

As Reported by the House Ways and Means Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 222

Representatives Stoltzfus, Howse

**Cosponsors: Representatives Antani, Becker, Brent, Crawley, Cross, Jones,
Lightbody, Manchester, Riedel, Seitz, Smith, K., Upchurch, Vitale, West**

A BILL

To amend sections 4506.09 and 5747.98 and to enact 1
sections 122.91 and 5747.82 of the Revised Code 2
to authorize a temporary income tax credit for 3
an employer's expenses to train a commercial 4
vehicle operator and increases the commercial 5
driver's license skills test fee charged by the 6
Department of Public Safety. 7

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

Section 1. That sections 4506.09 and 5747.98 be amended 8
and sections 122.91 and 5747.82 of the Revised Code be enacted 9
to read as follows: 10

Sec. 122.91. (A) As used in this section: 11

(1) "Qualifying individual" means an individual who holds 12
a valid commercial driver's license or who is eligible to obtain 13
such a license. 14

(2) "Commercial driver's license" and "commercial motor 15
vehicle" have the same meanings as in section 4506.01 of the 16
Revised Code. 17

(3) "Training expense" means any cost customarily incurred 18
by an employer to train a qualifying individual to obtain a 19
commercial driver's license or to operate a commercial motor 20
vehicle. "Training expense" shall not include an employee's 21
wages. 22

(4) "Tax credit-eligible training expense" means any 23
training expense certified under division (B) of this section. 24

(5) "Director" means the director of development services. 25

(B) (1) On or before the first day of December beginning in 26
2020 and ending in 2022, an employer may apply to the director, 27
on a form prescribed by the director, to certify training 28
expenses that an employer estimates the employer will incur 29
during the following calendar year as tax credit-eligible 30
training expenses. Within thirty days after receiving such an 31
application, the director shall certify to each applicant the 32
amount of the applicant's submitted expenses the director finds 33
to be tax credit-eligible training expenses. The director shall 34
not certify more than fifty thousand dollars of training 35
expenses per year as tax credit-eligible training expenses for 36
any employer. 37

(2) The director shall not certify more than three million 38
dollars in tax credit-eligible training expenses for each 39
calendar year, increased by the sum of tax credit-eligible 40
expenses the director was authorized to certify within the limit 41
described in division (B) (2) of this section for preceding years 42
that were not the basis of a tax credit certificate issued under 43
division (C) (2) of this section in the current year or any 44
preceding year. 45

(C) (1) An employer that incurs tax credit-eligible 46

training expenses in a calendar year that were certified for 47
that year under division (B) of this section may apply to the 48
director for a nonrefundable credit against the tax imposed by 49
section 5747.02 of the Revised Code. The credit shall equal one- 50
half of the tax credit-eligible training expenses actually 51
incurred by the employer in, and certified for, the preceding 52
calendar year. The application may be submitted after the first 53
day and before the twenty-first day of January of the year 54
following the year for which the director certified the 55
expenses. The application shall be submitted on a form 56
prescribed by the director. 57

(2) If the director approves an application described in 58
division (C)(1) of this section, the director, within fifteen 59
days after receipt of the application, shall issue a tax credit 60
certificate to the applicant. The director in consultation with 61
the tax commissioner shall prescribe the form and manner of 62
issuing certificates. The director shall assign a unique 63
identifying number to each tax credit certificate and shall 64
record the certificate in a register devised and maintained by 65
the director for that purpose. The certificate shall state the 66
amount of the tax credit-eligible training expenses on which the 67
credit is based, the amount of the credit, and the date the 68
certificate is issued. Upon issuance of a certificate, the 69
director shall certify to the tax commissioner the name of the 70
applicant, the amount of tax credit-eligible training expenses 71
stated on the certificate, and any other information required by 72
the rules adopted under this section. 73

(D) The director in consultation with the tax commissioner 74
shall adopt rules under Chapter 119. of the Revised Code for the 75
administration of this section. Such rules shall set forth the 76
types of expenses that qualify as training expenses for purposes 77

of this section. 78

Sec. 4506.09. (A) The registrar of motor vehicles, subject 79
to approval by the director of public safety, shall adopt rules 80
conforming with applicable standards adopted by the federal 81
motor carrier safety administration as regulations under Pub. L. 82
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 83
31317. The rules shall establish requirements for the 84
qualification and testing of persons applying for a commercial 85
driver's license, which are in addition to other requirements 86
established by this chapter. Except as provided in division (B) 87
of this section, the highway patrol or any other employee of the 88
department of public safety the registrar authorizes shall 89
supervise and conduct the testing of persons applying for a 90
commercial driver's license. 91

(B) The director may adopt rules, in accordance with 92
Chapter 119. of the Revised Code and applicable requirements of 93
the federal motor carrier safety administration, authorizing the 94
skills test specified in this section to be administered by any 95
person, by an agency of this or another state, or by an agency, 96
department, or instrumentality of local government. Each party 97
authorized under this division to administer the skills test may 98
charge a maximum divisible fee of one hundred fifteen dollars 99
for each skills test given as part of a commercial driver's 100
license examination. The fee shall consist of not more than 101
twenty-seven dollars for the pre-trip inspection portion of the 102
test, not more than twenty-seven dollars for the off-road 103
maneuvering portion of the test, and not more than sixty-one 104
dollars for the on-road portion of the test. Each such party may 105
require an appointment fee in the same manner provided in 106
division (E)(2) of this section, except that the maximum amount 107
such a party may require as an appointment fee is one hundred 108

fifteen dollars. The skills test administered by another party 109
under this division shall be the same as otherwise would be 110
administered by this state. The other party shall enter into an 111
agreement with the director that, without limitation, does all 112
of the following: 113

(1) Allows the director or the director's representative 114
and the federal motor carrier safety administration or its 115
representative to conduct random examinations, inspections, and 116
audits of the other party, whether covert or overt, without 117
prior notice; 118

(2) Requires the director or the director's representative 119
to conduct on-site inspections of the other party at least 120
annually; 121

(3) Requires that all examiners of the other party meet 122
the same qualification and training standards as examiners of 123
the department of public safety, including criminal background 124
checks, to the extent necessary to conduct skills tests in the 125
manner required by 49 C.F.R. 383.110 through 383.135. In 126
accordance with federal guidelines, any examiner employed on 127
July 1, 2017, shall have a criminal background check conducted 128
at least once, and any examiner hired after July 1, 2015, shall 129
have a criminal background check conducted after the examiner is 130
initially hired. 131

(4) Requires either that state employees take, at least 132
annually and as though the employees were test applicants, the 133
tests actually administered by the other party, that the 134
director test a sample of drivers who were examined by the other 135
party to compare the test results, or that state employees 136
accompany a test applicant during an actual test; 137

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| (5) Unless the other party is a governmental entity, | 138 |
| requires the other party to initiate and maintain a bond in an | 139 |
| amount determined by the director to sufficiently pay for the | 140 |
| retesting of drivers in the event that the other party or its | 141 |
| skills test examiners are involved in fraudulent activities | 142 |
| related to skills testing; | 143 |
| (6) Requires the other party to use only skills test | 144 |
| examiners who have successfully completed a commercial driver's | 145 |
| license examiner training course as prescribed by the director, | 146 |
| and have been certified by the state as a commercial driver's | 147 |
| license skills test examiner qualified to administer skills | 148 |
| tests; | 149 |
| (7) Requires the other party to use designated road test | 150 |
| routes that have been approved by the director; | 151 |
| (8) Requires the other party to submit a schedule of | 152 |
| skills test appointments to the director not later than two | 153 |
| business days prior to each skills test; | 154 |
| (9) Requires the other party to maintain copies of the | 155 |
| following records at its principal place of business: | 156 |
| (a) The other party's commercial driver's license skills | 157 |
| testing program certificate; | 158 |
| (b) Each skills test examiner's certificate of | 159 |
| authorization to administer skills tests for the classes and | 160 |
| types of commercial motor vehicles listed in the certificate; | 161 |
| (c) Each completed skills test scoring sheet for the | 162 |
| current calendar year as well as the prior two calendar years; | 163 |
| (d) A complete list of the test routes that have been | 164 |
| approved by the director; | 165 |

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| (e) A complete and accurate copy of each examiner's training record. | 166 167 |
| (10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained; | 168 169 170 |
| (11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year; | 171 172 173 |
| (12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract. | 174 175 176 177 178 179 |
| (C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement. | 180 181 182 183 184 185 186 187 188 |
| (D) (1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements: | 189 190 191 192 193 |
| (a) As authorized under 49 C.F.R. 383.3(c), the applicant | 194 |

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| operates a commercial motor vehicle for military purposes and is | 195 |
| one of the following: | 196 |
| (i) Active duty military personnel; | 197 |
| (ii) A member of the military reserves; | 198 |
| (iii) A member of the national guard on active duty, | 199 |
| including full-time national guard duty, part-time national | 200 |
| guard training, and national guard military technicians; | 201 |
| (iv) Active duty U.S. coast guard personnel. | 202 |
| (b) The applicant certifies that, during the two-year | 203 |
| period immediately preceding application for a commercial | 204 |
| driver's license, all of the following apply: | 205 |
| (i) The applicant has not had more than one license, | 206 |
| excluding any military license. | 207 |
| (ii) The applicant has not had any license suspended, | 208 |
| revoked, or canceled. | 209 |
| (iii) The applicant has not had any convictions for any | 210 |
| type of motor vehicle for the offenses for which | 211 |
| disqualification is prescribed in section 4506.16 of the Revised | 212 |
| Code. | 213 |
| (iv) The applicant has not had more than one conviction | 214 |
| for any type of motor vehicle for a serious traffic violation. | 215 |
| (v) The applicant has not had any violation of a state or | 216 |
| local law relating to motor vehicle traffic control other than a | 217 |
| parking violation arising in connection with any traffic | 218 |
| accident and has no record of an accident in which the applicant | 219 |
| was at fault. | 220 |
| (c) In accordance with rules adopted by the director, the | 221 |

applicant certifies and also provides evidence of all of the 222
following: 223

(i) That the applicant is or was regularly employed in a 224
military position requiring operation of a commercial motor 225
vehicle; 226

(ii) That the applicant was exempt from the requirements 227
of this chapter under division (B) (6) of section 4506.03 of the 228
Revised Code; 229

(iii) That, for at least two years immediately preceding 230
the date of application or at least two years immediately 231
preceding the date the applicant separated from military service 232
or employment, the applicant regularly operated a vehicle 233
representative of the commercial motor vehicle type that the 234
applicant operates or expects to operate. 235

(2) The waiver established under division (D) (1) of this 236
section does not apply to United States reserve technicians. 237

(E) (1) The department of public safety may charge and 238
collect a divisible fee of ~~fifty-one hundred fifteen~~ dollars for 239
each skills test given as part of a commercial driver's license 240
examination. The fee shall consist of ~~ten-twenty-seven~~ dollars 241
for the pre-trip inspection portion of the test, ~~ten-twenty-~~ 242
seven dollars for the off-road maneuvering portion of the test, 243
and ~~thirty-sixty-one~~ dollars for the on-road portion of the 244
test. 245

(2) No applicant is eligible to take the skills test until 246
a minimum of fourteen days have elapsed since the initial 247
issuance of a commercial driver's license temporary instruction 248
permit to the applicant. The director may require an applicant 249
for a commercial driver's license who schedules an appointment 250

with the highway patrol or other authorized employee of the 251
department of public safety to take all portions of the skills 252
test and to pay an appointment fee of ~~fifty~~ one hundred fifteen 253
dollars at the time of scheduling the appointment. If the 254
applicant appears at the time and location specified for the 255
appointment and takes all portions of the skills test during 256
that appointment, the appointment fee serves as the skills test 257
fee. If the applicant schedules an appointment to take all 258
portions of the skills test and fails to appear at the time and 259
location specified for the appointment, the director shall not 260
refund any portion of the appointment fee. If the applicant 261
schedules an appointment to take all portions of the skills test 262
and appears at the time and location specified for the 263
appointment, but declines or is unable to take all portions of 264
the skills test, the director shall not refund any portion of 265
the appointment fee. If the applicant cancels a scheduled 266
appointment forty-eight hours or more prior to the time of the 267
appointment time, the applicant shall not forfeit the 268
appointment fee. 269

An applicant for a commercial driver's license who 270
schedules an appointment to take one or more, but not all, 271
portions of the skills test is required to pay an appointment 272
fee equal to the costs of each test scheduled, as prescribed in 273
division (E)(1) of this section, when scheduling such an 274
appointment. If the applicant appears at the time and location 275
specified for the appointment and takes all the portions of the 276
skills test during that appointment that the applicant was 277
scheduled to take, the appointment fee serves as the skills test 278
fee. If the applicant schedules an appointment to take one or 279
more, but not all, portions of the skills test and fails to 280
appear at the time and location specified for the appointment, 281

the director shall not refund any portion of the appointment 282
fee. If the applicant schedules an appointment to take one or 283
more, but not all, portions of the skills test and appears at 284
the time and location specified for the appointment, but 285
declines or is unable to take all portions of the skills test 286
that the applicant was scheduled to take, the director shall not 287
refund any portion of the appointment fee. If the applicant 288
cancels a scheduled appointment forty-eight hours or more prior 289
to the time of the appointment time, the applicant shall not 290
forfeit the appointment fee. 291

(3) The department of public safety shall deposit all fees 292
it collects under division (E) of this section in the public 293
safety - highway purposes fund established in section 4501.06 of 294
the Revised Code. 295

(F) A person who has successfully completed commercial 296
driver's license training in this state but seeks a commercial 297
driver's license in another state where the person is domiciled 298
may schedule an appointment to take the skills test in this 299
state and shall pay the appropriate appointment fee. Upon the 300
person's completion of the skills test, this state shall 301
electronically transmit the applicant's results to the state 302
where the person is domiciled. If a person who is domiciled in 303
this state takes a skills test in another state, this state 304
shall accept the results of the skills test from the other 305
state. If the person passed the other state's skills test and 306
meets all of the other licensing requirements set forth in this 307
chapter and rules adopted under this chapter, the registrar of 308
motor vehicles or a deputy registrar shall issue a commercial 309
driver's license to that person. 310

(G) Unless otherwise specified, the director or the 311

director's representative shall conduct the examinations, 312
inspections, audits, and test monitoring set forth in divisions 313
(B) (2), (3), and (4) of this section at least annually. If the 314
other party or any of its skills test examiners fail to comply 315
with state or federal standards for the skills testing program, 316
the director or the director's representative shall take prompt 317
and appropriate remedial action against the party and its skills 318
test examiners. Remedial action may include termination of the 319
agreement or revocation of a skills test examiner's 320
certification. 321

(H) As used in this section, "skills test" means a test of 322
an applicant's ability to drive the type of commercial motor 323
vehicle for which the applicant seeks a commercial driver's 324
license by having the applicant drive such a motor vehicle while 325
under the supervision of an authorized state driver's license 326
examiner or tester. 327

Sec. 5747.82. There is allowed a nonrefundable credit 328
against a taxpayer's aggregate tax liability under section 329
5747.02 of the Revised Code for a taxpayer that has been issued 330
a tax credit certificate under section 122.91 of the Revised 331
Code. The amount of the credit shall equal the credit amount 332
stated on the certificate. The credit shall be claimed for the 333
taxpayer's most recently concluded taxable year that ended 334
before the issuance date stated on the certificate. 335

The credit shall be claimed in the order required under 336
section 5747.98 of the Revised Code. Any credit amount in excess 337
of the aggregate amount of tax due under section 5747.02 of the 338
Revised Code, after allowing for any other credits preceding the 339
credit in that order, may be carried forward for five taxable 340
years, but the amount of the excess credit allowed in any such 341

year shall be deducted from the balance carried forward to the 342
next year. 343

Nothing in this section limits or disallows pass-through 344
treatment of the credit if the credit certificate has been 345
issued to a pass-through entity. 346

Sec. 5747.98. (A) To provide a uniform procedure for 347
calculating a taxpayer's aggregate tax liability under section 348
5747.02 of the Revised Code, a taxpayer shall claim any credits 349
to which the taxpayer is entitled in the following order: 350

(1) Either the retirement income credit under division (B) 351
of section 5747.055 of the Revised Code or the lump sum 352
retirement income credits under divisions (C), (D), and (E) of 353
that section; 354

(2) Either the senior citizen credit under division (F) of 355
section 5747.055 of the Revised Code or the lump sum 356
distribution credit under division (G) of that section; 357

(3) The dependent care credit under section 5747.054 of 358
the Revised Code; 359

(4) The credit for displaced workers who pay for job 360
training under section 5747.27 of the Revised Code; 361

(5) The twenty-dollar personal exemption credit under 362
section 5747.022 of the Revised Code; 363

(6) The joint filing credit under division (G) of section 364
5747.05 of the Revised Code; 365

(7) The earned income credit under section 5747.71 of the 366
Revised Code; 367

(8) The credit for adoption of a minor child under section 368

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| 5747.37 of the Revised Code; | 369 |
| (9) The nonrefundable job retention credit under division | 370 |
| (B) of section 5747.058 of the Revised Code; | 371 |
| (10) The enterprise zone credit under section 5709.66 of | 372 |
| the Revised Code; | 373 |
| (11) The ethanol plant investment credit under section | 374 |
| 5747.75 of the Revised Code; | 375 |
| (12) <u>The credit for commercial vehicle operator training</u> | 376 |
| <u>expenses under section 5747.82 of the Revised Code;</u> | 377 |
| <u>(13)</u> The credit for purchases of qualifying grape | 378 |
| production property under section 5747.28 of the Revised Code; | 379 |
| (13) <u>(14)</u> The small business investment credit under | 380 |
| section 5747.81 of the Revised Code; | 381 |
| (14) <u>(15)</u> The nonrefundable lead abatement credit under | 382 |
| section 5747.26 of the Revised Code; | 383 |
| (15) <u>(16)</u> The opportunity zone investment credit under | 384 |
| section 122.84 of the Revised Code; | 385 |
| (16) <u>(17)</u> The enterprise zone credits under section | 386 |
| 5709.65 of the Revised Code; | 387 |
| (17) <u>(18)</u> The research and development credit under | 388 |
| section 5747.331 of the Revised Code; | 389 |
| (18) <u>(19)</u> The credit for rehabilitating a historic | 390 |
| building under section 5747.76 of the Revised Code; | 391 |
| (19) <u>(20)</u> The nonresident credit under division (A) of | 392 |
| section 5747.05 of the Revised Code; | 393 |
| (20) <u>(21)</u> The credit for a resident's out-of-state income | 394 |

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| under division (B) of section 5747.05 of the Revised Code; | 395 |
| (21) <u>(22)</u> The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code; | 396 397 398 |
| (22) <u>(23)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 399 400 401 |
| (23) <u>(24)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code; | 402 403 404 |
| (24) <u>(25)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code; | 405 406 407 |
| (25) <u>(26)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 408 409 410 411 |
| (26) <u>(27)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code. | 412 413 |
| (B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, | 414 415 416 417 418 419 420 421 422 423 |

a credit more than once for a taxable year. 424

Section 2. That existing sections 4506.09 and 5747.98 of 425
the Revised Code are hereby repealed. 426

Section 3. In adopting the rules required under division 427
(D) of section 122.91 of the Revised Code, as enacted by this 428
act, the Director of Development Services shall file the notice 429
and text of the proposed rules as required by division (B) of 430
section 119.03 of the Revised Code not later than one hundred 431
fifty days after the effective date of this section. 432