

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 538**

**Representative Boyce**

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**A BILL**

To amend section 4503.03 of the Revised Code to  
require the Registrar of Motor Vehicles to adopt  
rules that establish a training program for  
deputy registrars and their employees regarding  
the proper issuance of driver's licenses that  
includes training on evaluating all types of  
documentation necessary for issuing a driver's  
license and a cultural competency component, and  
that establish an administrative penalty  
applicable to a deputy registrar that improperly  
denies a driver's license to an eligible  
applicant.

**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:

**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;	20
(ii) The clerk of a court of common pleas in any county, subject to division (A) (1) (b) (ii) of this section;	21 22
(iii) An individual;	23
(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.	24 25
(b) (i) If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar.	26 27 28 29 30
(ii) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of the county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.	31 32 33 34 35 36 37 38 39 40 41 42 43 44
Notwithstanding the county population restrictions in division (A) (1) (b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar	45 46 47 48

may ask the clerk of a court of common pleas to serve as the 49  
deputy registrar for that county. 50

(c) As part of the selection process in awarding a deputy 51  
registrar contract, the registrar shall consider the customer 52  
service performance record of any person previously awarded a 53  
deputy registrar contract pursuant to division (A)(1) of this 54  
section. 55

(2) Deputy registrars shall accept applications for the 56  
annual license tax for any vehicle not taxed under section 57  
4503.63 of the Revised Code and shall assign distinctive numbers 58  
in the same manner as the registrar. Such deputies shall be 59  
located in such locations in the county as the registrar sees 60  
fit. There shall be at least one deputy registrar in each 61  
county. 62

Deputy registrar contracts are subject to the provisions 63  
of division (B) of section 125.081 of the Revised Code. 64

(B)(1) The registrar shall not designate any person to act 65  
as a deputy registrar under division (A)(1) of this section if 66  
the person or, where applicable, the person's spouse or a member 67  
of the person's immediate family has made, within the current 68  
calendar year or any one of the previous three calendar years, 69  
one or more contributions totaling in excess of one hundred 70  
dollars to any person or entity included in division (A)(2) of 71  
section 4503.033 of the Revised Code. As used in this division, 72  
"immediate family" has the same meaning as in division (D) of 73  
section 102.01 of the Revised Code, and "entity" includes any 74  
political party and any "continuing association" as defined in 75  
division (C)(4) of section 3517.01 of the Revised Code or 76  
"political action committee" as defined in division (C)(8) of 77  
that section that is primarily associated with that political 78

party. For purposes of this division, contributions to any 79  
continuing association or any political action committee that is 80  
primarily associated with a political party shall be aggregated 81  
with contributions to that political party. 82

The contribution limitations contained in this division do 83  
not apply to any county auditor or clerk of a court of common 84  
pleas. A county auditor or clerk of a court of common pleas is 85  
not required to file the disclosure statement or pay the filing 86  
fee required under section 4503.033 of the Revised Code. The 87  
limitations of this division also do not apply to a deputy 88  
registrar who, subsequent to being awarded a deputy registrar 89  
contract, is elected to an office of a political subdivision. 90

(2) The registrar shall not designate either of the 91  
following to act as a deputy registrar: 92

(a) Any elected public official other than a county 93  
auditor or, as authorized by division (A)(1)(b) of this section, 94  
a clerk of a court of common pleas, acting in an official 95  
capacity, except that, the registrar shall continue and may 96  
renew a contract with any deputy registrar who, subsequent to 97  
being awarded a deputy registrar contract, is elected to an 98  
office of a political subdivision; 99

(b) Any person holding a current, valid contract to 100  
conduct motor vehicle inspections under section 3704.14 of the 101  
Revised Code. 102

(3) As used in division (B) of this section, "political 103  
subdivision" has the same meaning as in section 3501.01 of the 104  
Revised Code. 105

(C)(1) Except as provided in division (C)(2) of this 106  
section, deputy registrars are independent contractors and 107

neither they nor their employees are employees of this state, 108  
except that nothing in this section shall affect the status of 109  
county auditors or clerks of courts of common pleas as public 110  
officials, nor the status of their employees as employees of any 111  
of the counties of this state, which are political subdivisions 112  
of this state. Each deputy registrar shall be responsible for 113  
the payment of all unemployment compensation premiums, all 114  
workers' compensation premiums, social security contributions, 115  
and any and all taxes for which the deputy registrar is legally 116  
responsible. Each deputy registrar shall comply with all 117  
applicable federal, state, and local laws requiring the 118  
withholding of income taxes or other taxes from the compensation 119  
of the deputy registrar's employees. Each deputy registrar shall 120  
maintain during the entire term of the deputy registrar's 121  
contract a policy of business liability insurance satisfactory 122  
to the registrar and shall hold the department of public safety, 123  
the director of public safety, the bureau of motor vehicles, and 124  
the registrar harmless upon any and all claims for damages 125  
arising out of the operation of the deputy registrar agency. 126

(2) For purposes of Chapter 4141. of the Revised Code, 127  
determinations concerning the employment of deputy registrars 128  
and their employees shall be made under Chapter 4141. of the 129  
Revised Code. 130

(D) (1) With the approval of the director, the registrar 131  
shall adopt rules governing deputy registrars. The rules shall 132  
do all of the following: 133

(a) Establish requirements governing the terms of the 134  
contract between the registrar and each deputy registrar and the 135  
services to be performed; 136

(b) Establish requirements governing the amount of bond to 137

be given as provided in this section;	138
(c) Establish requirements governing the size and location of the deputy's office;	139 140
(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;	141 142 143 144
(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;	145 146 147
(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office;	148 149
(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 within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend;	150 151 152 153 154 155
(h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county;	156 157 158
(i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state;	159 160
(j) Except as provided in division (D) (2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;	161 162 163
(k) For the duration of any deputy registrar contract, require that the deputy registrar occupy a primary residence in	164 165

a location that is within a one-hour commute time from the 166  
deputy registrar's office or offices. The rules shall require 167  
the registrar to determine commute time by using multiple 168  
established internet-based mapping services. 169

(l) Establish procedures for a deputy registrar to request 170  
the authority to collect reinstatement fees under sections 171  
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 172  
4510.72, and 4511.191 of the Revised Code and to transmit the 173  
reinstatement fees and two dollars of the service fee collected 174  
under those sections. The registrar shall ensure that, not later 175  
than January 1, 2012, at least one deputy registrar in each 176  
county has the necessary equipment and is able to accept 177  
reinstatement fees. The registrar shall deposit the service fees 178  
received from a deputy registrar under those sections into the 179  
state bureau of motor vehicles fund created in section 4501.25 180  
of the Revised Code and shall use the money for deputy registrar 181  
equipment necessary in connection with accepting reinstatement 182  
fees. 183

(m) Establish all of the following: 184

(i) A training program for deputy registrars and their 185  
employees regarding the proper issuance of driver's licenses 186  
that includes training on evaluating all types of documentation 187  
necessary for issuing a driver's license and a cultural 188  
competency component; 189

(ii) A prohibition against improperly denying a driver's 190  
license to an eligible applicant; 191

(iii) An administrative penalty applicable to a deputy 192  
registrar and any employee of the deputy registrar who 193  
improperly denies a driver's license to an eligible applicant. 194

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



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

(5) As used in this section and in section 4507.01 of the 232  
Revised Code, "nonprofit corporation" has the same meaning as in 233  
section 1702.01 of the Revised Code. 234

(E)(1) Unless otherwise terminated and except for interim 235  
contracts lasting not longer than one year, contracts with 236  
deputy registrars shall be entered into through a competitive 237  
selection process and shall be limited in duration as follows: 238

(a) For contracts entered into between July 1, 1996 and 239  
June 29, 2014, for a period of not less than two years, but not 240  
more than three years; 241

(b) For contracts entered into on or after June 29, 2014, 242  
for a period of five years, unless the registrar determines that 243  
a shorter contract term is appropriate for a particular deputy 244  
registrar. 245

(2) All contracts with deputy registrars shall expire on 246  
the last Saturday of June in the year of their expiration. Prior 247  
to the expiration of any deputy registrar contract, the 248  
registrar, with the approval of the director, may award a one- 249  
year contract extension to any deputy registrar who has provided 250  
exemplary service based upon objective performance evaluations. 251

(3)(a) The auditor of state may examine the accounts, 252

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

(b) If the registrar, with the approval of the director, 263  
determines that there is good cause to believe that a deputy 264  
registrar or a person proposing for a deputy registrar contract 265  
has engaged in any conduct that would require the denial or 266  
termination of the deputy registrar contract, the registrar may 267  
require the production of books, records, and papers as the 268  
registrar determines are necessary, and may take the depositions 269  
of witnesses residing within or outside the state in the same 270  
manner as is prescribed by law for the taking of depositions in 271  
civil actions in the court of common pleas, and for that purpose 272  
the registrar may issue a subpoena for any witness or a subpoena 273  
duces tecum to compel the production of any books, records, or 274  
papers, directed to the sheriff of the county where the witness 275  
resides or is found. Such a subpoena shall be served and 276  
returned in the same manner as a subpoena in a criminal case is 277  
served and returned. The fees of the sheriff shall be the same 278  
as that allowed in the court of common pleas in criminal cases. 279  
Witnesses shall be paid the fees and mileage provided for under 280  
section 119.094 of the Revised Code. The fees and mileage shall 281  
be paid from the fund in the state treasury for the use of the 282  
agency in the same manner as other expenses of the agency are 283

paid. 284

In any case of disobedience or neglect of any subpoena 285  
served on any person or the refusal of any witness to testify to 286  
any matter regarding which the witness lawfully may be 287  
interrogated, the court of common pleas of any county where the 288  
disobedience, neglect, or refusal occurs or any judge of that 289  
court, on application by the registrar, shall compel obedience 290  
by attachment proceedings for contempt, as in the case of 291  
disobedience of the requirements of a subpoena issued from that 292  
court, or a refusal to testify in that court. 293

(4) Nothing in division (E) of this section shall be 294  
construed to require a hearing of any nature prior to the 295  
termination of any deputy registrar contract by the registrar, 296  
with the approval of the director, for cause. 297

(F) Except as provided in section 2743.03 of the Revised 298  
Code, no court, other than the court of common pleas of Franklin 299  
county, has jurisdiction of any action against the department of 300  
public safety, the director, the bureau, or the registrar to 301  
restrain the exercise of any power or authority, or to entertain 302  
any action for declaratory judgment, in the selection and 303  
appointment of, or contracting with, deputy registrars. Neither 304  
the department, the director, the bureau, nor the registrar is 305  
liable in any action at law for damages sustained by any person 306  
because of any acts of the department, the director, the bureau, 307  
or the registrar, or of any employee of the department or 308  
bureau, in the performance of official duties in the selection 309  
and appointment of, and contracting with, deputy registrars. 310

(G) The registrar shall assign to each deputy registrar a 311  
series of numbers sufficient to supply the demand at all times 312  
in the area the deputy registrar serves, and the registrar shall 313

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

(H) Each deputy registrar shall keep a file of each 325  
application received by the deputy and shall register that motor 326  
vehicle with the name and address of its owner. 327

(I) Upon request, a deputy registrar shall make the 328  
physical inspection of a motor vehicle and issue the physical 329  
inspection certificate required in section 4505.061 of the 330  
Revised Code. 331

(J) Each deputy registrar shall file a report semiannually 332  
with the registrar of motor vehicles listing the number of 333  
applicants for licenses the deputy has served, the number of 334  
voter registration applications the deputy has completed and 335  
transmitted to the board of elections, and the number of voter 336  
registration applications declined. 337

**Section 2.** That existing section 4503.03 of the Revised 338  
Code is hereby repealed. 339