



## Ohio Legislative Service Commission *122nd Senate Bill Analysis*

**Am. Sub. S.B. 60**  
122nd General Assembly  
(As Passed by the Senate)

**Sens. Oelslager, Gardner, Latell, Latta**

- Authorizes the issuance of a nonrenewable driver's license, commercial driver's license, or identification card to a person who is a temporary resident of this state.
- Allows the renewal of drivers' licenses and identification cards 90 days before expiration.
- Allows a driver's license or identification card issued to a person 30 days before the person's 21st birthday to have the characteristics of a license or card issued to a person over 21 years of age.
- In regard to commercial driver's license disqualifications, eliminates certain alcohol-related disqualifications based on convictions and authorizes disqualifications based on the sworn report of a peace officer when a person either refuses to submit to a test for the presence of a controlled substance or a specified alcohol concentration, or fails such a test.
- Modifies vehicle equipment requirements applicable to hearing impaired drivers.
- Revises the period of license suspension applicable to persons who are subject to suspension as a result of a drug or OMVI offense in another jurisdiction.
- Requires that the amount of tax due upon the transfer of a motor vehicle registration be determined solely on the basis of whether state registration taxes are due and eliminates the calculation of any local motor vehicle taxes that may be due.
- Revises the fees for issuance of special "family plates" following driver's license suspension and impoundment of regular license plates.
- Authorizes the Registrar of Motor Vehicles to limit to a reasonable number the number of certified copies or placards that may be provided to motor vehicle dealers and other persons who operate vehicles under specialized registrations.
- Requires a motor vehicle certificate of title for a vehicle last previously registered in this state to reflect if the vehicle was a law enforcement vehicle, a taxicab, or was once in a flood.
- Exempts printing contracts for motor vehicle certificates of title from the "Buy Ohio" requirements.
- Establishes that if a person pleads guilty to or is convicted of an OMVI offense under a statute of the United States, the federal offense may be considered as a prior OMVI offense for purposes of the OMVI laws of this state.
- Establishes a record retention schedule for all records and transactions that a deputy registrar performs for the Bureau of Motor Vehicles.
- Modifies the multi-year fleet registration to apply to ten or more vehicles and extends the registration period to five years.
- Modifies the authority of law enforcement officials to order vehicles into storage by eliminating the restriction on the removal of abandoned junk motor vehicles and allowing

the immediate removal of a vehicle obstructing traffic.

- Revises the definition of abandoned junk motor vehicle by reducing the number of hours that the vehicle may be left on private property from more than 72 to more than 48 hours, and increasing the fair market value from less than \$400 to less than \$1,500.
- Redefines "chauffeured limousine" as a "motor vehicle that is designed to carry nine or fewer passengers."
- Provides that the requirement of current law that all state printing be executed within this state does not apply to printing contracts requiring special, security paper of a unique nature if compliance with the in-state requirement will result in an excessive price for the product or acquiring a disproportionately inferior product.

## **CONTENT AND OPERATION**

### **Driver's licenses**

#### **Temporary residents**

(secs. 4506.01, 4506.14, 4507.08, 4507.09, 4507.13, 4507.50, and 4507.52)

The bill authorizes the issuance of a driver's license, commercial driver's license, or identification card to a person who is a temporary resident of this state. The issuance of a driver's license to any person who is not a resident or temporary resident is specifically prohibited. "Resident," "residence," "temporary resident," and "temporary residence" are determined in accordance with standards prescribed in rules adopted by the Registrar.

Every driver's license or identification card issued to a temporary resident expires in accordance with rules adopted by the Registrar of Motor Vehicles. The license or card of a temporary resident is nonrenewable, but the bill specifies that it may be replaced with a new license within 90 days prior to its expiration upon compliance by the applicant with all applicable requirements. The driver's license issued to a temporary resident must contain the word "nonrenewable" and must have any additional characteristics prescribed by the Registrar distinguishing it from a license issued to a resident.

#### **License and identification card renewal and expiration**

(secs. 4506.14, 4507.09, and 4507.52)

Under current law, a driver's license, or commercial driver's license is valid for a period of four years and is renewable 60 days before its expiration. An identification card currently is valid for four years and is renewable 30 days prior to expiration. The bill extends this renewal period so that licenses and identification cards are renewable 90 days before expiration. The bill specifies that drivers' licenses are issued for a period no longer than four years and 90 days. The Registrar is authorized to issue rules permitting the use and display of drivers' licenses at any time not to exceed 90 days prior to the next birthday of an applicant for license renewal. The bill eliminates the authority of the Registrar to require an application for license renewal by a resident who will be temporarily out of state to be accompanied by an affidavit certifying that the person will be temporarily out of state at the time the person's license will expire.

#### **Issuance to persons under 21**

(secs. 4507.13 and 4507.52)

Current law requires a driver's license or identification card for persons under 21 to have characteristics prescribed by the Registrar distinguishing it from that issued to a person who is 21 or older. Neither the Registrar nor any deputy registrar may issue a driver's license or identification card to anyone under 21 who does not have the prescribed distinguishing characteristics. The bill allows a driver's license or identification card issued to a person who applies no more than 30 days before the applicant's 21st birthday to have the characteristics of a license or card issued to a person who is 21 or older.

#### **Waiver of driver's license examinations**

(sec. 4507.10)

Continuing law requires the Registrar to examine every applicant for a driver's license or motorcycle operator's endorsement before issuing the license or endorsement unless the Registrar waives the examination. A general waiver applies if the person presents either an unexpired license or endorsement or a license or endorsement which has expired not more than six months prior to the date of application. Specific waivers also apply to those on active duty in the United

States military or naval forces or in service with the Peace Corps, Volunteers in Service to America, or the United States foreign service and to persons who make application no more than six months after discharge or separation from such service.

Current law establishes the qualifications necessary for a service-related examination waiver to apply. In addition to service-related criteria, an applicant must have no physical or mental disability that would affect driving ability and must have been an Ohio licensee at the time the active duty or service commenced. The bill modifies the existing criteria by requiring that the applicant have had a valid Ohio driver's or commercial driver's license at the time the applicant commenced the active duty or service and establishes an additional requirement that the applicant not be under a license suspension or revocation by this state or any other jurisdiction at the time of application.

### **Commercial driver's license disqualification for alcohol violations**

(secs. 4506.01, 4506.16, and 4506.17)

**Implied consent suspensions.** Current law establishes that a person who drives a commercial motor vehicle is deemed to have given consent to a test or tests of the person's blood, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance. The test may be given if a peace officer has reasonable ground to stop or detain the person and also has reasonable ground to believe that the person was driving the motor vehicle in violation of existing prohibitions including prohibitions concerning alcohol and controlled substances. If the person refuses to be tested, or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of .04% or more, the person may be disqualified for specified periods of time depending on whether it is a first or subsequent conviction and also must immediately surrender the person's commercial driver's license to the peace officer. A peace officer must forward the license, together with a sworn report, to the Registrar, who must disqualify the person in accordance with the periods specified for convictions.

The bill removes the specific reference to the existing prohibitions as a trigger for the implied consent test, and instead authorizes the test when the peace officer, in addition to having reasonable ground to stop or detain the person, has reasonable ground to believe that the person was driving a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine. The bill also eliminates the disqualification for specified periods of time depending on whether it is a first or subsequent conviction and the requirement that the Registrar impose a disqualification for the periods specified for convictions. Upon a first conviction of certain offenses (other than having a measurable or detectable amount of alcohol or a controlled substance in the blood, breath, or urine), the disqualification is for one year; upon a second similar conviction, the disqualification may be for life or for some other period of time determined by federal law or by the Director of Public Safety by rule. In place of these disqualifications based on references to convictions, the bill establishes disqualifications based on the report of the peace officer.

Under the bill, a person who refuses to submit to a test or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of .04% or more must immediately surrender the person's commercial driver's license to the peace officer. As under existing law, the peace officer must forward the license, together with a sworn report, to the Registrar. Upon receipt of the report, the Registrar must disqualify the person named in the report from driving a commercial motor vehicle for one year upon a first incident; upon an incident or refusal or of a prohibited concentration of alcohol after one or more previous incidents of either refusal or of a prohibited concentration of alcohol, the person must be disqualified for life or such lesser period as prescribed by rule by the Registrar. The bill specifies that, when disqualifying a driver, the Registrar must cause the records of the Bureau of Motor Vehicles to be updated to reflect the disqualification within ten days after it occurs.

The Registrar immediately must notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within 30 days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for a hearing is not made within 30 days of the mailing of the notice, the order of disqualification is final. The bill authorizes the Registrar to designate hearing examiners who, after affording all parties reasonable notice, must conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The Registrar must adopt rules to implement the notice, hearing, and hearing officer requirements.

Any person who is disqualified from operating a commercial motor vehicle based on a peace officer's report may apply to the Registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license is not otherwise suspended or revoked. A person whose commercial driver's license is suspended or revoked may not apply to the Registrar for or receive a driver's license during the period of suspension or revocation.

**Evidence of conviction.** For purposes of driver disqualification, current law establishes that conviction of a violation may be evidenced by any of the following:

- (1) A judgment entry of a court of competent jurisdiction;
- (2) An administrative order of a state agency having statutory jurisdiction over commercial drivers;
- (3) A computer record obtained from or through the commercial driver's license information system;
- (4) A computer record obtained from or through a state agency having statutory jurisdiction over commercial drivers or the records of commercial drivers.

The bill modifies evidence of a conviction by providing that the judgment entry by a court may be in this or any other state; however, the administrative order of a state agency ( (2) above) and the computer record obtained from a state agency ( (4) above) are appropriate evidence only if they are from a state agency of a state other than Ohio.

**Definitions.** For purposes of the Commercial Driver's License Law, current law defines "conviction" as (1) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, (2) an unvacated forfeiture or bail or collateral deposited to secure the person's appearance in court, (3) the payment of a fine or court cost, or (4) violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated. The bill modifies the definition by, in regard to (1) above, eliminating the reference to an adjudication of guilt by an authorized administrative tribunal.

### **Probationary commercial driver's license**

(secs. 4506.01, 4506.08, 4507.162, and 4507.163)

Current law defines a "probationary commercial driver's license" as the commercial driver's license issued to a person between 18 and 21 years of age and establishes a graduated system of fees based on the age of the person at the time of application for a probationary commercial driver's license. However, the restrictions that distinguished a probationary commercial driver's license were eliminated by the prior General Assembly. Am. Sub. H.B. 353 of the 121st General Assembly (effective September 17, 1996). The bill eliminates all references to a probationary commercial driver's license, including the fee schedule.

### **Hearing impaired licensees**

(sec. 4507.14)

Continuing law authorizes the Registrar, whenever good cause appears, to impose restrictions suitable to a licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate. When issuing a license to a deaf person or to persons with impaired hearing, the Registrar must require that a motor vehicle operated by the person be equipped with two rear vision mirrors, one outside and one inside the motor vehicle. The Registrar is authorized to suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions on the license.

The bill eliminates the requirement for an inside rear vision mirror and instead requires that, when a license is issued to a person with impaired hearing, the Registrar require that a motor vehicle operated by the person be equipped with two outside rear vision mirrors, one on each side of the vehicle. The bill also eliminates the authority of the Registrar to revoke a restricted license for violations of the restrictions and allows the Registrar to suspend a restricted license for a period of six months only after the licensee has an opportunity for a hearing in accordance with the Administrative Procedure Act.

### **Suspensions**

**Definitions** (sec. 4507.012). The bill specifies that, as used in the Revised Code in regard to a driver's license, the terms "suspension" and "revocation" mean the withdrawal from a resident, temporary resident, or nonresident of the privilege to operate a motor vehicle upon a street or highway in this state. This definition applies unless the context clearly indicates otherwise. The withdrawal of the privilege from a person causes the person to be ineligible for the privilege during the entire period of the suspension or revocation and also includes any period during which the resident, temporary resident, or nonresident either has not paid any applicable driver's license reinstatement fee or has not complied with any other requirement governing license reinstatement.

**Nonresident appeals** (sec. 4507.021). Under current law, when a person is notified by the Registrar that a total of not less than 12 points have been charged against the person in a two-year period for traffic law violations and the person's driver's license is being suspended, the person may file a petition alleging that the person can show cause why the person's driving privileges should not be suspended. If the person files a petition, it is filed in the municipal court, county court, or in the juvenile court, as appropriate, in whose jurisdiction the person resides. The bill provides that, in the case of a nonresident, the petition may be filed in the Franklin County Municipal Court.

**Reinstatement** (sec. 4507.022). Under existing law, any person whose driver's or commercial driver's license is suspended, or who is put on probation or granted limited or occupational driving privileges by the Registrar because of the accumulation of points on the person's driving record or by a court, must do each of the following before the person is eligible to retain a license or have a license returned: (1) successfully complete a course of remedial driving instruction, (2) be examined by the Registrar and found to be qualified to operate a motor vehicle, and (3) give and maintain proof of financial responsibility. Under the bill, the course completion, examination, and proof of financial responsibility are necessary before the person is eligible to retain a license or have the person's driving privileges reinstated.

**Drug and OMVI offense suspensions for violations in another jurisdiction** (sec. 4507.169). Current law requires the Registrar to suspend for six months the driver's or commercial driver's license of a person who is a resident of this state and is convicted of a drug offense in another state or under federal law, or who is convicted of an OMVI offense in another state. The current law contains substantially similar language in regard to minors who violate drug or OMVI laws.

In regard to drug violations, the Registrar currently receives a report from the other jurisdiction with notice of the conviction and sends the license holder a notice informing the person that the Ohio suspension takes effect 21 days after the date on the notice to the person. In regard to OMVI offenses, the procedure is similar except that the report from the other jurisdiction is made pursuant to the Nonresident Violator Compact; again, the suspension takes effect 21 days after the date on the notice sent to the violator. In both instances, if the person is a resident of this state but does not have a current, valid Ohio driver's or commercial driver's license, the notice must inform the person that the person will be denied issuance of a driver's or commercial driver's license or permit for six months beginning on the date of the notice.

In regard to both drug and OMVI violations, the bill replaces the six-month license suspension with a period of time specified by the Registrar. The period of license suspension or denial the Registrar is required to impose must end either on the last day of any period of suspension of the person's nonresident operating privilege imposed by the other jurisdiction, or the date six months and 21 days from the date of the notice sent by the Registrar to the person, whichever is earlier. Under the bill, the suspension imposed by Ohio for violations in other jurisdictions will run concurrently with the outside suspension as nearly as possible, and will not exceed six months and 21 days in length. Similar changes are made in the provisions specifically applicable to minors.

The bill also removes the reference to OMVI notices being sent pursuant to the Nonresident Violator Compact and replaces it with a reference to notices sent pursuant to the Driver License Compact.

### **Miscellaneous**

(secs. 2301.374 and 4501.25)

Sub. H.B. 167 of the 121st General Assembly (effective November 15, 1995) prohibited the Registrar and each deputy registrar from issuing or renewing a driver's or commercial driver's license, motorcycle operator's license or endorsement, or commercial driver's temporary instruction permit to an individual in default under a child support order. Once the Registrar is notified that the individual is no longer in default, Sub. H.B. 167 authorized the Registrar to charge a fee of not more than \$25 to issue or renew, or end the suspension of, the license, endorsement, or permit. The bill directs that the fees collected for issuing or renewing, or ending the suspension of a child support related suspension be paid into the State Bureau of Motor Vehicles Fund, which is created under existing law and used to pay the expenses of administering the law relative to the powers and duties of the Registrar.

### **Motor vehicle registrations**

#### **Taxes on a transferred registration**

(sec. 4503.12)

Under continuing law, the original owner of a motor vehicle that was transferred may make an application for the registration of another motor vehicle at any time during the remainder of the registration period of the first vehicle. The registration and the license plates from the first vehicle may be transferred to a succeeding vehicle owned by the same person. Current law allows transfers between the following classes of motor vehicles: passenger cars, noncommercial vehicles, motor homes, and motorcycles. The transfer is made upon application, payment of a \$2.25 service fee, a transfer fee of \$1, and any amount of the state registration or local motor vehicle license tax due.

The amount of the registration tax due is based on the amount that would be due on a new registration as of the date of the transfer, less a credit for the unused portion of the original registration beginning on that date. Under current law, the amount that would be due on a new registration is based on the number of months remaining in the registration period. If the application is made before the second month of the current registration period to which the vehicle is assigned, the full amount of the state registration tax is due. If the application is made during or after the second month of the current registration period, the amount of the tax due is reduced by one-twelfth of the amount of the tax, multiplied by the

number of full months that have elapsed in the current registration period. In regard to determining the amount of local motor vehicle license tax due, current law requires that the full amount of the local tax is due if the application is made before the sixth month of the current registration period to which the vehicle is assigned. If the application is made during or after the sixth month of the current registration period, the amount of local tax due is one-half the amount of the local tax levied on the vehicle.

In general, registration taxes are due under current law if the transfer is between classes of vehicles or if the applicant has moved and the local motor vehicle taxes levied by the applicant's current local jurisdictions exceed those levied by the previous local jurisdictions. Under the bill, the amount of tax due upon the transfer of a motor vehicle registration is determined based solely on whether state registration taxes are due. The bill eliminates the calculation of any local motor vehicle taxes that may be due.

### **Multi-year registration**

(sec. 4503.103)

Currently, any person or lessee, other than a person receiving an apportioned license plate under the International Registration Plan, Law unaffected by the bill defines the International Registration Plan as "a reciprocal agreement of member jurisdictions that is endorsed by the American Association of Motor Vehicle Administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions." (Sec. 4501.01(II).) who owns or leases 20 or more motor vehicles used principally in connection with any established business may file a written application for registration for no more than four succeeding registration years. All annual taxes and fees must be paid for each year that the person is registering and no person is entitled to receive a refund for any taxes or fees paid. The bill decreases the threshold number of vehicles used to establish eligibility for multi-year registration from 20 to ten and extends the multi-year registration from four years to five years. The bill also authorizes the Registrar to designate by rule the classes of motor vehicles that are eligible for multi-year registration.

### **Duplicate registration certificate, license plates, or validation stickers**

(sec. 4503.19)

Continuing law authorizes the owner of a motor vehicle, or a manufacturer or dealer, to obtain from the Registrar or a deputy registrar, a duplicate certificate of registration, license plate, or validation stickers; the duplicates are available under current law if the originals were lost, mutilated, or destroyed. In addition, the bill makes such duplicates available if the registration certificate and license plates have been impounded following a license suspension.

Current law establishes a fee of \$1 for issuance of a duplicate certificate of registration, a fee of \$5 for each set of two license plates, and of \$3 for each single license plate or validation sticker. A service fee of \$2.25 also is established in current law. The bill retains the fees for issuance of the duplicates, but replaces the specific reference to a service fee with a requirement that each applicant for a replacement certificate of registration, license plate, or validation sticker pay the fees established in current law of 25¢ for each reflectorized license plate and each county identification sticker or set of county identification stickers issued and \$2.25 for each application for registration or registration renewal received by a deputy registrar.

### **Snowmobile and all-purpose vehicle registration expiration**

(sec. 4519.04)

Law unaffected by the bill requires every snowmobile and all-purpose vehicle to be registered. The registration number assigned to a snowmobile or all-purpose vehicle is permanent, but the certificate of registration currently expires on the 31st day of August in the third year after the date it is issued. Under the bill, the certificate expires on the 31st day of December in the third year after the date it is issued.

### **License plates**

#### **Fees for issuance of "family plates"**

(sec. 4507.02)

Currently, a person who has had the license plates of a motor vehicle impounded following driver's license suspension violations may apply to the Registrar for the issuance of special license plates that must be of a different color from those regularly issued. A fee of \$2.50 is charged for every set of special license plates issued, other than upon renewal of the plates, when the regular fee for registration renewal is charged. Currently, no fee is charged when the special license plates are exchanged by reason of the reinstatement of the person's driver's or commercial driver's license.

The bill requires the Registrar or a deputy registrar to charge the fees established for issuance of certificates of registration and license plates, whenever the special license plates are issued or exchanged for the plates ordinarily issued. These fees include a fee of \$5 for each set of two license plates, a fee of 25¢ for each reflectorized license plate and each county identification sticker, and a fee of \$2.25 for each registration received by a deputy registrar.

### **Obsolete license plates**

(sec. 4503.84)

Current law requires the Registrar to make license plates and validation stickers available for purchase in the year following the expiration of the license plate and validation sticker. The price of each license plate is \$5 and the price of each validation sticker is \$2. The bill authorizes the Registrar to make license plates and validation stickers available for purchase in the year following the expiration of the validation sticker or when the license plate design no longer is issued or in service. The price of the plates and stickers is unchanged by the bill.

### **Dealer and other specialized registration and license plates**

Current law allows vehicles that are not individually registered to be operated on a public highway only if the person responsible for the operation is registered with the Registrar. The Registrar issues certified copies of the registration certificate, or placards with distinctive numbers, or both, and the certificate or placard must be carried and displayed on a vehicle at the time it is operated on a public highway. In regard to these specialized registrations, the bill (1) requires payment of postage as required by the Registrar and (2) authorizes the Registrar to limit the number of certified copies or placards to a reasonable number. The specialized registrations to which these provisions apply include:

--Registration by a manufacturer, dealer, or distributor for each place in this state at which the business of manufacturing, dealing, or distributing motor vehicles is carried on (sec. 4503.27).

--Registration by persons other than manufacturers, dealers, or distributors for placards for use on motor vehicles or motorized bicycles owned and being used in testing or being demonstrated for purposes of sale or lease, or for salvage purposes, or for use in testing motor vehicles (sec. 4503.31).

--Registration by a manufacturer of or a dealer in trailers for transporting watercraft for each place in this state where the person carries on such business (sec. 4503.311).

--Registration by a manufacturer or distributor of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles for each place in this state where the business of manufacturing or distributing such trailers is carried on (sec. 4503.312).

--Registration for an "in-transit" permit by a person engaged as a drive-away operator or trailer transporter or both in the business of transporting and delivering new motor vehicles by certain specified methods.

Under current law, a manufacturer, dealer, or distributor of motor vehicles may apply for a commercial car demonstration placard; the bill limits such application to a reasonable number of commercial car demonstration placards. Currently, commercial car demonstration placards are valid for one year from the date of issue. Under the bill, the placards expire on a date prescribed by the Registrar. Upon the first application by any person for such placards, the Registrar must prorate the annual tax as provided in existing law, on the basis of the number of months remaining in the current registration period. The bill specifies that for all renewals or replacements of the placards, the Registrar must collect the full amount of the annual tax.

### **Certificates of title**

#### **Notations of prior use or condition**

(secs. 4505.07 and 4505.08)

Under current law, when the Clerk of the Court of Common Pleas issues a certificate of title for a motor vehicle that was last previously registered in another state, the Clerk must record on the title any words that appear as a notation to the vehicle on the title issued by the previous state. The notations may include, but are not limited to, words to the effect that the vehicle was considered or was categorized by the previous state to be a law enforcement vehicle, a taxicab, or was once in a flood. Even if the notations do not appear on the certificate of title issued by the state in which the vehicle was last previously registered, current law requires the Clerk to make the notation when the Clerk receives information on such prior use or condition from the automated title processing system indicating that a title to the vehicle previously was issued by this state and that the previous title contained the notation. The current law establishing the information that must be on a certificate of title requires that the certificate contain a space to be used for recording any notation applicable to the vehicle and the abbreviation of the state in which the vehicle was last registered.

The bill extends this system of noting prior uses or conditions to vehicles that were last previously registered in this state. Under the bill, when the Clerk issues a certificate of title for a motor vehicle that was last previously registered in this state and was a law enforcement vehicle, a taxicab, or was once in a flood, the Clerk must record that information in a space that the bill requires to be part of the certificate of title form. The bill also authorizes the Registrar by rule to prescribe any additional uses of or happenings to a motor vehicle that the Registrar has reason to believe should be noted on the certificate of title.

### **"Buy Ohio" exemption**

(sec. 4505.021)

Under the bill, any contract awarded for the printing of certificates of title is subject to the preferences for United States and Ohio products required by current Department of Administrative Services Law, but is not subject to the current requirement that printing be executed within this state.

### **Salvage certificates of title**

(sec. 4505.11)

The bill clarifies that an insurance company is required to receive a certificate of title, deliver the certificate of title to the clerk of the court of common pleas, and make application for a salvage certificate of title whenever the insurance company declares it economically impractical to repair a motor vehicle. The salvage certificate of title is assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the vehicle, unless the insurance company considers the motor vehicle to be impossible to restore for highway operation. If the vehicle is impossible to restore for highway operation, the insurance company must mark the certificate of title "*FOR DESTRUCTION*," assign the certificate of title to a salvage dealer, send the original certificate of title to the clerk of courts in the county where the salvage dealer is located, and deliver a photocopy of the certificate of title to the salvage dealer.

### **OMVI offenses**

#### **OMVI offenses under federal statutes as prior convictions**

Under continuing law, a person's prior record in regard to OMVI offenses determines a variety of issues related to a pending OMVI charge, including the charge itself, the applicable penalty, and the availability of certain sanctions and relief from penalties. In addition to a violation of the state OMVI law or a substantially similar ordinance of a municipal corporation of this state, current law establishes that a violation of a substantially similar OMVI statute of any other state or a municipal ordinance of a municipal corporation located in any other state may be considered in evaluating a person's prior record.

In general, the bill establishes that if a person pleads guilty to or is convicted of an OMVI offense under a statute of the United States, the federal offense may be considered as a prior OMVI offense for purposes of the OMVI laws of this state. The bill makes the necessary changes to establish the relevance of a person's federal OMVI plea or conviction in each of the following contexts:

- (1) In regard to the jurisdiction of a mayor's court over OMVI offenses (sec. 1905.01);
- (2) The suspension of a person's driver's license for operating a motor vehicle in a manner that endangers children (sec. 2919.22);
- (3) The suspension of an offender's driver's license based on prior OMVI offenses and the availability of occupational driving privileges (sec. 4507.16);
- (4) Enhanced license suspensions for various offenses if the offender does not maintain proof of financial responsibility and the exception that applies if an OMVI offender does not cause serious physical harm to another (sec. 4509.31);
- (5) Implied consent license suspensions and occupational driving privileges (sec. 4511.191);
- (6) Vehicle immobilization and forfeiture based on prior OMVI convictions (sec. 4511.193);
- (7) Seizure of a vehicle for prior offenses (sec. 4511.195);
- (8) OMVI penalties based on prior offenses (sec. 4511.99).

The bill also conforms the seizure of a vehicle as listed under (7) above with other provisions of existing law by specifying that a substantially similar statute of any other state or a municipal ordinance of a municipal corporation located in another

state may be considered as a previous offense (sec. 4511.195).

### **Implied consent hearings**

(sec. 4511.191)

Currently, if a person receives an administrative license suspension for refusal to take a designated chemical test upon an OMVI arrest, the person may file a petition requesting occupational driving privileges in the municipal court, county court, or juvenile court having jurisdiction over the place at which the arrest occurred. The bill also allows a petition to be filed in the common pleas court or mayor's court and establishes that any of the courts must have jurisdiction over the related criminal or delinquency case. Additionally, if the petition is filed in a mayor's court, the bill requires the Registrar to be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates the mayor's court.

### **Initial appearance**

(sec. 4511.196)

Current law requires that an initial appearance for an OMVI charge be held within five days of the person's arrest or the issuance of the citation, subject to any continuance granted by the court as a result of appealing a license suspension for refusal to take a designated chemical test upon an OMVI arrest. The bill eliminates the language allowing continuance granted by the court.

The bill also makes other technical changes to the statute governing the initial appearance, including replacing references to a "referee" with the term "magistrate" and conforming the language to recognize that felony OMVI charges are heard in the common pleas court.

### **Deputy registrar records retention**

(secs. 4501.021 and 4503.10(G))

Current law specifies that each deputy registrar must retain in the deputy's office a copy of each registration application the deputy receives for a period of three registration years. The copies must be for public examination, but current law prohibits any person from making copies of a registration application for sale or distribution.

The bill replaces the current registration application retention requirements with a record retention schedule for all records and transactions that a deputy performs for the Bureau. Under the bill, each deputy must retain in the deputy's office a file containing copies of all such records and transactions. Copies of motor vehicle registration applications must be retained for a period of 18 months from the date of the record or transaction, whichever is later. Copies of driver's license or identification card applications must be retained for a period of four years from the date of the record or transaction, whichever is later. All other records must be retained for a period of three years from the date of the record or transaction, whichever is later. As under existing law, the bill specifies that the retained records must be available for public examination, but prohibits any person from making copies of the records for sale or distribution.

### **Removal of motor vehicles by law enforcement**

(secs. 4513.61 and 4513.63)

Current law authorizes the county sheriff, municipal corporation, township, or township police district, police chief, or a State Highway Patrol trooper to order into storage any motor vehicle, other than an abandoned junk motor vehicle that was left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the sheriff or chief of police of the reasons for leaving the vehicle. The bill modifies this authority by allowing the removal of an abandoned junk motor vehicle along with any other motor vehicle that has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the law enforcement officer's official duties, or that has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without appropriate notification. However, the bill specifies that when a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately.

Law enforcement officers also have authority under current law to dispose of abandoned junk motor vehicles. A motor vehicle currently is considered an abandoned junk vehicle if it meets all of the following:

(1) Has been left on private property for more than 72 hours without the permission of the person having the right to possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer;

- (2) Is at least three years old;
- (3) Is extensively damaged;
- (4) Is apparently inoperable;
- (5) Has a fair market value of \$400 or less.

The bill revises the definition of abandoned junk motor vehicle by reducing the time that the vehicle must be left on private property from more than 72 hours to more than 48 hours, and increasing the fair market value from less than \$400 to less than \$1,500.

### **Definition of "chauffeured limousine"**

(sec. 4501.01(MM))

Under current law, a "chauffeured limousine" is defined as "a motor vehicle that is designed to carry fewer than nine passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route." The bill increases the number of passengers that a vehicle may carry and still be considered as a limousine by redefining "chauffeured limousine" as a "motor vehicle that is designed to carry nine or fewer passengers." The remainder of the definition is unaffected by the bill.

### **State printing contracts**

(sec. 125.56)

Under current law, the Department of Administrative Services (DAS) has supervision of all public printing, with certain exceptions. A large majority of the state printing for which DAS is responsible is done by private printers under contract with DAS, while DAS does in-house only a small minority of the printing for which it is responsible. All public printing must be executed within this state.

Under the bill, the requirement that all public printing must be executed within this state does not apply to printing contracts requiring special, security paper of a unique nature if compliance with the in-state requirement will result in an excessive price for the product or acquiring a disproportionately inferior product (sec. 125.56(B)). In this provision, "excessive price" means a price that exceeds by more than 5% the lowest price submitted on a non-Ohio bid.

## **HISTORY**

### **ACTION DATE JOURNAL ENTRY**

Introduced 03-11-97 pp. 208-209  
Reported, S. Highways  
& Transportation 04-30-97 p. 385  
Passed Senate (33-0) 05-06-97 pp. 401-403

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