
DEPARTMENT OF PUBLIC SAFETY

Driver's licenses and identification cards

Limited term licenses and identification cards

- Renames “nonrenewable/nontransferable” driver’s licenses and state identification (ID) cards, which are issued to temporary residents, as the “limited term license” and “limited term” ID card. (Temporary residents generally are persons who are not U.S. citizens or permanent residents.)
- Excludes a limited term license as a form of photo identification for purposes of voting.
- Requires the words “limited term” to be on any driver’s license or ID card issued to a temporary resident, along with other characteristics prescribed by the Registrar of Motor Vehicles.
- Clarifies the law regarding the expiration dates for a limited term driver’s license or ID card issued to a temporary resident.
- Authorizes a temporary resident to renew a limited term license or limited term ID card, provided the temporary resident can verify his or her lawful status in the U.S.
- Requires the Registrar to adopt rules governing limited term licenses and ID cards issued to temporary residents.
- Specifies that all REAL ID-compliant driver’s licenses and ID cards must be issued in accordance with the federal requirements.

Return of ID cards

- Removes the requirement that a person surrender or return an original ID card to the Bureau of Motor Vehicles (BMV) if the person:
 - Applies for a driver’s license or commercial driver’s license (CDL) in Ohio or another state;
 - Finds the original lost card, after obtaining a duplicate or reprint card; or
 - Changes his or her name and obtains a replacement ID card.

ID card reimbursements

- Authorizes the Registrar to establish a payment schedule that is more frequent than the monthly schedule established by current law for reimbursing deputy registrars for their services in issuing free ID cards.
- Authorizes the Department of Public Safety (DPS) Director to certify to the OBM Director, on a quarterly basis, both of the following:
 - The amounts paid by DPS to deputy registrars to reimburse them for their services in issuing and renewing free ID cards and temporary ID cards; and

- The amount of fees not collected by the Registrar for any free ID cards and temporary ID cards issued or renewed by the Registrar.
- Authorizes the OBM Director to transfer up to \$4 million per fiscal year to BMV from the GRF to reimburse the BMV for the free ID cards and temporary ID cards.

Commercial driver's licenses

Online driver's license, ID card, and CDL renewal

- Authorizes the online renewal of CDLs in a similar manner as driver's licenses and ID cards under current law.
- Prohibits the renewal or issuance of any of the following via the online process:
 - A CDL temporary instruction permit;
 - An initial CDL; and
 - A nonrenewable CDL.
- Modifies a current eligibility requirement for the online renewal of a driver's license or ID card to require the applicant's current license or ID card to have been issued when the applicant was age 21 or older and the applicant to be under age 65, rather than requiring the applicant to be between age 21 and 65 as in current law.
- Extends that eligibility requirement to online renewal of CDLs.
- Authorizes U.S. permanent residents to renew driver's licenses, CDLs, and ID cards online.
- Requires an online CDL applicant to meet the following additional eligibility criteria that do not apply to a driver's license or ID card holder:
 - The applicant must be in compliance with all laws governing CDL issuance, including self-certification and medical certificate requirements; and
 - The applicant must not be under any CDL restriction by any federal regulation.

CDL temporary instruction permit

- Extends the maximum validity period for a commercial driver's license temporary instruction permit (CDLTIP) from six to 12 months.
- Clarifies that a CDLTIP is a prerequisite for the initial issuance of a CDL only when a skills test is required for the CDL.
- Repeals law that allows the Registrar to renew a CDLTIP only once in a two-year period.

CDL skills test third-party examiners

- Regarding third parties authorized to administer the CDL skills tests, does all of the following:

- Specifies that the third-party examiners must meet the qualification and training standards that apply to the class of vehicle and endorsements for which an applicant taking the skills test is applying;
- Decreases the number of individuals to whom a CDL skills test examiner must administer a skills test each calendar year from 32 to ten;
- Requires the third party to schedule all skills test appointments through a system or method provided by the DPS Director, or if the Director does not provide a system or method, to submit the schedule weekly; and
- Requires the third party to keep a copy of the third-party agreement entered into with the Director at its principal place of business.

CDL waiver for farm-related service industries

- Increases the validity period from 180 to 210 days per calendar year for the restricted CDL issued to a person operating commercial motor vehicles for a farm-related service industry.

Fraudulent acts related to CDL testing

- Prohibits knowingly providing false statements or engaging in any fraudulent act related to a CDL test.
- Specifies that a violation of the prohibition is a third degree misdemeanor.
- Allows the Registrar to cancel a CDL or an application for a CDL as a result of a violation of the prohibition.

CDL disqualifications: human trafficking

- Prohibits a CDL holder from using a commercial motor vehicle in the commission of a felony human trafficking offense, and specifies that a violation of the prohibition is a first degree misdemeanor.
- Establishes a lifetime disqualification from operating a commercial motor vehicle for a person who is convicted of violating the prohibition.

Strict liability declaration

- Clarifies that various prohibitions related to operating a commercial motor vehicle are strict liability offenses.

Motor vehicle OVI violation requiring surrender of CDL

- Clarifies that a CDL holder or CDLTIP holder must immediately surrender the holder's CDL or permit to an arresting peace officer if the holder was operating a motor vehicle in violation of the state OVI law's statutory limits for alcohol or a controlled substance.

Specialty license plates

- Renames the current "Ohio Oil and Gas Energy Education Program" license plate as the "Ohio Natural Energy Institute" license plate.

- Accordingly, requires the existing \$20 contribution for the plate to go to the Ohio Natural Energy Institute.
- Requires representatives of the Ohio State Moose Association to select the logo and words for the Loyal Order of the Moose license plate design instead of the Ohio Chapter of the Loyal Order of the Moose as in current law.
- Requires the proceeds of the \$20 contribution for the Loyal Order of the Moose license plate to be paid to the Ohio State Moose Association instead of the Ohio Chapter.
- Increases the contribution for a Recovery is Beautiful license plate from \$20 to \$21.

Other BMV services

Deputy registrars

- Allows county auditors and clerks of court to serve as a deputy registrar in any county, rather than only in counties below certain population thresholds.
- Relieves the Registrar from the responsibility to appoint a deputy registrar in a county under certain circumstances (e.g., when the county auditor or clerk of court is unwilling to serve and no other entities have applied).
- In the case of a county in which there is no deputy registrar, allows the Registrar to reestablish a deputy registrar office in certain circumstances (e.g., the willingness of the county auditor, a clerk of court, or deputy registrar in another county to serve).
- As a result of the changes specified above, eliminates the requirement that a deputy registrar live within a one-hour commute from the deputy registrar's office and the prohibition against a deputy registrar operating more than one deputy registrar office at any time.

Permanent removable windshield placard

- Creates a permanent removable windshield placard with no expiration date that authorizes use of accessible parking spaces for a person with a permanent disability that limits or impairs the ability to walk.
- Sets the cost for a permanent placard at \$15 (as opposed to \$5 for a standard or temporary placard), but exempts an armed forces veteran whose disability is service-connected.
- Consolidates and makes conforming changes within the language pertaining to the three types of placards: a standard placard (five-year renewal); a temporary placard (expires within six months); and the new permanent placard (no expiration).

Titling a motor vehicle from another state

- Regarding an application for a certificate of title for a motor vehicle last registered in another state, clarifies that the required physical inspection certificate must be issued specifically by the Registrar, rather than DPS as in current law.

- Requires the physical inspection to include a verification of the mileage of the motor vehicle, in addition to a verification of the make, body type, model, and vehicle identification number as in current law.

Reinstatement fees for noncompliance

- Lowers to \$40 the reinstatement fee associated with a suspension for failing to have proof of financial responsibility (i.e., auto insurance), rather than the \$100/\$300/\$600 (based on the number of prior offenses) as under current law.
- Accordingly, lowers the portion of that fee distributed to the Indigent Defense Support Fund to \$10.

Traffic and vehicle equipment laws

Emergency vehicles using flashing lights

- Allows a vehicle being used on a road or highway for emergency preparedness, response, and recovery activities to use flashing amber or flashing red and white lights if the vehicle is being operated by a person from one of the following:
 - The Ohio Emergency Management Agency;
 - A countywide emergency management agency;
 - A regional authority for emergency management; or
 - A program for emergency management.

Peer-to-peer car sharing programs

- Removes requirements that a peer-to-peer (P2P) car sharing program collect certain information, retain certain records, and exclude certain vehicles from its platform and those that use the platform.
- Modifies the automobile and general insurance requirements related to P2P car sharing programs.

Motor vehicle sales, dealers, and manufacturers

Motor vehicle sales

- For purposes of the Motor Vehicle Sales Law, does all of the following:
 - Expands the meaning of “persons” to include a variety of business entities.
 - Expands the meaning of “business” to include activities conducted through the internet or other computer networks.
 - Expands the meaning of “retail sale” to include sales that occur through the internet or other computer networks.
 - Modifies the meaning of “motor vehicle leasing dealer” to include a financial institution acting as a lessor and to exclude a new motor vehicle dealer that is not the lessor.

- Defines “established place of business” to mean a permanent building or structure that meets certain conditions, potentially barring individuals whose business does not meet those conditions from licensure.

Manufacturer, dealer, and distributor vehicle registration

- Requires the Registrar to issue a license plate, rather than a placard, to vehicle manufacturers, dealers, distributors, and other similar professionals that require a temporary identification for vehicles in their possession.
- Requires the Registrar to issue corresponding and matching additional certificates of registration and license plates, rather than certified copies of the original certificate and placards, for any additional license plates requested.

Motor Vehicle Dealers Board

- Authorizes the Motor Vehicle Dealers Board to conduct meetings or hearings via teleconference or video conference.

Corrective changes

- Corrects references in law to an annual renewal for specified licenses that are currently biennial.

Scrap metal and bulk merchandise container dealers

- Authorizes DPS to investigate alleged violations of the law governing purchase, sorting, grading, and shipping of scrap metal, bulk merchandise containers, and special purpose articles (“Secondhand Dealer Law”).
- Allows DPS employees and authorized representatives to conduct in-person investigations at the dealer’s place of business so long as, in the case of unregistered dealers, the employee or representative first requests assistance from local law enforcement.
- Establishes a procedure by which the DPS Director may order an unregistered person to show cause as to why the person’s activities are not subject to the Secondhand Dealer Law and, following the hearing, order the person to stop those activities.
- Authorizes the DPS Director to request that the Attorney General, county prosecutor, or city law director prosecute alleged violations of the Secondhand Dealer Law.
- Stipulates that a person claiming exemption from the Secondhand Dealer Law has the burden of proving that exemption in any associated proceeding or action.
- Specifies that a “scrap metal dealer” is the business engaged in scrap metal dealing, not the owner or operator of that business.

State Board of Emergency Medical, Fire, and Transportation Services

- Eliminates a requirement that each organization nominating persons to the State Board of Emergency Medical, Fire, and Transportation Services put forth three nominees and, instead, allows each organization to nominate any number of persons.
- Does both of the following regarding the Board member who is certified to teach emergency medical services training and who holds a certificate to practice as an EMT, AEMT, or paramedic:
 - Eliminates the requirement that the Governor appoint the member from among three persons nominated by the Ohio Emergency Medical Technician Instructors Association and the Ohio Instructor/Coordinators' Society; and
 - Instead, requires the member to be appointed from among EMTs, AEMTs, and paramedics nominated by the Ohio Association of Professional Firefighters and EMTs, AEMTs, and paramedics nominated by the Northern Ohio Fire Fighters.
- Specifies that if any nominating organization ceases to exist or fails to make a nomination within 60 days of a vacancy, the Governor may appoint any person who meets the designated professional qualifications for that member.
- Extends the potential time a member of the Board may continue in office if a successor does not take office from 60 days to three years.
- Eliminates a requirement that each organization nominating persons to the Trauma Committee of the State Board put forth three nominees and, instead, allows each organization to nominate any number of persons.
- Specifies that if any nominating organization ceases to exist or fails to make a nomination of a member within 60 days of a vacancy, the DPS Director may appoint any person who meets the designated professional qualifications for that member.
- Eliminates a restriction preventing the Director from appointing more than one member to the Committee who is employed by or practices in the same health system.
- Further modifies that restriction to allow the Director to appoint persons who practice at the same hospital or with the same emergency medical service (EMS) organization, provided they do not primarily practice at the same hospital or with the same EMS organization.

Emergency vehicle permits and ambulance inspections

- Eliminates the requirement that the Board of Emergency Medical, Fire, and Transportation Services issue or deny a permit application for an emergency medical vehicle or aircraft within 60 days of receiving the application.
- Specifies that the Board must deny an application in accordance with the Administrative Procedure Act.

- Adds the national standards for ambulance construction approved by the American National Standards Institute and the standards for ambulance construction approved by the Commission on Accreditation of Ambulance Services (CAAS) as standards by which the Board may determine the sufficiency of an ambulance's interior components.

Mobile training officers

Chief Mobile Training Officer and instructor qualifications

- Establishes a series of additional training and experience requirements for the role of Chief Mobile Training Officer.
- Subjects instructors who train mobile training team officers, the deputy director of the Safety and Crisis Division, and any other office holder with equivalent responsibilities to the same training and experience requirements as the Chief Mobile Training Officer.

Competency examination

- Requires the Chief Mobile Training Officer to develop a competency examination as a prerequisite for serving as a mobile training officer and procedures for taking and retaking the examination.

Catastrophic incident reports

- Requires the Chief Mobile Training Officer to develop a report after a catastrophic incident at any school in the state that details lessons learned and another report that suggests strategies and legislation to mitigate or prevent the incident's reoccurrence.

Ohio Narcotics Intelligence Center

- Codifies the Ohio Narcotics Intelligence Center in DPS, which was originally created by a Governor's Executive Order.
- Requires the Center to perform specified duties, including coordinating law enforcement response to illegal drug activities for state agencies and acting as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives.
- Requires the DPS Director to appoint an executive director of the Center, who serves at the Director's discretion.
- Requires the executive director to advise the Governor and the Director on matters pertaining to illegal drug activities.

Security Grants Program

- Expands the eligible purposes of grants issued under the Security Grants Program managed by the Emergency Management Agency (EMA).
- Authorizes a nonprofit organization that serves a broad community or geographic area to apply for a security grant to provide antiterrorism services throughout its region, including armed security personnel.

- Authorizes multiple nonprofit organizations that are located at the same address to apply for separate security grants, provided the organizations can explain how they will each use the funding to address a different vulnerability.
- Requires the EMA to post information regarding the security grants and applicants on its website.

Specific investigatory work product

- Defines “specific investigatory work product” as used in the Public Records Law.

Trial preparation records and attorney work product records

- Exempts confidential attorney work product records from disclosure as a public record at any time.
- Clarifies that trial preparation records are exempt from the Public Records Law until after the conclusion of all direct appeals or, if no appeal is filed, at the expiration of the time during which an appeal may be filed.
- Defines “attorney work product record.”

Task Force on Bail

- Eliminates the Task Force on Bail created in S.B. 202 of the 134th General Assembly and assigns the duties of the eliminated Task Force to the Director of Public Safety.
- Expands the bail data collection and evaluation so that it also applies to multicounty correctional centers, municipal-county correctional centers, and multicounty-municipal correctional centers.

Joint Law Enforcement Training Center Study Commission

- Creates the Joint Law Enforcement Training Center Study Commission to study the cost of establishing the Joint Law Enforcement Training Center for Ohio.

Driver’s licenses and identification cards

Limited term licenses and identification cards

(R.C. 3501.01, 4507.01, 4507.061, 4507.09, 4507.13, 4507.50, 4507.501, and 4507.52)

The bill makes changes to Ohio law that governs driver’s licenses and state identification (ID) cards issued to temporary residents. Temporary residents generally are persons who are not U.S. citizens or permanent residents under U.S. immigration laws.²²¹ The purpose of the changes is to ensure that those licenses and ID cards issued to temporary residents conform to the federal REAL ID Act. Under that act, driver’s licenses and ID cards issued to temporary residents are described as “limited term,” with required expiration date standards. A temporary resident may

²²¹ O.A.C. 4501:1-1-35 and 4501:1-1-35.

renew a limited term license upon verification of the applicant's continued legal status in the U.S. Regarding their expiration dates, federal law requires a REAL ID-compliant license or ID issued to a temporary resident to expire as follows:

- If the license or ID is issued to a temporary resident who has a definite expiration date for the resident's authorized stay in the U.S., the license or ID must expire on that date or four years from the date of issuance, whichever is earlier.
- If the license or ID is issued to a temporary resident who does not have a definite expiration date for the resident's authorized stay in the U.S., the license or ID must expire one year from the date of issuance.²²²

In order to conform Ohio's law to the federal REAL ID Act, the bill does all of the following:

1. Renames the "nonrenewable/nontransferable" driver's license and ID card a "limited term license," "limited term identification card," and "limited term temporary identification card." (As a conforming change, the bill excludes the use of a limited term license as a form of photo identification for purposes of voting.)

2. Requires the limited terms licenses and ID cards to have the words "limited term" printed on them, along with any other characteristics prescribed by the Registrar.

3. Authorizes the limited term licensee or cardholder to renew the license or ID card within 90 days of expiration, provided the licensee or cardholder can verify his or her continued lawful status/legal presence in the U.S.

4. Aligns the required expiration dates more clearly with the required expiration dates in the federal Real ID Act, and requires the Registrar to adopt rules regarding the issuance of the limited term licenses and ID cards and their expiration dates. (In doing so, the bill also adjusts the law concerning expiration dates for licenses and ID cards generally.)

5. Requires, in general, all driver's licenses and ID cards issued in accordance with the federal REAL ID Act to comply with the corresponding federal regulations.

Return of ID cards

(R.C. 4507.52)

The bill removes the requirement that an ID cardholder surrender or return his or her original ID card to the BMV if any of the following occur:

1. The cardholder applies for a driver's license or CDL in Ohio or in another state;
2. The cardholder lost the original ID card, but then finds it after obtaining a duplicate or a reprint ID card; or
3. The cardholder changes his or her name and obtains a replacement ID card to reflect the new name.

²²² "Real ID Act," 49 U.S.C. 30301, *et seq.*, 6 C.F.R. Part 37.

As a conforming change, the bill also removes the requirement that the Registrar cancel any card surrendered to the BMV for any of the above reasons.

ID card reimbursements

(R.C. 4507.49; Section 373.30)

The bill allows the Registrar to establish a payment schedule that is more frequent than the monthly schedule established by current law for reimbursing deputy registrars for their services in issuing free ID cards. Under current law, unchanged by the bill, ID cards are free for anyone 17 and older on initial issuance, renewal, and replacement (for a name change). Prior to the ID cards being free, a deputy registrar received from an applicant \$6.50 for each 4-year ID card issued or renewed, \$13 for each 8-year ID card issued or renewed, and \$5 for each replacement ID card. Rather than the applicant paying the deputy registrar, current law now requires the Registrar to reimburse a deputy registrar in those amounts for each applicant. In order to be reimbursed for the service of issuing free ID cards, each deputy registrar must submit a verification form specifying the number of free cards issued or renewed during the course of the past month. The bill allows the Registrar to retain the monthly reimbursement schedule or establish a more frequent schedule, as determined by the Registrar.

The bill authorizes the DPS Director to certify to the OBM Director, on a quarterly basis, both of the following:

1. The amounts paid by DPS to deputy registrars to reimburse them for their services in issuing and renewing free ID cards or temporary ID cards that past quarter; and
2. The amount of fees not otherwise collected by the Registrar for any free ID cards and temporary ID cards issued or renewed by the Registrar that past quarter.

Furthermore, the bill authorizes the OBM Director to transfer up to \$4 million per fiscal year to the BMV's primary fund (Public Safety – Highway Purposes Fund) from the GRF. The money reimburses the BMV for its expenses related to the free ID cards. The General Assembly authorized any person 17 and over who applies for and receives an ID card from the BMV to receive and renew it for free. That authorization was established by H.B. 458 of the 134th General Assembly in association with requiring photo identification for voting.²²³

Commercial driver's licenses

Online driver's license, ID card, and CDL renewal

(R.C. 4507.061)

The bill provides for the online renewal of CDLs in a similar manner as driver's licenses and ID cards under current law. In so doing, the bill prohibits online renewal or issuance of any of the following:

²²³ R.C. 4507.49, not in the bill. For additional information regarding free ID cards, see the [LSC Final Analysis for H.B. 458 of the 134th General Assembly \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.

1. A CDL temporary instruction permit;
2. An initial CDL; and
3. A nonrenewable CDL.

Eligibility criteria

The bill modifies two existing eligibility requirements for online renewal. First, when a person is renewing a driver's license or ID card (or, under the bill, a CDL) online, the applicant's current license or ID card must have been issued when the applicant was age 21 or older. Further, the applicant must be under age 65 at the time of application. Under current law, the applicant must be between 21 and 65 years of age, and the age at which the applicant's current license was issued is not relevant. Second, the bill authorizes U.S. permanent residents who reside in Ohio to renew driver's licenses, CDLs, and ID cards online. Currently only U.S. citizens who reside in Ohio are eligible for online renewal.

The bill also establishes two new eligibility criteria that apply only to the online renewal of a CDL. Namely, a CDL holder must:

1. Be in compliance with all laws governing CDL issuance, including self-certification and medical certificate requirements; and
2. Not be under any CDL restriction specified by federal regulations.

CDL temporary instruction permit

(R.C. 4506.06)

The bill specifies that a commercial driver's license temporary instruction permit (CDLTIP) is a prerequisite to obtaining a CDL only when the CDL requires the passage of a skills test in order to receive it. Under current law, a CDLTIP is a prerequisite to obtaining any CDL. The bill also extends the maximum validity period for a CDLTIP from six months to 12 months. Finally, it repeals law that allows the Registrar to renew a CDLTIP only once in a two-year period. These changes align Ohio law with the Federal Motor Carrier Safety Administration rules.

CDL skills test third-party examiners

(R.C. 4506.09)

Under current law and as authorized by federal law, the DPS Director may contract with third parties to administer the skills test given to applicants for a CDL or a specific endorsement on the CDL. Recent updates to federal regulations pertaining to the CDL skills tests, examining locations, and the examiners necessitate corresponding changes to Ohio's laws.

Currently, third party examiners must meet the same qualification and training standards as the DPS examiners and pass a criminal background check. The bill clarifies that as part of meeting the DPS standards, third party examiners must meet the standards for the class of vehicle and the endorsements for which an applicant taking the skills test is applying. For example, an examiner giving the skills test to an applicant for the S-endorsement (school bus) must personally meet the standards for that S-endorsement. Finally, the bill reduces the number

of individuals to whom a CDL skills test examiner must administer a skills test from 32 to ten individuals per calendar year.

The bill also requires the contracted third party to schedule all skills test appointments through a system or method provided by the DPS Director. If the Director does not provide a system or method, the third party must submit a schedule of the skills test appointments to the Director weekly. The Director may request that any additions to the schedule, made after the weekly submission, be submitted at least two business days prior to the additional appointment. Under current law, the third parties must submit a schedule of skills test appointments to the Director at least two business days prior to each skills test.

Finally, the bill requires the third parties to keep a copy of their third-party agreement with the Director at their principal place of business. Current law requires third parties to maintain a variety of records at their business, including their CDL skills testing program certificate, their examiners' certificates of authorization to administer skills tests, completed skills test scoring sheets, a list of test routes, and a complete and accurate copy of their examiners' training records.

CDL waiver for farm-related service industries

(R.C. 4506.24)

The bill increases the validity period from 180 to 210 days per calendar year for a restricted CDL issued to a person operating commercial motor vehicles for a farm-related service industry. This change is in accordance with the federal authorization under 49 C.F.R. 383.3. This restricted CDL is a seasonal license available to authorized drivers working for farm retail outlets and suppliers, agri-chemical businesses, custom harvesters, and livestock feeders. Authorized drivers are able to obtain the restricted CDL without completing the typically required written or skills tests.

Fraudulent acts related to CDL testing

(R.C. 4506.04 and 4506.10)

The bill prohibits a person from knowingly providing false statements or engaging in any fraudulent acts related to CDL testing. A violation of the prohibition is a third degree misdemeanor. The Registrar also may cancel the offender's driver's license, CDL, CDLTIP, or any pending application for a license or permit. Current law includes a parallel provision that prohibits providing false information in any application for a CDL.

CDL disqualifications: human trafficking

(R.C. 4506.15, 4506.16)

The bill prohibits a CDL holder from using a commercial motor vehicle in the commission of a felony human trafficking offense. A violation is a first degree misdemeanor, which is in addition to any penalties imposed for the underlying conduct. Further, the bill establishes a lifetime disqualification from operating a commercial motor vehicle for a person who is convicted of violating the prohibition.

Strict liability declaration

The bill also clarifies that various offenses related to CDL holders are strict liability offenses, including the new offense specified above.

Motor vehicle OVI violation requiring surrender of CDL

(R.C. 4506.17)

The bill clarifies that a CDL holder or CDLTIP holder must immediately surrender the holder's CDL or permit to an arresting peace officer if the holder was operating a motor vehicle in violation of the state OVI law's (operating a vehicle while intoxicated) statutory limits for alcohol or a controlled substance. Current law requires the surrender when a holder exceeds the statutory limits for alcohol or a controlled substance under the CDL law, but it does not specifically require the surrender when the violation involves the general state OVI law.

Specialty license plates

Ohio Natural Energy Institute license plate

(R.C. 4501.21 and 4503.584)

The bill renames the existing "Ohio Oil and Gas Energy Education Program" license plate as the "Ohio Natural Energy Institute" license plate. Under current law, the \$20 contribution for that plate must go to that program and be used to fund scholarships for students pursuing careers in the oil and natural gas industry. The bill requires the contribution to instead go to the Ohio Natural Energy Institute and retains the requirement that it be used for those scholarships.

Loyal Order of the Moose license plate

(R.C. 4501.21 and 4503.703)

The bill requires representatives of the Ohio State Moose Association to select the logo and words for the existing Loyal Order of the Moose license plate design instead of the Ohio Chapter of the Loyal Order of the Moose as in current law. Additionally, the bill requires the contribution of \$20 to be paid to the Ohio State Moose Association instead of the Ohio Chapter.

Recovery is Beautiful license plate

(R.C. 4503.519)

The bill increases the contribution for a Recovery is Beautiful license plate from \$20 to \$21. The proceeds of the contributions must be distributed equally, as provided in current law, to the following organizations:

- NAMI Ohio (National Alliance on Mental Illness of Ohio);
- Ohio Peer Recovery Organizations; and
- OCAAR (Ohio Citizen Advocates for Addiction Recovery).

Other BMV services

Deputy registrars

(R.C. 4503.03)

Current law allows the Registrar to designate the following persons to act as a deputy registrar:

1. A county auditor if the county population is 40,000 or less;
2. A clerk of a court of common pleas if the county population is 40,000 or less (if the county population exceeds 40,000, but is less than 50,000, the clerk is eligible to act as a deputy registrar, but must participate in the competitive selection process);
3. An individual; or
4. A nonprofit corporation.

The bill eliminates the population restrictions that limit the counties in which a county auditor or clerk of court may serve. Thus, the Registrar may designate either the county auditor or clerk of court to serve as a deputy registrar in any county.

The bill then relieves the Registrar from the responsibility to appoint a deputy registrar in a county if the following apply:

1. No qualified individual or nonprofit corporation applies to be a deputy registrar via a competitive selection process or otherwise;
2. The clerk of court and county auditor do not agree to be designated as a deputy registrar; and
3. No deputy registrar in another county agrees to be designated for that county.

If the Registrar does not appoint a deputy registrar for a county, the Registrar may subsequently reestablish a deputy registrar for that county under the following circumstances:

1. The county auditor or clerk of court requests to be designated as a deputy registrar;
2. A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as the deputy registrar for the county in question; or
3. A qualified individual or nonprofit corporation requests to be designated as a deputy registrar for that county. If more than one qualified individual or nonprofit corporation makes the request, the Registrar may make the designation via a competitive selection process.

As a result of these changes, the bill eliminates the requirement that a deputy registrar live within a one-hour commute from the deputy registrar's office. It also eliminates the prohibition against a deputy registrar operating more than one deputy registrar office at any time, thus allowing a person to operate multiple deputy registrar offices.

Permanent removable windshield placard

(R.C. 4503.038, 4503.44, 4511.69, 4731.481, and 4734.161)

The bill creates a permanent removable windshield placard with no expiration date that authorizes the use of accessible parking spaces for a person with a permanent disability that limits or impairs the ability to walk. The Registrar determines the form, size, material, and color of the permanent placard, but it must display the word “permanent” on it. Under current law, the BMV issues two types of removable windshield placards: a standard placard that expires five years after the date of issuance and a temporary placard that expires within six months. The temporary placard is issued to a person whose disability is expected to last for less than six months (e.g., a broken leg). Those with a permanent disability, under current law, must renew the standard placard every five years.

To obtain a permanent placard, an applicant must submit a completed application to the BMV that includes a prescription from an authorized health care provider stating that the applicant’s disability is expected to be permanent. The cost of a permanent placard is \$15, compared to \$5 for the temporary or standard placard. Similar to the temporary and standard placard, that fee is waived for an armed forces veteran whose disability is service-connected.

If a person who was issued a permanent placard no longer requires it, the person must notify and surrender the placard to BMV within ten days of no longer requiring the placard. That person may still apply for a temporary or standard placard, if applicable.

The bill consolidates and makes conforming changes within the statutory language pertaining to the three different types of removable windshield placards. However, it makes no substantive changes concerning the issuance, cost, or display of the temporary placard or standard placard.

Titling a motor vehicle from another state

(R.C. 4505.061)

Under current law, when a person applies for a certificate of title for a motor vehicle that was last registered in another state, a physical inspection of the motor vehicle is required. The inspection may be conducted at various locations specified in the law. A physical inspection includes a verification of the make, body type, model, and vehicle identification number of the motor vehicle. The bill requires the inspection to also verify the mileage of the vehicle. The bill also clarifies that the required physical inspection certificate must be issued specifically by the Registrar, rather than DPS as in current law.

Reinstatement fees for noncompliance

(R.C. 4509.101)

The bill lowers to \$40 the reinstatement fee associated with a suspension for failing to have proof of financial responsibility (i.e., auto insurance). After the term of the driver’s license suspension, the offender must pay a reinstatement fee in order to reinstate his or her driver’s license. The fee compensates the BMV for suspensions, cancellations, or disqualifications of a

person's driving privileges and the administration of programs intended to reduce and eliminate threats to public safety through education, treatment, and other activities.

Under current law, the reinstatement fees for noncompliance are \$100 for a first offense, \$300 for a second offense within five years, and \$600 for a third or subsequent offense within five years. Under the bill, the lower \$40 fee applies regardless of the number of prior offenses. Accordingly, the bill also lowers the portion of the fee that is distributed to the existing Indigent Defense Support Fund to \$10, rather than the current law distribution of \$25 for a first offense, \$50 for a second offense within five years, and \$100 for a third or subsequent offense within five years. The remaining \$30 of the \$40 fee is distributed to the existing Public Safety – Highway Purposes Fund.

The bill's lower reinstatement fee and its distribution is consistent with the current law reinstatement fee imposed for driver's license suspensions that are more than 90 days and that do not specify an alternative fee amount.²²⁴

Traffic and vehicle equipment laws

Emergency vehicles using flashing lights

(R.C. 4513.17)

The bill allows a vehicle being used on a road or highway for emergency preparedness, response, and recovery activities to use flashing amber or flashing red and white lights if the vehicle is being operated by a person from one of the following:

1. The Ohio Emergency Management Agency;
2. A countywide emergency management agency;
3. A regional authority for emergency management; or
4. A program for emergency management.

Generally, under current law, flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. Current law provides for other exceptions to this prohibition, including certain flashing lights on all of the following: emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, rural mail delivery vehicles, highway maintenance vehicles, farm machinery and vehicles escorting farm machinery, and a funeral hearse or funeral escort vehicle.

Peer-to-peer car sharing programs

(R.C. 4516.01, 4516.02, 4516.05, 4516.06, 4516.08, 4516.09, and 4516.10)

The bill makes numerous changes related to a peer-to-peer (P2P) car sharing program's general responsibilities and insurance requirements. Under current law, a program must collect

²²⁴ R.C. 4507.45, not in the bill.

specified information from the shared vehicle owners and shared vehicle drivers both before entering into a P2P car sharing program agreement and as ongoing information for shared vehicles that are part of the platform. The bill removes information collection requirements for the following:

- The name and address of any alternative drivers (but still requires an alternative driver to submit their driver's license information);
- Information regarding whether the shared vehicle owner or shared vehicle drivers have a motor vehicle liability policy or other proof of financial responsibility;
- Information about any outstanding safety recalls on the shared vehicle; and
- Verification that the shared vehicle is properly registered in either Ohio or another state.

Additionally, under current law, a P2P car sharing program is prohibited from allowing a P2P car sharing agreement through its platform if it knows that (1) the person driving the shared vehicle is not a party to the agreement or does not have a valid driver's license, or (2) that the shared vehicle is not properly registered. The bill removes these prohibitions. It also removes requirements that the program collect, verify, and maintain records pertaining to the dates, times, and duration of time that a shared vehicle driver possess a shared vehicle through the program.

Similarly, the bill removes requirements that the program establish commercially reasonable procedures to determine safety recalls that apply to the shared vehicles on its platform after initial registration with the platform. However, it retains the requirements that the program verify that there are no outstanding safety recalls on initial registration and that shared vehicle owners alert the program to safety recalls after registration. The bill specifies that P2P car sharing is subject to the laws governing consumer sales practices; however, it removes current law references and specifications regarding the roles of each party (the program, the shared vehicle owner, and the shared vehicle driver) within those laws.

Related to the P2P car sharing agreement between the parties, the bill clarifies that if the parties agree to an alternative location for return of the vehicle, that new location must be incorporated into the agreement in order to trigger the car sharing termination time.

Insurance requirements

The bill expands on current law's general statement that an insurer may limit, restrict, or exclude coverage of a shared vehicle within its insurance policies. Specifically, the bill specifies that an insurer may exclude or limit coverage for bodily injury and property damage, uninsured or underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, collision physical damage coverage, and loss of earnings coverage. Insurance companies are free to either include, exclude, or otherwise limit coverage of a shared vehicle as they determine appropriate within the policies they establish with their customers.

Given that some insurance companies may not provide shared vehicle coverage to their customers, the bill requires a P2P car sharing program to have either a policy of insurance or a self-insurance mechanism to cover its liabilities and obligations, which include providing

coverage when the shared vehicle owner or shared vehicle driver cannot. Policies (and other forms of proof of financial responsibility) must still provide the minimum coverage required by Ohio law and recognize the motor vehicle as a shared vehicle. The bill adds that the policies must also not expressly exclude the use of the insured vehicle as a shared vehicle by a shared vehicle driver and that the program must cover the difference in minimum coverage if the shared vehicle is operated in a state that has higher minimum coverage requirements.

The bill retains current law that specifies that the shared vehicle owner, shared vehicle driver, or P2P car sharing program may provide the necessary insurance over the shared vehicle and the use of that vehicle through the program. However, it designates the person so providing the insurance as the “primary insurance.” The primary insurance must assume primary liability for the claim if:

- There is a dispute over who was operating the shared vehicle at the time of the loss (and the program does not have any applicable records to note the operator at the time); or
- There is a dispute as to whether the shared vehicle was returned to the correct location.

Additionally, the bill removes the requirement that the P2P car sharing program examine the insurance policy of the shared vehicle owner or shared vehicle driver (to determine if car sharing coverage is excluded) if the owner or driver refuses coverage provided by the program. The removal does not relieve the program of the requirement to provide insurance if the shared vehicle owner or shared vehicle driver’s insurance does not provide the required coverage and to ensure that the shared vehicle is insured during the car sharing period.

Motor vehicle sales, dealers, and manufacturers

Motor vehicle sales

(R.C. 4517.01)

The bill expands the meaning of “person” under the Motor Vehicle Sales Law to expressly include a variety of business entities, such as a sole proprietorship, a limited liability company, a limited liability partnership, and a business trust. Thus, the bill clarifies that these legally recognized business entities are subject to the requirements, prohibitions, and penalties of that law. The current law definition already includes a variety of business entities; however, those listed above were not expressly included in that list.

The bill also expands the meaning of “business” and “retail sale” within the Motor Vehicle Sales Law to encompass activities that are conducted and sales that occur through the internet or other computer networks. In recent years, numerous motor vehicle dealers, both established dealers and newer start-ups, have attempted to make the car buying process simpler by offering online buying options. The bill ensures that businesses selling motor vehicles online are still subject to BMV regulations pertaining to motor vehicle sales by expanding those definitions.

Likewise, the bill modifies the meaning of “motor vehicle leasing dealer,” affecting which entities must meet the statutory requirements for leasing dealers. The modification consists of both of the following:

1. It includes a financial institution acting as the lessor for a lease or a sublease; and

2. It excludes a new motor vehicle dealer that is not acting as the lessor and is only assisting in arranging a lease on the lessor's behalf.

Additionally, the bill creates a definitive meaning of "established place of business," which current law regulates, but does not define. Specifically, an established place of business is a permanent, enclosed building or structure that meets the following conditions:

1. It is owned, leased, or rented by the motor vehicle dealer;
2. It meets local zoning or municipal requirements;
3. At least one person regularly occupies it;
4. It is easily accessible to the public;
5. The records and files necessary to conduct the business are generally kept and maintained at the location or are readily accessible and available for reasonable inspection from that location (e.g., electronic files); and
6. It is not a residence, tent, temporary stand, storage shed, lot, or any temporary quarters, unless otherwise authorized by the Registrar.

Under law unchanged by the bill, motor vehicle dealers (new, used, and leasing), motor vehicle auction owners, and distributors are required to have an established place of business to sell, display, offer for sale, deal in, or lease motor vehicles.²²⁵ Thus, the specified conditions for an established place of business could potentially prevent those that do not meet those conditions from licensure under the Motor Vehicle Sales Law.

Manufacturer, dealer, and distributor vehicle registration

(R.C. 4503.27, 4503.271, 4503.28, 4503.30, 4503.301, 4503.31, 4503.311, 4503.312, 4503.32, 4503.33, and 4503.34)

The bill requires the Registrar to issue a license plate, rather than a placard as in current law, to vehicle manufacturers, dealers, distributors, and other similar professionals that require a temporary identification for the vehicles that are in their possession. Under law unchanged by the bill, the Registrar and BMV license and regulate motor vehicle manufacturers, dealers, and distributors. As part of that licensing, the Registrar assigns those entities a distinctive number. The Registrar, historically, issued the entity a placard displaying that distinctive number. The entity could then use the placard on its various vehicles when each of the vehicles was operated on the public streets and highways (e.g., during a test drive by a customer). According to the BMV, current practice is to issue a license plate, rather than a placard, for the entities to use on the vehicles.

In addition to the original license plate, a manufacturer, dealer, or distributor may request additional license plates with the same distinctive number. Having additional copies allows the entity to have multiple vehicles driven at the same time. The entity pays an annual \$5 fee for each additional license plate. Historically, the Registrar issued certified copies of the original

²²⁵ R.C. 4517.03, 4517.12, and 4517.13, not in the bill.

certificate of registration for each of the additional placards. Currently, the Registrar issues instead an additional registration certificate with the same numbering as the original. The bill updates the registration laws related to motor vehicle manufacturers, dealers, and distributors to reflect the current practices.

Along with motor vehicle manufacturers, dealers, and distributors, other similar professionals use the temporary identification placards/license plates. The bill applies the same changes to license plates and additional certificates of registration to those professionals. Those professionals include:

- Manufacturers, dealers, and distributors of commercial cars, commercial tractors, trailers, or semitrailers;
- Those engaged in testing motor vehicles or motorized bicycles;
- Those who collect motor vehicles as the collateral of a secured transaction;
- Those transporting or holding motor vehicles for an insurance company for salvage disposition;
- Those engaged in salvage operations or scrap metal processing;
- Those testing motor vehicles as part of an Ohio nonprofit corporation;
- Those engaged in rustproofing, reconditioning, or installing equipment or trim on motor vehicles;
- Those engaged in manufacturing articles for attachment to motor vehicles;
- Towers (for the motor vehicle being towed to a point of storage);
- Those using trailers who are engaged in the business of selling tangible personal property other than motor vehicles;
- Manufacturers and dealers in watercraft trailers;
- Manufacturers, distributors, and retail sellers of utility trailers or trailers used for motorcycles, snowmobiles, or all-purpose vehicles; and
- A drive-away operator or trailer transporter (a person that transports new or used motor vehicles).

Motor Vehicle Dealers Board

(R.C. 4517.32 and 4517.35)

The bill authorizes the Motor Vehicle Dealers Board to hold and attend meetings and to conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology. Under current Open Meetings Law, public bodies must take official action and conduct all deliberations in open meetings, unless specifically excepted by law, and a member of a public body must be present in person at a meeting open to the public to be

considered present.²²⁶ The bill authorizes the Board to conduct virtual meetings and hearings, and applies all of the following:

1. Any decision, resolution, rule, or formal action of any kind has the same effect as if it occurred during an open meeting or hearing in which members are present in person.

2. Board Members who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, must be considered present as if in person at the meeting or hearing, must be permitted to vote, and must be counted for purposes of determining whether a quorum is present.

3. The Board must provide notification of meetings and hearings to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least 24 hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except for an emergency requiring immediate official action. For an emergency, the Board must immediately notify the applicable persons of the time, place, and purpose of the meeting or hearing.

4. The Board must provide the public access to a meeting held under this provision, and to any hearing held under this provision that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including examples such as livestreaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The Board must ensure that the public can observe, when applicable, and hear the discussions and deliberations of all Board members, whether the member is participating in person or electronically.

5. Individuals subject to Board business, including licensees, representatives, witnesses, or subject matter experts must attend the meeting in person.

The bill also specifies that when Board members conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the Board must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses and to receive documentary testimony and physical evidence.

Also, the bill clarifies that meetings held under this provision do not exempt the Board from other requirements of Open Meetings Law that do not conflict with it.

Corrective changes

(R.C. 4517.05, 4517.06, 4517.07, and 4517.08)

The bill makes corrective changes to several references in current law to an “annual renewal” for the used motor vehicle license, the motor vehicle leasing dealer’s license, the motor

²²⁶ R.C. 121.22, not in the bill.

vehicle auction owner's license, and the distributor's license. In practice, and in a separate reference for all of the licenses, they renew biennially.²²⁷

Scrap metal and bulk merchandise container dealers

(R.C. 4737.04)

The bill authorizes DPS to investigate alleged violations of the law governing purchase, sorting, grading, and shipping scrap metal, bulk merchandise containers, and special purpose articles such as beer kegs, cable and electrical wire, grave markers, guard rails, street signs, light poles, historical markers, grocery carts, railroad materials, and metal trays ("Secondhand Dealer Law"). The Secondhand Dealer Law requires scrap metal dealers and bulk merchandise container dealers to register with DPS, keep detailed records of all transactions, and issue daily reports of those transactions to the DPS Director. Furthermore, the Law prohibits dealers from purchasing or receiving articles from persons identified on a list of known thieves or receivers of stolen property, maintained by local law enforcement and published by the DPS Director.

Appearance at dealer's place of business

During the course of an investigation, the bill authorizes DPS employees and designated representatives to appear at a registered dealer's place of business during normal business hours. While on the premises, the employee or representative may inspect articles, observe business transactions, and record license plate numbers of motor vehicles used to transport articles. If the investigation involves an unregistered person acting as a scrap metal dealer or bulk merchandise container dealer, the bill requires DPS employees and designated representatives to request the assistance of local law enforcement before appearing at the person's suspected place of business.

Cease and desist orders

The bill also establishes a procedure by which the DPS Director may seek to enjoin an unregistered person from acting as a scrap metal dealer or bulk merchandise container dealer. First, the Director may issue a show cause order directing the unregistered person to demonstrate why their business activities are not subject to registration under the Secondhand Dealer Law. The Director must issue notice of the order and hold a hearing in accordance with the Administrative Procedure Act (R.C. Chapter 119). Following the hearing, if the Director determines that the person's activities are subject to the registration requirement, the Director may issue an order directing the person to cease and desist the activities. The cease-and-desist order must identify the unregistered person and describe the prohibited business activities. The unregistered person may appeal the cease-and-desist order to the court of common pleas of Franklin County or the county where the person's business is located.

Prosecution

The bill authorizes the DPS Director to request that the Attorney General, county prosecutor, or city law director prosecute an alleged violation of the Secondhand Dealer Law,

²²⁷ R.C. 4517.10.

including a violation of a cease-and-desist order issued by the DPS Director to an unregistered person. A court of competent jurisdiction may grant an injunction or any other relief warranted by the facts.

The bill specifies that, for any proceeding in which a person claims to be exempt from the Secondhand Dealer Law, the burden of proof is on the person claiming the benefit of the exemption.

Scrap metal dealers

The bill specifies that, for the purposes of the Secondhand Dealer Law, a “scrap metal dealer” is the business engaged in scrap metal dealing, not the owner or operator of that business.

State Board of Emergency Medical, Fire, and Transportation Services

(R.C. 4765.02 and 4765.04)

The bill eliminates a requirement that each organization required to nominate persons to the State Board of Emergency Medical, Fire, and Transportation Services put forth three nominees. Instead, it allows each organization to nominate any number of persons. As under current law, the Governor must then appoint a Board member from those nominees.

For example, one member of the Board must be a physician certified by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The Ohio Chapter of the American College of Emergency Physicians and the Ohio Osteopathic Association must each nominate three persons for this position. Under the bill, each of these organizations may nominate any number of persons for the position. The Governor must then appoint the physician Board member from those nominees.

In addition, the bill does both of the following regarding the Board member who must be certified to teach emergency medical services training and who must hold a certificate to practice as an EMT, AEMT, or paramedic:

- Eliminates the requirement that the Governor appoint the member from among three persons nominated by the Ohio Emergency Medical Technician Instructors Association and the Ohio Instructor/Coordinators’ Society; and
- Instead, requires the member to be appointed from among EMTs, AEMTs, and paramedics nominated by the Ohio Association of Professional Firefighters and EMTs, AEMTs, and paramedics nominated by the Northern Ohio Fire Fighters.

The bill specifies that if any organization required to make nominations to the Board ceases to exist or fails to make a nomination within 60 days of a vacancy, the Governor may appoint any person who meets the professional qualifications designated for that member.

Finally, the bill extends the potential time a member of the Board may continue in office if a successor does not take office from 60 days to three years. For reference, a Board member's term is three years.

The bill also eliminates a requirement that each organization required to nominate persons to the Board's Trauma Committee put forth three nominees. Instead, it allows each designated organization to nominate any number of persons. The DPS Director must then appoint members from those nominees. The bill specifies that if any nominating organization ceases to exist or fails to nominate a member within 60 days of a vacancy, the Director may appoint any person who meets the professional qualifications designated for that member.

The bill eliminates a restriction preventing the Director from appointing more than one member to the Trauma Committee who is employed by or practices in the same health system. It also allows the Director to appoint persons who practice at the same hospital or with the same emergency medical service (EMS) organization, provided they do not primarily practice at the same hospital or with the same EMS organization. Currently, the Director cannot appoint more than one member who is employed by or practices at the same hospital, health system, or EMS organization.

Emergency vehicle permits and ambulance inspections

(R.C. 4766.07)

The bill eliminates the current requirement that the State Board of Emergency Medical, Fire, and Transportation Services issue or deny a permit application for an emergency medical vehicle or aircraft within 60 days of receiving the application. It also specifies that the Board must deny an application in accordance with the Administrative Procedure Act (R.C. Chapter 119).

The bill allows the Board to determine the sufficiency of an ambulance's medical equipment, communication system, and interior by applying new sets of standards that are not allowed under current law. Under current law, the Board must evaluate all of these interior components by applying the federal requirements for ambulance construction in effect at the time the ambulance was manufactured. The bill allows the Board to also apply the following standards in effect at the time the ambulance was manufactured:

1. The national standard for ambulance construction approved by the American National Standards Institute (ANSI); and
2. The standard for ambulance construction approved by the Commission on Accreditation of Ambulance Services (CAAS).

Thus, the Board has the option of applying the federal standards, the ANSI standards, or the CAAS standards.

Mobile training officers

(R.C. 5502.701 and 5502.702)

Chief Mobile Training Officer and instructor qualifications

The bill requires the Chief Mobile Training Officer and instructors who train mobile training team officers to meet additional training and experience requirements, including all of the following:

1. At least five years of law enforcement experience or equivalent military experience;
2. At least five years of experience on a tactical law enforcement response team, including a SWAT, hostage rescue, or special response team, or equivalent military experience;
3. At least three years of experience as a leader or supervisor of a specialized law enforcement response team, or equivalent military experience, and, in that role, planned, coordinated, and conducted the special response team's operations;
4. Being qualified to serve as an instructor at the Ohio Peace Officer Training Academy facilities to conduct mobile training team training and authorized to use the Academy's facilities to conduct mobile training team training;
5. Experience conducting on-site physical security and threat assessments;
6. Computer software and communications skills necessary to effectively present information to, build relationships with, and coordinate with trainers, first responders, and school staff, including a working knowledge of the Ohio Law Enforcement Gateway or its successor; and
7. The necessary knowledge and experience to develop training that fulfills all the requirements under law and to revise the training as needed by incorporating feedback from mobile training team course critiques, after action reports, and first responders.

Under continuing law, the Chief Mobile Training Officer and instructors who train mobile training team officers must be either licensed peace officers or veterans and must meet all additional qualifications prescribed by rule.

The bill also requires the Deputy Director of the Safety and Crisis Division and other office holders with equivalent responsibilities to meet all of the same existing and additional training and experience requirements as the Chief Mobile Training Officer.

Competency examination

The bill requires the Chief Mobile Training Officer to develop a competency examination for mobile training officers. An individual must pass the competency examination to be eligible for appointment as a mobile training officer.

The bill permits an individual who fails the competency examination to retake it on the same day. If the individual fails the retake examination, then the individual must take a three-day training course and may retake the examination after completing the course.

Individuals who are mobile training officers on the amendment's effective date must take the competency examination. If the individual fails the examination after undergoing the training process and second retake of the examination, then the individual may no longer be a mobile training officer.

Catastrophic incident reports

The bill requires the Chief Mobile Training Officer to, following a catastrophic incident in any school in the state, develop one report that details the lessons learned from the incident and a second report that suggests strategies and legislation to mitigate or prevent the incident's recurrence.

Ohio Narcotics Intelligence Center

(R.C. 5502.69)

The bill codifies the Ohio Narcotics Intelligence Center in DPS. According to DPS, the Center was created by Governor DeWine in 2019 via Executive Order 2019-20D.

The Center must do all of the following:

1. Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives;
2. Collect, analyze, maintain, and disseminate information to support law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records that are not considered a public record.
3. Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities; and
4. Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies.

The DPS Director must appoint an executive director of the Center. The executive director must serve at the Director's discretion. The executive director must advise the Governor and the Director on matters pertaining to illegal drug activities. To carry out the duties assigned under the bill, the executive director, subject to the direction and control of the Director, may appoint and maintain necessary staff and may enter into any necessary agreements.

Security Grants Program

(Sections 373.10 and 373.20)

The bill expands the eligible purposes of grants issued under the Security Grants Program. The Emergency Management Agency (EMA) administers the program and it has existed in its current form since approximately 2019. Through the program, the EMA issues grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and

licensed preschools. Under current law, the EMA issues grants for various security and counterterrorism purposes. The bill keeps to that general purpose but expands the specific uses of the grant money to include the following:

1. The lease, in addition to purchase, of qualified equipment (e.g., equipment for emergency and crisis communication, crisis management, or trauma and crisis response);
2. The placement of qualified equipment at a location that is not owned by the grantee, provided the appropriate authorizations are given by the political subdivision or law enforcement agency with jurisdiction over the location;
3. To fund coordinated training between law enforcement, counterterrorism agencies, and emergency responders; and
4. To continue coverage of costs that were covered by a prior grant issued to the grantee by the EMA.

The bill also authorizes a nonprofit organization that serves a broad community or geographic area to use the grant money to provide antiterrorism-related services for all of its served area, including armed security personnel. Prior to receiving the grant, however, the nonprofit organization must provide the EMA with any appropriate compliance documentation required by the EMA. Additionally, multiple nonprofit organizations that are located at the same address may apply for separate security grants, if the nonprofit organizations can explain how they will each use the funding to address a different vulnerability. The bill requires the EMA to include information about the Security Grants and the application process on its website.

Specific investigatory work product

(R.C. 149.43)

The bill specifies that “specific investigatory work product,” as used in the definition of “confidential law enforcement investigatory record” and therefore exempted from public disclosure by the Public Records Law, means any record, thing, or item that documents the independent thought processes, factual findings, mental impressions, theories, strategies, opinions, or analyses of an investigating officer or an agent of an investigative agency and also includes any documents and evidence collected, written or recorded interviews or statements, interview notes, test results, lab results, preliminary lab results, and other internal memoranda, things, or items created during any point of an investigation. “Specific investigatory work product” does not include basic information regarding date, time, address, and type of incident.

Trial preparation records and attorney work product records

(R.C. 149.43)

Under the bill, confidential attorney work product records are exempt from disclosure as public records at any time. The bill defines “attorney work product record” as any record that documents the independent thought processes, mental impressions, legal theories, strategies, opinions, analysis, or reasoning of an attorney for the state, including, but not limited to, reports, memoranda, or other internal documents made by a prosecuting attorney, or the prosecuting attorney’s agent, in connection with the investigation or prosecution of a case.

Additionally, under the bill, trial preparation records are exempt from the Public Records Law until after the conclusion of all direct appeals, or, if no appeal is filed, at the expiration of the time during which an appeal may be filed.

Task Force on Bail

(Sections 610.20 and 755.40)

The bill eliminates the Task Force on Bail created in S.B. 202 of the 134th General Assembly and assigns the duties of the eliminated task force to the Director of Public Safety.

Under the bill, the Director of Public Safety must collect and evaluate data regarding the current usage of bail in Ohio. The Director is required to develop a standardized questionnaire form and provide the form by September 30, 2023, to each county sheriff and to each officer or other person in charge of the operation of a multicounty correctional center, municipal-county correctional center, or multicounty-municipal correctional center. Each county sheriff or person in charge of the operation of a multicounty correctional center, municipal-county correctional center, or multicounty-municipal correctional center must fill out the form on a daily basis beginning on October 1, 2023, and ending with data collected November 30, 2023. The forms must be returned to the Director by January 1, 2024.

The forms, which match the forms to be used by the Task Force on Bail eliminated by the bill, must collect (1) The total number of people currently housed in the jail, multicounty correctional center, municipal-county correctional center, or multicounty-municipal correctional center, (2) the total number of inmates currently serving sentences and the total number being held pretrial, (3) The total number of people being held on felony charges pretrial, broken down by the level of felony charged and the length of time, and (4) The total number of people being held on misdemeanor charges pretrial, broken down by the level of misdemeanor charge and the length of time.

The Director must prepare and submit a report, no later than March 1, 2024, to the President of the Senate, the Speaker of the House of Representatives, the Chairperson of the House Criminal Justice Committee, and the Chairperson of the Senate Judiciary Committee. The report must include a copy of all of the forms submitted and a summary of that information.

Joint Law Enforcement Training Center Study Commission

(Section 701.120)

The bill creates the Joint Law Enforcement Training Center Study Commission to study the cost of establishing the Joint Law Enforcement Training Center for Ohio as the only place where law enforcement officers can receive the required training to be peace officers and troopers. The Commission will be made up of three members: the Director of Public Safety or a designee of the Director who has experience in law enforcement funding issues, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the President of the Senate. Members of the commission will serve without compensation.

The Speaker and Senate President are required to make their initial appointments not later than 30 days after the bill's effective date. If a member of the Commission ceases to hold

the position that led to that member's appointment, the member is disqualified and a vacancy occurs. Vacancies of appointed members will be filled in the same manner as original appointments, should one occur.

The Commission must hold its first meeting not later than 90 days after the bill's effective date, regardless of whether all members have been appointed. At its first meeting, the Commission must select a chairperson. The Commission must adopt procedures to govern its proceedings and meet as necessary at the call of the chairperson. A majority of Commission members constitutes a quorum, and formal recommendations will be made by a vote of the majority of the quorum present. Commission meetings will be open to the public, and the Commission will keep minutes of its meetings as public records under the Public Records Law.

Upon completion of the study, the Commission must prepare a report of its findings and recommendations for establishing the Joint Law Enforcement Training Center for Ohio. Not later than July 1, 2024, the Commission will submit the report to the Governor, the General Assembly, and the Legislative Service Commission. Upon submitting the report, the Commission ceases to exist.