

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 306**

**Senator Brenner**

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**A BILL**

To amend sections 4517.01, 4517.10, 4517.32, 1  
4517.33, 4517.34, 4517.49, 4517.52, 4517.541, 2  
4517.542, 4517.55, 4517.59, and 4517.99 and to 3  
enact sections 4517.70, 4517.71, 4517.72, 4  
4517.73, 4517.74, 4517.741, 4517.75, 4517.76, 5  
4517.77, 4517.78, and 4517.79 of the Revised 6  
Code to modify the Motor Vehicle Sales Law as it 7  
pertains to recreational vehicles. 8

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

**Section 1.** That sections 4517.01, 4517.10, 4517.32, 9  
4517.33, 4517.34, 4517.49, 4517.52, 4517.541, 4517.542, 4517.55, 10  
4517.59, and 4517.99 be amended and sections 4517.70, 4517.71, 11  
4517.72, 4517.73, 4517.74, 4517.741, 4517.75, 4517.76, 4517.77, 12  
4517.78, and 4517.79 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 4517.01.** As used in ~~sections 4517.01 to 4517.65 of~~ 15  
~~the Revised Code~~this chapter: 16

(A) "Persons" includes individuals, partnerships, 17  
associations, joint stock companies, corporations, sole 18  
proprietorships, limited liability companies, limited liability 19

partnerships, business trusts, and any other legally recognized 20  
business entities or any combinations of individuals. 21

(B) "Motor vehicle" means motor vehicle as defined in 22  
section 4501.01 of the Revised Code and also includes "all- 23  
purpose vehicle" and "off-highway motorcycle" as those terms are 24  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 25  
does not include a snowmobile as defined in section 4519.01 of 26  
the Revised Code or manufactured and mobile homes. 27

(C) "New motor vehicle" means a motor vehicle, the legal 28  
title to which has never been transferred by a manufacturer, 29  
remanufacturer, distributor, or dealer to an ultimate purchaser. 30

(D) "Ultimate purchaser" means, with respect to any new 31  
motor vehicle, the first person, other than a dealer purchasing 32  
in the capacity of a dealer, who in good faith purchases such 33  
new motor vehicle for purposes other than resale. 34

(E) "Business" includes any activities engaged in by any 35  
person for the object of gain, benefit, or advantage either 36  
direct or indirect, including activities conducted through the 37  
internet or another computer network. 38

(F) "Engaging in business" means commencing, conducting, 39  
or continuing in business, or liquidating a business when the 40  
liquidator thereof holds self out to be conducting such 41  
business; making a casual sale or otherwise making transfers in 42  
the ordinary course of business when the transfers are made in 43  
connection with the disposition of all or substantially all of 44  
the transferor's assets is not engaging in business. 45

(G) "Retail sale" or "selling at retail" means the act or 46  
attempted act of selling, bartering, exchanging, or otherwise 47  
disposing of a motor vehicle, including through use of the 48

internet or another computer network, to an ultimate purchaser. 49

(H) "Retail installment contract" includes any contract in 50  
the form of a note, chattel mortgage, conditional sales 51  
contract, lease, agreement, or other instrument payable in one 52  
or more installments over a period of time and arising out of 53  
the retail sale of a motor vehicle. 54

(I) "Farm machinery" means all machines and tools used in 55  
the production, harvesting, and care of farm products. 56

(J) "Dealer" or "motor vehicle dealer" means any new motor 57  
vehicle dealer, any motor vehicle leasing dealer, any adaptive 58  
mobility dealer, and any used motor vehicle dealer. 59

(K) "New motor vehicle dealer" means any person engaged in 60  
the business of selling at retail, displaying, offering for 61  
sale, or dealing in new motor vehicles pursuant to a contract or 62  
agreement entered into with the manufacturer, remanufacturer, or 63  
distributor of the motor vehicles. 64

(L) "Used motor vehicle dealer" means any person engaged 65  
in the business of selling, displaying, offering for sale, or 66  
dealing in used motor vehicles, at retail or wholesale, but does 67  
not mean any new motor vehicle dealer selling, displaying, 68  
offering for sale, or dealing in used motor vehicles 69  
incidentally to engaging in the business of selling, displaying, 70  
offering for sale, or dealing in new motor vehicles, any person 71  
engaged in the business of dismantling, salvaging, or rebuilding 72  
motor vehicles by means of using used parts, or any public 73  
officer performing official duties. 74

(M) "Motor vehicle leasing dealer" means any person 75  
engaged in the business of regularly making available, offering 76  
to make available, or arranging for another person to use a 77

motor vehicle pursuant to a bailment, lease, sublease, or other 78  
contractual arrangement under which a charge is made for its use 79  
at a periodic rate for a term of thirty days or more, and title 80  
to the motor vehicle is in and remains in the motor vehicle 81  
leasing dealer who originally leases it, irrespective of whether 82  
or not the motor vehicle is the subject of a later sublease, and 83  
not in the user, including any financial institution acting as a 84  
lessor for a lease or sublease. "Motor vehicle leasing dealer" 85  
does not include a new motor vehicle dealer that is not the 86  
lessor and that only assists in arranging a lease on the 87  
lessor's behalf or a manufacturer or its affiliate leasing to 88  
its employees or to dealers. 89

(N) "Salesperson" means any person employed by a dealer to 90  
sell, display, and offer for sale, or deal in motor vehicles for 91  
a commission, compensation, or other valuable consideration, but 92  
does not mean any public officer performing official duties. 93

(O) "Casual sale" means any transfer of a motor vehicle by 94  
a person other than a new motor vehicle dealer, used motor 95  
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 96  
dealer, as defined in division (A) of section 4738.01 of the 97  
Revised Code, salesperson, motor vehicle auction owner, 98  
manufacturer, or distributor acting in the capacity of a dealer, 99  
salesperson, auction owner, manufacturer, or distributor, to a 100  
person who purchases the motor vehicle for use as a consumer. 101

(P) "Motor vehicle auction owner" means any person who is 102  
engaged wholly or in part in the business of auctioning motor 103  
vehicles, but does not mean a construction equipment auctioneer 104  
or a construction equipment auction licensee. 105

(Q) "Manufacturer" means a person who manufactures, 106  
assembles, or imports motor vehicles, including motor homes, but 107

does not mean a person who only assembles or installs a body, 108  
special equipment unit, finishing trim, or accessories on a 109  
motor vehicle chassis supplied by a manufacturer or distributor. 110

(R) "Tent-type fold-out camping trailer" means any vehicle 111  
intended to be used, when stationary, as a temporary shelter 112  
with living and sleeping facilities, and that is subject to the 113  
following properties and limitations: 114

(1) A minimum of twenty-five per cent of the fold-out 115  
portion of the top and sidewalls combined must be constructed of 116  
canvas, vinyl, or other fabric, and form an integral part of the 117  
shelter. 118

(2) When folded, the unit must not exceed: 119

(a) Fifteen feet in length, exclusive of bumper and 120  
tongue; 121

(b) Sixty inches in height from the point of contact with 122  
the ground; 123

(c) Eight feet in width; 124

(d) One ton gross weight at time of sale. 125

(S) "Distributor" means any person authorized by a motor 126  
vehicle manufacturer to distribute new motor vehicles to 127  
licensed new motor vehicle dealers, but does not mean a person 128  
who only assembles or installs a body, special equipment unit, 129  
finishing trim, or accessories on a motor vehicle chassis 130  
supplied by a manufacturer or distributor. 131

(T) "Flea market" means a market place, other than a 132  
dealer's location licensed under this chapter, where a space or 133  
location is provided for a fee or compensation to a seller to 134  
exhibit and offer for sale or trade, motor vehicles to the 135

general public.	136
(U) "Franchise" means any written agreement, contract, or	137
understanding between any motor vehicle manufacturer or	138
remanufacturer engaged in commerce and any new motor vehicle	139
dealer that purports to fix the legal rights and liabilities of	140
the parties to such agreement, contract, or understanding.	141
<u>"Franchise" does not include a recreational vehicle franchise.</u>	142
(V) "Franchisee" means a person who receives new motor	143
vehicles from the franchisor under a franchise agreement and who	144
offers, sells, and provides service for such new motor vehicles	145
to the general public. <u>"Franchisee" does not include a</u>	146
<u>recreational vehicle franchisee.</u>	147
(W) "Franchisor" means a new motor vehicle manufacturer,	148
remanufacturer, or distributor who supplies new motor vehicles	149
under a franchise agreement to a franchisee. <u>"Franchisor" does</u>	150
<u>not include a recreational vehicle franchisor.</u>	151
(X) "Dealer organization" means a state or local trade	152
association the membership of which is comprised predominantly	153
of new motor vehicle dealers.	154
(Y) "Factory representative" means a representative	155
employed by a manufacturer, remanufacturer, or by a factory	156
branch primarily for the purpose of promoting the sale of its	157
motor vehicles, parts, or accessories to dealers or for	158
supervising or contacting its dealers or prospective dealers.	159
(Z) "Administrative or executive management" means those	160
individuals who are not subject to federal wage and hour laws.	161
(AA) "Good faith" means honesty in the conduct or	162
transaction concerned and the observance of reasonable	163
commercial standards of fair dealing in the trade as is defined	164

in section 1301.201 of the Revised Code, including, but not 165  
limited to, the duty to act in a fair and equitable manner so as 166  
to guarantee freedom from coercion, intimidation, or threats of 167  
coercion or intimidation; provided however, that recommendation, 168  
endorsement, exposition, persuasion, urging, or argument shall 169  
not be considered to constitute a lack of good faith. 170

(BB) "Coerce" means to compel or attempt to compel by 171  
failing to act in good faith or by threat of economic harm, 172  
breach of contract, or other adverse consequences. Coerce does 173  
not mean to argue, urge, recommend, or persuade. 174

(CC) "Relevant market area" means any area within a radius 175  
of ten miles from the site of a potential new dealership, except 176  
that for manufactured home or recreational vehicle dealerships 177  
the radius shall be twenty-five miles. The ten-mile radius shall 178  
be measured from the dealer's established place of business that 179  
is used exclusively for the purpose of selling, displaying, 180  
offering for sale, or dealing in motor vehicles. 181

(DD) "Wholesale" or "at wholesale" means the act or 182  
attempted act of selling, bartering, exchanging, or otherwise 183  
disposing of a motor vehicle to a transferee for the purpose of 184  
resale and not for ultimate consumption by that transferee. 185

(EE) "Motor vehicle wholesaler" means any person licensed 186  
as a dealer under the laws of another state and engaged in the 187  
business of selling, displaying, or offering for sale used motor 188  
vehicles, at wholesale, but does not mean any motor vehicle 189  
dealer as defined in this section. 190

(FF) (1) "Remanufacturer" means a person who assembles or 191  
installs passenger seating, walls, a roof elevation, or a body 192  
extension on a conversion van with the motor vehicle chassis 193

supplied by a manufacturer or distributor, a person who modifies 194  
a truck chassis supplied by a manufacturer or distributor for 195  
use as a public safety or public service vehicle, a person who 196  
modifies a motor vehicle chassis supplied by a manufacturer or 197  
distributor for use as a limousine or hearse, or a person who 198  
modifies an incomplete motor vehicle cab and chassis supplied by 199  
a new motor vehicle dealer or distributor for use as a tow 200  
truck, but does not mean either of the following: 201

(a) A person who assembles or installs passenger seating, 202  
a roof elevation, or a body extension on a recreational vehicle 203  
as defined in division (Q) and referred to in division (B) of 204  
section 4501.01 of the Revised Code; 205

(b) An adaptive mobility dealer. 206

(2) For the purposes of division (FF)(1) of this section, 207  
"public safety vehicle or public service vehicle" means a fire 208  
truck, ambulance, school bus, street sweeper, garbage packing 209  
truck, or cement mixer, or a mobile self-contained facility 210  
vehicle. 211

(3) For the purposes of division (FF)(1) of this section, 212  
"limousine" means a motor vehicle, designed only for the purpose 213  
of carrying nine or fewer passengers, that a person modifies by 214  
cutting the original chassis, lengthening the wheelbase by forty 215  
inches or more, and reinforcing the chassis in such a way that 216  
all modifications comply with all applicable federal motor 217  
vehicle safety standards. No person shall qualify as or be 218  
deemed to be a remanufacturer who produces limousines unless the 219  
person has a written agreement with the manufacturer of the 220  
chassis the person utilizes to produce the limousines to 221  
complete properly the remanufacture of the chassis into 222  
limousines. 223



(4) For the purposes of division (FF)(1) of this section, 224  
"hearse" means a motor vehicle, designed only for the purpose of 225  
transporting a single casket, that is equipped with a 226  
compartment designed specifically to carry a single casket that 227  
a person modifies by cutting the original chassis, lengthening 228  
the wheelbase by ten inches or more, and reinforcing the chassis 229  
in such a way that all modifications comply with all applicable 230  
federal motor vehicle safety standards. No person shall qualify 231  
as or be deemed to be a remanufacturer who produces hearses 232  
unless the person has a written agreement with the manufacturer 233  
of the chassis the person utilizes to produce the hearses to 234  
complete properly the remanufacture of the chassis into hearses. 235

(5) For the purposes of division (FF)(1) of this section, 236  
"mobile self-contained facility vehicle" means a mobile 237  
classroom vehicle, mobile laboratory vehicle, bookmobile, 238  
bloodmobile, testing laboratory, and mobile display vehicle, 239  
each of which is designed for purposes other than for passenger 240  
transportation and other than the transportation or displacement 241  
of cargo, freight, materials, or merchandise. A vehicle is 242  
remanufactured into a mobile self-contained facility vehicle in 243  
part by the addition of insulation to the body shell, and 244  
installation of all of the following: a generator, electrical 245  
wiring, plumbing, holding tanks, doors, windows, cabinets, 246  
shelving, and heating, ventilating, and air conditioning 247  
systems. 248

(6) For the purposes of division (FF)(1) of this section, 249  
"tow truck" means both of the following: 250

(a) An incomplete cab and chassis that are purchased by a 251  
remanufacturer from a new motor vehicle dealer or distributor of 252  
the cab and chassis and on which the remanufacturer then 253

installs in a permanent manner a wrecker body it purchases from 254  
a manufacturer or distributor of wrecker bodies, installs an 255  
emergency flashing light pylon and emergency lights upon the 256  
mast of the wrecker body or rooftop, and installs such other 257  
related accessories and equipment, including push bumpers, front 258  
grille guards with pads and other custom-ordered items such as 259  
painting, special lettering, and safety striping so as to create 260  
a complete motor vehicle capable of lifting and towing another 261  
motor vehicle. 262

(b) An incomplete cab and chassis that are purchased by a 263  
remanufacturer from a new motor vehicle dealer or distributor of 264  
the cab and chassis and on which the remanufacturer then 265  
installs in a permanent manner a car carrier body it purchases 266  
from a manufacturer or distributor of car carrier bodies, 267  
installs an emergency flashing light pylon and emergency lights 268  
upon the rooftop, and installs such other related accessories 269  
and equipment, including push bumpers, front grille guards with 270  
pads and other custom-ordered items such as painting, special 271  
lettering, and safety striping. 272

As used in division (FF) (6) (b) of this section, "car 273  
carrier body" means a mechanical or hydraulic apparatus capable 274  
of lifting and holding a motor vehicle on a flat level surface 275  
so that one or more motor vehicles can be transported, once the 276  
car carrier is permanently installed upon an incomplete cab and 277  
chassis. 278

(GG) "Operate as a new motor vehicle dealership" means 279  
engaging in activities such as displaying, offering for sale, 280  
and selling new motor vehicles at retail, operating a service 281  
facility to perform repairs and maintenance on motor vehicles, 282  
offering for sale and selling motor vehicle parts at retail, and 283

conducting all other acts that are usual and customary to the 284  
operation of a new motor vehicle dealership. For the purposes of 285  
this chapter only, possession of either a valid new motor 286  
vehicle dealer franchise agreement or a new motor vehicle 287  
dealers license, or both of these items, is not evidence that a 288  
person is operating as a new motor vehicle dealership. 289

(HH) "Outdoor power equipment" means garden and small 290  
utility tractors, walk-behind and riding mowers, chainsaws, and 291  
tillers. 292

(II) "Remote service facility" means premises that are 293  
separate from a licensed new motor vehicle dealer's sales 294  
facility by not more than one mile and that are used by the 295  
dealer to perform repairs, warranty work, recall work, and 296  
maintenance on motor vehicles pursuant to a franchise agreement 297  
entered into with a manufacturer of motor vehicles. A remote 298  
service facility shall be deemed to be part of the franchise 299  
agreement and is subject to all the rights, duties, obligations, 300  
and requirements of Chapter 4517. of the Revised Code that 301  
relate to the performance of motor vehicle repairs, warranty 302  
work, recall work, and maintenance work by new motor vehicle 303  
dealers. 304

(JJ) "Recreational vehicle" has the same meaning as in 305  
section 4501.01 of the Revised Code. 306

(KK) "Construction equipment auctioneer" means a person 307  
who holds both a valid auction firm license issued under Chapter 308  
4707. of the Revised Code and a valid construction equipment 309  
auction license issued under this chapter. 310

(LL) "Large construction or transportation equipment" 311  
means vehicles having a gross vehicle weight rating of more than 312

ten thousand pounds and includes road rollers, traction engines, 313  
power shovels, power cranes, commercial cars and trucks, or farm 314  
trucks, and other similar vehicles obtained primarily from the 315  
construction, mining, transportation or farming industries. 316

(MM) "Local market conditions" includes, but is not 317  
limited to: 318

(1) Demographics in the franchisee's area; 319

(2) Geographical and market characteristics in the 320  
franchisee's area; 321

(3) Local economic circumstances; 322

(4) The proximity of other motor vehicle dealers of the 323  
same line-make; 324

(5) The proximity of motor vehicle manufacturing 325  
facilities; 326

(6) The buying patterns of motor vehicle purchasers; 327

(7) Customer drive time and drive distance. 328

(NN) "Established place of business" means a permanent, 329  
enclosed building or structure that meets all of the following 330  
requirements: 331

(1) It is either owned, leased, or rented by the motor 332  
vehicle dealer. 333

(2) It meets local zoning or municipal requirements. 334

(3) It is regularly occupied by at least one person. 335

(4) It is easily accessible to the public. 336

(5) The records and files necessary to conduct the 337  
business are generally kept and maintained at the location or 338

are readily accessible and available for reasonable inspection 339  
from the location. 340

"Established place of business" does not mean a residence, 341  
tent, temporary stand, storage shed, lot, or any temporary 342  
quarters, unless authorized by the registrar of motor vehicles. 343

(OO) "Adaptive mobility dealer" means any person engaged 344  
in the business of all of the following: 345

(1) Selling at retail, displaying, offering for sale, 346  
delivering, and dealing in adaptive mobility vehicles; 347

(2) Selling and installing adaptive mobility equipment, 348  
related accessories, and other goods and services to meet the 349  
automotive adaptive mobility needs of drivers and passengers 350  
with disabilities; 351

(3) Providing maintenance and repair services for adaptive 352  
mobility vehicles and adaptive mobility equipment. 353

(PP) "Adaptive mobility equipment" means the mechanical or 354  
electronic devices or parts that are designed to facilitate the 355  
use of a motor vehicle by a person who is aging or a person with 356  
disabilities, in accordance with 49 C.F.R. part 571, and that 357  
are permanently attached to or incorporated into the motor 358  
vehicle. 359

(QQ) "Recreational vehicle dealer" means a motor vehicle 360  
dealer licensed under this chapter that deals exclusively in 361  
recreational vehicles. 362

(RR) "Recreational vehicle distributor" means a 363  
distributor licensed under this chapter that purchases new 364  
recreational vehicles for resale to recreational vehicle 365  
dealers. 366

(SS) "Recreational vehicle manufacturer" means a 367  
manufacturer licensed under this chapter that engages in the 368  
manufacturing of recreational vehicles. 369

(TT) "Recreational vehicle franchise" means any written 370  
agreement, contract, or understanding between any recreational 371  
vehicle manufacturer or recreational vehicle distributor engaged 372  
in commerce and any recreational vehicle dealer that purports to 373  
fix the legal rights and liabilities of the parties to such 374  
agreement, contract, or understanding. 375

(UU) "Recreational vehicle franchisee" means a person who 376  
receives new recreational vehicles from the recreational vehicle 377  
franchisor under a recreational vehicle franchise and who 378  
offers, sells, and provides service for such new recreational 379  
vehicles to the general public. 380

(VV) "Recreational vehicle franchisor" means a new 381  
recreational vehicle manufacturer or recreational vehicle 382  
distributor who supplies new recreational vehicles under a 383  
recreational vehicle franchise to a recreational vehicle 384  
franchisee. 385

**Sec. 4517.10.** At the time the registrar of motor vehicles 386  
grants the application of any person for a license as motor 387  
vehicle dealer, motor vehicle leasing dealer, distributor, motor 388  
vehicle auction owner, or motor vehicle salesperson, the 389  
registrar shall issue to the person a license. The registrar 390  
shall prescribe different forms for the licenses of motor 391  
vehicle dealers, motor vehicle leasing dealers, distributors, 392  
motor vehicle auction owners, and motor vehicle salespersons, 393  
and all licenses shall include the name and post-office address 394  
of the person licensed. 395

The fee for a motor vehicle dealer's license and a motor vehicle leasing dealer's license shall be fifty dollars. In addition to the license fee, the registrar shall collect from each applicant for an initial motor vehicle dealer's license and motor vehicle leasing dealer's license a separate fee in an amount equal to the last assessment required by section 4505.181 of the Revised Code for all motor vehicle dealers and motor vehicle leasing dealers. The registrar shall deposit the separate fee into the state treasury to the credit of the title defect recision fund created in section 1345.52 of the Revised Code. The fee for a salesperson's license shall be ten dollars. The fee for a motor vehicle auction owner's license shall be one hundred dollars for each location. The fee for a distributor's license shall be one hundred dollars for each distributorship. In all cases, the fee shall accompany the application for license.

The registrar may require each applicant for a license issued under this chapter to pay an additional fee, which shall be used by the registrar to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation. The amount of the fee shall be equal to that paid by the registrar to obtain such record.

If a motor vehicle dealer or a motor vehicle leasing dealer has more than one place of business in the county, the dealer shall make application, in such form as the registrar prescribes, for a certified copy of the license issued to the dealer for each place of business operated. In the event of the loss, mutilation, or destruction of a license issued under ~~sections 4517.01 to 4517.65 of the Revised Code~~ this chapter, any licensee may make application to the registrar, in such form as

the registrar prescribes, for a duplicate copy thereof. The fee 427  
for a certified or duplicate copy of a motor vehicle dealer's, 428  
motor vehicle leasing dealer's, distributor's, or auction 429  
owner's license, is two dollars, and the fee for a duplicate 430  
copy of a salesperson's license is one dollar. All fees for such 431  
copies shall accompany the applications. 432

Beginning on September 16, 2004, all motor vehicle 433  
dealers' licenses, motor vehicle leasing dealers' licenses, 434  
distributors' licenses, auction owners' licenses, and all 435  
salespersons' licenses issued or renewed shall expire biennially 436  
on a day within the two-year cycle that is prescribed by the 437  
registrar, unless sooner suspended or revoked. Before the first 438  
day after the day prescribed by the registrar in the year that 439  
the license expires, each licensed motor vehicle dealer, motor 440  
vehicle leasing dealer, distributor, and auction owner and each 441  
licensed salesperson, in the year in which the license will 442  
expire, shall file an application, in such form as the registrar 443  
prescribes, for the renewal of such license. The fee for 444  
renewing a motor vehicle dealer's license and a motor vehicle 445  
leasing dealer's license shall be fifty dollars. The fee for 446  
renewing a salesperson's license shall be ten dollars. The fee 447  
for renewing a motor vehicle auction owner's license shall be 448  
one hundred dollars for each location. The fee for renewing a 449  
distributor's license shall be one hundred dollars for each 450  
distributorship. In all cases the license renewal fee shall 451  
accompany the renewal application. 452

Any salesperson's license shall be suspended upon the 453  
termination, suspension, or revocation of the license of the 454  
motor vehicle dealer for whom the salesperson is acting, or upon 455  
the salesperson leaving the service of the motor vehicle dealer; 456  
provided that upon the termination, suspension, or revocation of 457



the license of the motor vehicle dealer for whom the salesperson 458  
is acting, or upon the salesperson leaving the service of a 459  
licensed motor vehicle dealer, the licensed salesperson, upon 460  
entering the service of any other licensed motor vehicle dealer, 461  
shall make application to the registrar, in such form as the 462  
registrar prescribes, to have the salesperson's license 463  
reinstated, transferred, and registered as a salesperson for the 464  
other dealer. If the information contained in the application is 465  
satisfactory to the registrar, the registrar shall have the 466  
salesperson's license reinstated, transferred, and registered as 467  
a salesperson for the other dealer. The fee for the 468  
reinstatement and transfer of license shall be two dollars. No 469  
license issued to a motor vehicle dealer, motor vehicle leasing 470  
dealer, auction owner, or salesperson, under ~~sections 4517.01 to~~ 471  
~~4517.65 of the Revised Code~~ this chapter shall be transferable 472  
to any other person. 473

Each motor vehicle dealer, motor vehicle leasing dealer, 474  
distributor, and auction owner shall keep the dealer's or 475  
auction owner's license or a certified copy thereof posted in a 476  
conspicuous place in each place of business. A dealer shall keep 477  
a current list of the dealer's licensed salespersons, showing 478  
the names, addresses, and serial numbers of their licenses and 479  
shall make the list available upon request. Each salesperson 480  
shall keep the salesperson's license or a certified copy thereof 481  
at the salesperson's place of business and shall provide such 482  
license or copy upon demand to any inspector of the bureau of 483  
motor vehicles, state highway patrol trooper, police officer, or 484  
person with whom the salesperson seeks to transact business as a 485  
motor vehicle salesperson. 486

The notice of refusal to grant a license shall disclose 487  
the reason for refusal. 488

**Sec. 4517.32.** Subject to sections 119.01 to 119.12 and 489  
section 4517.35 of the Revised Code, the motor vehicle dealers 490  
board may make such reasonable rules as are necessary to carry 491  
out and effect its duties under this chapter, including such 492  
rules as are necessary relating to the time, place, and manner 493  
of conducting hearings on the issuance, suspension, or 494  
revocation of licenses, and on protests filed under sections 495  
4517.50, 4517.52, 4517.53, 4517.54, ~~and~~ 4517.56, 4517.72, and 496  
4517.73 of the Revised Code. The board may hear testimony in 497  
matters relating to the duties imposed upon it and the president 498  
and the secretary of the board may administer oaths. The board 499  
may require any proof it considers advisable and may require the 500  
attendance of such witnesses and the production of such books, 501  
records, and papers as it desires at any hearing before it or 502  
relating to any matter that it has authority to investigate. The 503  
board may, through its secretary, issue a subpoena for any 504  
witness, or a subpoena duces tecum for the production of any 505  
books, records, and papers, directed to the sheriff of the 506  
county where such witness resides or is found, which subpoena 507  
shall be served and returned in the same manner as a subpoena in 508  
a criminal case. 509

The fees of the sheriff shall be the same as that allowed 510  
in the court of common pleas in criminal cases. Witnesses shall 511  
be paid the fees and mileage provided for under section 119.094 512  
of the Revised Code. The fees and mileage shall be paid in the 513  
same manner as other expenses of the board. 514

Depositions of witnesses residing within or without the 515  
state may be taken by the board in the manner prescribed for 516  
like depositions in civil actions in the court of common pleas. 517  
In any case of disobedience to or neglect of any subpoena served 518  
on any person, or the refusal of any witness to testify to any 519

matter regarding which the witness may lawfully be interrogated, 520  
the court of common pleas of any county where such disobedience, 521  
neglect, or refusal occurs, or any judge thereof on application 522  
of the secretary of the board, shall compel obedience by 523  
attachment proceedings for contempt as in the case of 524  
disobedience of a subpoena issued from such court or a refusal 525  
to testify therein. 526

**Sec. 4517.33.** The motor vehicle dealers board shall hear 527  
appeals which may be taken from an order of the registrar of 528  
motor vehicles, refusing to issue a license. All appeals from 529  
any order of the registrar refusing to issue any license upon 530  
proper application must be taken within thirty days from the 531  
date of the order, or the order is final and conclusive. All 532  
appeals from orders of the registrar must be by petition in 533  
writing and verified under oath by the applicant whose 534  
application for license has been denied, and must set forth the 535  
reason for the appeal and the reason why, in the petitioner's 536  
opinion, the order of the registrar is not correct. In such 537  
appeals the board may make investigation to determine the 538  
correctness and legality of the order of the registrar. 539

The board may make rules governing its actions relative to 540  
the suspension and revocation of dealers', motor vehicle leasing 541  
dealers', distributors', auction owners', salespersons', and 542  
construction equipment auction licenses, and may, upon its own 543  
motion, and shall, upon the verified complaint in writing of any 544  
person, investigate the conduct of any licensee under sections 545  
4517.01 to ~~4517.65~~4517.79 of the Revised Code. The board shall 546  
suspend or revoke or notify the registrar to refuse to renew any 547  
dealer's, motor vehicle leasing dealer's, distributor's, auction 548  
owner's, salesperson's, or construction equipment auction 549  
license, if any ground existed upon which the license might have 550

been refused, or if a ground exists that would be cause for 551  
refusal to issue a license. 552

The board may suspend or revoke any license if the 553  
licensee has in any manner violated the rules issued pursuant to 554  
sections 4517.01 to ~~4517.65~~4517.79 of the Revised Code, or has 555  
violated section 4501.02 of the Revised Code, or has been 556  
convicted of committing a felony or violating any law that in 557  
any way relates to the selling, taxing, licensing, or regulation 558  
of sales of motor vehicles. 559

Within ten days after receipt of an abstract from a county 560  
court judge, mayor of a mayor's court, or clerk of a court of 561  
record indicating a violation of division (D) of section 562  
4513.241 of the Revised Code, the board shall determine whether 563  
the person named in the abstract is licensed under this chapter 564  
and, if the person is so licensed, shall further determine 565  
whether the person previously has been convicted of or pleaded 566  
guilty to a violation of that section. If the person previously 567  
has been convicted of or pleaded guilty to a violation of that 568  
section, the board, in accordance with Chapter 119. of the 569  
Revised Code but without a prior hearing, shall suspend the 570  
person's license for a period of not more than one hundred 571  
eighty days. 572

**Sec. 4517.34.** The attorney general and the prosecuting 573  
attorneys of the several counties shall assist the registrar of 574  
motor vehicles upon ~~his~~the registrar's request, and shall 575  
assist the motor vehicle dealers board, upon its request, in 576  
enforcing sections 4517.01 to ~~4517.65~~4517.79 of the Revised 577  
Code, and in prosecuting and defending ~~proceedings~~proceedings 578  
under such sections. 579

**Sec. 4517.49.** Nothing in sections 4517.50 to 4517.65 of 580

the Revised Code shall be construed to apply to manufacturers or 581  
dealers of ~~manufactured~~ either of the following: 582

(A) Manufactured homes as defined in and manufactured 583  
pursuant to the "National Manufactured Housing Construction and 584  
Safety Standards Act of 1974," 94 Stat. 1641, 42 U.S.C.A. 5401, 585  
as amended; 586

(B) Recreational vehicles. 587

**Sec. 4517.52.** (A) Each franchisor shall fulfill warranty 588  
and recall obligations of repairing and servicing motor 589  
vehicles, including all parts and components manufactured for 590  
installation in any motor vehicle. 591

(B) Each franchisor shall compensate each of its 592  
franchisees for labor and parts used to fulfill warranty and 593  
recall obligations of repair and servicing at rates not less 594  
than the rates charged by the franchisee to its retail customers 595  
for warranty-like labor and parts for nonwarranty work. A 596  
franchisee, other than a franchisee that deals in recreational 597  
vehicles, may establish rates of compensation for labor 598  
performed and parts used by the franchisee for purposes of this 599  
section if all of the following apply: 600

(1) The franchisee submits to the franchisor either of the 601  
following: 602

(a) One hundred sequential nonwarranty service repair 603  
orders for warranty-like repairs that have been paid by a 604  
customer and closed by the time of submission; 605

(b) All service repair orders for warranty-like repairs, 606  
that have been paid by a customer and closed by the time of 607  
submission, for a period of ninety consecutive days. 608

A franchisee either may submit a set of repair orders for 609  
purposes of calculating both its retail labor rate and its 610  
retail parts markup percentage, or may submit separate sets of 611  
repair orders for purposes of calculating its retail labor rate 612  
and its retail parts markup percentage separately. The repair 613  
orders submitted under division (B) (1) (a) or (b) of this section 614  
must be from a period occurring not more than one hundred eighty 615  
days before the submission. 616

Subject to division (C) (3) of this section, if a 617  
franchisor determines from any set of repair orders submitted 618  
under this section that the retail labor rate or parts markup 619  
percentage calculated under division (B) (2) or (3) of this 620  
section is substantially higher or lower than the rate currently 621  
on record with the franchisor for labor or parts, the franchisor 622  
may request additional documentation for a period of either 623  
ninety days prior to or ninety days subsequent to the time 624  
period for which the repair orders were submitted for purposes 625  
of an alteration. 626

(2) The franchisee calculates its retail labor rate by 627  
determining the franchisee's total labor sales from the service 628  
repair orders submitted under division (B) (1) of this section 629  
and dividing that amount by the total number of labor hours that 630  
generated those sales. 631

(3) The franchisee calculates its retail parts markup 632  
percentage by determining the franchisee's total parts sales 633  
from the service repair orders submitted under division (B) (1) 634  
of this section and dividing that amount by the franchisee's 635  
total cost for the purchase of those parts, subtracting one from 636  
that amount, and then multiplying the amount by one hundred. 637

(4) In calculating the retail labor rate in division (B) 638

(2) of this section and the retail parts markup percentage in	639
division (B) (3) of this section, the franchisee omits charges	640
for any of the following from the calculation:	641
(a) Manufacturer or distributor special events, specials,	642
or promotional discounts for retail customer repairs;	643
(b) Parts sold, or repairs performed, at wholesale;	644
(c) Routine maintenance that is not covered under a retail	645
customer warranty, including the replacement of fluids, filters,	646
and belts that are not provided in the course of other repairs;	647
(d) Items that do not have individual part numbers, such	648
as nuts, bolts, and fasteners;	649
(e) Vehicle reconditioning;	650
(f) Accessories;	651
(g) Repairs of damage caused by a collision, a road	652
hazard, the force of the elements, vandalism, theft, or operator	653
negligence;	654
(h) Parts sold or repairs performed for insurance	655
carriers;	656
(i) Vehicle emission or safety inspections required by	657
law;	658
(j) Goodwill or policy repairs or replacements;	659
(k) Repairs for which volume discounts have been	660
negotiated with government agencies or insurance carriers;	661
(l) Repairs performed on vehicles from a different line-	662
make;	663
(m) Replacement of tires or related elements.	664

(5) The franchisee provides notice of its retail labor rate and retail parts markup percentage calculated in accordance with this section to the franchisor.

(C) (1) A franchisor may contest the retail labor rate or retail parts markup percentage that was calculated by the franchisee under division (B) of this section within thirty days after receiving notice from the franchisee. If the franchisor seeks to contest the retail labor rate or retail parts markup percentage, the franchisor shall notify the franchisee that the franchisor believes the rate or markup percentage is materially inaccurate or substantially different than that of other similarly situated, same line-make new motor vehicle dealers in the vicinity, provide a full explanation of the reasons the franchisor disagrees with the rate or markup percentage, provide evidence substantiating the franchisor's position, and propose an adjustment of the contested rate or markup percentage. The franchisor shall not modify its notice to the franchisee or its grounds for contesting the rate or markup percentage after submitting a notice to the franchisee under division (C) (1) of this section.

(2) If the franchisor does not contest the rate or markup percentage that was calculated by the franchisee under division (B) of this section within thirty days after receiving notice of the rate or markup percentage from the franchisee, the uncontested rate or markup percentage takes effect. The franchisor then shall use the rate and markup percentage to determine compensation for any warranty and recall work and service performed by the franchisee until the rate or markup percentage is modified.

(3) If the franchisor contests a rate or markup percentage



established by the franchisee under division (B) of this section, the franchisor and franchisee shall resolve the disagreement through the franchisor's internal dispute resolution process. However, the franchisee may appeal a determination made as part of the dispute resolution process to a court of competent jurisdiction. Any rate or markup percentage established either through an internal dispute resolution process or by a court as part of an appeal under this section shall be applied retroactively to govern reimbursement for labor or parts, as applicable, beginning thirty days after the date the franchisee submitted the disputed rate or markup percentage under division (B) of this section.

(4) A franchisee shall not establish or modify a retail labor rate or retail parts markup percentage more frequently than once per calendar year.

(D) When calculating the compensation that must be provided to a franchisee for labor and parts used to fulfill warranty and recall obligations under this section, all of the following apply:

(1) The franchisor shall use time allowances for the diagnosis and performance of the warranty and recall work and service that are reasonable and adequate for the work or services to be performed by a qualified technician.

(2) The franchisor shall use any retail labor rate and any retail parts markup percentage established in accordance with this section in calculating the compensation.

(3) If the franchisor provided a part or component to the franchisee at no cost to use in performing repairs under a recall, campaign service action, or warranty repair, the

franchisor shall provide to the franchisee an amount equal to 724  
the retail parts markup for that part or component, which shall 725  
be calculated by multiplying the dealer cost for the part or 726  
component as listed in the franchisor's price schedule by the 727  
retail parts markup percentage. 728

(4) A franchisor shall not assess penalties, surcharges, 729  
or similar costs to a franchisee, transfer or shift any costs to 730  
a franchisee, limit allocation of vehicles or parts to a 731  
franchisee, or otherwise take retaliatory action against a 732  
franchisee based on any franchisee's exercise of its rights 733  
under this section. It is the burden of the franchisee to prove 734  
any claims under division (D)(4) of this section by a 735  
preponderance of the evidence. Nothing in this section prohibits 736  
a franchisor from increasing the price of a vehicle or part in 737  
the normal course of business. 738

(E) A franchisor shall not require a franchisee to 739  
establish a retail labor rate or retail parts markup percentage 740  
using any method that is unduly burdensome or time consuming, or 741  
require the use of information that is unduly burdensome or time 742  
consuming to obtain, including part-by-part or transaction-by- 743  
transaction calculations or utilization of the franchisee's 744  
financial statement. Further, no franchisor shall unilaterally 745  
calculate a retail labor rate or retail parts markup percentage 746  
for a franchisee. 747

~~Divisions (A), (C), (D), and (E) of this section do not 748  
apply to franchisors or franchisees who deal in recreational 749  
vehicles. 750~~

**Sec. 4517.541.** (A) Each franchisor proposing to terminate, 751  
cancel, discontinue, or not renew a franchise based upon any of 752  
the following shall send written notice by certified mail of the 753

proposed action to the franchisee at such time as may be 754  
necessary to ensure that the notice is received not later than 755  
twelve months before the effective date of the proposed action, 756  
unless prohibited by law or regulation: 757

(1) As a result of any change in ownership, operation, or 758  
control of all or any part of the business of the manufacturer, 759  
factory branch, distributor, or distributor branch, whether by 760  
sale or transfer of assets, corporate stock or other equity 761  
interest, or by assignment, merger, consolidation, combination, 762  
joint venture, redemption, operation of law, or otherwise; 763

(2) The termination, suspension, or cessation of a part or 764  
all of the business operations of the manufacturer, factory 765  
branch, distributor, or distributor branch; 766

(3) Discontinuance of the sale of a line-make, series, 767  
brand or class of vehicles or a change in distribution system by 768  
the manufacturer, whether through a change in distributors or 769  
the manufacturer's decision to cease conducting business through 770  
a distributor altogether. 771

(B) Each notice described in division (A) of this section 772  
shall set forth the specific grounds for the proposed 773  
termination, cancellation, or refusal to continue or renew a 774  
franchise. 775

~~(C) This section shall not apply to franchisors or 776  
franchisees who deal in recreational vehicles. 777~~

**Sec. 4517.542.** (A) Except as provided in division (A) (6) 778  
(c) of this section, upon the termination, cancellation, 779  
discontinuance, or nonrenewal of any franchise by the franchisor 780  
pursuant to section 4517.541 of the Revised Code, the 781  
manufacturer shall pay fair and reasonable compensation to the 782

new motor vehicle dealer for at least the following: 783

(1) (a) The franchisee's net acquisition cost for any new, 784  
undamaged, unaltered, and unsold vehicle in the franchisee's 785  
inventory of the current model year or the model year preceding 786  
the current model year, purchased from the franchisor or another 787  
franchisee of the same line-make in the ordinary course of 788  
business prior to receipt of a notice of termination, 789  
cancellation, discontinuance, or nonrenewal, provided the 790  
vehicle has less than five hundred miles registered on the 791  
odometer, including mileage incurred in delivery from the 792  
franchisor or in transporting the vehicle between new motor 793  
vehicle dealers for sale; 794

(b) Notwithstanding division (A) (1) (a) of this section, a 795  
vehicle damaged prior to delivery to the franchisee by the 796  
manufacturer or its agent shall be eligible for repurchase in 797  
accordance with this section; 798

(c) The franchisor shall pay the fair and reasonable 799  
compensation for the items described in division (A) (1) of this 800  
section, including the franchisee's costs of handling, packing, 801  
loading, and transporting an item for return to the franchisor, 802  
within thirty days after the effective date of the termination, 803  
cancellation, discontinuance, or nonrenewal so long as the 804  
franchisee can provide evidence of good and clear title upon 805  
return of the items to the franchisor. If there is a lien on the 806  
property, the franchisor may make payment jointly to the 807  
franchisee and any party having a security interest or ownership 808  
interest in the property. 809

(2) The franchisee's net acquisition cost of each new, 810  
unused, undamaged, and unsold part or accessory purchased from 811  
the manufacturer or a source recommended or approved by the 812

franchisor if the part or accessory is in the current parts 813  
catalog. In the case of sheet metal, a comparable substitute for 814  
the original package may be used. If the part or accessory was 815  
purchased by the franchisee from an outgoing authorized 816  
franchisee, the franchisor shall purchase the part or accessory 817  
at the depreciated value price or the price in the current parts 818  
catalog, whichever is less. 819

(3) The franchisee's net acquisition cost of each 820  
undamaged sign if the sign bears a common name, trade name, or 821  
trademark of the manufacturer, the manufacturer required the new 822  
motor vehicle dealer to acquire the sign, and the sign was 823  
acquired by the new motor vehicle dealer from the manufacturer 824  
or a source approved by the manufacturer. A manufacturer shall 825  
purchase from the new motor vehicle dealer at fair market price 826  
poles or other hardware used to erect a sign if the manufacturer 827  
required the sign to be free standing and not include a 828  
trademark or trade name other than that of the manufacturer. For 829  
purposes of division (A) (3) of this section, fair market price 830  
is equal to the new motor vehicle dealer's original cost, 831  
reduced by one-tenth of the original cost for each year of 832  
ownership. 833

(4) The franchisee's net acquisition cost of all 834  
equipment, special tools, automotive service equipment, and 835  
other items bearing the manufacturer's trademark that were 836  
required by the manufacturer or distributor, and purchased from 837  
the manufacturer or a source recommended or approved by the 838  
manufacturer. The net acquisition cost shall be reduced over a 839  
period of five years at a rate of twenty per cent per year. 840

(5) The franchisor shall pay the fair and reasonable 841  
compensation for the items described in divisions (A) (2), (3), 842

and (4) of this section, including the cost of handling, 843  
packing, loading, and transporting an item for return to the 844  
franchisor, within sixty days after the effective date of 845  
termination, cancellation, discontinuance, or nonrenewal, so 846  
long as the franchisee is able to provide evidence of good and 847  
clear title upon return of the items to the franchisor. The 848  
franchisor may make payment jointly to the franchisee and any 849  
party having a security interest or ownership interest in the 850  
property. 851

(6) (a) Subject to division (A) (6) (b) of this section, fair 852  
market value of the franchise that is at least equivalent to the 853  
fair market value of the franchise on the day before the 854  
manufacturer announces the action that results in termination, 855  
cancellation, discontinuance, or nonrenewal. 856

(b) If the termination, cancellation, discontinuance, or 857  
nonrenewal is due to a manufacturer's change in distributors, 858  
the manufacturer may avoid paying fair market value to the new 859  
motor vehicle dealer if the new distributor or the manufacturer 860  
offers the new motor vehicle dealer a franchise agreement with 861  
terms substantially similar to terms offered to other same line- 862  
make new motor vehicle dealers. 863

(c) The manufacturer is only required to pay fair market 864  
value of the franchise if the termination, cancellation, 865  
discontinuance, or nonrenewal of the franchise agreement is the 866  
result of an action described in division (A) of section 867  
4517.541 of the Revised Code. 868

(B) In the event the franchisor does not pay the 869  
franchisee the amounts specified within the time required by 870  
this section for an involuntary termination, the manufacturer 871  
shall pay or reimburse the new motor vehicle dealer for any 872

costs of storing, insuring, and floor planning any of the 873  
property described in this section from the effective date of 874  
termination, cancellation, discontinuance, or nonrenewal until 875  
the date the franchisee is paid and the property is transported, 876  
in addition to transportation charges associated with the 877  
manufacturer's repurchase obligations. The manufacturer shall 878  
not charge the new motor vehicle dealer any handling, 879  
restocking, or other similar costs or fees associated with items 880  
repurchased by the manufacturer under division (A) of this 881  
section. 882

(C) Dealership facilities assistance shall be paid as 883  
follows: 884

(1) If the new motor vehicle dealer is leasing the 885  
dealership facilities from the manufacturer or a subsidiary of 886  
the manufacturer, the manufacturer or subsidiary shall forgive 887  
any future lease obligations. 888

(2) Subject to division (C)(4) of this section, if the new 889  
motor vehicle dealer is leasing the dealership facilities from a 890  
lessor other than the manufacturer, the manufacturer shall pay 891  
the new motor vehicle dealer a sum equivalent to the rent for 892  
the unexpired term of the lease or twelve months' rent, 893  
whichever is less. 894

(3) Subject to division (C)(4) of this section, if the new 895  
motor vehicle dealer owns the dealership facilities, the 896  
manufacturer shall pay the new motor vehicle dealer a sum 897  
equivalent to the reasonable rental value of the dealership 898  
facilities for twelve months. 899

(4) In order to be entitled to facilities assistance from 900  
the manufacturer as provided in divisions (C)(2) and (3) of this 901

section, the new motor vehicle dealer shall mitigate damages by 902  
listing the dealership facilities for lease or sublease with a 903  
licensed real estate agent or retail industry broker within 904  
thirty days after the effective date of the termination, 905  
cancellation, discontinuance, or nonrenewal of the franchise and 906  
thereafter by reasonably cooperating with the real estate agent 907  
or retail industry broker in the performance of the agent's or 908  
broker's duties. If the new motor vehicle dealer is able to 909  
lease or sublease the dealership facilities, the new motor 910  
vehicle dealer shall pay the manufacturer the net revenue 911  
received from the mitigation up to the total amount of 912  
facilities assistance that the new motor vehicle dealer has 913  
received from the manufacturer pursuant to division (C) (2) or 914  
(3) of this section. 915

(5) If the termination, cancellation, discontinuance, or 916  
nonrenewal relates to fewer than all of the franchises operated 917  
by the new motor vehicle dealer at a single location, the amount 918  
of facilities assistance that the manufacturer is required to 919  
pay the new motor vehicle dealer under division (C) of this 920  
section shall be based on the percentage of total square footage 921  
attributed to the line-make being terminated, canceled, 922  
discontinued, or not renewed. 923

(6) The manufacturer shall pay the dealership facilities 924  
assistance under division (C) of this section within sixty days 925  
after the effective date of termination, cancellation, 926  
discontinuance, or nonrenewal. The franchisor may make payment 927  
jointly to the franchisee and any party having a security 928  
interest or ownership interest in the property. 929

(7) The manufacturer is not required to pay dealership 930  
facilities assistance if the termination, cancellation, 931



discontinuance, or nonrenewal of the franchise agreement is the 932  
result of insolvency of the franchisee or the filing of any 933  
petition by or against the franchisee under any bankruptcy or 934  
receivership law, is the result of any unlawful business 935  
practice after written warning thereof, is the result of the 936  
franchisee ceasing business operations, or is the result of the 937  
voluntary act of the new motor vehicle dealer. 938

(D) This section and section 4517.541 of the Revised Code 939  
shall not apply to a termination, cancellation, discontinuance, 940  
or nonrenewal of a franchise that results from the sale of the 941  
assets or stock of the motor vehicle dealership from a 942  
franchisee to a franchisee or prospective franchisee. 943

(E) This section shall not apply to any noncoerced 944  
voluntary termination. A franchisee that voluntarily terminates 945  
the franchise agreement remains eligible for any termination 946  
assistance provided for voluntary terminations in the 947  
franchisee's franchise agreement with the franchisor. 948

(F) A franchise shall continue in full force and operation 949  
notwithstanding a change, in whole or in part, of an established 950  
plan of distribution or system of distribution of the motor 951  
vehicles offered for sale under the franchise. The appointment 952  
of a new manufacturer, factory branch, distributor, or 953  
distributor branch for motor vehicles offered for sale under the 954  
franchise agreement shall be considered to be a change of an 955  
established plan of distribution or system of distribution. 956

(G) Disputes arising between a manufacturer or distributor 957  
and a new motor vehicle dealer under this section and section 958  
4517.541 of the Revised Code shall be resolved by submitting the 959  
dispute to the manufacturer's internal dispute resolution 960  
process if one is available. If no such process exists, the 961

dispute shall be submitted to a court of competent jurisdiction. 962  
Either party may appeal the decision of the manufacturer's 963  
internal dispute resolution process to a court of competent 964  
jurisdiction. 965

(H) Nothing in this section or section 4517.541 of the 966  
Revised Code shall be construed as prohibiting a manufacturer or 967  
distributor from changing, adding or deleting models, 968  
specifications, model names, numbers or identifying marks, or 969  
similar characteristics of the new vehicles it markets, provided 970  
that the change, addition, or deletion does not result in the 971  
termination or discontinuance of a line-make, series, brand, or 972  
class of new vehicle. 973

~~(I) This section shall not apply to franchisors or 974  
franchisees who deal in recreational vehicles. 975~~

~~(J) As used in this section: 976~~

(1) "Net acquisition cost" means the franchised dealer 977  
cost for a new and unsold motor vehicle in a dealer's inventory 978  
plus any charges by the manufacturer or distributor for 979  
destination, distribution, or delivery, and taxes, less all 980  
allowances paid or credited to the franchised dealer by the 981  
manufacturer or distributor. 982

(2) "Line-make" means a collection of models, series, or 983  
groups of motor vehicles manufactured by or for a particular 984  
manufacturer, distributor, or importer that are offered for 985  
sale, lease, or distribution pursuant to a common brand name or 986  
mark. Multiple brand names or marks may constitute a single 987  
line-make, but only when included in a common dealer agreement 988  
and when the manufacturer, distributor, or importer offers such 989  
vehicles bearing the multiple names or marks together, and not 990

separately, to its authorized dealers.	991
<b>Sec. 4517.55.</b> (A) In determining whether good cause has	992
been established by the franchisor for terminating, cancelling,	993
or failing to continue or renew a franchise, the motor vehicle	994
dealers board shall take into consideration the existing	995
circumstances, including, but not limited to:	996
(1) The amount of retail sales transacted by the	997
franchisee during a five-year period immediately preceding such	998
notice as compared to the business available to the franchisee;	999
(2) The investment necessarily made and obligations	1000
incurred by the franchisee to perform its part of the franchise;	1001
(3) The permanency of the franchisee's investment;	1002
(4) Whether it is injurious or beneficial to the public	1003
interest for the franchise to be modified or replaced, or the	1004
business of the franchisee disrupted;	1005
(5) Whether the franchisee has adequate motor vehicle	1006
sales and service facilities, equipment, vehicle parts, and	1007
qualified service personnel to reasonably provide for the needs	1008
of the consumers for the motor vehicles handled by the	1009
franchisee, and is rendering adequate service to the public;	1010
(6) Whether the franchisee fails to fulfill the warranty	1011
obligations of the franchisor required to be performed by the	1012
franchisee;	1013
(7) The extent and materiality of the franchisee's failure	1014
to comply with the terms of the franchise and the reasonableness	1015
and fairness of the franchise terms;	1016
(8) Whether the owners of the new motor vehicle dealer had	1017
actual knowledge of the facts and circumstances upon which	1018

termination, cancellation, discontinuance, or nonrenewal is based;	1019 1020
(9) Whether the proposed termination, cancellation, discontinuance, or nonrenewal constitutes discriminatory enforcement of the franchise agreement.	1021 1022 1023
(B) Notwithstanding the terms, conditions, or provisions of any franchise or waiver, the following do not constitute sufficient good cause for terminating, cancelling, or failing to continue or renew a franchise:	1024 1025 1026 1027
(1) Refusal by the franchisee to purchase or accept delivery of any new motor vehicle, parts, accessories, or any other commodity or service not ordered by the franchisee;	1028 1029 1030
(2) The fact that the franchisee or the owner of any interest therein, owns, has an investment in, participates in the management of, or holds a license for the sale of the same or any other line-make of new motor vehicle;	1031 1032 1033 1034
(3) The sale, transfer, or issuance of any equity or debenture issue, or the transfer or issuance of any security or shares of stock in a new motor vehicle dealer to any person, whenever the sale, issuance, or transfer does not result in a change in the controlling ownership of the dealership;	1035 1036 1037 1038 1039
(4) A change by the franchisee in the administrative or executive management of the dealership;	1040 1041
(5) Failure of the franchisee to achieve any unreasonable or discriminatory performance criteria;	1042 1043
(6) A loss of trust by the franchisor absent circumstances or facts that would be a material breach of the franchise agreement and that material breach is known and ratified by the	1044 1045 1046

owners of the new motor vehicle dealer; 1047

(7) The failure of a franchisee to maintain a motor 1048  
vehicle floor plan line of credit, unless the franchisee fails 1049  
to maintain a floor plan line of credit for one hundred twenty 1050  
days or longer; 1051

(8) The export of new motor vehicles to a foreign country, 1052  
unless division (A) (20) (b) of section 4517.59 of the Revised 1053  
Code applies. 1054

(C) Prior to a final determination by a franchisor that a 1055  
franchisee has failed to achieve any performance criteria for 1056  
purposes of any action under this section, the franchisor shall 1057  
give the franchisee a reasonable opportunity to present evidence 1058  
demonstrating the effect of local market conditions that 1059  
materially and adversely affected the franchisee's performance. 1060  
If a franchisor makes a final decision related to performance 1061  
criteria without allowing the franchisee the reasonable 1062  
opportunity to present evidence, or does not consider the effect 1063  
of the local market conditions on the franchisee's performance, 1064  
the performance criteria is deemed unreasonable under division 1065  
(B) (5) of this section. 1066

~~(D) Divisions (B) (6) to (8) and (C) of this section shall 1067  
not apply to franchisors or franchisees who deal in recreational 1068  
vehicles. 1069~~

**Sec. 4517.59.** (A) Notwithstanding the terms, provisions, 1070  
or conditions of any agreement, franchise, or waiver, no 1071  
franchisor shall: 1072

(1) In acting or purporting to act under the terms, 1073  
provisions, or conditions of a franchise or in terminating, 1074  
canceling, or failing to renew a franchise, fail to act in good 1075

faith; 1076

(2) Prevent a franchisee from changing administrative or 1077  
executive management, provided such personnel satisfy reasonable 1078  
and objective standards formulated and objectively applied by 1079  
the franchisor; 1080

(3) Restrict the sale of any equity or debenture issue or 1081  
the transfer of any securities in a dealership, or in any way 1082  
prevent or attempt to prevent the transfer, sale, or issuance of 1083  
shares of stock or debentures to any person, if the basic 1084  
financial requirements of the franchisor have been equalled at 1085  
the time of the execution of the franchise agreement and 1086  
continued in effect, and if the sale, transfer, or issuance does 1087  
not have the effect of accomplishing a sale of a controlling 1088  
interest in the dealership; 1089

(4) Coerce or threaten any franchisee by refusing or 1090  
failing to renew or extend a lease of premises where the fee or 1091  
right of possession is in the absolute control of the franchisor 1092  
and the franchisee upon request or demand of the franchisor 1093  
fails to expand its facilities, increase sales personnel, 1094  
purchase more parts or accept programs for sales and operation 1095  
of the franchisee's business, when such demand is not 1096  
reasonable, fair, and equitable under all circumstances, or 1097  
tends to depreciate the franchisee's equity; 1098

(5) Sell, lease, or rent goods or motor vehicles, or 1099  
render any service normally performed and required of 1100  
franchisees under the franchise agreement with the franchisor, 1101  
in unfair competition with the franchisee, except that this 1102  
division does not apply to a sale, lease, or rental to, or 1103  
service performed for, an agency of federal, state, or local 1104  
government; 1105

(6) Do any of the following:	1106
(a) Coerce, or attempt to coerce, any franchisee to accept delivery of any motor vehicle, parts, accessories, or any other commodities connected therewith which are not ordered by said franchisee;	1107 1108 1109 1110
(b) Withhold or delay delivery of motor vehicles out of the ordinary course of business;	1111 1112
(c) Discriminate against any franchisee in the allocation or through the withholding from delivery of certain models of motor vehicles ordered by a franchisee out of the ordinary course of business;	1113 1114 1115 1116
(d) Unfairly change or amend unilaterally a franchisee's allotment of motor vehicles or quota, sales expectancy, sales penetration, or geographic area of responsibility without reasonable cause. Prior to changing or amending a franchisee's geographic area of responsibility, the franchisor shall give the franchisee, other than a franchisee who deals in recreational vehicles, a reasonable opportunity to present relevant evidence demonstrating the effect of local market conditions that may materially and adversely affect the franchisee's proposed new geographic area of responsibility. Any final decision made by the franchisor without considering such local market conditions shall be considered unreasonable.	1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128
(e) Coerce a franchisee by any means to participate or contribute to any local or national advertising fund;	1129 1130
(f) Employ any coercive techniques for any other purposes such as obtaining franchisee participation in contests, "giveaways," or sales devices.	1131 1132 1133
Division (A) (6) of this section does not authorize a	1134

franchisee that is located outside of the relevant market area, 1135  
as defined in section 4517.01 of the Revised Code, to challenge 1136  
the establishment or relocation of a franchise location. 1137

(7) Coerce, or attempt to coerce, a franchisee by 1138  
threatening to award an additional franchise or agreement to 1139  
another person for the sale of its same product in the same area 1140  
of influence for the purposes of compelling such franchisee to 1141  
yield to demands of the franchisor for increased sales of the 1142  
franchisor's products, parts, expansion of facilities and 1143  
improvement of operations inconsistent with good business 1144  
practices of the franchisee; 1145

(8) Fail or refuse to make equally available to its same 1146  
line-make franchisees all motor vehicles, motor vehicle parts, 1147  
or other products manufactured for that line-make at the same 1148  
actual price, or to utilize any device including, but not 1149  
limited to, sales promotion plans or programs that result in 1150  
such lesser actual price. Division (A) (8) of this section shall 1151  
not apply to sales to a franchisee for resale to any unit of 1152  
government or donation or use by a franchisee in a driver 1153  
education program. Division (A) (8) of this section shall not 1154  
prohibit the offering of incentive programs or other discounts 1155  
so long as such incentives or discounts are reasonably available 1156  
to all franchisees in this state on a proportionately equal 1157  
basis and are based on the sale of individual vehicles and not 1158  
increased for meeting a performance standard unless the standard 1159  
is reasonable considering all existing circumstances. 1160

A franchisor has not made a motor vehicle, motor vehicle 1161  
part, or other product available to all line-make franchisees if 1162  
the franchisor does any of the following: 1163

(a) Requires a franchisee to remodel, renovate, or 1164



recondition the new motor vehicle dealer's existing dealership 1165  
facilities as a prerequisite to receiving the model, part, or 1166  
product, unless reasonably necessary to accommodate the adequate 1167  
sale and service of a vehicle based on the technology of that 1168  
vehicle. As used in division (A) (8) of this section, "remodel, 1169  
renovate, and recondition" includes the requirement that a 1170  
franchisee purchase or lease unreasonably expensive advertising 1171  
or promotional displays or other similar materials. 1172

(b) Requires a franchisee to pay an additional fee to 1173  
receive any model, part, or product within a franchisor's line- 1174  
make; 1175

(c) Requires a franchisee to accept additional inventory 1176  
to receive any model, part, or product within a franchisor's 1177  
line-make. 1178

(9) Fail to either return a part to the franchisee, at the 1179  
franchisor's expense, or reimburse the franchisee for the 1180  
franchisee's cost of the part where a franchisor does not 1181  
approve a franchisee's claim for a defective part; 1182

(10) Fail to approve or disapprove any warranty or recall 1183  
claim submitted by a franchisee within forty-five days after 1184  
receipt from the franchisee. If a claim is not approved, the 1185  
franchisor shall immediately so notify in writing the franchisee 1186  
who submitted the claim and shall include in the notice the 1187  
specific grounds upon which the disapproval is based. 1188

(11) Fail to pay a franchisee within thirty days after 1189  
approval by the franchisor of any claim by a franchisee for 1190  
labor and parts made under division (B) of section 4517.52 and 1191  
section 4517.53 of the Revised Code. Any failure of a franchisor 1192  
to act on or pay a claim within the time limits specified by 1193

this section that results from causes beyond the franchisor's 1194  
reasonable control does not constitute a violation of this 1195  
section. 1196

(12) Disclaim an otherwise valid warranty or recall claim 1197  
because the franchisee fails to submit or resubmit the claim 1198  
within a period of less than six months from the date on which 1199  
the service was rendered or parts supplied; 1200

(13) Unless otherwise authorized or required by the 1201  
"National Traffic and Motor Vehicle Safety Act," 49 U.S.C. 1202  
30101, et seq. or any regulation adopted thereunder, the 1203  
"Transportation Recall, Enhancement, Accountability, and 1204  
Documentation Act," 49 U.S.C. 30123, et seq. or any regulation 1205  
adopted thereunder, or any other federal law or regulation, 1206  
provide reimbursement to any individual or entity that is not a 1207  
franchisee for labor and parts used to fulfill warranty and 1208  
recall work, unless the work is required for emergency service, 1209  
or is performed by a service center owned by the manufacturer on 1210  
employee- or company-owned vehicles only, or the work is 1211  
warranty service by employees of a fleet operator on its own 1212  
vehicles. Nothing in division (A) (13) of this section shall 1213  
prohibit a manufacturer from reimbursing a franchisee of another 1214  
line-make of the same manufacturer for labor and parts used to 1215  
fulfill warranty and recall work. 1216

(14) Refuse to disclose to any new motor vehicle dealer 1217  
who handles the same line-make, the manner and mode of 1218  
distribution of that line-make within the same county, or if a 1219  
line-make is allocated among new motor vehicle dealers, refuse 1220  
to disclose to any new motor vehicle dealer that handles the 1221  
same line-make the system of allocation, including, but not 1222  
limited to, a complete breakdown by model, color, equipment, 1223

other items or terms, and a concise listing of dealerships with 1224  
an explanation of the derivation of the allocation system 1225  
including its mathematical formula in a clear and comprehensible 1226  
form; 1227

(15) Engage in any predatory practice or discriminate 1228  
against any new motor vehicle dealer including discriminating 1229  
against a franchisee, as compared to a same line-make 1230  
franchisee, with regard to motor vehicle allocation, motor 1231  
vehicle sales expectations, motor vehicle market penetration, 1232  
motor vehicle planning volume requirements, customer service 1233  
satisfaction requirements, dealership facility requirements, or 1234  
dealer capitalization requirements; 1235

(16) Prohibit a franchisee from acquiring a line-make of 1236  
new motor vehicles solely because it owns or operates a 1237  
franchise of the same line-make in a contiguous market; 1238

(17) Use any financial services company or leasing company 1239  
owned in whole or part or controlled by the manufacturer or 1240  
distributor to accomplish what would otherwise be illegal 1241  
conduct on the part of the manufacturer or distributor pursuant 1242  
to this section. This section does not limit the right of the 1243  
financial services or leasing company to otherwise engage in 1244  
regular financial services or leasing business practices. 1245

(18) Initiate a charge back without an audit or perform an 1246  
audit to confirm a warranty or recall repair, sales incentive, 1247  
service incentive, other form of incentive compensation, or 1248  
rebate more than twelve months after the date of submission by 1249  
the franchisee, provided that these limitations shall not be 1250  
effective in the case of a fraudulent claim. Division (A) (18) of 1251  
this section does not preclude a charge back for any fraudulent 1252  
claim that was previously paid. 1253

(19) Refuse to pay a franchisee for sales incentives, 1254  
service incentives, rebates, or other forms of incentive 1255  
compensation within thirty days after their approval by the 1256  
manufacturer. The franchisor shall either approve or disapprove 1257  
each claim by the franchisee within thirty days after receipt of 1258  
the claim in a proper form generally used by the franchisor. Any 1259  
claims not specifically disapproved in writing within thirty 1260  
days after receipt shall be considered to be approved. 1261

(20) Reduce the amount to be paid to a new motor vehicle 1262  
dealer, assess any penalty, impose a charge back, or take any 1263  
other adverse action against a new motor vehicle dealer 1264  
subsequent to and in relation to the payment of any claim 1265  
related to a warranty repair or recall reimbursement, sales 1266  
incentive or rebate, service incentive, or other form of 1267  
incentive compensation unless either of the following applies: 1268

(a) The manufacturer shows that the claim lacks material 1269  
documentation or is false, fraudulent, or a misrepresentation. A 1270  
franchisor may not deny a claim based solely on a new motor 1271  
vehicle dealer's incidental failure to comply with a specific 1272  
claim processing requirement, such as a clerical error, that 1273  
does not put into question the legitimacy of the claim. 1274

(b) The new motor vehicle dealer knew or should have known 1275  
a new motor vehicle was sold for export to a foreign country. 1276  
There shall exist a rebuttable presumption that a new motor 1277  
vehicle dealer did not know, or should not have known, that a 1278  
vehicle was sold for export to a foreign country if the motor 1279  
vehicle is titled in the United States. Unless the manufacturer 1280  
establishes that the new motor vehicle dealer knew or should 1281  
have known of information that should have caused the new motor 1282  
vehicle dealer to know that the new motor vehicle was purchased 1283

for export, the new motor vehicle dealer is presumed not to have 1284  
known that the new motor vehicle was purchased for export if all 1285  
of the following apply: 1286

(i) The new motor vehicle was titled in the United States. 1287

(ii) The new motor vehicle was exported not sooner than 1288  
twelve months after the date of purchase of the motor vehicle. 1289

(iii) The purchaser's information was not on a 1290  
franchisor's written list of known or suspected exporters 1291  
received by the new motor vehicle dealer at least five days 1292  
prior to the date of the sale of the motor vehicle. 1293

No refusal to pay warranty repair or recall 1294  
reimbursements, sales incentives, service incentives, rebates, 1295  
or other forms of incentive compensation, no reduction in the 1296  
amount to be paid to the new motor vehicle dealer, and no charge 1297  
back subsequent to the payment of a claim may be made until the 1298  
new motor vehicle dealer has had notice and an opportunity to 1299  
participate in all franchisor internal appeal processes as well 1300  
as all available legal processes. If a charge back is the 1301  
subject of adjudication, internal appeal, mediation, or 1302  
arbitration, no charge back shall be made until, in the case of 1303  
an adjudication or legal action, a final appealable order has 1304  
been issued. 1305

At the time submitted, the claim shall act as an immediate 1306  
automatic credit against future billings. Any ambiguity or 1307  
inconsistency in submission guidelines shall be construed 1308  
against the drafter. Any failure by a new motor vehicle dealer 1309  
to exercise its rights to reimbursement under this section does 1310  
not create a waiver of these rights. Any unreasonable denial, 1311  
delay, or restriction of a valid reimbursement claim shall 1312

subject the manufacturer to interest in accordance with division 1313  
(A) of section 1343.03 of the Revised Code until paid. 1314

(21) Prevent, attempt to prevent, prohibit, coerce, or 1315  
attempt to coerce, any new motor vehicle dealer from charging 1316  
any consumer any fee allowed to be charged by the dealer under 1317  
Ohio law; 1318

(22) Require, coerce, or attempt to coerce any new motor 1319  
vehicle dealer in this state to change the capital structure of 1320  
the new motor vehicle dealer or the means by or through which 1321  
the new motor vehicle dealer finances the operation of the 1322  
dealership provided that: 1323

(a) The new motor vehicle dealer at all times shall meet 1324  
any reasonable capital standards determined by the manufacturer 1325  
in accordance with uniformly applied criteria. 1326

(b) No change in the capital structure shall cause a 1327  
change in the principal management or have the effect of a sale 1328  
of the franchise without the consent of the manufacturer or 1329  
distributor, and further provided that the manufacturer or 1330  
distributor shall not unreasonably withhold consent. 1331

(23) (a) Require, coerce, or attempt to coerce any new 1332  
motor vehicle dealer in this state to change the location of the 1333  
dealership, or to make any substantial alterations to the 1334  
dealership premises or facilities, if any of the following 1335  
apply: 1336

(i) The proposed change or alteration would be 1337  
unreasonable in light of the current market and economic 1338  
conditions. 1339

(ii) The change or alteration is proposed without a 1340  
written estimation of a sufficient supply of new motor vehicles 1341

so as to justify the location change or alterations in light of 1342  
the current market and economic conditions. 1343

(iii) The change or alteration is proposed within seven 1344  
years after the dealership premises was constructed or altered, 1345  
as approved by the franchisor unless the change or alteration is 1346  
necessary to comply with a health or safety law, or a technology 1347  
requirement that is essential to the sale or service of a motor 1348  
vehicle that the new motor vehicle dealer is authorized by the 1349  
franchisor to sell or service. 1350

(b) The seven-year time period set forth under division 1351  
(A) (23) (a) (iii) of this section continues with regard to the 1352  
successor to the new motor vehicle dealer if the successor was 1353  
approved by the franchisor in the franchise agreement. 1354

(c) As used in division (A) (23) (a) of this section, 1355  
"substantial alteration" means an alteration that has a major 1356  
impact on the architectural features, characteristics, or 1357  
integrity of a structure or lot. "Substantial alteration" does 1358  
not include routine maintenance, such as interior painting, that 1359  
is reasonably necessary to keep the dealership facility in an 1360  
attractive condition. 1361

(d) Division (A) (23) of this section does not prohibit a 1362  
franchisor from taking any of the following actions: 1363

(i) Continuing, renewing, or modifying a facility 1364  
improvement program that involves more than one new motor 1365  
vehicle dealer in this state and that was in effect prior to ~~the~~ 1366  
~~effective date of this amendment~~ September 14, 2016; 1367

(ii) Providing payments to assist a new motor vehicle 1368  
dealer in making any facility improvement, including 1369  
construction, remodeling, or installing signage or franchisor 1370

image elements;	1371
(iii) Providing reimbursement to a new motor vehicle	1372
dealer for a portion of the costs that the new motor vehicle	1373
dealer incurs in making any facility improvement.	1374
(24) Establish any performance standard or program for	1375
measuring franchisee performance that may have a material impact	1376
on a franchisee that is not fair, reasonable, and equitable, or	1377
apply any such standard or program to a franchisee in a manner	1378
that is not fair, reasonable, and equitable;	1379
(25) Use the failure of a franchisee to meet a performance	1380
standard as the basis to prevent or deny the franchisee the	1381
opportunity to name a successor or otherwise engage in	1382
succession planning, provided, however, that any designated	1383
successor shall meet the manufacturer's written and uniformly	1384
applied requirements to be a franchisee at the time of	1385
succession;	1386
(26) Use the inability of a franchisee to meet a	1387
performance standard as a justification to exclude the	1388
franchisee from programs offered by the franchisor if the	1389
failure to meet the performance standard was based on whether	1390
the franchisee is selling an adequate number of vehicles and the	1391
franchisee can demonstrate that it was unable to purchase enough	1392
vehicles from the franchisor due to the actions of the	1393
franchisor;	1394
(27) Unreasonably require a franchisee to establish or	1395
maintain exclusive sales facilities, sales display space,	1396
personnel, service, parts, or administrative facilities for a	1397
line-make, unless such exclusivity is reasonable and otherwise	1398
justified by reasonable business considerations. In making that	1399



determination, the franchisor shall take into consideration the 1400  
franchisee's satisfaction of facility requirements as required 1401  
by the franchise agreement. The franchisor shall have the burden 1402  
of proving that reasonable business considerations justify 1403  
exclusivity. 1404

(28) Unreasonably require or coerce a franchisee to lease 1405  
or purchase a good or service from a specified vendor for 1406  
purposes of expanding, constructing, or significantly modifying 1407  
a facility without allowing the franchisee to choose a vendor 1408  
that provides a good or service of a substantially similar 1409  
quality and general appearance and that is approved by the 1410  
franchisor. No franchisor shall unreasonably withhold approval 1411  
of a vendor under division (A) (28) of this section. 1412

Division (A) (28) of this section does not do either of the 1413  
following: 1414

(a) Allow a franchisee or vendor to eliminate or impair 1415  
the franchisor's intellectual property rights, including with 1416  
regard to a trademark; 1417

(b) Permit a franchisee to erect or maintain signs that do 1418  
not conform to the intellectual property usage guidelines of the 1419  
franchisor. 1420

(29) Require a franchisee to conduct research on 1421  
prospective vehicle purchasers. 1422

(30) Require or request a franchisee to waive any 1423  
requirements of this section. 1424

(B) (1) No franchisor shall discriminate among the 1425  
franchisor's dealers in any program that provides assistance to 1426  
the franchisor's dealers, including internet listings, sales 1427  
leads, warranty policy adjustments, marketing programs, and 1428

dealer recognition programs. 1429

(2) The franchisor shall not require or coerce a 1430  
franchisee to provide its customer lists, service files, or 1431  
other nonpublic personal information concerning any consumer or 1432  
concerning any customer of the franchisee to the franchisor, 1433  
unless necessary for the sale and delivery of a motor vehicle to 1434  
a consumer, to validate and pay consumer or dealer incentives, 1435  
or for the submission to the franchisor for any services 1436  
supplied by the franchisee for any claim for warranty parts or 1437  
repairs. Nothing in this division shall limit the franchisor's 1438  
ability to require or use customer information to satisfy any 1439  
safety or recall notice obligation. 1440

(3) No franchisor shall fail to comply with the 1441  
requirements of any state or federal law that pertains to the 1442  
use or disclosure of information, including the "Gramm-Leach- 1443  
Bliley Act," 113 Stat. 1338 (1999), 15 U.S.C. 6801 et seq. 1444

(4) No franchisor shall fail, upon demand, to indemnify 1445  
any existing or former franchisee and the successors and assigns 1446  
of the franchisee from all damages that result from or relate to 1447  
any claim made by a third party against the franchisee or 1448  
successor if the claim results directly from the improper use or 1449  
disclosure of nonpublic personal information by the 1450  
manufacturer, distributor, or any third party to whom 1451  
information was provided by the manufacturer or distributor. The 1452  
franchisor shall pay attorney's fees and other expenses 1453  
reasonably incurred by the franchisee or successor in relation 1454  
to such a claim. 1455

(C) No franchise agreement shall require the franchisee to 1456  
pay the attorney's fees of a franchisor, waive any remedy or 1457  
defense available to the franchisee, require a motor vehicle 1458

dealer to submit to arbitration or mediation to resolve a 1459  
controversy before the controversy arises, or waive any other 1460  
provisions of this chapter. Nothing in this division shall 1461  
preclude the parties from entering into a voluntary agreement to 1462  
arbitrate or mediate a controversy after it arises unless 1463  
otherwise precluded by law. Such an agreement shall require that 1464  
the dispute be heard in this state and that the arbitrator or 1465  
mediator apply the law of this state in resolving the 1466  
controversy. Either party may appeal a decision of an arbitrator 1467  
in the court of common pleas of Franklin county on the grounds 1468  
that the arbitrator failed to apply the law of this state. 1469

(D) This section applies to any franchise whether entered 1470  
into prior to or after October 22, 1987. ~~Divisions (A) (8), (13),~~ 1471  
~~(16) to (27), (29), (B), and (C) of this section shall not apply~~ 1472  
~~to franchisors or franchisees who deal in recreational vehicles.~~ 1473

Sec. 4517.70. As used in sections 4517.70 to 4517.79 of 1474  
the Revised Code: 1475

"Warrantor" means any person that gives a warranty in 1476  
connection with a new recreational vehicle or its parts, 1477  
accessories, or components. "Warrantor" does not include service 1478  
contracts, mechanical insurance, or extended warranties sold 1479  
separately by a recreational vehicle dealer or a person that is 1480  
not an agent of a recreational vehicle manufacturer. 1481

Sec. 4517.71. (A) A recreational vehicle franchisor shall 1482  
not sell a new recreational vehicle to or through a recreational 1483  
vehicle franchisee unless the franchisor has entered into a 1484  
recreational vehicle franchise with the franchisee that has been 1485  
signed by all of the relevant parties to the agreement. 1486

(B) A recreational vehicle franchisee shall not sell a new 1487

recreational vehicle unless the dealer has entered into a 1488  
recreational vehicle franchise with a recreational vehicle 1489  
franchisor. A recreational vehicle franchisee shall not sell a 1490  
recreational vehicle outside of that franchisee's relevant 1491  
market area, unless a larger area is specified in the 1492  
recreational vehicle franchise. 1493

(C) A recreational vehicle franchisor shall not authorize 1494  
a recreational vehicle franchisee to sell the same line-make or 1495  
model recreational vehicle as another recreational vehicle 1496  
franchisee in the same relevant market area or area that was 1497  
agreed to in a recreational vehicle franchise. 1498

(D) A recreational vehicle franchisor or a recreational 1499  
vehicle franchisee shall not do either of the following: 1500

(1) Alter the duration or terms of a recreational vehicle 1501  
franchise without the mutual consent of all of the parties to 1502  
the agreement; 1503

(2) Issue a policy or procedure that directly or 1504  
indirectly results in a violation or alteration of a provision 1505  
of the recreational vehicle franchise. 1506

**Sec. 4517.72.** (A) (1) A recreational vehicle franchisor 1507  
shall not terminate, cancel, or fail to continue or renew a 1508  
recreational vehicle franchise or a particular model or line- 1509  
make of recreational vehicle except for good cause. 1510

(2) A recreational vehicle franchisee may terminate, 1511  
cancel, or fail to continue or renew a recreational vehicle 1512  
franchise with or without good cause. 1513

(3) Upon renewal of a recreational vehicle franchise, a 1514  
recreational vehicle franchisor shall not require a recreational 1515  
vehicle franchisee to meet additional inventory stocking or 1516

retail sales targets that are in excess of the market growth in 1517  
the franchisee's sales area. 1518

(B)(1) Except as provided in division (B)(2) of this 1519  
section, a recreational vehicle franchisor shall send written 1520  
notice by certified mail to a recreational vehicle franchisee 1521  
not less than one hundred twenty days prior to the effective 1522  
date of terminating, canceling, or refusing to continue or renew 1523  
a recreational vehicle franchise or particular model or line- 1524  
make of recreational vehicle. 1525

(2) A recreational vehicle franchisor shall send written 1526  
notice by certified mail to a recreational vehicle franchisee 1527  
not less than thirty days prior to the effective date of the 1528  
proposed action if the termination, cancellation, or refusal to 1529  
continue or renew are based upon any of the following: 1530

(a) The recreational vehicle franchisee is convicted of or 1531  
pleads guilty to a felony offense. 1532

(b) The recreational vehicle franchisee abandons or closes 1533  
its business operations, unless the closing is for reasons over 1534  
which the franchisee has no control. 1535

(c) The recreational vehicle franchisee is insolvent or 1536  
files a petition under any bankruptcy or receivership law. 1537

(d) The recreational vehicle franchisee makes a 1538  
significant misrepresentation that materially affects the 1539  
business relationship between the franchisee and the franchisor. 1540

(e) The registrar of motor vehicles suspends, revokes, or 1541  
refuses to renew the recreational vehicle franchisee's license. 1542

(3) A recreational vehicle franchisee shall send written 1543  
notice by certified mail to a recreational vehicle franchisor 1544

not less than thirty days prior to the effective date of 1545  
terminating, canceling, or refusing to continue or renew a 1546  
recreational vehicle franchise. 1547

(4) Any notice shall set forth the specific grounds for 1548  
the proposed termination, cancellation, or refusal to continue 1549  
or renew. 1550

(C) Prior to the effective date of the proposed action, 1551  
the person receiving written notice under this section may file 1552  
a protest with the motor vehicle dealers board against the 1553  
proposed action. When such a protest has been filed, the board 1554  
shall inform the person that sent the notice that a timely 1555  
protest has been filed and that a hearing is required pursuant 1556  
to section 4517.32 of the Revised Code. 1557

(D) A person shall not take the proposed action before the 1558  
holding of a hearing on any protest filed under this section. A 1559  
recreational vehicle franchisor shall not take the proposed 1560  
action after the hearing if the board determines that good cause 1561  
does not exist to take that proposed action. 1562

**Sec. 4517.73.** (A) In determining whether good cause has 1563  
been established by a recreational vehicle franchisor for 1564  
terminating, canceling, or failing to continue or renew a 1565  
recreational vehicle franchise or a particular model or line- 1566  
make of recreational vehicle, the motor vehicle dealers board 1567  
shall take into consideration the existing circumstances, 1568  
including: 1569

(1) The extent of the recreational vehicle franchisee's 1570  
impact in the relevant market area for the relevant model or 1571  
line-make; 1572

(2) The nature and extent of the recreational vehicle 1573

<u>franchisee's investment in its business;</u>	1574
<u>(3) The adequacy of the recreational vehicle franchisee's</u>	1575
<u>service facilities, equipment, parts, supplies, and personnel;</u>	1576
<u>(4) The effects of the proposed action on the community;</u>	1577
<u>(5) The extent and quality of the recreational vehicle</u>	1578
<u>franchisee's service under recreational vehicle warranties;</u>	1579
<u>(6) Any failure on the part of the recreational vehicle</u>	1580
<u>franchisee to follow agreed-upon and reasonable procedures or</u>	1581
<u>standards related to the operation of the franchisee consistent</u>	1582
<u>with the law and the recreational vehicle franchise;</u>	1583
<u>(7) The recreational vehicle franchisee's performance</u>	1584
<u>under the terms of the recreational vehicle franchise.</u>	1585
<u>(B) In determining whether good cause has been established</u>	1586
<u>by a recreational vehicle franchisee for terminating, canceling,</u>	1587
<u>or failing to continue or renew a recreational vehicle</u>	1588
<u>franchise, the board shall take into consideration the existing</u>	1589
<u>circumstances, including if any of the following apply:</u>	1590
<u>(1) The recreational vehicle franchisor has been convicted</u>	1591
<u>of or pleaded guilty to a felony.</u>	1592
<u>(2) The recreational vehicle franchisor has abandoned or</u>	1593
<u>closed its business operations, unless the closing is for</u>	1594
<u>reasons over which the franchisor has no control.</u>	1595
<u>(3) The recreational vehicle franchisor is insolvent or</u>	1596
<u>has filed a petition under any bankruptcy or receivership law.</u>	1597
<u>(4) The recreational vehicle franchisor has made a</u>	1598
<u>significant misrepresentation that materially affects the</u>	1599
<u>business relationship between the franchisee with the</u>	1600

franchisor. 1601

(5) The registrar of motor vehicles has suspended, 1602  
revoked, or refused to renew the recreational vehicle 1603  
franchisor's license. 1604

(6) The recreational vehicle franchisor has violated the 1605  
requirements of sections 4517.70 to 4517.79 of the Revised Code 1606  
and does not cure the violation within thirty days after notice 1607  
sent by the recreational vehicle franchisee regarding the 1608  
violation. 1609

(7) The recreational vehicle franchisor violates the 1610  
recreational vehicle franchise and does not cure the violation 1611  
within one hundred twenty days after notice sent by the 1612  
recreational vehicle franchisee regarding the violation. 1613

(8) The recreational vehicle franchisor violates section 1614  
4517.75 of the Revised Code. 1615

**Sec. 4517.74.** (A) If a recreational vehicle franchise is 1616  
terminated, canceled, or not continued or renewed by either a 1617  
recreational vehicle franchisee for good cause or by a 1618  
recreational vehicle franchisor without good cause, within 1619  
forty-five calendar days after the effective date of that 1620  
action, the recreational vehicle franchisor shall repurchase all 1621  
of the following: 1622

(1) All new recreational vehicles that were acquired from 1623  
the recreational vehicle franchisor within the eighteen months 1624  
prior to the date of the notice of termination, cancellation, or 1625  
nonrenewal, that have not been sold, altered, damaged, or used, 1626  
except for demonstration purposes. Repurchase shall be at one 1627  
hundred per cent of the net invoice cost, including any 1628  
transportation cost, less any applicable rebates or discounts 1629



that were made to the franchisee. If any recreational vehicle is 1630  
damaged, unless the damage occurred prior to the date of 1631  
delivery to the franchisee, the franchisor may reduce the amount 1632  
due to the franchisee by the amount of the cost to repair that 1633  
recreational vehicle. 1634

(2) All undamaged accessories and parts manufactured by 1635  
either the recreational vehicle franchisor or a warrantor to be 1636  
sold exclusively for the recreational vehicle franchisor and 1637  
that were sold to the recreational vehicle franchisee for resale 1638  
within the twelve months prior to the date of the notice of 1639  
termination, cancellation, or nonrenewal, if accompanied by the 1640  
original invoice. Repurchase shall be at one hundred per cent of 1641  
the original net price paid, plus any handling, packing, and 1642  
shipping costs. 1643

(3) Any properly functioning diagnostic equipment, special 1644  
tools, current signage, or other similar equipment and machinery 1645  
purchased by the recreational vehicle franchisee at the request 1646  
of the recreational vehicle franchisor within the five years 1647  
prior to the date of the notice of termination, cancellation, or 1648  
nonrenewal. Repurchase shall be at one hundred per cent of the 1649  
original net price paid, plus any handling, packing, and 1650  
shipping costs. 1651

(B) Notwithstanding section 4517.71 of the Revised Code, a 1652  
recreational vehicle franchisee may sell any inventory that 1653  
remains with the franchisee after the recreational vehicle 1654  
franchisor repurchases everything required to be repurchased 1655  
under division (A) of this section. 1656

**Sec. 4517.741.** (A) A recreational vehicle franchisee 1657  
transferring ownership of the franchisee's business assets, 1658  
dealership, or otherwise shall provide written notice to the 1659

recreational vehicle franchisor not less than ten business days 1660  
before the transfer. The notice shall include all supporting 1661  
documents reasonably required by the recreational vehicle 1662  
franchisor to determine whether the transfer is reasonable. 1663

(B) A recreational vehicle franchisor shall not object to 1664  
a proposed transfer under division (A) of this section unless 1665  
one of the following applies: 1666

(1) The recreational vehicle franchisee has breached the 1667  
recreational vehicle franchise with the proposed transfer. 1668

(2) A recreational vehicle franchise with the new 1669  
prospective owner was previously terminated by the recreational 1670  
vehicle franchisor for cause. 1671

(3) The new prospective owner has been convicted of a 1672  
disqualifying offense as determined in accordance with section 1673  
9.79 of the Revised Code. 1674

(4) The new prospective owner lacks the license required 1675  
under this chapter. 1676

(5) The new prospective owner does not have an active line 1677  
of credit sufficient to purchase the recreational vehicle 1678  
franchisor's products. 1679

(6) The new prospective owner has undergone a bankruptcy, 1680  
insolvency, a general assignment for the benefit of creditors, 1681  
or the appointment of a receiver, trustee, or conservator to 1682  
take possession of that owner's property within the past ten 1683  
years. 1684

(C) A recreational vehicle franchisor that objects to a 1685  
proposed transfer under division (A) of this section shall 1686  
provide written notice to the recreational vehicle franchisee 1687

within seven business days after receipt of the franchisee's 1688  
notification and supporting documentation. The recreational 1689  
vehicle franchisor has the burden of proof with regard to its 1690  
objection. 1691

**Sec. 4517.75.** (A) A recreational vehicle franchisor shall 1692  
not coerce or attempt to coerce a recreational vehicle 1693  
franchisee to do any of the following: 1694

(1) Purchase a product that the recreational vehicle 1695  
franchisee did not order; 1696

(2) Enter into an agreement with that recreational vehicle 1697  
franchisor; 1698

(3) Require a recreational vehicle franchisee to submit 1699  
its disputes to binding arbitration or otherwise waive any right 1700  
or responsibility specified under sections 4517.70 to 4517.79 of 1701  
the Revised Code; 1702

(4) Forgo exercising a right authorized by the 1703  
recreational vehicle franchise or any other law governing the 1704  
relationship between the recreational vehicle franchisor and the 1705  
recreational vehicle franchisee. 1706

(B) The recreational vehicle franchisee bears the burden 1707  
of proof in demonstrating that a recreational vehicle franchisor 1708  
has violated this section. 1709

**Sec. 4517.76.** (A) A warrantor shall do all of the 1710  
following: 1711

(1) Specify in writing a recreational vehicle dealer's 1712  
obligations, if any, for preparation, delivery, and warranty 1713  
service on the warrantor's products; 1714

(2) Compensate a recreational vehicle dealer for warranty 1715

service performed by the dealer that is covered by the warranty 1716  
agreement provided by the warrantor; 1717

(3) Provide the recreational vehicle dealer with a 1718  
schedule of compensation that will be paid and the time 1719  
allowances for the performance of any service by the dealer. The 1720  
schedule of compensation shall include reasonable compensation 1721  
for diagnostic work and warranty labor. If a particular repair 1722  
or service is not specified in the schedule of compensation, the 1723  
warrantor shall reimburse the recreational vehicle dealer for 1724  
the actual time expended, unless the warrantor demonstrates that 1725  
the time spent was unreasonable and reimburses the dealer for a 1726  
reasonable time spent. 1727

(B) The time allowances provided in accordance with 1728  
division (A) (3) of this section shall be reasonable for the 1729  
manner of service work to be performed. The compensation shall 1730  
not be less than the lowest retail labor rate that is actually 1731  
charged by the recreational vehicle dealer in the ordinary 1732  
course of business for similar nonwarranty labor, provided that 1733  
labor rate is reasonable. 1734

(C) (1) In addition to the labor reimbursement, the 1735  
warrantor shall reimburse the recreational vehicle dealer for 1736  
all of the following: 1737

(a) The actual wholesale cost of any warranty part; 1738

(b) Thirty per cent of the cost of the warranty part, as a 1739  
handling charge, but not more than three hundred dollars; 1740

(c) Any shipping or freight charges required to return a 1741  
part, accessory, or component to the warrantor, if the warrantor 1742  
requires the return. 1743

(2) If a warranty part is sent to the recreational vehicle 1744

dealer at no charge to the dealer, the dealer shall still be 1745  
reimbursed a handling charge in accordance with division (C) (1) 1746  
(b) of this section. 1747

(D) A warrantor may conduct a warranty audit of a 1748  
recreational vehicle dealer's records on a reasonable basis. A 1749  
recreational vehicle dealer's claims for warranty compensation 1750  
shall not be denied, unless the warrantor can show cause, such 1751  
as any of the following: 1752

(1) The repair was a nonwarranty repair. 1753

(2) Material noncompliance with the warrantor's published 1754  
policies and procedures; 1755

(3) Lack of necessary documentation; 1756

(4) Fraud; 1757

(5) Misrepresentation. 1758

(E) A recreational vehicle dealer shall notify a warrantor 1759  
as soon as is reasonably possible, either verbally or in 1760  
writing, if the dealer is unable or unwilling to perform a 1761  
material or repetitive warranty repair. 1762

(F) (1) A recreational vehicle dealer shall submit a 1763  
warranty claim to the warrantor in the manner and form required 1764  
by the warrantor within forty-five days of completion of a 1765  
warranty repair. 1766

(2) If the warrantor disapproves a warranty claim, the 1767  
warrantor shall do so in writing within forty-five days after 1768  
the recreational vehicle dealer submits the claim. Claims that 1769  
are not disapproved within that time are considered approved and 1770  
shall be paid within sixty days. 1771

<u>Sec. 4517.77. (A) No warrantor shall do any of the</u>	1772
<u>following:</u>	1773
<u>(1) Fail to perform any of its warranty obligations with</u>	1774
<u>respect to its warranted products;</u>	1775
<u>(2) Fail to include in its written notices about necessary</u>	1776
<u>repairs sent to recreational vehicle dealers and recreational</u>	1777
<u>vehicle owners the expected date by which any necessary parts</u>	1778
<u>and equipment will be available at the dealers' locations in</u>	1779
<u>order to perform the repairs. The warrantor may ship any</u>	1780
<u>necessary parts and equipment to the dealers to perform the</u>	1781
<u>repairs. A dealer may return any unused parts and equipment to</u>	1782
<u>the warrantor for credit after completion of the necessary</u>	1783
<u>repairs.</u>	1784
<u>(3) Fail to compensate any recreational vehicle dealer for</u>	1785
<u>authorized repairs made by the dealer to merchandise that</u>	1786
<u>becomes damaged during its manufacture and transit to the</u>	1787
<u>dealer;</u>	1788
<u>(4) Fail to compensate any recreational vehicle dealer for</u>	1789
<u>authorized warranty service performed in accordance with section</u>	1790
<u>4517.76 of the Revised Code;</u>	1791
<u>(5) Intentionally misrepresent in any way to a purchaser</u>	1792
<u>of a recreational vehicle that a warranty that relates to the</u>	1793
<u>manufacture, performance, or design of the vehicle is a warranty</u>	1794
<u>from the recreational vehicle dealer;</u>	1795
<u>(6) Require a recreational vehicle dealer to make a</u>	1796
<u>warranty to a recreational vehicle purchaser that relates to the</u>	1797
<u>manufacture of that vehicle.</u>	1798
<u>(B) No recreational vehicle dealer shall do any of the</u>	1799
<u>following:</u>	1800

- (1) Fail to perform a predelivery inspection, as specified 1801  
by a warrantor, in a competent and timely manner; 1802
- (2) Fail to perform warranty service work, as authorized 1803  
by the warrantor, in a reasonably competent and timely manner; 1804
- (3) Fail to track actual time spent to perform warranty 1805  
work that is not governed by the time allowances in the schedule 1806  
of compensation; 1807
- (4) Claim an agency relationship with a warrantor or a 1808  
recreational vehicle manufacturer; 1809
- (5) Misrepresent the terms of any warranty. 1810
- (C) Notwithstanding the terms of any recreational vehicle 1811  
franchise, a warrantor shall indemnify and hold harmless a 1812  
recreational vehicle dealer against any losses, including court 1813  
costs and attorney's fees reasonably incurred, or damages 1814  
arising out of the negligence or willful misconduct of the 1815  
warrantor. The recreational vehicle dealer shall provide the 1816  
warrantor with a copy of any complaint, claim, or suit within 1817  
ten days days after receipt of that complaint, claim, or suit. 1818
- (D) Notwithstanding the terms of any recreational vehicle 1819  
franchise, a recreational vehicle dealer shall indemnify and 1820  
hold harmless a warrantor against any losses, including court 1821  
costs and attorney's fees reasonably incurred, or damages 1822  
arising out of the negligence or willful misconduct of the 1823  
dealer. The warrantor shall provide the recreational vehicle 1824  
dealer a copy of any complaint, claim, or suit within ten days 1825  
after receipt of that complaint, claim, or suit. 1826
- (E) Divisions (C) and (D) of this section apply regardless 1827  
of who holds title to the recreational vehicle. 1828

Sec. 4517.78. (A) (1) Whenever a new recreational vehicle 1829  
is damaged prior to its delivery to a recreational vehicle 1830  
franchisee, if the recreational vehicle franchisor selected the 1831  
means of transportation, the franchisee shall notify the 1832  
franchisor of the damage. Notification shall be made in the time 1833  
frame specified in the recreational vehicle franchise. 1834

(2) The recreational vehicle franchisee shall do one of 1835  
the following: 1836

(a) Request that the recreational vehicle franchisor 1837  
authorize the recreational vehicle franchisee to replace the 1838  
damaged component, part, or accessory and otherwise correct the 1839  
damage; 1840

(b) Reject the recreational vehicle in accordance with the 1841  
time frame specified in the recreational vehicle franchise, but 1842  
not more than two business days after the delivery of the 1843  
recreational vehicle. 1844

(B) A recreational vehicle franchisee shall exercise due 1845  
care with regards to a damaged recreational vehicle while the 1846  
vehicle is in the franchisee's custody. The recreational vehicle 1847  
franchisee has no other obligations, financial or otherwise, 1848  
with respect to a damaged recreational vehicle rejected by the 1849  
franchisee. 1850

(C) A recreational vehicle franchisee may reject a new 1851  
motor home, delivered to the franchisee, that has an 1852  
unreasonable amount of miles on its odometer, as determined by 1853  
the franchisee. A recreational vehicle franchisee shall not 1854  
reject a new motor home with a mileage amount that is less than 1855  
the distance between the franchisee and the recreational vehicle 1856  
franchisor's factory or point of distribution, plus one hundred 1857



miles. 1858

Sec. 4517.79. (A) A recreational vehicle franchisee, 1859  
recreational vehicle franchisor, or warrantor that suffers 1860  
damages as a result of another party's violation of sections 1861  
4517.70 to 4517.78 of the Revised Code may bring a civil action 1862  
to recover actual damages. The court shall award attorney's fees 1863  
and costs to the prevailing party in such action. Venue for any 1864  
civil action brought under this section is in the county in 1865  
which the dealership that is a party to the civil action is 1866  
located, or if multiple dealerships are parties to the action, 1867  
in any county where one of the dealerships is located. 1868

(B) (1) Before bringing a civil action under division (A) 1869  
of this section, the party intending to file the action shall 1870  
serve a written demand for mediation through certified mail upon 1871  
the other party at the address or addresses of record for the 1872  
other party that is filed with the registrar of motor vehicles. 1873

(2) The demand for mediation shall contain a brief 1874  
statement of the dispute and the relief sought by the party 1875  
-serving the demand. 1876

(3) Not later than twenty days after the date a demand for 1877  
mediation is served, the parties shall mutually select an 1878  
independent mediator and shall meet with that mediator to 1879  
attempt to resolve the dispute. The mediator may extend the date 1880  
of the meeting for good cause or upon stipulation of both 1881  
parties. 1882

(4) A court, in its discretion and at the request of the 1883  
parties, may issue an order suspending any other complaint, 1884  
petition, protest, or action filed before or after the demand 1885  
for mediation that involves both of the parties to the mediation 1886

and relates to claims under sections 4517.70 to 4517.78 of the 1887  
Revised Code. The court may revoke the suspension order, 1888  
depending on the results of the mediation and at the discretion 1889  
of the court. 1890

(5) The parties to the mediation shall bear their own 1891  
costs for attorney's fees and divide equally the cost of the 1892  
mediator. 1893

(C) In addition to any other remedies provided under this 1894  
chapter, a recreational vehicle franchisor or recreational 1895  
vehicle franchisee may apply for a temporary or permanent 1896  
injunction related to a violation of any provision in sections 1897  
4517.70 to 4517.78 of the Revised Code. Any injunction issued 1898  
under this division shall be issued without bond. 1899

**Sec. 4517.99.** (A) Whoever violates any provision of 1900  
sections 4517.01 to 4517.65 of the Revised Code for which no 1901  
penalty otherwise is provided in the section that contains the 1902  
provision violated, or any rule promulgated by the registrar of 1903  
motor vehicles or the motor vehicle dealers board under sections 1904  
4517.01 to 4517.45 of the Revised Code, is guilty of a 1905  
misdemeanor of the fourth degree. 1906

(B) Whoever knowingly violates sections 4517.70 to 4517.79 1907  
of the Revised Code shall be fined not more than one thousand 1908  
dollars for each offense. 1909

**Section 2.** That existing sections 4517.01, 4517.10, 1910  
4517.32, 4517.33, 4517.34, 4517.49, 4517.52, 4517.541, 4517.542, 1911  
4517.55, 4517.59, and 4517.99 of the Revised Code are hereby 1912  
repealed. 1913

**Section 3.** Section 4517.01 of the Revised Code is 1914  
presented in this act as a composite of the section as amended 1915

by both H.B. 33 and H.B. 195 of the 135th General Assembly. The 1916  
General Assembly, applying the principle stated in division (B) 1917  
of section 1.52 of the Revised Code that amendments are to be 1918  
harmonized if reasonably capable of simultaneous operation, 1919  
finds that the composite is the resulting version of the section 1920  
in effect prior to the effective date of the section as 1921  
presented in this act. 1922