

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 231

Representative Fowler Arthur

**Cosponsors: Representatives Lipps, Seitz, Dean, Kick, Ray, Pavliga, Zeltwanger,
McClain, Gross, Wiggam, Hall, Stoltzfus, Click, Ferguson, Grendell, Merrin,
Young, B., Brinkman, John**

A BILL

To amend sections 4501.02 and 4517.05 and to enact 1
section 4517.321 of the Revised Code to prohibit 2
the Registrar of Motor Vehicles or the Motor 3
Vehicle Dealers Board from adopting rules 4
regarding the hours of operation of a used motor 5
vehicle dealer as a condition of licensure. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4501.02 and 4517.05 be amended 7
and section 4517.321 of the Revised Code be enacted to read as 8
follows: 9

Sec. 4501.02. (A) There is hereby created in the 10
department of public safety a bureau of motor vehicles, which 11
shall be administered by a registrar of motor vehicles. The 12
registrar shall be appointed by the director of public safety 13
and shall serve at the director's pleasure. 14

The registrar shall administer the laws of the state 15
relative to the registration of and certificates of title for 16

motor vehicles, and the licensing of motor vehicle dealers, 17
motor vehicle leasing dealers, distributors, and salespersons, 18
and of motor vehicle salvage dealers, salvage motor vehicle 19
auctions, and salvage motor vehicle pools. The registrar also 20
shall, in accordance with section 4503.61 of the Revised Code, 21
take those steps necessary to enter this state into membership 22
in the international registration plan and carry out the 23
registrar's other duties under that section. The registrar, with 24
the approval of the director of public safety, may do all of the 25
following: 26

(1) Adopt such forms and rules as are necessary to carry 27
out all laws the registrar is required to administer; 28

(2) Appoint such number of assistants, deputies, clerks, 29
stenographers, and other employees as are necessary to carry out 30
such laws; 31

(3) Acquire or lease such facilities as are necessary to 32
carry out the duties of the registrar's office; 33

(4) Apply for, allocate, disburse, and account for grants 34
made available under federal law or from other federal, state, 35
or private sources; 36

(5) Establish accounts in a bank or depository and deposit 37
any funds collected by the registrar in those accounts to the 38
credit of "state of Ohio, bureau of motor vehicles." Within 39
three days after the deposit of funds in such an account, the 40
registrar shall draw on that account in favor of the treasurer 41
of state. The registrar may reserve funds against the draw to 42
the treasurer of state to the extent reasonably necessary to 43
ensure that the deposited items are not dishonored. The 44
registrar may pay any service charge usually collected by the 45

bank or depository; 46

(6) Develop rules that establish disqualifying offenses 47
for licensure as a motor vehicle salvage dealer pursuant to 48
sections 4738.04, 4738.07, and 4776.10 of the Revised Code. 49

The registrar shall give a bond for the faithful 50
performance of the registrar's duties in such amount and with 51
such security as the director approves. When in the opinion of 52
the director it is advisable, any deputy or other employee may 53
be required to give bond in such amount and with such security 54
as the director approves. In the discretion of the director, the 55
bonds authorized to be taken on deputies or other employees may 56
be individual, schedule, or blanket bonds. 57

The director of public safety may investigate the 58
activities of the bureau and have access to its records at any 59
time, and the registrar shall make a report to the director at 60
any time upon request. 61

All laws relating to the licensing of motor vehicle 62
dealers, motor vehicle leasing dealers, distributors, and 63
salespersons, and of motor vehicle salvage dealers, salvage 64
motor vehicle auctions, and salvage motor vehicle pools, 65
designating and granting power to the registrar shall be 66
liberally construed to the end that the practice or commission 67
of fraud in the business of selling motor vehicles and of 68
disposing of salvage motor vehicles may be prohibited and 69
prevented. However, the registrar shall not, by rule or 70
otherwise, require a specific number of hours of operation or a 71
specific time of operation as a condition for a used motor 72
vehicle dealer to either obtain or maintain a used motor vehicle 73
dealer license. 74

(B) There is hereby created in the department of public safety a division of emergency medical services, which shall be administered by an executive director of emergency medical services appointed under section 4765.03 of the Revised Code.

Sec. 4517.05. (A) Each person applying for a used motor vehicle dealer's license shall annually, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which such business is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code. The registrar shall not require the applicant to list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity applying for the used motor vehicle dealer's license has successfully completed a used motor vehicle dealer training course.

(B) (1) Except as provided in divisions (B) (2) and (3) of this section, an owner, officer, partner, or director of a business entity applying for a used motor vehicle dealer license ninety days or more after ~~the effective date of this amendment~~

September 4, 2012, shall, within six months immediately 106
preceding the date of applying for the license, successfully 107
complete a used motor vehicle dealer training course that 108
complies with the rules of the motor vehicle dealers board 109
adopted under division (C) of this section. 110

(2) No person applying for a used motor vehicle dealer's 111
license shall be required to have an owner, officer, partner, or 112
director of the business entity complete a used motor vehicle 113
dealer training course if any owner, officer, partner, or 114
director of the business entity held a used or new motor vehicle 115
dealer's license within the two-year period immediately 116
preceding the date of application and the previously held 117
license was not revoked or suspended. 118

(3) No person applying for a used motor vehicle dealer's 119
license shall be required to have an owner, officer, partner, or 120
director of the related business entity complete a used motor 121
vehicle dealer training course if the person holds a salvage 122
motor vehicle auction license pursuant to Chapter 4738. of the 123
Revised Code or a motor vehicle auction owner license pursuant 124
to Chapter 4517. of the Revised Code. 125

(C) (1) In accordance with Chapter 119. of the Revised 126
Code, the motor vehicle dealers board shall adopt rules 127
governing used motor vehicle dealer training courses. The rules 128
shall do all of the following: 129

(a) Require a course provider to be an institution of 130
higher education, as defined in section 3345.12 of the Revised 131
Code, or a relevant professional or trade association that has 132
been in existence for more than five years and has a majority of 133
members who are motor vehicle dealers licensed in this state; 134

(b) Establish any additional qualifications for course providers;	135 136
(c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction;	137 138 139 140
(d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the person named on the certificate successfully completed at least six hours of used motor vehicle dealer training;	141 142 143 144
(e) Establish any other reasonable requirements the board considers necessary.	145 146
(2) The board shall maintain information received from any course provider concerning course location, content, length, and cost and shall provide the information to any person upon request.	147 148 149 150
(3) The registrar shall not issue a used motor vehicle dealer license to any person subject to division (B)(1) of this section unless an owner, officer, partner, or director of a business entity applying for the used motor vehicle dealer license has successfully completed a used motor vehicle dealer training course that complies with the requirements of this division.	151 152 153 154 155 156 157
(D)(1) Any person offering used motor vehicle dealer training courses shall do all of the following:	158 159
(a) Conform the course to rules of the motor vehicle dealers board;	160 161
(b) Establish reasonable fees for courses offered;	162

(c) Issue, on a form prescribed by the board, a certificate of completion to each person who successfully completes a course of instruction;	163 164 165
(d) Notify the board of the course location, content, length, and cost.	166 167
(2) A course provider may use information and material from the bureau of motor vehicles and the attorney general.	168 169
(E) Nothing in this section shall affect or apply to new motor vehicle dealer licensing.	170 171
<u>Sec. 4517.321. The motor vehicle dealers board shall not, by rule or otherwise, require a specific number of hours of operation or a specific time of operation as a condition for a used motor vehicle dealer to either obtain or maintain a used motor vehicle dealer license.</u>	172 173 174 175 176
Section 2. That existing sections 4501.02 and 4517.05 of the Revised Code are hereby repealed.	177 178