

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 89**

**Representative Antani**

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**A BILL**

To amend sections 4503.03 and 4511.75 of the Revised Code to enhance the penalties for failing to properly stop for a school bus, to establish requirements related to informing the public about that prohibition, and to make an appropriation.

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

**Section 1.** That sections 4503.03 and 4511.75 of the Revised Code be amended to read as follows:

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

(i) The county auditor in any county, subject to division (A) (1) (b) (i) of this section;

(ii) The clerk of a court of common pleas in any county, subject to division (A) (1) (b) (ii) of this section;

(iii) An individual;

(iv) A nonprofit corporation as defined in division (C) of

section 1702.01 of the Revised Code. 19

(b) (i) If the population of a county is forty thousand or 20  
less according to the most recent federal decennial census and 21  
if the county auditor is designated by the registrar as a deputy 22  
registrar, no other person need be designated in the county to 23  
act as a deputy registrar. 24

(ii) The registrar may designate a clerk of a court of 25  
common pleas as a deputy registrar if the population of the 26  
county is forty thousand or less according to the last federal 27  
census. In a county with a population greater than forty 28  
thousand but not more than fifty thousand according to the last 29  
federal census, the clerk of a court of common pleas is eligible 30  
to act as a deputy registrar and may participate in the 31  
competitive selection process for the award of a deputy 32  
registrar contract by applying in the same manner as any other 33  
person. All fees collected and retained by a clerk for 34  
conducting deputy registrar services shall be paid into the 35  
county treasury to the credit of the certificate of title 36  
administration fund created under section 325.33 of the Revised 37  
Code. 38

Notwithstanding the county population restrictions in 39  
division (A) (1) (b) of this section, if no person applies to act 40  
under contract as a deputy registrar in a county and the county 41  
auditor is not designated as a deputy registrar, the registrar 42  
may ask the clerk of a court of common pleas to serve as the 43  
deputy registrar for that county. 44

(c) As part of the selection process in awarding a deputy 45  
registrar contract, the registrar shall consider the customer 46  
service performance record of any person previously awarded a 47  
deputy registrar contract pursuant to division (A) (1) of this 48

section. 49

(2) Deputy registrars shall accept applications for the 50  
annual license tax for any vehicle not taxed under section 51  
4503.63 of the Revised Code and shall assign distinctive numbers 52  
in the same manner as the registrar. Such deputies shall be 53  
located in such locations in the county as the registrar sees 54  
fit. There shall be at least one deputy registrar in each 55  
county. 56

Deputy registrar contracts are subject to the provisions 57  
of division (B) of section 125.081 of the Revised Code. 58

(B) (1) The registrar shall not designate any person to act 59  
as a deputy registrar under division (A) (1) of this section if 60  
the person or, where applicable, the person's spouse or a member 61  
of the person's immediate family has made, within the current 62  
calendar year or any one of the previous three calendar years, 63  
one or more contributions totaling in excess of one hundred 64  
dollars to any person or entity included in division (A) (2) of 65  
section 4503.033 of the Revised Code. As used in this division, 66  
"immediate family" has the same meaning as in division (D) of 67  
section 102.01 of the Revised Code, and "entity" includes any 68  
political party and any "continuing association" as defined in 69  
division (C) (4) of section 3517.01 of the Revised Code or 70  
"political action committee" as defined in division (C) (8) of 71  
that section that is primarily associated with that political 72  
party. For purposes of this division, contributions to any 73  
continuing association or any political action committee that is 74  
primarily associated with a political party shall be aggregated 75  
with contributions to that political party. 76

The contribution limitations contained in this division do 77  
not apply to any county auditor or clerk of a court of common 78

pleas. A county auditor or clerk of a court of common pleas is 79  
not required to file the disclosure statement or pay the filing 80  
fee required under section 4503.033 of the Revised Code. The 81  
limitations of this division also do not apply to a deputy 82  
registrar who, subsequent to being awarded a deputy registrar 83  
contract, is elected to an office of a political subdivision. 84

(2) The registrar shall not designate either of the 85  
following to act as a deputy registrar: 86

(a) Any elected public official other than a county 87  
auditor or, as authorized by division (A)(1)(b) of this section, 88  
a clerk of a court of common pleas, acting in an official 89  
capacity, except that, the registrar shall continue and may 90  
renew a contract with any deputy registrar who, subsequent to 91  
being awarded a deputy registrar contract, is elected to an 92  
office of a political subdivision; 93

(b) Any person holding a current, valid contract to 94  
conduct motor vehicle inspections under section 3704.14 of the 95  
Revised Code. 96

(3) As used in division (B) of this section, "political 97  
subdivision" has the same meaning as in section 3501.01 of the 98  
Revised Code. 99

(C)(1) Except as provided in division (C)(2) of this 100  
section, deputy registrars are independent contractors and 101  
neither they nor their employees are employees of this state, 102  
except that nothing in this section shall affect the status of 103  
county auditors or clerks of courts of common pleas as public 104  
officials, nor the status of their employees as employees of any 105  
of the counties of this state, which are political subdivisions 106  
of this state. Each deputy registrar shall be responsible for 107

the payment of all unemployment compensation premiums, all 108  
workers' compensation premiums, social security contributions, 109  
and any and all taxes for which the deputy registrar is legally 110  
responsible. Each deputy registrar shall comply with all 111  
applicable federal, state, and local laws requiring the 112  
withholding of income taxes or other taxes from the compensation 113  
of the deputy registrar's employees. Each deputy registrar shall 114  
maintain during the entire term of the deputy registrar's 115  
contract a policy of business liability insurance satisfactory 116  
to the registrar and shall hold the department of public safety, 117  
the director of public safety, the bureau of motor vehicles, and 118  
the registrar harmless upon any and all claims for damages 119  
arising out of the operation of the deputy registrar agency. 120

(2) For purposes of Chapter 4141. of the Revised Code, 121  
determinations concerning the employment of deputy registrars 122  
and their employees shall be made under Chapter 4141. of the 123  
Revised Code. 124

(D)(1) With the approval of the director, the registrar 125  
shall adopt rules governing deputy registrars. The rules shall 126  
do all of the following: 127

(a) Establish requirements governing the terms of the 128  
contract between the registrar and each deputy registrar and the 129  
services to be performed; 130

(b) Establish requirements governing the amount of bond to 131  
be given as provided in this section; 132

(c) Establish requirements governing the size and location 133  
of the deputy's office; 134

(d) Establish requirements governing the leasing of 135  
equipment necessary to conduct the vision screenings required 136

under section 4507.12 of the Revised Code and training in the	137
use of the equipment;	138
(e) Encourage every deputy registrar to inform the public	139
of the location of the deputy registrar's office and hours of	140
operation by means of public service announcements;	141
(f) Allow any deputy registrar to advertise in regard to	142
the operation of the deputy registrar's office, including	143
allowing nonprofit corporations operating as a deputy registrar	144
to advertise that a specified amount of proceeds collected by	145
the nonprofit corporation are directed to a specified charitable	146
organization or philanthropic cause;	147
(g) Specify the hours the deputy's office is to be open to	148
the public and require as a minimum that one deputy's office in	149
each county be open to the public for at least four hours each	150
weekend, provided that if only one deputy's office is located	151
within the boundary of the county seat, that office is the	152
office that shall be open for the four-hour period each weekend;	153
(h) Specify that every deputy registrar, upon request,	154
provide any person with information about the location and	155
office hours of all deputy registrars in the county;	156
(i) Allow a deputy registrar contract to be awarded to a	157
nonprofit corporation formed under the laws of this state;	158
(j) Except as provided in division (D)(2) of this section,	159
prohibit any deputy registrar from operating more than one	160
deputy registrar's office at any time;	161
(k) For the duration of any deputy registrar contract,	162
require that the deputy registrar occupy a primary residence in	163
a location that is within a one-hour commute time from the	164
deputy registrar's office or offices. The rules shall require	165

the registrar to determine commute time by using multiple 166  
established internet-based mapping services. 167

(l) Establish procedures for a deputy registrar to request 168  
the authority to collect reinstatement fees under sections 169  
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 170  
4510.72, and 4511.191 of the Revised Code and to transmit the 171  
reinstatement fees and two dollars of the service fee collected 172  
under those sections. The registrar shall ensure that at least 173  
one deputy registrar in each county has the necessary equipment 174  
and is able to accept reinstatement fees. The registrar shall 175  
deposit the service fees received from a deputy registrar under 176  
those sections into the public safety - highway purposes fund 177  
created in section 4501.06 of the Revised Code and shall use the 178  
money for deputy registrar equipment necessary in connection 179  
with accepting reinstatement fees. 180

(m) Establish standards for a deputy registrar, when the 181  
deputy registrar is not a county auditor or a clerk of a court 182  
of common pleas, to sell advertising rights to third party 183  
businesses to be placed in the deputy registrar's office; 184

(n) Allow any deputy registrar that is not a county 185  
auditor or a clerk of a court of common pleas to operate a 186  
vending machine; 187

(o) Specify that each deputy registrar location shall 188  
display at all times, in a prominent place on the premises, a 189  
printed card that includes a graphic that instructs drivers to 190  
stop and yield to a stopped school bus when it is either loading 191  
or unloading passengers. 192

The registrar shall create and issue the graphic for 193  
distribution to and display at each deputy registrar location. 194

<u>(p)</u> Establish such other requirements as the registrar and director consider necessary to provide a high level of service.	195 196
(2) Notwithstanding division (D)(1)(j) of this section, the rules may allow both of the following:	197 198
(a) The registrar to award a contract to a deputy registrar to operate more than one deputy registrar's office if determined by the registrar to be practical;	199 200 201
(b) A nonprofit corporation formed for the purposes of providing automobile-related services to its members or the public and that provides such services from more than one location in this state to operate a deputy registrar office at any location.	202 203 204 205 206
(3) As a daily adjustment, the bureau of motor vehicles shall credit to a deputy registrar the amount established under section 4503.038 of the Revised Code for each damaged license plate or validation sticker the deputy registrar replaces as a service to a member of the public.	207 208 209 210 211
(4) (a) With the prior approval of the registrar, each deputy registrar may conduct at the location of the deputy registrar's office any business that is consistent with the functions of a deputy registrar and that is not specifically mandated or authorized by this or another chapter of the Revised Code or by implementing rules of the registrar.	212 213 214 215 216 217
(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.	218 219 220 221 222
(c) A deputy registrar may enter into an agreement with	223



the Ohio turnpike and infrastructure commission pursuant to 224  
division (A)(11) of section 5537.04 of the Revised Code for the 225  
purpose of allowing the general public to acquire from the 226  
deputy registrar the electronic toll collection devices that are 227  
used under the multi-jurisdiction electronic toll collection 228  
agreement between the Ohio turnpike and infrastructure 229  
commission and any other entities or agencies that participate 230  
in such an agreement. The approval of the registrar is not 231  
necessary if a deputy registrar engages in this activity. 232

(5) As used in this section and in section 4507.01 of the 233  
Revised Code, "nonprofit corporation" has the same meaning as in 234  
section 1702.01 of the Revised Code. 235

(E)(1) Unless otherwise terminated and except for interim 236  
contracts lasting not longer than one year, contracts with 237  
deputy registrars shall be entered into through a competitive 238  
selection process and shall be limited in duration as follows: 239

(a) For contracts entered into between July 1, 1996 and 240  
June 29, 2014, for a period of not less than two years, but not 241  
more than three years; 242

(b) For contracts entered into on or after June 29, 2014, 243  
for a period of five years, unless the registrar determines that 244  
a shorter contract term is appropriate for a particular deputy 245  
registrar. 246

(2) All contracts with deputy registrars shall expire on 247  
the last Saturday of June in the year of their expiration. Prior 248  
to the expiration of any deputy registrar contract, the 249  
registrar, with the approval of the director, may award a one- 250  
year contract extension to any deputy registrar who has provided 251  
exemplary service based upon objective performance evaluations. 252

(3) (a) The auditor of state may examine the accounts, 253  
reports, systems, and other data of each deputy registrar at 254  
least every two years. The registrar, with the approval of the 255  
director, shall immediately remove a deputy who violates any 256  
provision of the Revised Code related to the duties as a deputy, 257  
any rule adopted by the registrar, or a term of the deputy's 258  
contract with the registrar. The registrar also may remove a 259  
deputy who, in the opinion of the registrar, has engaged in any 260  
conduct that is either unbecoming to one representing this state 261  
or is inconsistent with the efficient operation of the deputy's 262  
office. 263

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

agency in the same manner as other expenses of the agency are 284  
paid. 285

In any case of disobedience or neglect of any subpoena 286  
served on any person or the refusal of any witness to testify to 287  
any matter regarding which the witness lawfully may be 288  
interrogated, the court of common pleas of any county where the 289  
disobedience, neglect, or refusal occurs or any judge of that 290  
court, on application by the registrar, shall compel obedience 291  
by attachment proceedings for contempt, as in the case of 292  
disobedience of the requirements of a subpoena issued from that 293  
court, or a refusal to testify in that court. 294

(4) Nothing in division (E) of this section shall be 295  
construed to require a hearing of any nature prior to the 296  
termination of any deputy registrar contract by the registrar, 297  
with the approval of the director, for cause. 298

(F) Except as provided in section 2743.03 of the Revised 299  
Code, no court, other than the court of common pleas of Franklin 300  
county, has jurisdiction of any action against the department of 301  
public safety, the director, the bureau, or the registrar to 302  
restrain the exercise of any power or authority, or to entertain 303  
any action for declaratory judgment, in the selection and 304  
appointment of, or contracting with, deputy registrars. Neither 305  
the department, the director, the bureau, nor the registrar is 306  
liable in any action at law for damages sustained by any person 307  
because of any acts of the department, the director, the bureau, 308  
or the registrar, or of any employee of the department or 309  
bureau, in the performance of official duties in the selection 310  
and appointment of, and contracting with, deputy registrars. 311

(G) The registrar shall assign to each deputy registrar a 312  
series of numbers sufficient to supply the demand at all times 313

in the area the deputy registrar serves, and the registrar shall 314  
keep a record in the registrar's office of the numbers within 315  
the series assigned. Each deputy shall be required to give bond 316  
in the amount of at least twenty-five thousand dollars, or in 317  
such higher amount as the registrar determines necessary, based 318  
on a uniform schedule of bond amounts established by the 319  
registrar and determined by the volume of registrations handled 320  
by the deputy. The form of the bond shall be prescribed by the 321  
registrar. The bonds required of deputy registrars, in the 322  
discretion of the registrar, may be individual or schedule bonds 323  
or may be included in any blanket bond coverage carried by the 324  
department. 325

(H) Each deputy registrar shall keep a file of each 326  
application received by the deputy and shall register that motor 327  
vehicle with the name and address of its owner. 328

(I) Upon request, a deputy registrar shall make the 329  
physical inspection of a motor vehicle and issue the physical 330  
inspection certificate required in section 4505.061 of the 331  
Revised Code. 332

(J) Each deputy registrar shall file a report semiannually 333  
with the registrar of motor vehicles listing the number of 334  
applicants for licenses the deputy has served, the number of 335  
voter registration applications the deputy has completed and 336  
transmitted to the board of elections, and the number of voter 337  
registration applications declined. 338

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or 339  
trackless trolley upon meeting or overtaking from either 340  
direction any school bus stopped for the purpose of receiving or 341  
discharging any school child, person attending programs offered 342  
by community boards of mental health and county boards of 343

developmental disabilities, or child attending a program offered 344  
by a head start agency, shall stop at least ten feet from the 345  
front or rear of the school bus and shall not proceed until such 346  
school bus resumes motion, or until signaled by the school bus 347  
driver to proceed. 348

It is no defense to a charge under this division that the 349  
school bus involved failed to display or be equipped with an 350  
automatically extended stop warning sign as required by division 351  
(B) of this section. 352

(B) Every school bus shall be equipped with amber and red 353  
visual signals meeting the requirements of section 4511.771 of 354  
the Revised Code, and an automatically extended stop warning 355  
sign of a type approved by the state board of education, which 356  
shall be actuated by the driver of the bus whenever but only 357  
whenever the bus is stopped or stopping on the roadway for the 358  
purpose of receiving or discharging school children, persons 359  
attending programs offered by community boards of mental health 360  
and county boards of developmental disabilities, or children 361  
attending programs offered by head start agencies. A school bus 362  
driver shall not actuate the visual signals or the stop warning 363  
sign in designated school bus loading areas where the bus is 364  
entirely off the roadway or at school buildings when children or 365  
persons attending programs offered by community boards of mental 366  
health and county boards of developmental disabilities are 367  
loading or unloading at curbside or at buildings when children 368  
attending programs offered by head start agencies are loading or 369  
unloading at curbside. The visual signals and stop warning sign 370  
shall be synchronized or otherwise operated as required by rule 371  
of the board. 372

(C) Where a highway has been divided into four or more 373

traffic lanes, a driver of a vehicle, streetcar, or trackless 374  
trolley need not stop for a school bus approaching from the 375  
opposite direction which has stopped for the purpose of 376  
receiving or discharging any school child, persons attending 377  
programs offered by community boards of mental health and county 378  
boards of developmental disabilities, or children attending 379  
programs offered by head start agencies. The driver of any 380  
vehicle, streetcar, or trackless trolley overtaking the school 381  
bus shall comply with division (A) of this section. 382

(D) School buses operating on divided highways or on 383  
highways with four or more traffic lanes shall receive and 384  
discharge all school children, persons attending programs 385  
offered by community boards of mental health and county boards 386  
of developmental disabilities, and children attending programs 387  
offered by head start agencies on their residence side of the 388  
highway. 389

(E) No school bus driver shall start the driver's bus 390  
until after any child, person attending programs offered by 391  
community boards of mental health and county boards of 392  
developmental disabilities, or child attending a program offered 393  
by a head start agency who may have alighted therefrom has 394  
reached a place of safety on the child's or person's residence 395  
side of the road. 396

(F) (1) Whoever violates division (A) of this section may 397  
be fined an amount not to exceed ~~five hundred~~ one thousand 398  
dollars. A person who is issued a citation for a violation of 399  
division (A) of this section is not permitted to enter a written 400  
plea of guilty and waive the person's right to contest the 401  
citation in a trial but instead must appear in person in the 402  
proper court to answer the charge. 403

(2) In addition to and independent of any other penalty 404  
provided by law, the court or mayor may impose upon an offender 405  
who violates this section a class ~~seven~~six suspension of the 406  
offender's driver's license, commercial driver's license, 407  
temporary instruction permit, probationary license, or 408  
nonresident operating privilege from the range specified in 409  
division (A) ~~(7)~~(6) of section 4510.02 of the Revised Code. When 410  
a license is suspended under this section, the court or mayor 411  
shall cause the offender to deliver the license to the court, 412  
and the court or clerk of the court immediately shall forward 413  
the license to the registrar of motor vehicles, together with 414  
notice of the court's action. 415

(G) As used in this section: 416

(1) "Head start agency" has the same meaning as in section 417  
3301.32 of the Revised Code. 418

(2) "School bus," as used in relation to children who 419  
attend a program offered by a head start agency, means a bus 420  
that is owned and operated by a head start agency, is equipped 421  
with an automatically extended stop warning sign of a type 422  
approved by the state board of education, is painted the color 423  
and displays the markings described in section 4511.77 of the 424  
Revised Code, and is equipped with amber and red visual signals 425  
meeting the requirements of section 4511.771 of the Revised 426  
Code, irrespective of whether or not the bus has fifteen or more 427  
children aboard at any time. "School bus" does not include a van 428  
owned and operated by a head start agency, irrespective of its 429  
color, lights, or markings. 430

**Section 2.** That existing sections 4503.03 and 4511.75 of 431  
the Revised Code are hereby repealed. 432

**Section 3.** All items in this section are hereby 433  
appropriated as designated out of any moneys in the state 434  
treasury to the credit of the designated fund. For all 435  
appropriations made in this act, those in the first column are 436  
for fiscal year 2020 and those in the second column are for 437  
fiscal year 2021. The appropriations made in this act are in 438  
addition to any other appropriations made for the FY 2020-FY 439  
2021 biennium. 440

DPS Department of Public Safety 441

General Revenue Fund 442

GRF 768433	School Bus Camera Grants	\$1,000,000	\$0	443
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TOTAL GRF General Revenue Fund		\$1,000,000	\$0	444
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TOTAL ALL BUDGET FUND GROUPS		\$1,000,000	\$0	445
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SCHOOL BUS CAMERA GRANTS 446

The foregoing appropriation item 768433, School Bus Camera 447  
Grants, shall be used in fiscal year 2020 to award grants to 448  
city, local, and exempted village school districts and community 449  
schools established under Chapter 3314. of the Revised Code that 450  
are responsible for providing transportation to students 451  
enrolled in the school pursuant to section 3314.091 of the 452  
Revised Code to purchase and install external cameras on buses 453  
to record images of the license plates on cars that drive by the 454  
bus while it is stopped and loading or unloading children. 455

**Section 4.** Within the limits set forth in this act, the 456  
Director of Budget and Management shall establish accounts 457  
indicating the source and amount of funds for each appropriation 458  
made in this act, and shall determine the form and manner in 459  
which appropriation accounts shall be maintained. Expenditures 460



from appropriations contained in this act shall be accounted for 461  
as though made in the main operating appropriations act of the 462  
133rd General Assembly. 463

The appropriations made in this act are subject to all 464  
provisions of the main operating appropriations act of the 133rd 465  
General Assembly that are generally applicable to such 466  
appropriations. 467