

As Introduced

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H. B. No. 194

Representative Miller, K.

Cosponsors: Representatives Ghanbari, Cross, LaRe, Abrams, Swearingen

A BILL

To amend sections 4503.038, 4503.102, and 5502.68 1
and to enact section 4503.261 of the Revised 2
Code to authorize a contract with a private 3
vendor for the issuance of specialty license 4
plates. 5

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

Section 1. That sections 4503.038, 4503.102, and 5502.68 6
be amended and section 4503.261 of the Revised Code be enacted 7
to read as follows: 8

Sec. 4503.038. (A) Not later than ninety days after ~~the~~ 9
~~effective date of this amendment~~ July 3, 2019, the registrar of 10
motor vehicles shall adopt rules in accordance with Chapter 119. 11
of the Revised Code establishing a service fee that applies for 12
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 13
4503.102, 4503.12, 4503.182, 4503.24, 4503.261, 4503.65, 14
4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 15
4519.05, 4519.10, 4519.56, and 4519.69 of the Revised Code. The 16
service fee shall be five dollars. 17

(B) Not later than ninety days after ~~the effective date of~~ 18

~~this amendment July 3, 2019,~~ the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing prorated service fees that apply for purposes of multi-year registrations authorized under section 4503.103 of the Revised Code.

Sec. 4503.102. (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of initial motor vehicle registration, vehicle registration renewal, and registration by mail or by electronic means. Any person owning a motor vehicle that was registered in the person's name during the preceding registration year shall renew the registration of the motor vehicle not more than ninety days prior to the expiration date of the registration either by mail or by electronic means through the centralized system of registration established under this section, or in person at any office of the registrar or at a deputy registrar's office.

(B) (1) Except as provided in division (B) (2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D) (1) of section 4503.031 of the Revised Code, a

statement that payment for a renewal may be made by financial 50
transaction device using the toll-free telephone number, and any 51
additional information the registrar may require by rule. The 52
renewal notice shall not include the social security number of 53
either the owner of the motor vehicle or the person in whose 54
name the motor vehicle is registered. The renewal notice shall 55
be sent by regular mail to the owner's last known address as 56
shown in the records of the bureau of motor vehicles. 57

(2) The registrar is not required to mail a renewal notice 58
if either of the following applies: 59

(a) The owner of the vehicle has consented to receiving 60
the renewal notice by electronic means only. 61

(b) The application for renewal of the registration of a 62
motor vehicle is prohibited from being accepted by the registrar 63
or a deputy registrar by division (D) of section 2935.27, 64
division (A) of section 2937.221, division (A) of section 65
4503.13, division (B) of section 4510.22, or division (B)(1) of 66
section 4521.10 of the Revised Code. 67

(3) If the owner of a motor vehicle has consented to 68
receiving a renewal notice by electronic means only, the 69
registrar shall send an electronic renewal notice to the owner 70
that contains the information specified in division (B)(1) of 71
this section at the time specified under that division. 72

(C) The owner of the motor vehicle shall verify the 73
information contained in the notice, sign it either manually or 74
by electronic means, and return it, either by mail or electronic 75
means, or the owner may take it in person to any office of the 76
registrar or of a deputy registrar. The owner shall include with 77
the notice a financial transaction device number when renewing 78

in person or by electronic means but not by mail, check, or 79
money order in the amount of the registration taxes and fees 80
payable on the motor vehicle and a service fee equal to the 81
amount established under section 4503.038 of the Revised Code, 82
plus postage as indicated on the notice if the registration is 83
renewed or fulfilled by mail, and an inspection certificate for 84
the motor vehicle as provided in section 3704.14 of the Revised 85
Code. For purposes of the centralized system of motor vehicle 86
registration, the registrar shall accept payments via the toll- 87
free telephone number established under division (D) (1) of 88
section 4503.031 of the Revised Code for renewals made by mail. 89
If the motor vehicle owner chooses to renew the motor vehicle 90
registration by electronic means, the owner shall proceed in 91
accordance with the rules the registrar adopts. 92

(D) If all registration and transfer fees for the motor 93
vehicle for the preceding year or the preceding period of the 94
current registration year have not been paid, if division (D) of 95
section 2935.27, division (A) of section 2937.221, division (A) 96
of section 4503.13, division (B) of section 4510.22, or division 97
(B) (1) of section 4521.10 of the Revised Code prohibits 98
acceptance of the renewal notice, or if the owner or lessee does 99
not have an inspection certificate for the motor vehicle as 100
provided in section 3704.14 of the Revised Code, if that section 101
is applicable, the license shall be refused, and the registrar 102
or deputy registrar shall so notify the owner. This section does 103
not require the payment of license or registration taxes on a 104
motor vehicle for any preceding year, or for any preceding 105
period of a year, if the motor vehicle was not taxable for that 106
preceding year or period under section 4503.02, 4503.04, 107
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised 108
Code. 109

(E) (1) Failure to receive a renewal notice does not 110
relieve a motor vehicle owner from the responsibility to renew 111
the registration for the motor vehicle. Any person who has a 112
motor vehicle registered in this state and who does not receive 113
a renewal notice as provided in division (B) of this section 114
prior to the expiration date of the registration shall request 115
an application for registration from the registrar or a deputy 116
registrar and sign the application manually or by electronic 117
means and submit the application and pay any applicable license 118
taxes and fees to the registrar or deputy registrar. 119

(2) If the owner of a motor vehicle submits an application 120
for registration and the registrar is prohibited by division (D) 121
of section 2935.27, division (A) of section 2937.221, division 122
(A) of section 4503.13, division (B) of section 4510.22, or 123
division (B) (1) of section 4521.10 of the Revised Code from 124
accepting the application, the registrar shall return the 125
application and the payment to the owner. If the owner of a 126
motor vehicle submits a registration renewal application to the 127
registrar by electronic means and the registrar is prohibited 128
from accepting the application as provided in this division, the 129
registrar shall notify the owner of this fact and deny the 130
application and return the payment or give a credit on the 131
financial transaction device account of the owner in the manner 132
the registrar prescribes by rule adopted pursuant to division 133
(A) of this section. 134

(F) Every deputy registrar shall post in a prominent place 135
at the deputy's office a notice informing the public of the mail 136
registration system required by this section and also shall post 137
a notice that every owner of a motor vehicle and every chauffeur 138
holding a certificate of registration is required to notify the 139
registrar in writing of any change of residence within ten days 140

after the change occurs. The notice shall be in such form as the registrar prescribes by rule. 141
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(G) The service fee equal to the amount established under section 4503.038 of the Revised Code that is collected from a person who renews a motor vehicle registration by electronic means or by mail, plus postage collected by the registrar and any financial transaction device surcharge collected by the registrar, shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code. 143
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(H) (1) Pursuant to section 113.40 of the Revised Code, the registrar shall implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device for transactions occurring online, at any office of the registrar, and at all deputy registrar locations. The program shall take effect not later than July 1, 2016. The registrar shall adopt rules as necessary for this purpose, but all such rules are subject to any action, policy, or procedure of the board of deposit or treasurer of state taken or adopted under section 113.40 of the Revised Code. 151
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(2) The rules adopted under division (H) (1) of this section shall require a deputy registrar to accept payments by means of a financial transaction device beginning on the effective date of the rules unless the deputy registrar contract entered into by the deputy registrar prohibits the acceptance of such payments by financial transaction device. However, commencing with deputy registrar contract awards that have a start date of July 1, 2016, and for all contract awards 163
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thereafter, the registrar shall require that the proposer accept 171
payment by means of a financial transaction device, including 172
credit cards and debit cards, for all department of public 173
safety transactions conducted at that deputy registrar location. 174

The bureau and deputy registrars are not required to pay 175
any costs that result from accepting payment by means of a 176
financial transaction device. A deputy registrar may charge a 177
person who tenders payment for a department transaction by means 178
of a financial transaction device any cost the deputy registrar 179
incurs from accepting payment by the financial transaction 180
device, but the deputy registrar shall not require the person to 181
pay any additional fee of any kind in connection with the use by 182
the person of the financial transaction device. 183

(3) In accordance with division (H) (1) of this section and 184
rules adopted by the registrar under that division, a county 185
auditor or clerk of a court of common pleas that is designated a 186
deputy registrar shall accept payment by means of a financial 187
transaction device, including credit cards and debit cards, for 188
all department transactions conducted at the office of the 189
county auditor or clerk in the county auditor's or clerk's 190
capacity as deputy registrar. The bureau is not required to pay 191
any costs incurred by a county auditor or clerk that result from 192
accepting payment by means of a financial transaction device for 193
any department transaction. 194

(I) For persons who reside in counties where tailpipe 195
emissions inspections are required under the motor vehicle 196
inspection and maintenance program, the notice required by 197
division (B) of this section shall also include the toll-free 198
telephone number maintained by the Ohio environmental protection 199
agency to provide information concerning the locations of 200

emissions testing centers. The registrar also shall include a 201
statement in the notice that a battery electric motor vehicle is 202
not required to undergo emissions inspection under the motor 203
vehicle inspection and maintenance program established under 204
section 3704.14 of the Revised Code. 205

Sec. 4503.261. (A) (1) The registrar of motor vehicles 206
shall use a competitive selection process to select a vendor for 207
a contract to operate a specialty license plate program. Upon 208
execution of the contract, the vendor shall design, market, 209
sell, and issue specialty license plates, including specialty 210
license plates required to be issued by the registrar under this 211
chapter. The vendor also shall facilitate the initial and 212
renewal registration of motor vehicles for owners and lessees 213
who request specialty license plates and who choose to use the 214
program for registration. In so doing, the vendor shall 215
facilitate the issuance of validation stickers and the 216
collection of taxes and fees associated with motor vehicle 217
registration. The contract shall be for a period not to exceed 218
two years and may be extended for additional two-year terms. 219

(2) A vendor selected under division (A) (1) of this 220
section is exempt from section 4503.106 of the Revised Code. 221

(B) Any contract entered into under this section shall 222
include, at a minimum, all of the following: 223

(1) A requirement that the vendor utilize electronic 224
infrastructure that is compatible with infrastructure used by 225
the bureau of motor vehicles such that a motor vehicle owner or 226
lessee may submit a registration application and required 227
payments and verify the owner or lessee's identifying 228
information; 229

<u>(2) Provisions concerning the security of the information</u>	230
<u>exchanged through the electronic infrastructure utilized by the</u>	231
<u>registrar, the vendor, and any other third parties;</u>	232
<u>(3) Provisions allowing an owner or lessee to select the</u>	233
<u>combination of letters and numbers appearing on a license plate</u>	234
<u>in accordance with section 4503.40 or 4503.42 of the Revised</u>	235
<u>Code, subject to approval by the registrar;</u>	236
<u>(4) Subject to division (C) of this section, provisions</u>	237
<u>allowing an owner or lessee purchasing a specialty license plate</u>	238
<u>created by the vendor to select various design features of the</u>	239
<u>license plate;</u>	240
<u>(5) Subject to division (C) of this section, provisions</u>	241
<u>allowing the vendor to enter into an agreement with any person</u>	242
<u>for the marketing and sale of a specialty license plate that is</u>	243
<u>not offered by the registrar under this chapter. A person or</u>	244
<u>entity that has sponsored a specialty license plate offered by</u>	245
<u>the registrar under this chapter may create a new specialty</u>	246
<u>license plate through the private vendor.</u>	247
<u>(6) Provisions specifying that the vendor shall comply</u>	248
<u>with all applicable copyright and trademark laws;</u>	249
<u>(7) Authorization for the vendor to collect fees that are</u>	250
<u>in addition to any applicable motor vehicle registration taxes</u>	251
<u>and fees levied under Chapters 4503. and 4504. of the Revised</u>	252
<u>Code. The vendor shall remit those additional fees to the</u>	253
<u>registrar for deposit in the drug law enforcement fund created</u>	254
<u>in section 5502.68 of the Revised Code.</u>	255
<u>(8) Provisions requiring the vendor to comply with all</u>	256
<u>applicable requirements of the Revised Code and the Ohio</u>	257
<u>Administrative Code.</u>	258

(C) The registrar has final authority regarding the design 259
and content of any specialty license plate and may disapprove 260
any proposed specialty license plate that does not meet the 261
standards of the bureau of motor vehicles. The registrar may 262
consult with the superintendent of the state highway patrol 263
regarding any special license plate regarding readability, 264
reflectivity, and public safety. The registrar shall not 265
restrict the background color, color combinations, or color 266
alphanumeric license plate numbers of a specialty license plate 267
proposed by the private vendor except for purposes of public 268
safety. 269

(D) (1) If a contract with a vendor is entered into under 270
this section, the owner or lessee of any passenger car, 271
noncommercial motor vehicle, recreational vehicle, or other 272
vehicle of a class approved by the registrar and the vendor may 273
apply for registration of the vehicle and issuance by the 274
registrar of a specialty license plate pursuant to this section. 275

(2) A specialty license plate available through the 276
program and a validation sticker, or validation sticker alone, 277
shall be issued by the registrar in coordination with the vendor 278
to the owner or lessee upon receipt of a completed application 279
under this section; payment of the regular license tax as 280
prescribed under section 4503.04 of the Revised Code, any 281
applicable motor vehicle tax levied under Chapter 4504. of the 282
Revised Code, any applicable additional fee prescribed under 283
section 4503.40 or 4503.42 of the Revised Code, any additional 284
fees required by the vendor; and compliance with all other 285
applicable laws relating to the registration of motor vehicles. 286

(E) Notwithstanding any other provision of law to the 287
contrary, the registrar may execute all duties required by this 288

section and take all necessary actions to implement its 289
requirements. 290

Sec. 5502.68. (A) There is hereby created in the state 291
treasury the drug law enforcement fund. The fund consists of the 292
following: 293

(1) Ninety-seven per cent of three dollars and fifty cents 294
out of each ten-dollar court cost imposed pursuant to section 295
2949.094 of the Revised Code ~~shall be credited to the fund.~~ 296

(2) Fees required to be deposited in the fund under 297
section 4503.261 of the Revised Code. 298

Money in the fund shall be used only in accordance with 299
this section to award grants to counties, municipal 300
corporations, townships, township police districts, and joint 301
police districts to defray the expenses that a drug task force 302
organized in the county, or in the county in which the municipal 303
corporation, township, or district is located, incurs in 304
performing its functions related to the enforcement of the 305
state's drug laws and other state laws related to illegal drug 306
activity. 307

The division of criminal justice services shall administer 308
all money deposited into the drug law enforcement fund and, by 309
rule adopted under Chapter 119. of the Revised Code, shall 310
establish procedures for a county, municipal corporation, 311
township, township police district, or joint police district to 312
apply for money from the fund to defray the expenses that a drug 313
task force organized in the county, or in the county in which 314
the municipal corporation, township, or district is located, 315
incurs in performing its functions related to the enforcement of 316
the state's drug laws and other state laws related to illegal 317

drug activity, procedures and criteria for determining 318
eligibility of applicants to be provided money from the fund, 319
and procedures and criteria for determining the amount of money 320
to be provided out of the fund to eligible applicants. 321

(B) The procedures and criteria established under division 322
(A) of this section for applying for money from the fund shall 323
include, but shall not be limited to, a provision requiring a 324
county, municipal corporation, township, township police 325
district, or joint police district that applies for money from 326
the fund to specify in its application the amount of money 327
desired from the fund, provided that the cumulative amount 328
requested in all applications submitted for any single drug task 329
force may not exceed more than two hundred fifty thousand 330
dollars in any calendar year for that task force. 331

(C) The procedures and criteria established under division 332
(A) of this section for determining eligibility of applicants to 333
be provided money from the fund and for determining the amount 334
of money to be provided out of the fund to eligible applicants 335
shall include, but not be limited to, all of the following: 336

(1) Provisions requiring that, in order to be eligible to 337
be provided money from the fund, a drug task force that applies 338
for money from the fund must provide evidence that the drug task 339
force will receive a local funding match of at least twenty-five 340
per cent of the task force's projected operating costs in the 341
period of time covered by the grant; 342

(2) Provisions requiring that money from the fund be 343
allocated and provided to drug task forces that apply for money 344
from the fund in accordance with the following priorities: 345

(a) Drug task forces that apply, that are in existence on 346

the date of the application, and that are determined to be 347
eligible applicants, and to which either of the following 348
applies shall be given first priority to be provided money from 349
the fund: 350

(i) Drug task forces that received funding through the 351
division of criminal justice services in calendar year 2007; 352

(ii) Drug task forces in a county that has a population 353
that exceeds seven hundred fifty thousand. 354

(b) If any moneys remain in the fund after all drug task 355
forces that apply, that are in existence on the date of the 356
application, that are determined to be eligible applicants, and 357
that satisfy the criteria set forth in division (C) (2) (a) (i) or 358
(ii) of this section are provided money from the fund as 359
described in division (C) (2) (a) of this section, the following 360
categories of drug task forces that apply and that are 361
determined to be eligible applicants shall be given priority to 362
be provided money from the fund in the order in which they apply 363
for money from the fund: 364

(i) Drug task forces that are not in existence on the date 365
of the application; 366

(ii) Drug task forces that are in existence on the date of 367
the application but that do not satisfy the criteria set forth 368
in division (C) (2) (a) (i) or (ii) of this section. 369

(D) The procedures and criteria established under division 370
(A) of this section for determining the amount of money to be 371
provided out of the fund to eligible applicants shall include, 372
but shall not be limited to, a provision specifying that the 373
cumulative amount provided to any single drug task force may not 374
exceed more than two hundred fifty thousand dollars in any 375

calendar year. 376

(E) Any drug task force for which a grant is awarded by 377
the division of criminal justice services under this section 378
shall comply with all grant requirements established by the 379
division, including a requirement that the drug task force 380
report its activities through the El Paso intelligence center 381
information technology systems. 382

(F) As used in this section, "drug task force" means a 383
drug task force organized in any county by the sheriff of the 384
county, the prosecuting attorney of the county, the chief of 385
police of the organized police department of any municipal 386
corporation or township in the county, and the chief of police 387
of the police force of any township police district or joint 388
police district in the county to perform functions related to 389
the enforcement of state drug laws and other state laws related 390
to illegal drug activity. 391

Section 2. That existing sections 4503.038, 4503.102, and 392
5502.68 of the Revised Code are hereby repealed. 393