As Introduced

134th General Assembly

Regular Session

H. B. No. 231

2021-2022

Representative Fowler Arthur

Cosponsors: Representatives Lipps, Seitz, Dean, Kick, Ray, Pavliga, Zeltwanger, McClain, Gross, Wiggam, Hall, Stoltzfus, Click, Ferguson, Grendell, Merrin, Young, B., Brinkman, John

A BILL

То	amend sections 4501.02 and 4517.05 and to enact	1
	section 4517.321 of the Revised Code to prohibit	2
	the Registrar of Motor Vehicles or the Motor	3
	Vehicle Dealers Board from adopting rules	4
	regarding the hours of operation of a used motor	5
	vehicle dealer as a condition of licensure.	6

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

Section 1. That sections 4501.02 and 4517.05 be amended	7
and section 4517.321 of the Revised Code be enacted to read as	8
follows:	9
Sec. 4501.02. (A) There is hereby created in the	10
department of public safety a bureau of motor vehicles, which	11
shall be administered by a registrar of motor vehicles. The	12
registrar shall be appointed by the director of public safety	13
and shall serve at the director's pleasure.	14
The registrar shall administer the laws of the state	15
relative to the registration of and certificates of title for	16

motor vehicles, and the licensing of motor vehicle dealers,	17
motor vehicle leasing dealers, distributors, and salespersons,	18
and of motor vehicle salvage dealers, salvage motor vehicle	19
auctions, and salvage motor vehicle pools. The registrar also	20
shall, in accordance with section 4503.61 of the Revised Code,	21
take those steps necessary to enter this state into membership	22
in the international registration plan and carry out the	23
registrar's other duties under that section. The registrar, with	24
the approval of the director of public safety, may do all of the	25
following:	26
(1) Adopt such forms and rules as are necessary to carry	27
out all laws the registrar is required to administer;	28
(2) Appoint such number of assistants, deputies, clerks,	29
stenographers, and other employees as are necessary to carry out	30
such laws;	31
(3) Acquire or lease such facilities as are necessary to	32
carry out the duties of the registrar's office;	33
(4) Apply for, allocate, disburse, and account for grants	34
made available under federal law or from other federal, state,	35
or private sources;	36
(5) Establish accounts in a bank or depository and deposit	37
any funds collected by the registrar in those accounts to the	38
credit of "state of Ohio, bureau of motor vehicles." Within	39
three days after the deposit of funds in such an account, the	40
registrar shall draw on that account in favor of the treasurer	41
of state. The registrar may reserve funds against the draw to	42
the treasurer of state to the extent reasonably necessary to	43
ensure that the deposited items are not dishonored. The	44

registrar may pay any service charge usually collected by the

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<pre>bank or depository;</pre>	
(6) Develop rules that establish disqualifying offenses	47
for licensure as a motor vehicle salvage dealer pursuant to	48
sections 4738.04, 4738.07, and 4776.10 of the Revised Code.	49
The registrar shall give a bond for the faithful	50
performance of the registrar's duties in such amount and with	51
such security as the director approves. When in the opinion of	52
the director it is advisable, any deputy or other employee may	53
be required to give bond in such amount and with such security	54
as the director approves. In the discretion of the director, the	55
bonds authorized to be taken on deputies or other employees may	56
be individual, schedule, or blanket bonds.	57
The director of public safety may investigate the	58
activities of the bureau and have access to its records at any	59
time, and the registrar shall make a report to the director at	60
any time upon request.	61
All laws relating to the licensing of motor vehicle	62
dealers, motor vehicle leasing dealers, distributors, and	63
salespersons, and of motor vehicle salvage dealers, salvage	64
motor vehicle auctions, and salvage motor vehicle pools,	65
designating and granting power to the registrar shall be	66
liberally construed to the end that the practice or commission	67
of fraud in the business of selling motor vehicles and of	68
disposing of salvage motor vehicles may be prohibited and	69
prevented. However, the registrar shall not, by rule or	70
otherwise, require a specific number of hours of operation or a	71
specific time of operation as a condition for a used motor	72
vehicle dealer to either obtain or maintain a used motor vehicle	73
dealer license.	74

(B) There is hereby created in the department of public	75
safety a division of emergency medical services, which shall be	76
administered by an executive director of emergency medical	77
services appointed under section 4765.03 of the Revised Code.	78
Sec. 4517.05. (A) Each person applying for a used motor	79
vehicle dealer's license shall annually, before the first day of	80
April, make out and deliver to the registrar of motor vehicles,	81
upon a blank to be furnished by the registrar for that purpose,	82
a separate application for license for each county in which such	83
business is to be conducted. The application shall be in the	84
form prescribed by the registrar, shall be signed and sworn to	85
by the applicant, and, in addition to such other information as	86
is required by the registrar, shall include the information	87
specified in divisions (A) to (H) of section 4517.04 of the	88
Revised Code. The registrar shall not require the applicant to	89
nevibed code. The registral blass not require the approach to	
list the hours of operation of the business on the application.	90
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list the hours of operation of the business on the application.	
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as	91
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated,	91 92
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used	91 92 93
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to	91 92 93 94
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by	91 92 93 94 95
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board,	91 92 93 94 95
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an	91 92 93 94 95 96
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity	91 92 93 94 95 96 97
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity applying for the used motor vehicle dealer's license has	91 92 93 94 95 96 97 98
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity applying for the used motor vehicle dealer's license has successfully completed a used motor vehicle dealer training	91 92 93 94 95 96 97 98 99
list the hours of operation of the business on the application. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B) (1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity applying for the used motor vehicle dealer's license has successfully completed a used motor vehicle dealer training course.	91 92 93 94 95 96 97 98 99 100 101

ninety days or more after the effective date of this amendment-

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<u>September 4, 2012,</u> shall, within six months immediately	106
preceding the date of applying for the license, successfully	107
complete a used motor vehicle dealer training course that	108
complies with the rules of the motor vehicle dealers board	109
adopted under division (C) of this section.	110
(2) No person applying for a used motor vehicle dealer's	111
license shall be required to have an owner, officer, partner, or	112
director of the business entity complete a used motor vehicle	113
dealer training course if any owner, officer, partner, or	114
director of the business entity held a used or new motor vehicle	115
dealer's license within the two-year period immediately	116
preceding the date of application and the previously held	117
license was not revoked or suspended.	118
(3) No person applying for a used motor vehicle dealer's	119
license shall be required to have an owner, officer, partner, or	120
director of the related business entity complete a used motor	121
vehicle dealer training course if the person holds a salvage	122
motor vehicle auction license pursuant to Chapter 4738. of the	123
Revised Code or a motor vehicle auction owner license pursuant	124
to Chapter 4517. of the Revised Code.	125
(C)(1) In accordance with Chapter 119. of the Revised	126
Code, the motor vehicle dealers board shall adopt rules	127
governing used motor vehicle dealer training courses. The rules	128
shall do all of the following:	129
(a) Require a course provider to be an institution of	130
higher education, as defined in section 3345.12 of the Revised	131
Code, or a relevant professional or trade association that has	132
been in existence for more than five years and has a majority of	133
members who are motor vehicle dealers licensed in this state;	134

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(b) Establish any additional qualifications for course	135
providers;	
(c) Establish the course curriculum, which shall include	137
information on applicable federal and state law, including	138
consumer protection laws, and shall require at least six hours	139
but not more than twenty-four hours of instruction;	140
(d) Proggribe the form for the gertificate of gempleties	141
(d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the	141
person named on the certificate successfully completed at least	143
six hours of used motor vehicle dealer training;	144
(e) Establish any other reasonable requirements the board	145
considers necessary.	146
(2) The board shall maintain information received from any	147
course provider concerning course location, content, length, and	148
cost and shall provide the information to any person upon	149
request.	150
(3) The registrar shall not issue a used motor vehicle	151
dealer license to any person subject to division (B)(1) of this	152
section unless an owner, officer, partner, or director of a	153
business entity applying for the used motor vehicle dealer	154
license has successfully completed a used motor vehicle dealer	155
training course that complies with the requirements of this	156
division.	157
(D)(1) Any person offering used motor vehicle dealer	158
training courses shall do all of the following:	159
(a) Conform the course to rules of the motor vehicle	160
dealers board;	161
(b) Establish reasonable fees for courses offered;	162
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(c) Issue, on a form prescribed by the board, a	163
certificate of completion to each person who successfully	164
completes a course of instruction;	165
(d) Notify the board of the course location, content,	166
length, and cost.	167
(2) A course provider may use information and material	168
from the bureau of motor vehicles and the attorney general.	169
(E) Nothing in this section shall affect or apply to new	170
motor vehicle dealer licensing.	171
Sec. 4517.321. The motor vehicle dealers board shall not,	172
by rule or otherwise, require a specific number of hours of	173
operation or a specific time of operation as a condition for a	174
used motor vehicle dealer to either obtain or maintain a used	175
motor vehicle dealer license.	176
Section 2. That existing sections 4501.02 and 4517.05 of	177

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the Revised Code are hereby repealed.