Ohio Legislative Service Commission

Final Analysis

Joseph G. Aninao

Sub. S.B. 179

129th General Assembly
(As Passed by the General Assembly)

Sens. Wilson, Sawyer, Tavares, Kearney, Schaffer, Coley, Eklund, Faber, Gentile, Hite, Hughes, Manning, Obhof, Patton, Seitz, Turner, Wagoner

Reps. Anielski, Barnes, Buchy, Combs, Damschroder, Dovilla, Gerberry, Grossman, C. Hagan, Hall, Hill, Letson, Lundy, Maag, Mallory, Matheney, Milkovich, Rose, Ruhl, Slaby, Stebelton, Uecker, Wachtmann, Yuko, Batchelder

Effective date: July 3, 2012

ACT SUMMARY

- Creates "Ohio Geology" license plates, with a $15 contribution to be paid to the Ohio Geology Advisory Council of the Department of Natural Resources and used primarily for grants for graduate level research at locations of geological interest.
- Eliminates the ability of owners of certain off-highway motorcycles and all-purpose vehicles (generally those purchased before October 1, 2005 for which no certificate of title has been issued) to register the motorcycles or vehicles by presenting an affidavit of ownership, thereby requiring the owners to obtain certificates of title when initially registering the off-highway motorcycles or all-purpose vehicles.
- Requires the Director of Transportation to comply with the Administrative Procedure Act when adopting rules to establish a business logo sign program for limited access highways and when establishing a required fee for participation in the program.
- Relocates the "Cpl. Kenneth Tyler Butler Memorial Highway."

CONTENT AND OPERATION

"Ohio Geology" license plates

The act creates "Ohio Geology" license plates, which (1) are available to the general public, (2) are inscribed with the words "Ohio Geology" and a design selected

by the Ohio Geology Advisory Council, and (3) in addition to applicable license taxes and fees, require a $15 contribution and a $10 fee to compensate the Bureau of Motor Vehicles for added services required in issuing the license plates.[1] The $15 contribution is to be paid to the credit of the Ohio Geology License Plate Fund, which the act creates, and the additional fee paid to the Registrar is to be paid to the State Bureau of Motor Vehicles Fund.[2]

The act requires the Ohio Geology Advisory Council (a seven-member body created in the Department of Natural Resources, appointed by the Governor to three-year staggered terms, and serving without compensation) to establish and administer a grant program funded by the contributions from the "Ohio Geology" license plates. The primary purpose of the program is awarding grants to geology departments of Ohio colleges and universities for graduate-level research conducted at locations of geological interest in Ohio. The secondary purpose of the program, subject to the amount of money in the fund, is to provide materials such as rock and mineral kits to elementary and secondary schools to assist students in the study of geology. The Council must award grants at least annually and, in its discretion, may award grants on a more frequent basis.[3]

Certificate of registration for certain off-highway motorcycles and all-purpose vehicles

The act eliminates the option for an owner of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued, to present a signed affidavit of ownership in lieu of a certificate of title when first registering the vehicle.[4] The ability to present an affidavit for these vehicles was created in 2009,[5] and the elimination of the affidavit option subjects these vehicles to the general requirement for a certificate of title to be presented to the Registrar or a deputy registrar when the application for the initial certificate of registration for the off-highway motorcycle or all-purpose vehicle is submitted.

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[1] R.C. 4503.515.

[2] R.C. 1505.13 and 4503.515(C).

[3] R.C. 1505.11 and 1515.12.

[4] R.C. 4519.03.

[5] Am. Sub. H.B. 1, 128th General Assembly (effective October 16, 2009).

Business logo sign program of the Department of Transportation

The act requires the Director of Transportation, in carrying out the following requirements of continuing law, to do so by rule adopted pursuant to the Administrative Procedure Act:[6]

(1) Establish a program for the placement of business logos for identification purposes on state directional signs within the rights-of-way of divided, multi-lane, limited access highways in both rural and urban areas;[7]

(2) Establish a fee for participation in the business logo sign program. Continuing law also allows the Director to revise the fee, but the act eliminates language that permitted the Director to revise the fee "at any time."[8]

The APA contains public notice and hearing provisions that apply to the adoption, amending, or rescission of rules of state agencies and departments. The APA requirement normally is imposed when particular rules of an agency or department will affect the rights of private parties. In contrast, agency rules that are of a purely internal administrative nature and do not affect the rights of private parties normally are not required to be adopted in accordance with the APA.

Relocation of the "Cpl. Kenneth Tyler Butler Memorial Highway"

The act relocates the portion of State Route 170 that has been designated the "Cpl. Kenneth Tyler Butler Memorial Highway" to only the portion of that state route located within the municipal corporation of Calcutta in Columbiana County. Under prior law, the portion of State Route 170 that was the "Cpl. Kenneth Tyler Butler Memorial Highway" commenced at Calcutta and extended in a northeasterly direction to the intersection of that state route and Duke Vodrey Road.[9]

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[6] R.C. Chapter 119.

[7] R.C. 4511.101(A). Business logo signs are blue.

[8] R.C. 4511.101(B)(1).

[9] R.C. 5533.941.

HISTORY

ACTION	DATE
Introduced	05-31-11
Reported, S. Highways & Transportation	11-21-11
Passed Senate (31-0)	01-24-12
Reported, H. Transportation, Public Safety and Homeland Security	03-14-12
Passed House (97-0)	03-14-12
Senate concurred in House amendments (33-0)	03-12-12

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