

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 37

Senator Uecker

Cosponsors: Senators Seitz, Bacon, Patton, Brown, Gardner

A BILL

To amend sections 4775.01, 4775.02, 4775.03, 1
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 2
4775.09, 4775.10, and 4775.11 of the Revised 3
Code to extend the jurisdiction of the Motor 4
Vehicle Repair Board to persons who perform 5
motor vehicle mechanical repairs, to require 6
motor vehicle repair facilities to register with 7
the Board, and to make other changes to the 8
Motor Vehicle Repair and Window Tint Operator 9
Law, and to further enact new section 4775.03 10
and repeal section 4775.03 of the Revised Code 11
on January 1, 2016, to dissolve the existing 12
Motor Vehicle Repair Board and replace it with a 13
new board of the same name. 14

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

Section 1. That sections 4775.01, 4775.02, 4775.03, 15
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 16
and 4775.11 of the Revised Code be amended to read as follows: 17

Sec. 4775.01. As used in this chapter: 18

(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 19
20

~~(B) "Collision" means an occurrence in which two or more objects, whether mobile or stationary, contact one another in a manner that causes the alteration of the surface, structure, or appearance, whether separately or collectively, of an object that is party to the occurrence.~~ 21
22
23
24
25

~~(C) "Collision Body repair" means any and all restorative or replacement procedures that are performed on and affect or potentially affect the structural, life safety, and cosmetic components of a motor vehicle that has been damaged as a result of a collision. "Collision Body repair" also includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, or cosmetic component of a motor vehicle to a condition approximating or replicating the function, use, or appearance of the component prior to a collision.~~ 26
27
28
29
30
31
32
33
34
35
36

~~(D) "Motor vehicle collision repair operator" means any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and performs five or more motor vehicle collision repairs in a calendar year.~~ 37
38
39
40
41

(C) "Business" has the same meaning as in section 4738.01 of the Revised Code. 42
43

~~(E)~~ (D) "Mechanical" means any original manufacturer equipment or aftermarket systems or parts designed for use in or on a motor vehicle, including the drive and power train, engine, transmission, suspension, steering, brakes, illumination system, 44
45
46
47

heating and cooling system, air conditioning, climate controls, 48
exhaust, fuel, ignition, starting and charging, lubrication, 49
tires, driver and passenger restraint systems, vehicle anti- 50
theft, and security systems. 51

(E) "Mechanical repair" means any alteration or 52
maintenance, diagnostic, or repair service procedures that are 53
performed on and affect or potentially affect the operation of a 54
motor vehicle. 55

(F) "Motor vehicle repair" means either a motor vehicle 56
body repair or a motor vehicle mechanical repair. 57

(G) "Motor vehicle window tint operator" means any person, 58
sole proprietorship, foreign or domestic partnership, limited 59
liability corporation, or other legal entity that is not an 60
employee or agent of a principal and ~~installs~~ is primarily 61
engaged in the business of installing tinted glass, or 62
transparent, nontransparent, translucent, and reflectorized 63
material in ~~or on five or more~~ motor vehicle windshields, side 64
windows, sidewings, and rear windows ~~in a calendar year for~~ 65
profit. 66

~~(F)~~ (H) "Motor vehicle repair operator" means any person, 67
sole proprietorship, foreign or domestic partnership, limited 68
liability corporation, or other legal entity that is not an 69
employee or agent of a principal and is primarily engaged in the 70
business of motor vehicle repair for profit, and includes a 71
motor vehicle collision repair operator and a motor vehicle 72
window tint operator, but does not mean any of the following: 73

(1) An employee, other than a manager, of a motor vehicle 74
repair operator; 75

(2) A new motor vehicle dealer licensed pursuant to 76

sections 4517.01 to 4517.45 of the Revised Code, irrespective of 77
whether or not the new motor vehicle dealer also is licensed as 78
a used motor vehicle dealer pursuant to those sections; 79

(3) A new motor vehicle dealer licensed pursuant to 80
sections 4517.01 to 4517.45 of the Revised Code who also is the 81
owner, part owner, or operator of a motor vehicle ~~eollision-~~ 82
repair facility or a motor vehicle window tint installation 83
facility; 84

(4) A motor vehicle auction owner licensed pursuant to 85
sections 4517.01 to 4517.45 of the Revised Code who does not 86
perform motor vehicle repairs; 87

(5) A motor vehicle leasing dealer licensed pursuant to 88
sections 4517.01 to 4517.45 of the Revised Code; 89

(6) A motor vehicle salvage dealer licensed pursuant to 90
Chapter 4738. of the Revised Code; 91

(7) A person or lessee who owns or leases ten or more 92
motor vehicles used principally in connection with any 93
established business and who does not perform motor vehicle 94
~~eollision-~~repairs or motor vehicle window tint installation on 95
motor vehicles other than the motor vehicles used principally in 96
connection with the established business; 97

(8) A motor vehicle renting dealer as defined in division 98
(A) (2) of section 4549.65 of the Revised Code who does not 99
perform motor vehicle ~~eollision-~~repairs or motor vehicle window 100
tint installation on motor vehicles other than the motor 101
vehicles used in connection with the established motor vehicle 102
renting business; 103

(9) A person who performs ~~eollision-~~repairs or motor 104
vehicle window tint installation on the motor vehicles of a 105

single commercial, industrial, or governmental establishment 106
exclusively and does not offer or provide motor vehicle 107
~~collision~~ repair service or motor vehicle window tint 108
installation to the general public; 109

(10) The owner, part owner, or officer of, or instructor 110
employed by, an educational institution that provides 111
instruction in motor vehicle ~~collision~~ repair or motor vehicle 112
window tint installation while the owner, part owner, officer 113
of, or instructor is engaging in activity in furtherance of 114
instruction in motor vehicle ~~collision~~ repair or motor vehicle 115
window tint installation; 116

(11) Any person, sole proprietorship, foreign or domestic 117
partnership, limited liability corporation, or other legal 118
entity that is either of the following: 119

(a) Primarily engaged in the retail sale of new, used, or 120
retreaded tires and inner tubes for those tires; 121

(b) Engaged in the retail sale of new, used, or retreaded 122
tires and inner tubes for those tires in combination with 123
mechanical repair services. 124

(12) A national general goods retailer that also performs 125
some motor vehicle repair; 126

(13) An organization in which members pay in exchange for 127
assistance from the organization in matters relating to travel 128
and the operation, use, and maintenance of a motor vehicle, and 129
for the organization to supply other services, including all of 130
the following: 131

(a) Community traffic safety services; 132

(b) Travel and touring services; 133

<u>(c) Theft or reward services;</u>	134
<u>(d) Map services;</u>	135
<u>(e) Towing services;</u>	136
<u>(f) Emergency road services;</u>	137
<u>(g) Bail bond services;</u>	138
<u>(h) Legal fee reimbursement in the defense of traffic offenses;</u>	139 140
<u>(i) Sickness and accident or life insurance.</u>	141
<u>(14) A used motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code that is primarily engaged in the sale of used motor vehicles;</u>	142 143 144
<u>(15) A person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that is primarily engaged in the towing, recovery, and storage of motor vehicles and that has a current and valid certificate of public convenience as required by Chapter 4921. of the Revised Code.</u>	145 146 147 148 149
(G) <u>(I) "Motor vehicle collision-repair facility" means a mobile or stationary location from which five or more separate that is primarily engaged in the business of motor vehicle collision repairs are performed on motor vehicles in a twelve-month period, commencing with the day of the month in which the first such repair is made for profit.</u>	150 151 152 153 154 155
(H) <u>(J) "Motor vehicle window tint installation facility" means a mobile or stationary location from which five or more separate that is primarily engaged in the business of motor vehicle window tint installations are performed on motor vehicles in a twelve month period, commencing with the day of</u>	156 157 158 159 160

~~the month in which the first such installation is made for~~ 161
profit. 162

Sec. 4775.02. (A) No person shall act as a motor vehicle 163
~~collision~~ repair operator or motor vehicle window tint operator 164
unless the person is registered in accordance with this chapter. 165

(B) Each motor vehicle repair facility shall be registered 166
separately with the motor vehicle repair board. A facility that 167
conducts both body repairs and mechanical repairs at the same 168
location is required to obtain only one registration from the 169
board. 170

(C) Any person or entity that conducts or attempts to 171
conduct business as a motor vehicle ~~collision~~ repair operator or 172
motor vehicle window tint operator in violation of this chapter 173
performs an unfair and deceptive act or practice in violation of 174
section 1345.02 of the Revised Code. 175

Sec. 4775.03. (A) There is hereby created the motor 176
vehicle repair board consisting of seven members appointed by 177
the governor, with the advice and consent of the senate. Each 178
member of the board shall be a resident of the state. Five 179
members shall be motor vehicle ~~collision~~ repair operators. One 180
member shall possess expertise in motor vehicle mechanical 181
repair, and one member shall be a representative of the public 182
who has no financial interest in the motor vehicle repair 183
industry. 184

(B) Within ninety days after December 18, 1997, the 185
governor shall make initial appointments to the board. Of the 186
initial appointees, two are for terms ending on January 1, 1998, 187
two are for terms ending on January 1, 1999, two are for terms 188
ending on January 1, 2000, and one is for a term ending on 189

January 1, 2001. Thereafter, terms of office are for three 190
years, with each term ending on the same day of the same month 191
as did the term that it succeeds. Each member shall hold office 192
from the date of appointment until the end of the term for which 193
the member was appointed. Vacancies shall be filled in the 194
manner prescribed for original appointments. Any member 195
appointed to fill a vacancy occurring prior to the expiration of 196
the term for which the member's predecessor was appointed shall 197
hold office for the remainder of the term. A member shall 198
continue in office subsequent to the expiration date of the 199
member's term until the member's successor takes office, or 200
until a period of sixty days has elapsed, whichever occurs 201
first. No person shall serve as a member of the board for more 202
than two consecutive full three-year terms. 203

(C) In making appointments to the board under division (B) 204
of this section, the governor shall select the motor vehicle 205
collision repair operator members and the member with expertise 206
in motor vehicle mechanical repair as provided in this division. 207
Within thirty days after December 18, 1997, the automotive 208
service association of Ohio, inc., shall submit a list 209
containing two names for the motor vehicle mechanical repair 210
member and twelve names for the motor vehicle collision repair 211
members and the governor may appoint individuals from the list 212
to fill those six positions. Thereafter, within sixty days of a 213
vacancy occurring as a result of the expiration of a term and 214
within thirty days after other vacancies occurring on the board, 215
the automotive service association of Ohio, inc., shall submit a 216
list containing three names for each vacancy and the governor 217
may appoint one of the individuals from the list to fill the 218
vacancy. If the automotive service association of Ohio, inc., 219
for its respective appointees, fails to make the recommendations 220

to the governor within the time limits set by this division, the 221
governor shall appoint an individual of the governor's own 222
choosing provided that the individual meets the qualifications 223
of division (A) of this section. 224

(D) Before entering upon the duties of office, each member 225
shall take an oath of office as required by section 3.22 of the 226
Revised Code. The governor may remove any member for misconduct, 227
neglect of duty, incapacity, or malfeasance in accordance with 228
section 3.04 of the Revised Code. 229

(E) The board shall meet at least four times each year, 230
and additional meetings may be held upon the written request of 231
any four members of the board or upon the call of the 232
chairperson. The board shall elect from among its membership a 233
chairperson and vice-chairperson, each of whom shall serve for a 234
term of one year. A majority of the members of the board 235
constitutes a quorum to transact and vote on the business of the 236
board. The chairperson may appoint committees as the chairperson 237
considers necessary to carry out the duties of the board. 238

(F) Each member of the board shall receive a per diem 239
amount fixed pursuant to section 124.15 of the Revised Code when 240
actually attending to matters of the board and for the time 241
spent in necessary travel, and all actual and necessary expenses 242
incurred in the discharge of the member's duties. 243

Sec. 4775.04. ~~(A)~~—The motor vehicle repair board shall do 244
all of the following: 245

~~(1)~~ (A) Adopt rules in accordance with Chapter 119. of the 246
Revised Code as necessary to carry out the purposes of this 247
chapter. The rules ~~shall include~~ may address all of the 248
following: 249

(1) The requirements for the type of liability insurance 250
required under division (A) of section 4775.07 of the Revised 251
Code. The rules shall permit the use of an insurance policy 252
issued by any insurer authorized to issue that type of insurance 253
in this state. 254

(2) Consumer education and protection, including inside 255
and outside signage for the benefit of consumers and the 256
establishment of a toll-free telephone number for consumers to 257
call to voice complaints about an operator; 258

(3) Relevant aspects of registration of motor vehicle 259
repair operators, including the identification by national 260
institute of automotive service excellence category of services 261
provided or their equivalents and the form for license 262
applications; 263

(4) The contents of all estimates issued by operators, 264
whether for body repair, mechanical repair, or both; 265

(5) The contents of all invoices issued by operators; 266

(6) Compliance by operators with all local ordinances or 267
resolutions, state statutes and rules, and federal statutes and 268
regulations; 269

(7) The certification of technicians employed by 270
operators; 271

(8) Minimum training requirements for technicians and 272
administrative staff employed by operators; 273

(9) Appropriate equipment requirements for operators who 274
perform body repair and those who perform mechanical repair. 275

(B) Appoint an executive director to serve at the pleasure 276
of the board; 277

~~(3)~~ (C) Direct the executive director as to how the executive director shall perform the duties imposed under this chapter;

~~(4)~~ (D) Consider and make recommendations in regard to all matters submitted to the board by the executive director;

~~(5)~~ (E) Determine whether to refuse to issue or renew a registration certificate or determine whether to waive a suspension of a registration certificate as provided in division (D) of section 4775.07 of the Revised Code;

~~(6)~~ (F) Do all acts and perform all functions as are necessary for the administration and enforcement of this chapter.

~~(B) Nothing in this chapter shall be interpreted as granting the board any authority over a motor vehicle collision repair operator concerning the quality of work performed in the repair of, or installation of parts on, motor vehicles.~~

Sec. 4775.05. (A) The motor vehicle repair board shall appoint an individual who is not a member of the board as a full-time employee of the board to serve as the executive director of the board. The executive director shall serve at the pleasure and direction of the board. The director of administrative services shall establish the executive director's salary in a pay range as provided in division (J) of section 124.15 of the Revised Code. The executive director, subject to the approval of the board, shall determine the office space, supplies, and professional and clerical assistance necessary to effectively perform the executive director's duties.

(B) The executive director shall perform all the following duties:

- (1) Review and submit to the board, for its approval, 307
applications for registration pursuant to section 4775.07 of the 308
Revised Code; 309
- (2) Issue registration certificates, as approved by the 310
board, to persons who meet the qualifications for registration 311
under division (A) of section 4775.07 of the Revised Code; 312
- (3) Maintain a written record of all persons registered 313
pursuant to section 4775.07 of the Revised Code. The record 314
shall include the name, address, and motor vehicle repair 315
registration certificate number of each registered motor vehicle 316
repair operator. The executive director shall make this record 317
available to any person upon request and payment of a fee 318
sufficient to cover the cost of copying the record. 319
- (4) Collect all fees pursuant to section 4775.08 of the 320
Revised Code; 321
- (5) Appoint ~~enforcement officers~~ investigators as needed 322
to assist the executive director in carrying out this chapter, 323
who shall serve at the pleasure of the director; 324
- (6) Gather evidence of violations of this chapter by any 325
person or motor vehicle repair operator, or any partner or 326
officer of any motor vehicle repair operator, and, upon 327
reasonable belief that a violation has occurred, present the 328
evidence to the board for its consideration and possible action 329
by the board under section 4775.02 of the Revised Code. Nothing 330
in division (B) (6) of this section shall be construed as 331
authorizing the executive director or the board to enforce any 332
provision of law other than this chapter. If, however, the 333
executive director or board, in conducting investigations under 334
those sections, determines or suspects that a person has 335

violated any other provision of law, the executive director or board shall notify the governmental entity that is responsible for enforcement of that provision of law.

(7) Serve as secretary of the board and maintain a written record of all of the proceedings of the board;

(8) Notify all motor vehicle repair operators of changes in this chapter and rules adopted pursuant to this chapter;

(9) Do all other things requested by the board for the administration and enforcement of this chapter.

(C) The executive director may provide information that is relevant to motor vehicle ~~collision~~-repair to motor vehicle ~~collision~~-repair operators or other persons, that is relevant to motor vehicle window tint installation to motor vehicle window tint installation operators or other persons, and may communicate with any person, or respond to communications from any person, in matters pertaining to motor vehicle ~~collision~~-repair or window tint installation.

Sec. 4775.06. An ~~enforcement officer~~ investigator appointed by the executive director to assist the executive director in carrying out this chapter shall report to the executive director and the motor vehicle repair board the name and address of any motor vehicle repair operator that the ~~officer~~ investigator has reasonable grounds to believe is operating in violation of this chapter, and shall notify the operator of the suspected violation. The report shall be based on investigation practices and procedures approved by the board. Within sixty days after notification is sent, an ~~enforcement officer~~ investigator shall determine whether the motor vehicle repair operator who has been notified of a suspected violation

has come into compliance with the requirements of this chapter. 365
If the motor vehicle repair operator fails to correct the 366
suspected violation within sixty days after the date the 367
operator receives the notification, the ~~enforcement officer~~ 368
investigator shall notify the executive director and the board 369
of the operator's failure to correct the suspected violation. 370
Upon receiving a second notification of an operator's failure to 371
comply with this chapter, the executive director shall notify 372
the government entity having enforcement authority over the 373
condition or activity giving rise to the suspected violation in 374
writing of the condition or activity, the nature of the 375
suspected violation, and the name and address of the operator 376
suspected of violating this chapter. An ~~enforcement officer~~ 377
investigator shall monitor periodically the progress of any 378
action taken in connection with the suspected violation with the 379
appropriate government entity, including any investigation or 380
charges that are filed in connection with the suspected 381
violation. Upon obtaining such information, the executive 382
director or the ~~enforcement officer~~investigator monitoring such 383
progress shall notify the board of the progress of the suspected 384
violation and any accompanying investigation, charges, or other 385
action taken in connection with the suspected violation. 386

Sec. 4775.07. (A) Any person required to be registered as 387
a motor vehicle repair operator shall apply to the motor vehicle 388
repair board upon application forms prescribed by the board. The 389
forms shall contain sufficient information to identify the 390
applicant, including name, address, state tax identification 391
number, and any other identifying data prescribed by rule of the 392
board. If the applicant is a partnership, identifying data as 393
prescribed by the board may be required for each partner. If the 394
applicant is a corporation, identifying data may be required for 395

each officer of the corporation and each person in charge of 396
each place of the motor vehicle repair operator's business in 397
this state. If the applicant is licensed as a used motor vehicle 398
dealer pursuant to sections 4517.01 to 4517.45 of the Revised 399
Code, the applicant shall include on the application the 400
applicant's used motor vehicle dealer license number as assigned 401
by the bureau of motor vehicles. The applicant shall affirm the 402
application by oath. The applicant shall include with the 403
application the initial registration fee set forth in section 404
4775.08 of the Revised Code and proof satisfactory to the board 405
that the applicant has a current state and federal tax 406
identification number, a valid vendor's license issued pursuant 407
to section 5739.17 of the Revised Code, a United States 408
environmental protection agency identification number issued 409
under the "Resource Conservation and Recovery Act of 1976," 90 410
Stat. 2795, 42 U.S.C.A. 6901, as amended, and regulations 411
adopted under that act, proof of possession of all permits 412
required under Chapter 3704. of the Revised Code, general 413
liability insurance and liability insurance that protects a 414
person against liability for damage to motor vehicles in the 415
applicant's care, custody, or control in an amount and form that 416
conforms to the rules the board adopts under section 4775.04 of 417
the Revised Code, and coverage under Chapters 4123. and 4141. of 418
the Revised Code. In addition, the applicant shall affirm that 419
the applicant is in compliance with all applicable federal and 420
state statutes and rules and all local ordinances and 421
resolutions, including all applicable zoning regulations. 422

(B) Upon receipt of the completed application form and 423
fees and after the board determines that the applicant meets the 424
requirements for registration under division (A) of this 425
section, the board shall direct the executive director to issue 426

a registration certificate to the applicant for each place of 427
business. The motor vehicle repair operator shall display the 428
registration certificate in a conspicuous place on the premises 429
of the business for which the registration is obtained. 430

(C) Each registration certificate issued under this 431
section expires annually on the date of its original issuance 432
and may be renewed in accordance with the standard renewal 433
procedure of Chapter 4745. of the Revised Code. The application 434
for a renewal of a registration certificate shall be accompanied 435
by the same information and proof as is required to accompany an 436
initial application under division (A) of this section. 437

(D) When a motor vehicle repair operator experiences a 438
change in any information or data required under division (A) of 439
this section or by rule of the board for registration as a motor 440
vehicle repair operator, the motor vehicle repair operator shall 441
submit written notification of the change to the board within 442
sixty days after the date that the information becomes obsolete. 443
If a motor vehicle repair operator fails to submit the written 444
notification of a change in information or data within sixty 445
days after the change in information or data, the operator's 446
registration certificate is automatically suspended, except that 447
the board may waive the suspension for good cause shown. 448

(E) Notwithstanding section 5703.21 of the Revised Code, 449
the department of taxation may disclose to the board any 450
information necessary for the board to verify the existence of 451
an applicant's valid vendor's license and current state tax 452
identification number. 453

Sec. 4775.08. (A) The initial and annual renewal fee for a 454
motor vehicle repair registration certificate and for a 455
temporary motor vehicle repair registration certificate is one 456

hundred fifty dollars for each business location at which the
motor vehicle repair operator conducts business as an operator,
except that the motor vehicle repair board, with the approval of
the controlling board, may establish fees in excess of or less
than that amount, provided that such fees do not exceed ~~or are~~
~~not less than that amount by more than fifty per cent~~ two
hundred dollars. The board shall issue a new, renewal, or
temporary registration certificate to a used motor vehicle
dealer licensed under Chapter 4517. of the Revised Code or to an
organization that provides motor vehicle repair services and
that is exempt from federal income taxation under subsection
501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. 1 et
seq., without payment of any fee.

The board shall adjust the fees as necessary in order to
provide for the expenses associated with carrying out this
chapter.

(B) If the board has notified or attempted to notify a
motor vehicle repair operator that the operator is required to
be registered under this chapter, and the operator fails to
register, the initial fee for the registration of such an
unregistered operator for each business location at which the
operator conducts business as an operator, is the initial fee
then in effect plus an additional amount equal to the initial
fee then in effect for each calendar year that the operator is
not registered after the board has notified or attempted to
notify the operator. The board may impose a late fee for a
registration that is overdue under this division.

(C) The board shall deposit all fees and fines collected
under this chapter into the occupational licensing and
regulatory fund created by section 4743.05 of the Revised Code.

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of 487
the Revised Code, the motor vehicle repair board may refuse to 488
issue or renew a registration certificate or may determine 489
whether to waive a suspension of a registration certificate as 490
provided in division (D) of section 4775.07 of the Revised Code. 491

(2) Within ten days after receipt of an abstract from a 492
county court judge, mayor of a mayor's court, or clerk of a 493
court of record indicating a violation of division (D) of 494
section 4513.241 of the Revised Code, the board shall determine 495
whether the person named in the abstract is registered with the 496
board and, if the person is so registered, shall further 497
determine whether the person previously has been convicted of or 498
pleaded guilty to a violation of that section. If the person 499
previously has been convicted of or pleaded guilty to a 500
violation of that section, the board, in accordance with Chapter 501
119. of the Revised Code but without a prior hearing, shall 502
suspend the person's registration for a period of not more than 503
one hundred eighty days. 504

(B) The court of common pleas of Franklin county has 505
exclusive jurisdiction over any person who conducts, or attempts 506
to conduct, business as a motor vehicle repair operator in 507
violation of this chapter or any rule adopted under this 508
chapter. The court, on application of the board, may issue an 509
injunction, a cease and desist order, or other appropriate order 510
restraining the person from continuing the violation. This 511
section shall operate in addition to and shall not prohibit the 512
enforcement of any other law. 513

(C) Upon the request of the executive director or as a 514
result of complaints, the board shall investigate the alleged 515
violation. 516

(D) No person required to be registered under this chapter 517
shall have the benefit of any lien for labor or materials unless 518
the person is registered under this chapter. 519

(E) No person whose application for registration under 520
this chapter is denied shall open or operate a facility for 521
business as a motor vehicle ~~collision~~-repair facility or motor 522
vehicle window tint installation facility under the name of the 523
person designated in the application for a registration 524
certificate or under any other name prior to registering as a 525
motor vehicle repair operator in accordance with this chapter. 526

Sec. 4775.10. (A) A motor vehicle repair operator who 527
substantially complies with the requirements of this chapter for 528
registration as a motor vehicle repair operator and who is 529
making a good faith effort toward achieving compliance with all 530
requirements of this chapter may obtain a temporary motor 531
vehicle repair registration certificate. Following the 532
application of, and payment of a fee by a motor vehicle repair 533
operator, the motor vehicle repair board, in its discretion, may 534
direct the executive director to issue a temporary registration 535
certificate to a motor vehicle repair operator the board finds 536
to be in substantial compliance with the requirements of this 537
chapter for registration and who is making a good faith effort 538
toward achieving compliance with all requirements of this 539
chapter. A temporary motor vehicle repair registration issued on 540
or after the effective date of this amendment is valid for one 541
year and may be renewed at the discretion of the board. 542

~~Except as otherwise provided in division (C) of this 543
section, a temporary registration certificate is effective for 544
one year from the date of issuance or until the date the motor 545
vehicle repair operator obtains a regular motor vehicle repair 546~~

~~registration certificate under this chapter, whichever date~~ 547
~~occurs first.~~ If a motor vehicle repair operator obtains a 548
regular registration certificate prior to the expiration of the 549
operator's temporary registration certificate, a portion of the 550
fee paid by the motor vehicle repair operator to obtain the 551
temporary registration certificate shall be applied to the fee 552
imposed under section 4775.08 of the Revised Code to obtain a 553
regular registration certificate in an amount that corresponds 554
to the portion of the year the operator is not utilizing the 555
temporary registration certificate. 556

Upon receiving direction from the board, the executive 557
director shall issue a temporary registration certificate. 558

(B) The board shall adopt rules in accordance with Chapter 559
119. of the Revised Code that specify criteria a motor vehicle 560
repair operator shall meet in order to be considered to be in 561
substantial compliance with the registration requirements of 562
this chapter, and that specify criteria a motor vehicle repair 563
operator shall meet in order to be considered as making a good 564
faith effort toward achieving compliance with all requirements 565
of this chapter. The board shall consider the impact of the 566
rules it adopts under this division on encouraging competition 567
~~between~~ among all motor vehicle repair operators and not 568
impairing the ability of operators who have been in the motor 569
vehicle repair business for less than one year to succeed in the 570
market place. 571

~~(C) A temporary motor vehicle repair registration may be~~ 572
~~renewed not more than four consecutive times. A motor vehicle~~ 573
~~repair operator may apply for the renewal of a temporary~~ 574
~~registration certificate prior to the expiration of a temporary~~ 575
~~registration certificate. The board shall consider an~~ 576

~~application for the renewal of a temporary registration certificate. The board may direct the executive director to renew a temporary registration certificate of an applicant who meets the requirements set forth in division (A) of this section for obtaining a temporary registration certificate. Upon recommendation by the board, the executive director shall issue a renewal of an applicant's temporary registration certificate. Neither the board nor the executive director shall renew a person's temporary registration certificate more than four consecutive times.~~ 577
578
579
580
581
582
583
584
585
586

~~A renewal of a temporary motor vehicle repair registration certificate is effective for one year from the date of issuance of the renewal of registration. A temporary registration certificate shall continue in effect during the period in which an applicant is being considered for renewal if the applicant applies for renewal prior to the expiration of the temporary registration certificate.~~ 587
588
589
590
591
592
593

Sec. 4775.11. It is the intent of the general assembly to preempt any local ordinance, resolution, or other law adopted or enacted after December 18, 1997, that is limited to the registration of persons engaged in business as motor vehicle repair operators in a manner corresponding to the provisions of this chapter. This chapter does not preempt any of the following local ~~law~~ laws: 594
595
596
597
598
599
600

(A) Laws adopted or enacted prior to December 18, 1997, for motor vehicle collision repair operators ~~or the effective date of this amendment;~~ 601
602
603

(B) Laws adopted or enacted prior to March 22, 2013, for motor vehicle window tint operators, ~~or;~~ 604
605

(C) Laws adopted or enacted prior to the effective date of this amendment for motor vehicle mechanical repair operators; 606
607

(D) Laws that may require registration or licensure as a component of imposing additional requirements on persons engaged in business as motor vehicle repair operators or technicians. 608
~~Nor does it preempt the enforcement of any local law;~~ 609
610
611

(E) Laws regulating motor vehicle repair operators or technicians, including building, zoning, health, safety, or other similar codes or laws. 612
613
614

Section 2. That existing sections 4775.01, 4775.02, 615
4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 616
4775.10, and 4775.11 of the Revised Code are hereby repealed. 617

Section 3. Notwithstanding division (A) of section 4775.02 618
of the Revised Code, as amended by this act, no person shall be 619
required to register as a motor vehicle repair operator until 620
six months after the effective date of Section 1 of this act, 621
unless the person would have been required to register as a 622
motor vehicle collision repair operator in accordance with 623
Chapter 4775. of the Revised Code as it existed immediately 624
prior to the effective date of Section 1 of this act. 625

Section 4. That new section 4775.03 of the Revised Code be 626
enacted to read as follows: 627

Sec. 4775.03. (A) There is hereby created the motor 628
vehicle repair board consisting of seven members appointed by 629
the governor, with the advice and consent of the senate. Each 630
member of the board shall be a resident of the state. Two 631
members shall be motor vehicle body repair operators, two 632
members shall be motor vehicle mechanical repair operators, two 633
members shall be motor vehicle window tint operators, and one 634

member shall be a representative of the public who has no 635
financial interest in the motor vehicle repair industry. 636

(B) The governor shall make appointments to the board. Of 637
the initial appointees, three are for terms ending on June 1, 638
2016, two are for terms ending on June 1, 2017, and two are for 639
terms ending on June 1, 2018. Thereafter, terms of office are 640
for three years, with each term ending on the same day of the 641
same month as did the term that it succeeds. Each member shall 642
hold office from the date of appointment until the end of the 643
term for which the member was appointed. Vacancies shall be 644
filled in the manner prescribed for original appointments. Any 645
member appointed to fill a vacancy occurring prior to the 646
expiration of the term for which the member's predecessor was 647
appointed shall hold office for the remainder of the term. A 648
member shall continue in office subsequent to the expiration 649
date of the member's term until the member's successor takes 650
office, or until a period of sixty days has elapsed, whichever 651
occurs first. No person shall serve as a member of the board for 652
more than two consecutive full three-year terms. 653

(C) In making appointments to the board under division (B) 654
of this section, the governor shall select six of the members as 655
provided in this division. The automotive service association of 656
Ohio, inc., shall submit a list containing names for the motor 657
vehicle mechanical repair members, the motor vehicle body repair 658
members, and the motor vehicle window tint operator members, and 659
the governor may appoint individuals from the list to fill those 660
six positions. Thereafter, within sixty days of a vacancy 661
occurring as a result of the expiration of a term and within 662
thirty days after other vacancies occurring on the board, the 663
automotive service association of Ohio, inc., shall submit a 664
list containing three names for each vacancy and the governor 665

may appoint one of the individuals from the list to fill the 666
vacancy. If the automotive service association of Ohio, inc., 667
for its respective appointees, fails to make the recommendations 668
to the governor within the time limits set by this division, the 669
governor shall appoint an individual of the governor's own 670
choosing provided that the individual meets the qualifications 671
of division (A) of this section. 672

(D) Before entering upon the duties of office, each member 673
shall take an oath of office as required by section 3.22 of the 674
Revised Code. The governor may remove any member for misconduct, 675
neglect of duty, incapacity, or malfeasance in accordance with 676
section 3.04 of the Revised Code. 677

(E) The board shall meet at least four times each year, 678
and additional meetings may be held upon the written request of 679
any four members of the board or upon the call of the 680
chairperson. The board shall elect from among its membership a 681
chairperson and vice-chairperson, each of whom shall serve for a 682
term of one year. A majority of the members of the board 683
constitutes a quorum to transact and vote on the business of the 684
board. The chairperson may appoint committees as the chairperson 685
considers necessary to carry out the duties of the board. 686

(F) Each member of the board shall receive a per diem 687
amount fixed pursuant to section 124.15 of the Revised Code when 688
actually attending to matters of the board and for the time 689
spent in necessary travel, and all actual and necessary expenses 690
incurred in the discharge of the member's duties. 691

Section 5. That section 4775.03 of the Revised Code as it 692
results from Section 1 of this act is hereby repealed. 693

Section 6. Sections 4 and 5 of this act take effect 694

January 1, 2016. 695

Section 7. The Motor Vehicle Repair Board in existence on 696
December 31, 2015, is hereby dissolved as of January 1, 2016, 697
and the Motor Vehicle Repair Board created in section 4775.03 of 698
the Revised Code as presented in Section 4 of this act shall 699
take the dissolved Board's place and assume its duties. 700

The Governor shall make the appointments to the Motor 701
Vehicle Repair Board for the terms of office prescribed in 702
section 4775.03 of the Revised Code as presented in Section 4 of 703
this act not later than January 1, 2016. In order to permit the 704
Governor to make the appointments as described in this section, 705
the organizations specified in division (C) of section 4775.03 706
of the Revised Code as presented in Section 4 of this act shall 707
submit the lists described in section 4775.03 of the Revised 708
Code as presented in Section 4 of this act to the Governor not 709
later than October 1, 2015. 710