

As Introduced

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

S. B. No. 236

Senator Lang



A BILL

To amend section 4503.03 of the Revised Code to
prioritize designating a clerk of a court of
common pleas as a deputy registrar in certain
counties. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4503.03 of the Revised Code be
amended to read as follows: 5
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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: 7
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(i) The county auditor in any county; 11

(ii) The clerk of a court of common pleas in any county; 12

(iii) An individual; 13

(iv) A nonprofit corporation as defined in division (C) of
section 1702.01 of the Revised Code. 14
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All fees collected and retained by a clerk for conducting
deputy registrar services shall be paid into the county treasury 16
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to the credit of the certificate of title administration fund 18
created under section 325.33 of the Revised Code. 19

(b) As part of the selection process in awarding a deputy 20
registrar contract, the registrar shall consider the customer 21
service performance record of any person previously awarded a 22
deputy registrar contract pursuant to division (A) (1) of this 23
section. 24

(c) If a clerk of a court of common pleas in a county with 25
a population between three hundred eighty thousand and four 26
hundred twenty thousand, according to the most recent federal 27
decennial census, participates in the competitive selection 28
process to be designated as a deputy registrar for that county, 29
the registrar shall prioritize the clerk's bid and award the 30
contract to the clerk if the clerk meets the bidding 31
requirements. 32

(2) Deputy registrars shall accept applications for the 33
annual license tax for any vehicle not taxed under section 34
4503.63 of the Revised Code and shall assign distinctive numbers 35
in the same manner as the registrar. Such deputies shall be 36
located in such locations as the registrar sees fit. Except as 37
provided in division (A) (3) of this section, there shall be at 38
least one deputy registrar in each county. 39

(3) The registrar need not appoint a deputy registrar in a 40
county to which all of the following apply: 41

(a) No individual, nonprofit corporation, or, where 42
applicable, clerk of court of common pleas participates in the 43
competitive selection process to be designated as a deputy 44
registrar; 45

(b) Neither the county auditor nor the clerk of court of 46

common pleas agrees to be designated as a deputy registrar;	47
(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar;	48 49
(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county.	50 51 52
(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply:	53 54 55
(a) The county auditor requests to be designated as a deputy registrar;	56 57
(b) The clerk of court of common pleas requests to be designated as a deputy registrar;	58 59
(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county;	60 61 62
(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process.	63 64 65 66 67 68
Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code.	69 70
(B) (1) The registrar shall not designate any person to act as a deputy registrar under division (A) (1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current	71 72 73 74

calendar year or any one of the previous three calendar years, 75
one or more contributions totaling in excess of one hundred 76
dollars to any person or entity included in division (A) (2) of 77
section 4503.033 of the Revised Code. As used in this division, 78
"immediate family" has the same meaning as in division (D) of 79
section 102.01 of the Revised Code, and "entity" includes any 80
political party and any "continuing association" as defined in 81
division (C) (4) of section 3517.01 of the Revised Code or 82
"political action committee" as defined in division (C) (8) of 83
that section that is primarily associated with that political 84
party. For purposes of this division, contributions to any 85
continuing association or any political action committee that is 86
primarily associated with a political party shall be aggregated 87
with contributions to that political party. 88

The contribution limitations contained in this division do 89
not apply to any county auditor or clerk of a court of common 90
pleas. A county auditor or clerk of a court of common pleas is 91
not required to file the disclosure statement or pay the filing 92
fee required under section 4503.033 of the Revised Code. The 93
limitations of this division also do not apply to a deputy 94
registrar who, subsequent to being awarded a deputy registrar 95
contract, is elected to an office of a political subdivision. 96

(2) The registrar shall not designate either of the 97
following to act as a deputy registrar: 98

(a) Any elected public official other than a county 99
auditor or, as authorized by division (A) (1) of this section, a 100
clerk of a court of common pleas, acting in an official 101
capacity, except that, the registrar shall continue and may 102
renew a contract with any deputy registrar who, subsequent to 103
being awarded a deputy registrar contract, is elected to an 104

office of a political subdivision; 105

(b) Any person holding a current, valid contract to 106
conduct motor vehicle inspections under section 3704.14 of the 107
Revised Code. 108

(3) As used in division (B) of this section, "political 109
subdivision" has the same meaning as in section 3501.01 of the 110
Revised Code. 111

(C) (1) Except as provided in division (C) (2) of this 112
section, deputy registrars are independent contractors and 113
neither they nor their employees are employees of this state, 114
except that nothing in this section shall affect the status of 115
county auditors or clerks of courts of common pleas as public 116
officials, nor the status of their employees as employees of any 117
of the counties of this state, which are political subdivisions 118
of this state. Each deputy registrar shall be responsible for 119
the payment of all unemployment compensation premiums, all 120
workers' compensation premiums, social security contributions, 121
and any and all taxes for which the deputy registrar is legally 122
responsible. Each deputy registrar shall comply with all 123
applicable federal, state, and local laws requiring the 124
withholding of income taxes or other taxes from the compensation 125
of the deputy registrar's employees. Each deputy registrar shall 126
maintain during the entire term of the deputy registrar's 127
contract a policy of business liability insurance satisfactory 128
to the registrar and shall hold the department of public safety, 129
the director of public safety, the bureau of motor vehicles, and 130
the registrar harmless upon any and all claims for damages 131
arising out of the operation of the deputy registrar agency. 132

(2) For purposes of Chapter 4141. of the Revised Code, 133
determinations concerning the employment of deputy registrars 134

and their employees shall be made under Chapter 4141. of the Revised Code.

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

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

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

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

(d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment;

(e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements;

(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause;

(g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each

weekend, provided that if only one deputy's office is located 163
within the boundary of the county seat, that office is the 164
office that shall be open for the four-hour period each weekend; 165

(h) Specify that every deputy registrar, upon request, 166
provide any person with information about the location and 167
office hours of all deputy registrars in the county; 168

(i) Allow a deputy registrar contract to be awarded to a 169
nonprofit corporation formed under the laws of this state; 170

(j) Establish procedures for a deputy registrar to request 171
the authority to collect reinstatement fees under sections 172
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 173
4510.72, and 4511.191 of the Revised Code and to transmit the 174
reinstatement fees and two dollars of the service fee collected 175
under those sections. The registrar shall ensure that at least 176
one deputy registrar in each county has the necessary equipment 177
and is able to accept reinstatement fees. The registrar shall 178
deposit the service fees received from a deputy registrar under 179
those sections into the public safety - highway purposes fund 180
created in section 4501.06 of the Revised Code and shall use the 181
money for deputy registrar equipment necessary in connection 182
with accepting reinstatement fees. 183

(k) Establish standards for a deputy registrar, when the 184
deputy registrar is not a county auditor or a clerk of a court 185
of common pleas, to sell advertising rights to third party 186
businesses to be placed in the deputy registrar's office; 187

(l) Allow any deputy registrar that is not a county 188
auditor or a clerk of a court of common pleas to operate a 189
vending machine; 190

(m) Establish such other requirements as the registrar and 191

director consider necessary to provide a high level of service.	192
(2) The rules may allow both of the following:	193
(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;	194 195 196
(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.	197 198 199 200 201
(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.	202 203 204 205 206
(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.	207 208 209 210 211 212
(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.	213 214 215 216 217
(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A) (11) of section 5537.04 of the Revised Code for the	218 219 220

purpose of allowing the general public to acquire from the 221
deputy registrar the electronic toll collection devices that are 222
used under the multi-jurisdiction electronic toll collection 223
agreement between the Ohio turnpike and infrastructure 224
commission and any other entities or agencies that participate 225
in such an agreement. The approval of the registrar is not 226
necessary if a deputy registrar engages in this activity. 227

(5) As used in this section and in section 4507.01 of the 228
Revised Code, "nonprofit corporation" has the same meaning as in 229
section 1702.01 of the Revised Code. 230

(E) (1) Unless otherwise terminated and except for interim 231
contracts lasting not longer than one year, contracts with 232
deputy registrars shall be entered into through a competitive 233
selection process and shall be limited in duration as follows: 234

(a) For contracts entered into between July 1, 1996 and 235
June 29, 2014, for a period of not less than two years, but not 236
more than three years; 237

(b) For contracts entered into on or after June 29, 2014, 238
for a period of five years, unless the registrar determines that 239
a shorter contract term is appropriate for a particular deputy 240
registrar. 241

(2) All contracts with deputy registrars shall expire on 242
the last Saturday of June in the year of their expiration. Prior 243
to the expiration of any deputy registrar contract, the 244
registrar, with the approval of the director, may award a one- 245
year contract extension to any deputy registrar who has provided 246
exemplary service based upon objective performance evaluations. 247

(3) (a) The auditor of state may examine the accounts, 248
reports, systems, and other data of each deputy registrar at 249

least every two years. The registrar, with the approval of the 250
director, shall immediately remove a deputy who violates any 251
provision of the Revised Code related to the duties as a deputy, 252
any rule adopted by the registrar, or a term of the deputy's 253
contract with the registrar. The registrar also may remove a 254
deputy who, in the opinion of the registrar, has engaged in any 255
conduct that is either unbecoming to one representing this state 256
or is inconsistent with the efficient operation of the deputy's 257
office. 258

(b) If the registrar, with the approval of the director, 259
determines that there is good cause to believe that a deputy 260
registrar or a person proposing for a deputy registrar contract 261
has engaged in any conduct that would require the denial or 262
termination of the deputy registrar contract, the registrar may 263
require the production of books, records, and papers as the 264
registrar determines are necessary, and may take the depositions 265
of witnesses residing within or outside the state in the same 266
manner as is prescribed by law for the taking of depositions in 267
civil actions in the court of common pleas, and for that purpose 268
the registrar may issue a subpoena for any witness or a subpoena 269
duces tecum to compel the production of any books, records, or 270
papers, directed to the sheriff of the county where the witness 271
resides or is found. Such a subpoena shall be served and 272
returned in the same manner as a subpoena in a criminal case is 273
served and returned. The fees of the sheriff shall be the same 274
as that allowed in the court of common pleas in criminal cases. 275
Witnesses shall be paid the fees and mileage provided for under 276
section 119.094 of the Revised Code. The fees and mileage shall 277
be paid from the fund in the state treasury for the use of the 278
agency in the same manner as other expenses of the agency are 279
paid. 280

In any case of disobedience or neglect of any subpoena 281
served on any person or the refusal of any witness to testify to 282
any matter regarding which the witness lawfully may be 283
interrogated, the court of common pleas of any county where the 284
disobedience, neglect, or refusal occurs or any judge of that 285
court, on application by the registrar, shall compel obedience 286
by attachment proceedings for contempt, as in the case of 287
disobedience of the requirements of a subpoena issued from that 288
court, or a refusal to testify in that court. 289

(4) Nothing in division (E) of this section shall be 290
construed to require a hearing of any nature prior to the 291
termination of any deputy registrar contract by the registrar, 292
with the approval of the director, for cause. 293

(F) Except as provided in section 2743.03 of the Revised 294
Code, no court, other than the court of common pleas of Franklin 295
county, has jurisdiction of any action against the department of 296
public safety, the director, the bureau, or the registrar to 297
restrain the exercise of any power or authority, or to entertain 298
any action for declaratory judgment, in the selection and 299
appointment of, or contracting with, deputy registrars. Neither 300
the department, the director, the bureau, nor the registrar is 301
liable in any action at law for damages sustained by any person 302
because of any acts of the department, the director, the bureau, 303
or the registrar, or of any employee of the department or 304
bureau, in the performance of official duties in the selection 305
and appointment of, and contracting with, deputy registrars. 306

(G) The registrar shall assign to each deputy registrar a 307
series of numbers sufficient to supply the demand at all times 308
in the area the deputy registrar serves, and the registrar shall 309
keep a record in the registrar's office of the numbers within 310

the series assigned. Except as otherwise provided in section 311
3.061 of the Revised Code, each deputy shall be required to give 312
bond in the amount of at least twenty-five thousand dollars, or 313
in such higher amount as the registrar determines necessary, 314
based on a uniform schedule of bond amounts established by the 315
registrar and determined by the volume of registrations handled 316
by the deputy. The form of the bond shall be prescribed by the 317
registrar. The bonds required of deputy registrars, in the 318
discretion of the registrar, may be individual or schedule bonds 319
or may be included in any blanket bond coverage carried by the 320
department. 321

(H) Each deputy registrar shall keep a file of each 322
application received by the deputy and shall register that motor 323
vehicle with the name and address of its owner. 324

(I) Upon request, a deputy registrar shall make the 325
physical inspection of a motor vehicle and issue the physical 326
inspection certificate required in section 4505.061 of the 327
Revised Code. 328

(J) Each deputy registrar shall file a report semiannually 329
with the registrar of motor vehicles listing the number of 330
applicants for licenses the deputy has served, the number of 331
voter registration applications the deputy has completed and 332
transmitted to the board of elections, and the number of voter 333
registration applications declined. 334

Section 2. That existing section 4503.03 of the Revised 335
Code is hereby repealed. 336