Registrar order a person who has more than 7 points charged against the person's driving record to submit to either a driver's or commercial driver's license examination or a physical examination, or both.

¹¹ Current law allows blood type to be displayed on a license although it currently is not being displayed.

DRIVER'S LICENSE LAW	
R.C. §	Description of provision
	<p>Specifies that a notice sent to a license holder requiring an examination must state the time within which the person must submit to the examination.</p> <p>Establishes that a physician may notify the Registrar that a driver may be incompetent or unqualified to operate safely a motor vehicle and establishes that the physician's report is confidential and not a public record.</p>
4507.50	<p>Eliminates obsolete language relating to the lamination of state-issued identification cards.</p> <p>Corrects a cross-reference.</p>
4507.51	Removes blood type from the list of information that may appear on such identification cards.
4507.53	Allows digitalized photographic records of the Department of Public Safety to be released to any court and to state, local, and federal governmental agencies for criminal justice purposes.
4507.99	Removes language from this section requiring a court to require proof of financial responsibility in connection with traffic offenses and notify the Registrar if the person fails to verify the existence of such proof; this requirement also is found in the financial responsibility law and is not affected by the bill.

FINANCIAL RESPONSIBILITY LAW	
R.C. §	Description of provision
4509.05	Authorizes the Registrar to permit deputy registrars to furnish a certified abstract of a person's driving record, ¹² subject to restrictions of current law governing the disclosure of personal information. Requires a deputy registrar, when furnishing such an abstract, to collect the \$2 abstract fee and transmit it to the Registrar and allows deputies to charge and retain the standard deputy registrar service fee. (Corresponding cross-reference change in R.C. 3937.45.)
4509.101	Provides that, when a clerk of courts or a traffic violations bureau provides the Registrar with information identifying a person who failed to provide proof of financial responsibility, the information

¹² An abstract is a summary of certain aspects of a person's driving record, such as accidents and motor vehicle-related convictions. An employer may request the abstract of a prospective employee.

FINANCIAL RESPONSIBILITY LAW	
R.C. §	Description of provision
	<p>must be given to the Registrar in a manner prescribed by the Registrar.</p> <p>Limits the scope of an administrative hearing for a person whose license has been suspended by the Registrar for a financial responsibility violation to whether, <i>at the time of the hearing</i>, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption.</p> <p>Corrects a cross-reference.</p>
4509.79	Corrects a cross-reference.

ADDITIONAL DRIVER'S LICENSE SUSPENSION PROVISIONS	
R.C. §	Description of provision
4510.10	<p>States that driver's license reinstatement fees are those fees that compensate the BMV for suspensions, cancellations, or disqualifications of a person's driving privileges and to compensate the BMV and other agencies in their administration of programs intended to reduce and eliminate threats to public safety through education, treatment, and other activities.</p> <p>Prohibits the Registrar of Motor Vehicles from reinstating a person's driver's or commercial driver's license or permit or nonresident operating privilege until the person has paid all reinstatement fees and complied with all conditions for each suspension, cancellation, or disqualification the person incurred.</p> <p>Specifies that these reinstatement fees are debts that may be discharged in bankruptcy.</p>
4510.22	<p>Provides that if a person charged with a misdemeanor traffic offense of the first, second, third, or fourth degree fails either to appear in court as required or pleads guilty to or is found guilty of the violation and fails to pay the fine within the time allowed, the court must declare the <i>forfeiture</i> of the person's driver's license, rather than the <i>suspension</i> of the person's license.</p> <p>Prohibits the Registrar from restoring the person's driving or vehicle registration privileges until the person pays the required \$15 reinstatement fee.</p>
4510.31	Requires that, when the Registrar suspends a person's probationary license or temporary instruction permit as required by current law, the suspension be imposed regardless of whether



ADDITIONAL DRIVER'S LICENSE SUSPENSION PROVISIONS	
R.C. §	Description of provision
	the disposition of the case in juvenile court occurred after the person's 18th birthday.
4510.43	Eliminates a provision requiring that if a motor vehicle to be driven by a person who has been granted limited driving privileges is a vehicle registered in another state, instead of installing an immobilizing or disabling device on the vehicle, the person must display on the vehicle a decal stating that the vehicle is subject to limited driving privileges in this state and describing the restriction. In such a situation, the bill requires the immobilizing or disabling device to be installed.

TRAFFIC LAWS	
R.C. §	Description of provision
4511.01	Renames the "Commercial Motor Vehicle Safety Enforcement Unit" the "Motor Carrier Enforcement Unit" (see R.C. 5503.34).
4511.121 (NEW)	<p>Requires the operator of a commercial motor vehicle, upon approaching a scale for weighing the vehicle, to comply with a traffic control device or peace officer directing the vehicle to be weighed, unless the vehicle is equipped with an authorized electronic clearance device that indicates the operator may bypass the scale.</p> <p>Authorizes a peace officer to order a commercial motor vehicle operator who bypasses a scale to stop the vehicle to verify the use of an electronic clearance device.</p> <p>Establishes that a person who improperly bypasses a scale or fails to comply with an order of a peace officer to stop for verification of an electronic clearance device is guilty of a minor misdemeanor on a first offense, a fourth degree misdemeanor on a second offense within one year, and a third degree misdemeanor on a subsequent offense within one year.</p> <p>Establishes the standards that must be present on an electronic clearance device to allow the operator of a commercial motor vehicle to bypass a scale. (See also R.C. 4549.081.)</p>

ABANDONED VEHICLE LAW	
R.C. §	Description of provision
4513.61	<p>Allows a person to reclaim a motor vehicle ordered into storage by law enforcement by presenting either a memorandum certificate of title or a certificate of title (current law requires presentation of a certificate of title).</p> <p>Requires a clerk of courts to issue a salvage certificate of title to a vehicle within 30 days of the date a motor vehicle salvage dealer presents an affidavit to the clerk indicating that a law enforcement agency is disposing of the vehicle to the salvage dealer because no owner or lienholder has claimed the vehicle after the required notice has been sent.</p>
4513.63	<p>In regard to abandoned junk motor vehicles, requires a law enforcement agency to execute an affidavit describing such a vehicle and its disposal <i>within 30 days of disposing of the vehicle</i> to a motor vehicle salvage dealer; this affidavit is filed with the clerk of courts.</p>

MOTOR VEHICLE DEALER LAW	
R.C. §	Description of provision
4517.01	<p>Modifies the definition of "relevant market area" in the Motor Vehicle Dealer Law (which, for motor vehicle dealerships, means any area within a ten-mile radius from the site of a potential new dealership) to provide that the ten-mile radius is measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.¹³</p> <p>Defines a motor vehicle dealer "remote service facility" to be "premises that are separate from a licensed new motor vehicle dealer's sales facility by not more than one mile and that are used</p>

¹³ "Relevant market area" is important to a number of situations related to motor vehicle dealerships. For example, if a motor vehicle franchisor wishes to establish an additional new motor vehicle dealership in a relevant market area where the same line-make of motor vehicle is already represented, the existing dealership may file a protest with the Motor Vehicle Dealers Board against the proposed new motor vehicle dealership.

¹⁴ Such a facility is deemed to be part of the franchise agreement and is subject to all the rights, duties, obligations, and requirements of the Motor Vehicle Dealer Law that relate to the performance of motor vehicle repairs, warranty work, recall work, and maintenance work by new motor vehicle dealers.

MOTOR VEHICLE DEALER LAW	
R.C. §	Description of provision
	by the dealer to perform repairs, warranty work, recall work, and maintenance on motor vehicles pursuant to a franchise agreement entered into with a motor vehicle manufacturer." ¹⁴
4517.03	<p>Requires a remote service facility to have facilities and space for the inspection, servicing, and repair of at least one motor vehicle.</p> <p>Permits a licensed new motor vehicle dealer to operate a remote service facility with the consent of the manufacturer and only to perform repairs, warranty work, recall work, and maintenance on motor vehicles as part of the dealer's new motor vehicle dealership. The remote service facility must be included on the dealer's license and is deemed to be part of the dealer's licensed location.</p> <p>Prohibits any person from using a remote service facility for selling, displaying, or offering for sale motor vehicles.</p>
4517.05	<p>Provides that after the bill's effective date, an initial application for a used motor vehicle dealer's license must be accompanied by a certificate showing that, within the preceding six months, the owner or a partner, director, or other officer of the entity that will be granted the used motor vehicle dealer's license has completed successfully a training course conducted by an eligible used motor vehicle dealer training school. Successful completion of the course must be evidenced by a certificate issued by the training school to the applicant, and the certificate must be in a form prescribed by the Registrar of Motor Vehicles.</p> <p>Exempts from this new requirement a person or entity (including the owner or partner, director, or other officer of the entity) applying for a used motor vehicle dealer's license that previously held either such a license or a new motor vehicle dealer's license at any time during the two-year period immediately preceding the date of application.</p> <p>Requires the Bureau of Motor Vehicles to adopt rules governing used motor vehicle dealer training schools and their courses, including the course curriculum, course length, which must be not less than six but not more than 24 hours, and all other criteria for used motor vehicle dealer training schools and their courses.</p> <p>Provides that only a trade association whose members are used or new motor vehicle dealers licensed in this state and that has been in existence for more than five years and learning institutions approved by the BMV are eligible to be used motor vehicle dealer training schools.</p>

MOTOR VEHICLE DEALER LAW	
R.C. §	Description of provision
4517.10	<p>Establishes that all dealers' licenses, motor vehicle leasing dealers' licenses, manufactured home broker's licenses, distributors' licenses, auction owners' licenses, and salespersons' licenses expire biennially and doubles the license fees accordingly from \$25 to \$50 for dealers, from \$5 to \$10 for salespersons, and from \$50 to \$100 for auction owners and distributors.</p> <p>Removes language requiring the return of a license fee if the dealer's, motor vehicle leasing dealer's, manufactured home broker's, distributor's, auction owner's, or salesperson's license is not granted.</p>
4517.14	<p>As an exception to the restriction against a salesperson acting for more than one licensed dealer, allows a licensed salesperson to act as a salesperson at any licensed dealership owned and operated by the same corporation, regardless of the county in which the facility is located.¹⁵</p>

SPECIAL VEHICLE LAW	
R.C. §	Description of provision
4519.03	<p>In regard to a registration application for a snowmobile, off-highway motorcycle, or all-purpose vehicle, revises the list of features required to be included in the description of the vehicle being registered. (Same as the motor vehicle provision in R.C. 4503.10.)</p>
4519.05	<p>Authorizes the Registrar and each deputy registrar to collect a service fee at the established rate for each application for the transfer of a certificate of registration or duplicate certificate for a snowmobile, off-highway motorcycle, and all-purpose vehicle.¹⁶</p>
4519.56	<p>In regard to an application for a certificate of title for an off-highway motorcycle or all-purpose vehicle that must be physically inspected when an application for a certificate of title is filed, revises the exception for new off-highway motorcycles and all-purpose vehicles by removing a requirement that such</p>

¹⁵ Under current law, a dealer may operate at more than one location within a county under one dealer's license, but a dealer must obtain a separate license for each county in which the dealer does business. A salesperson is limited to working at one dealership, which must be listed on the salesperson's license application.

¹⁶ Imposition of the service fee in these instances currently is not permitted.

SPECIAL VEHICLE LAW	
R.C. §	Description of provision
	new vehicles had to be sold by a motor vehicle dealer licensed in this state in order to be allowed the exception from the physical inspection.
4519.57*	Specifies that an electronic certificate of title is an electronic record stored in the Automated Title Processing System (ATPS) that establishes ownership of an off-highway motorcycle or all-purpose vehicle, as well as any security interests that exist in that off-highway motorcycle or all-purpose vehicle.
4519.58*	<p>Requires a clerk of courts to issue a physical certificate of title for an off-highway motorcycle or all-purpose vehicle on a form and in a manner prescribed by the Registrar and to file a copy of the physical evidence for the creation of the certificate in a manner prescribed by the Registrar.</p> <p>Permits a clerk of courts to retain digital images of documents used as evidence for issuance of a certificate of title.</p> <p>Provides that certified printouts of documents retained as digital images have the same evidentiary value as the original physical documents.</p> <p>Requires the record of the issuance of a certificate of title to be maintained in the ATPS.</p> <p>Eliminates the authority of a clerk of courts to destroy records of an electronic certificate of title covering any off-highway motorcycle or all-purpose vehicle seven years after its filing.</p> <p>Requires the automated title processing system to contain (1) all active records, (2) an index of the active records, (3) a record and index of all inactive titles for ten years, and a record and index of all inactive titles for manufactured and mobile homes for 30 years.</p> <p>Specifies that a written copy of information in the database that a clerk of courts provides must be considered the original for any legal proceeding.</p> <p>Allows an off-highway motorcycle or all-purpose vehicle owner to apply for a non-negotiable evidence of ownership, regardless of whether the person previously had been issued an electronic certificate of title as is required under current law.</p>

* *The titling changes in these sections are identical to the changes made by the bill in Chapter 4505. for regular motor vehicles.*

SPECIAL VEHICLE LAW	
R.C. §	Description of provision
4519.61 [*]	<p>Removes the requirement for a salvage certificate of title and a certificate of title marked "REBUILT SALVAGE" for an off-highway motorcycle or all-purpose vehicle to bear the same <i>number</i> as the original certificate of title; retains the requirement for the salvage certificate to bear the same <i>information</i> as the original certificate while specifying that the salvage certificate of title may bear a different number than the original certificate.</p> <p>Allows an insurance company to send the original certificate of title for an off-highway motorcycle or all-purpose vehicle marked "for destruction" to any clerk of courts rather than only to the clerk in the county where the salvage dealer or scrap metal processing facility being assigned the title is located.</p>
4519.631 [*]	<p>Continues the requirement for the Registrar to enable public access to off-highway motorcycle and all-purpose vehicle title information by electronic means, but allows, rather than requires, the procedures to be established by rule.</p>
4519.68	<p>Clarifies that the notation of security interests on actual certificates of title is optional. A notation of all security interests must be entered into the Automated Title Processing System (ATPS).</p> <p>Provides that if a security interest in an off-highway motorcycle or all-purpose vehicle is fully discharged as a result of its holder's receipt of good funds in the correct amount <i>and</i> if the holder holds a physical certificate of title, the holder must note the discharge of the security interest over the holder's signature on the face of the certificate of title.</p> <p>Provides that after the discharge of such a security interest, prior to delivering the certificate of title to the owner the holder or the holder's agent generally must convey the certificate of title or a separate sworn statement of the discharge of the security interest to a clerk of the court of common pleas.</p> <p>Requires this conveyance to occur not more than seven business days after the date good funds in the correct amount to discharge fully the security interest have been credited to the holder's account, provided the holder has been provided with accurate information concerning the off-highway motorcycle or all-purpose vehicle.</p> <p>Permits the conveyance of the certificate of title or sworn discharge statement to be indicated by postmark or receipt by a clerk within that period.</p>

SPECIAL VEHICLE LAW	
R.C. §	Description of provision
	<p>Provides that if the discharge of the security interest appears to be genuine, the clerk must note the cancellation on the face of the certificate of title, if it was conveyed, and also note it in the ATPS.</p> <p>Provides that if a security interest in an off-highway motorcycle or all-purpose vehicle is fully discharged as a result of its holder's receipt of good funds in the correct amount and the holder does not hold a physical certificate of title, the holder may request the clerk to issue a physical certificate of title directly to the owner or to the holder or the holder's agent for transmission to the owner.</p> <p>The clerk must issue a physical certificate of title as requested, except that the clerk cannot honor such a request for a physical certificate of title if it is not made by the holder at the same time as the holder's notification to the clerk of the discharge of the security interest.</p> <p>Permits a secured party to present a clerk with evidence of a security interest or the discharge of a security interest <i>via electronic means</i> in all cases involving these two types of vehicles, and requires the clerk to enter the security interest or the security interest cancellation into the ATPS.</p>

MOTOR VEHICLE CRIME	
R.C. §	Description of provision
4549.081 (NEW)	<p>Requires the Superintendent of the State Highway Patrol to adopt rules governing the use of electronic clearance devices by commercial motor vehicles that permit such vehicles to bypass a scale location.</p> <p>Requires the rules to establish acceptable types and features of the devices, and a method for peace officers to determine whether a particular device complies with the rules.</p> <p>Prohibits the use of a nonconforming device or the nonconforming use of such a device and establishes that a person who violates this prohibition is guilty of a fourth degree misdemeanor on a first offense and a third degree misdemeanor on subsequent offenses. (See also R.C. 4511.121.)</p>

MOTOR VEHICLE SALVAGE LAW	
R.C. §	Description of provision
4738.05	Establishes that all motor vehicle salvage dealers' licenses, salvage motor vehicle auction licenses, and salvage motor vehicle pool licenses expire biennially and doubles the license fees accordingly from \$50 to \$100.
4738.18	Establishes that a buyer's identification card expires biennially and increases the fee for the card from \$10 to \$35. Requires the application for the renewal of a card to be made on a form prescribed by the Registrar.
4738.19	Specifies that the state, through the Registrar of Motor Vehicles, is the sole regulator for the registration, licensing, and regulation of motor vehicle salvage dealers. However, also specifies that this provision does not preempt the enforcement by local authorities of local zoning, health, or safety codes or laws.

REGULATION OF PRIVATE INVESTIGATORS AND SECURITY SERVICE PROVIDERS	
R.C. §	Description of provision
4749.02 Section 11	<p>Transfers regulatory authority over private investigators and security service providers from the Division of Real Estate and Professional Licensing, Department of Commerce, to the Department of Public Safety.</p> <p>Specifically transfers the employees, equipment, and functions of regulating private investigators and security service providers from Commerce to Public Safety and makes corresponding changes to the respective budgets of the two departments.</p> <p>Permits the Director of Public Safety to appoint employees and adopt any necessary rules.</p>
4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 4749.10, 4749.11, 4749.12, 4749.13, and 4749.14	Makes corresponding corrections in cross references.
5502.01	Sets July 1, 2004, as the date of transfer of the regulatory authority.

DEPARTMENT OF PUBLIC SAFETY/DIRECTOR OF PUBLIC SAFETY	
R.C. §	Description of provision
5502.011	<p>Specifically provides that the Director of the Department of Public Safety is the chief executive and administrative officer of the Department, and that the Director may establish policies governing the Department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property.</p> <p>Requires the Director or the Director's designee to perform certain duties, including (1) administering and directing the performance of the Department's duties, (2) approving, adopting, and prescribing those forms and rules necessary to carry out the Department's duties, and (3) approving and entering into contracts, agreements, and other business arrangements.</p> <p>Authorizes the Director of Public Safety to assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for (1) a check, draft, or money order that is returned or dishonored, (2) an automatic bank transfer that is declined due to insufficient funds or any other reason, and (3) any financial transaction device that is returned or dishonored for any reason.</p>
5502.11	Provides that every law enforcement agency that investigates a motor vehicle accident involving property damage greater than \$400 (rather than the current threshold of \$150) forward a report of the accident to the Director of Public Safety.

STATE HIGHWAY PATROL	
R.C. §	Description of provision
5503.34	Renames the Commercial Motor Vehicle Safety Enforcement Unit of the State Highway Patrol the "Motor Carrier Enforcement Unit." (Corresponding cross-reference corrections are made in R.C. 3937.41, 4511.01, 4905.06, 4919.79, and 4923.20.)

REGULATION BY ODOT OF CERTAIN OUTDOOR ADVERTISING DEVICES	
R.C. §	Description of provision
5516.01, 5516.04, 5516.061, 5516.062, and 5516.10	For locations outside of urban areas, extends the prohibition against the erection of advertising devices to <i>any</i> distance further than 660 feet from the right-of-way of a highway on the interstate or primary system, rather than just between 660 and 3,000 feet of



REGULATION BY ODOT OF CERTAIN OUTDOOR ADVERTISING DEVICES	
R.C. §	Description of provision
	<p>the right-of-way, as in current law;</p> <p>For locations within urban areas, but outside specified boundaries of a municipal corporation, allows the erection of advertising devices if the person first obtains a permit, but restricts the issuance of permits based on the size and structure of the device and also allows nonconforming, existing devices to be maintained with a permit;</p> <p>Imposes standards for issuance of a permit to a person or related entity who previously was issued a conditional permit but failed to exercise the terms of the permit within the time established;</p> <p>Prohibits the application for a permit if the proposed location is adjacent to a proposed highway project and would be illegal when the project is completed.</p>

WEIGHT ALLOWANCE FOR SOLID WASTE HAUL VEHICLES	
R.C. §	Description of provision
5577.042	<p>Provides that a solid waste haul vehicle (defined as a vehicle hauling solid waste¹⁷ for which a bill of lading has not been issued) hauling solid waste from the place of production to the first point of delivery where the solid waste is disposed of or title to the solid waste is transferred may exceed by not more than 7.5% the existing maximum motor vehicle weight limits.</p> <p>Provides that if such a solid waste haul vehicle exceeds any of the weight limitations by more than 7.5%, the usual criminal and civil penalties apply.</p> <p>Exempts from this weight allowance a solid waste haul vehicle traveling on a freeway that is part of the interstate system or a highway, road, or bridge that is subject to a reduced maximum weight limit.</p>

¹⁷ By cross reference to R.C. 3734.01, the bill incorporates the definition of "solid waste" contained in the Solid and Hazardous Waste Law.

MAXIMUM MOTOR VEHICLE WIDTH AND LENGTH	
R.C. §	Description of provision
5577.05	<p>Increases the maximum permissible length for passenger buses not operated by a regional transit authority from 40 feet to 45 feet.</p> <p>Exempts from the maximum motor vehicle widths side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.</p> <p>Exempts from the maximum width for most motor vehicles of 102 inches tarp and tarp hardware, and tiedown assemblies, provided they do not extend more than three inches from each side of the vehicle.</p>
5577.99	<p>Provides that whoever violates a motor vehicle weight, height, or length restriction for which a penalty is not otherwise specified is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.</p>

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-19-03	pp. 622-623
Reported, H. Transportation & Public Safety	01-29-04	p. 1585
Passed House (91-3)	02-03-04	pp. 1597-1598

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