

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 538

Representative Boyce

A BILL

To amend section 4503.03 of the Revised Code to
require the Registrar of Motor Vehicles to adopt
rules that establish a training program for
deputy registrars and their employees regarding
the proper issuance of driver's licenses that
includes training on evaluating all types of
documentation necessary for issuing a driver's
license and a cultural competency component, and
that establish an administrative penalty
applicable to a deputy registrar that improperly
denies a driver's license to an eligible
applicant.

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

Section 1. That section 4503.03 of the Revised Code be
amended to read as follows:

Sec. 4503.03. (A) (1) (a) Except as provided in division (B)
of this section, the registrar of motor vehicles may designate
one or more of the following persons to act as a deputy
registrar in each county:

(i) The county auditor in any county, subject to division

(A) (1) (b) (i) of this section;	20
(ii) The clerk of a court of common pleas in any county, subject to division (A) (1) (b) (ii) of this section;	21 22
(iii) An individual;	23
(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.	24 25
(b) (i) If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar.	26 27 28 29 30
(ii) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of the county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.	31 32 33 34 35 36 37 38 39 40 41 42 43 44
Notwithstanding the county population restrictions in division (A) (1) (b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar	45 46 47 48

may ask the clerk of a court of common pleas to serve as the 49
deputy registrar for that county. 50

(c) As part of the selection process in awarding a deputy 51
registrar contract, the registrar shall consider the customer 52
service performance record of any person previously awarded a 53
deputy registrar contract pursuant to division (A)(1) of this 54
section. 55

(2) Deputy registrars shall accept applications for the 56
annual license tax for any vehicle not taxed under section 57
4503.63 of the Revised Code and shall assign distinctive numbers 58
in the same manner as the registrar. Such deputies shall be 59
located in such locations in the county as the registrar sees 60
fit. There shall be at least one deputy registrar in each 61
county. 62

Deputy registrar contracts are subject to the provisions 63
of division (B) of section 125.081 of the Revised Code. 64

(B)(1) The registrar shall not designate any person to act 65
as a deputy registrar under division (A)(1) of this section if 66
the person or, where applicable, the person's spouse or a member 67
of the person's immediate family has made, within the current 68
calendar year or any one of the previous three calendar years, 69
one or more contributions totaling in excess of one hundred 70
dollars to any person or entity included in division (A)(2) of 71
section 4503.033 of the Revised Code. As used in this division, 72
"immediate family" has the same meaning as in division (D) of 73
section 102.01 of the Revised Code, and "entity" includes any 74
political party and any "continuing association" as defined in 75
division (C)(4) of section 3517.01 of the Revised Code or 76
"political action committee" as defined in division (C)(8) of 77
that section that is primarily associated with that political 78

party. For purposes of this division, contributions to any 79
continuing association or any political action committee that is 80
primarily associated with a political party shall be aggregated 81
with contributions to that political party. 82

The contribution limitations contained in this division do 83
not apply to any county auditor or clerk of a court of common 84
pleas. A county auditor or clerk of a court of common pleas is 85
not required to file the disclosure statement or pay the filing 86
fee required under section 4503.033 of the Revised Code. The 87
limitations of this division also do not apply to a deputy 88
registrar who, subsequent to being awarded a deputy registrar 89
contract, is elected to an office of a political subdivision. 90

(2) The registrar shall not designate either of the 91
following to act as a deputy registrar: 92

(a) Any elected public official other than a county 93
auditor or, as authorized by division (A)(1)(b) of this section, 94
a clerk of a court of common pleas, acting in an official 95
capacity, except that, the registrar shall continue and may 96
renew a contract with any deputy registrar who, subsequent to 97
being awarded a deputy registrar contract, is elected to an 98
office of a political subdivision; 99

(b) Any person holding a current, valid contract to 100
conduct motor vehicle inspections under section 3704.14 of the 101
Revised Code. 102

(3) As used in division (B) of this section, "political 103
subdivision" has the same meaning as in section 3501.01 of the 104
Revised Code. 105

(C)(1) Except as provided in division (C)(2) of this 106
section, deputy registrars are independent contractors and 107

neither they nor their employees are employees of this state, 108
except that nothing in this section shall affect the status of 109
county auditors or clerks of courts of common pleas as public 110
officials, nor the status of their employees as employees of any 111
of the counties of this state, which are political subdivisions 112
of this state. Each deputy registrar shall be responsible for 113
the payment of all unemployment compensation premiums, all 114
workers' compensation premiums, social security contributions, 115
and any and all taxes for which the deputy registrar is legally 116
responsible. Each deputy registrar shall comply with all 117
applicable federal, state, and local laws requiring the 118
withholding of income taxes or other taxes from the compensation 119
of the deputy registrar's employees. Each deputy registrar shall 120
maintain during the entire term of the deputy registrar's 121
contract a policy of business liability insurance satisfactory 122
to the registrar and shall hold the department of public safety, 123
the director of public safety, the bureau of motor vehicles, and 124
the registrar harmless upon any and all claims for damages 125
arising out of the operation of the deputy registrar agency. 126

(2) For purposes of Chapter 4141. of the Revised Code, 127
determinations concerning the employment of deputy registrars 128
and their employees shall be made under Chapter 4141. of the 129
Revised Code. 130

(D) (1) With the approval of the director, the registrar 131
shall adopt rules governing deputy registrars. The rules shall 132
do all of the following: 133

(a) Establish requirements governing the terms of the 134
contract between the registrar and each deputy registrar and the 135
services to be performed; 136

(b) Establish requirements governing the amount of bond to 137

be given as provided in this section;	138
(c) Establish requirements governing the size and location of the deputy's office;	139 140
(d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment;	141 142 143 144
(e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements;	145 146 147
(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office;	148 149
(g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend;	150 151 152 153 154 155
(h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county;	156 157 158
(i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state;	159 160
(j) Except as provided in division (D) (2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;	161 162 163
(k) For the duration of any deputy registrar contract, require that the deputy registrar occupy a primary residence in	164 165

a location that is within a one-hour commute time from the 166
deputy registrar's office or offices. The rules shall require 167
the registrar to determine commute time by using multiple 168
established internet-based mapping services. 169

(l) Establish procedures for a deputy registrar to request 170
the authority to collect reinstatement fees under sections 171
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 172
4510.72, and 4511.191 of the Revised Code and to transmit the 173
reinstatement fees and two dollars of the service fee collected 174
under those sections. The registrar shall ensure that, not later 175
than January 1, 2012, at least one deputy registrar in each 176
county has the necessary equipment and is able to accept 177
reinstatement fees. The registrar shall deposit the service fees 178
received from a deputy registrar under those sections into the 179
state bureau of motor vehicles fund created in section 4501.25 180
of the Revised Code and shall use the money for deputy registrar 181
equipment necessary in connection with accepting reinstatement 182
fees. 183

(m) Establish all of the following: 184

(i) A training program for deputy registrars and their 185
employees regarding the proper issuance of driver's licenses 186
that includes training on evaluating all types of documentation 187
necessary for issuing a driver's license and a cultural 188
competency component; 189

(ii) A prohibition against improperly denying a driver's 190
license to an eligible applicant; 191

(iii) An administrative penalty applicable to a deputy 192
registrar and any employee of the deputy registrar who 193
improperly denies a driver's license to an eligible applicant. 194

(n) Establish such other requirements as the registrar and 195
director consider necessary to provide a high level of service. 196

(2) Notwithstanding division (D)(1)(j) of this section, 197
the rules may allow both of the following: 198

(a) The registrar to award a contract to a deputy 199
registrar to operate more than one deputy registrar's office if 200
determined by the registrar to be practical; 201

(b) A nonprofit corporation formed for the purposes of 202
providing automobile-related services to its members or the 203
public and that provides such services from more than one 204
location in this state to operate a deputy registrar office at 205
any location. 206

(3) As a daily adjustment, the bureau of motor vehicles 207
shall credit to a deputy registrar three dollars and fifty cents 208
for each damaged license plate or validation sticker the deputy 209
registrar replaces as a service to a member of the public. 210

(4) (a) With the prior approval of the registrar, each 211
deputy registrar may conduct at the location of the deputy 212
registrar's office any business that is consistent with the 213
functions of a deputy registrar and that is not specifically 214
mandated or authorized by this or another chapter of the Revised 215
Code or by implementing rules of the registrar. 216

(b) In accordance with guidelines the director of public 217
safety shall establish, a deputy registrar may operate or 218
contract for the operation of a vending machine at a deputy 219
registrar location if products of the vending machine are 220
consistent with the functions of a deputy registrar. 221

(c) A deputy registrar may enter into an agreement with 222
the Ohio turnpike and infrastructure commission pursuant to 223

division (A)(11) of section 5537.04 of the Revised Code for the 224
purpose of allowing the general public to acquire from the 225
deputy registrar the electronic toll collection devices that are 226
used under the multi-jurisdiction electronic toll collection 227
agreement between the Ohio turnpike and infrastructure 228
commission and any other entities or agencies that participate 229
in such an agreement. The approval of the registrar is not 230
necessary if a deputy registrar engages in this activity. 231

(5) As used in this section and in section 4507.01 of the 232
Revised Code, "nonprofit corporation" has the same meaning as in 233
section 1702.01 of the Revised Code. 234

(E)(1) Unless otherwise terminated and except for interim 235
contracts lasting not longer than one year, contracts with 236
deputy registrars shall be entered into through a competitive 237
selection process and shall be limited in duration as follows: 238

(a) For contracts entered into between July 1, 1996 and 239
June 29, 2014, for a period of not less than two years, but not 240
more than three years; 241

(b) For contracts entered into on or after June 29, 2014, 242
for a period of five years, unless the registrar determines that 243
a shorter contract term is appropriate for a particular deputy 244
registrar. 245

(2) All contracts with deputy registrars shall expire on 246
the last Saturday of June in the year of their expiration. Prior 247
to the expiration of any deputy registrar contract, the 248
registrar, with the approval of the director, may award a one- 249
year contract extension to any deputy registrar who has provided 250
exemplary service based upon objective performance evaluations. 251

(3)(a) The auditor of state may examine the accounts, 252

reports, systems, and other data of each deputy registrar at 253
least every two years. The registrar, with the approval of the 254
director, shall immediately remove a deputy who violates any 255
provision of the Revised Code related to the duties as a deputy, 256
any rule adopted by the registrar, or a term of the deputy's 257
contract with the registrar. The registrar also may remove a 258
deputy who, in the opinion of the registrar, has engaged in any 259
conduct that is either unbecoming to one representing this state 260
or is inconsistent with the efficient operation of the deputy's 261
office. 262

(b) If the registrar, with the approval of the director, 263
determines that there is good cause to believe that a deputy 264
registrar or a person proposing for a deputy registrar contract 265
has engaged in any conduct that would require the denial or 266
termination of the deputy registrar contract, the registrar may 267
require the production of books, records, and papers as the 268
registrar determines are necessary, and may take the depositions 269
of witnesses residing within or outside the state in the same 270
manner as is prescribed by law for the taking of depositions in 271
civil actions in the court of common pleas, and for that purpose 272
the registrar may issue a subpoena for any witness or a subpoena 273
duces tecum to compel the production of any books, records, or 274
papers, directed to the sheriff of the county where the witness 275
resides or is found. Such a subpoena shall be served and 276
returned in the same manner as a subpoena in a criminal case is 277
served and returned. The fees of the sheriff shall be the same 278
as that allowed in the court of common pleas in criminal cases. 279
Witnesses shall be paid the fees and mileage provided for under 280
section 119.094 of the Revised Code. The fees and mileage shall 281
be paid from the fund in the state treasury for the use of the 282
agency in the same manner as other expenses of the agency are 283

paid. 284

In any case of disobedience or neglect of any subpoena 285
served on any person or the refusal of any witness to testify to 286
any matter regarding which the witness lawfully may be 287
interrogated, the court of common pleas of any county where the 288
disobedience, neglect, or refusal occurs or any judge of that 289
court, on application by the registrar, shall compel obedience 290
by attachment proceedings for contempt, as in the case of 291
disobedience of the requirements of a subpoena issued from that 292
court, or a refusal to testify in that court. 293

(4) Nothing in division (E) of this section shall be 294
construed to require a hearing of any nature prior to the 295
termination of any deputy registrar contract by the registrar, 296
with the approval of the director, for cause. 297

(F) Except as provided in section 2743.03 of the Revised 298
Code, no court, other than the court of common pleas of Franklin 299
county, has jurisdiction of any action against the department of 300
public safety, the director, the bureau, or the registrar to 301
restrain the exercise of any power or authority, or to entertain 302
any action for declaratory judgment, in the selection and 303
appointment of, or contracting with, deputy registrars. Neither 304
the department, the director, the bureau, nor the registrar is 305
liable in any action at law for damages sustained by any person 306
because of any acts of the department, the director, the bureau, 307
or the registrar, or of any employee of the department or 308
bureau, in the performance of official duties in the selection 309
and appointment of, and contracting with, deputy registrars. 310

(G) The registrar shall assign to each deputy registrar a 311
series of numbers sufficient to supply the demand at all times 312
in the area the deputy registrar serves, and the registrar shall 313

keep a record in the registrar's office of the numbers within 314
the series assigned. Each deputy shall be required to give bond 315
in the amount of at least twenty-five thousand dollars, or in 316
such higher amount as the registrar determines necessary, based 317
on a uniform schedule of bond amounts established by the 318
registrar and determined by the volume of registrations handled 319
by the deputy. The form of the bond shall be prescribed by the 320
registrar. The bonds required of deputy registrars, in the 321
discretion of the registrar, may be individual or schedule bonds 322
or may be included in any blanket bond coverage carried by the 323
department. 324

(H) Each deputy registrar shall keep a file of each 325
application received by the deputy and shall register that motor 326
vehicle with the name and address of its owner. 327

(I) Upon request, a deputy registrar shall make the 328
physical inspection of a motor vehicle and issue the physical 329
inspection certificate required in section 4505.061 of the 330
Revised Code. 331

(J) Each deputy registrar shall file a report semiannually 332
with the registrar of motor vehicles listing the number of 333
applicants for licenses the deputy has served, the number of 334
voter registration applications the deputy has completed and 335
transmitted to the board of elections, and the number of voter 336
registration applications declined. 337

Section 2. That existing section 4503.03 of the Revised 338
Code is hereby repealed. 339