
DEPARTMENT OF PUBLIC SAFETY

Driver's licenses and identification cards

Limited term licenses and identification cards

- Renames “nonrenewable/nontransferable” driver’s licenses and state identification (ID) cards, which are issued to temporary residents, as the “limited term license” and “limited term” ID card. (Temporary residents generally are persons who are not U.S. citizens or permanent residents.)
- Excludes a limited term license as a form of photo identification for purposes of voting.
- Requires the words “limited term” to be on any driver’s license or ID card issued to a temporary resident, along with other characteristics prescribed by the Registrar of Motor Vehicles.
- Clarifies the law regarding the expiration dates for a limited term driver’s license or ID card issued to a temporary resident.
- Authorizes a temporary resident to renew a limited term license or limited term ID card, provided the temporary resident can verify his or her lawful status in the U.S.
- Requires the Registrar to adopt rules governing limited term licenses and ID cards issued to temporary residents.
- Specifies that all REAL ID-compliant driver’s licenses and ID cards must be issued in accordance with the federal requirements.

Return of ID cards

- Removes the requirement that a person surrender or return an original ID card to the Bureau of Motor Vehicles (BMV) if the person:
 - Applies for a driver’s license or commercial driver’s license (CDL) in Ohio or another state;
 - Finds the original lost card, after obtaining a duplicate or reprint card; or
 - Changes his or her name and obtains a replacement ID card.

Color photographs

- Removes the requirement that the Registrar or a deputy registrar photograph an applicant for a driver’s license, CDL, or ID card in color.
- Removes the requirement that a driver’s license, CDL, or ID card display a color photograph of the licensee.

ID card reimbursements

- Authorizes the Department of Public Safety (DPS) Director to certify to the OBM Director, on a quarterly basis, both of the following:

- The amounts paid by DPS to deputy registrars to reimburse them for their services in issuing and renewing free ID cards and temporary ID cards; and
- The amount of fees not collected by the Registrar for any free ID cards and temporary ID cards issued or renewed by the Registrar.
- Authorizes the OBM Director to transfer up to \$4 million per fiscal year to BMV from the GRF to reimburse the BMV for the free ID cards and temporary ID cards.

Driver's licenses and permits for dependent minors

- Authorizes a minor's representative to sign the minor's application for a probationary driver's license, restricted license, or temporary instruction permit (license or permit), in addition to a parent, guardian, or another person having custody of the minor, as in current law.
- Specifies that a minor's representative is a person who has custody of a minor under the age of 18 and who is one of the following:
 - A representative of a private child placing agency (PCPA) or public children services agency (PCSA); or
 - A resource caregiver (kinship or foster caregiver) who has placement of a child in the custody of a PCPA or PCSA.
- Excludes a minor's representative who signs a minor's license or permit application from imputed liability for the minor's negligence or willful or wanton misconduct committed while driving.
- Requires the Department of Job and Family Services (ODJFS) or a minor's representative to verify that a minor has proof of financial responsibility (auto insurance) before the minor's representative signs the application.
- Requires ODJFS, its agent, or the minor's representative to provide the Registrar with proof that the minor has auto insurance.
- Requires ODJFS or the minor's representative to notify the Registrar and surrender the minor's license or permit to the Registrar upon determining that the minor does not have auto insurance.
- Further requires the Registrar to cancel the license or permit in that event.
- Requires a resource caregiver (a foster or kinship caregiver) to use the reasonable and prudent parent standard when signing the minor's license or permit application.
- Extends certain civil immunity from liability for the decision to allow a minor to drive to a resource caregiver and resource caregiver's supervising agency only when the reasonable and prudent parent standard is used in signing the application.

Resource caregiver immunity and authority

- Expands the general immunity granted to foster caregivers for acts authorized under the public welfare law to kinship caregivers.
- Specifies that any alleged abused, neglected, or dependent child placed with a resource caregiver (a foster caregiver or a kinship caregiver) is entitled to participate in age-appropriate extracurricular, enrichment, and social activities.
- Requires a resource caregiver to consider certain factors when determining whether to give permission for a child to participate in extracurricular, enrichment, and social activities.
- Clarifies that a resource caregiver who grants permission for a child to participate in those activities is immune from liability in a civil action to recover damages for injury, death or loss to the child when those factors were considered.

Restricted driver's license

- Eliminates the six-month validity period for a medically restricted driver's license and, instead, requires the Registrar to determine the validity period of the license.
- Requires a medically restricted license holder to submit a licensed physician's statement regarding the holder's medical condition to the Registrar at intervals required by the Registrar, rather than every six months as in current law.

Commercial driver's licenses

Online driver's license, ID card, and CDL renewal

- Authorizes the online renewal of CDLs in a similar manner as driver's licenses and ID cards under current law.
- Prohibits the renewal or issuance of any of the following via the online process:
 - A CDL temporary instruction permit;
 - An initial CDL; and
 - A nonrenewable CDL.
- Modifies a current eligibility requirement for the online renewal of a driver's license or ID card to require the applicant's current license or ID card to have been issued when the applicant was age 21 or older and the applicant to be under age 65, rather than requiring the applicant to be between age 21 and 65 as in current law.
- Extends that eligibility requirement to online renewal of CDLs.
- Authorizes U.S. permanent residents to renew driver's licenses, CDLs, and ID cards online.
- Specifies that for online CDL renewal, the applicant must meet the following additional eligibility criteria that do not apply to a driver's license or ID card holder:

- Compliance with all laws governing CDL issuance, including self-certification and medical certificate requirements;
- Not be under any CDL restriction by any federal regulation.

CDL temporary instruction permit

- Extends the maximum validity period for a commercial driver's license temporary instruction permit (CDLTIP) from six to 12 months.
- Clarifies that a CDLTIP is a prerequisite for the initial issuance of a CDL only when a skills test is required for the CDL.
- Repeals law that allows the Registrar to renew a CDLTIP only once in a two-year period.

CDL skills test third-party examiners

- Regarding third parties authorized to administer the CDL skills tests, does all of the following:
 - Specifies that the third-party examiners must meet the qualification and training standards that apply to the class of vehicle and endorsements for which an applicant taking the skills test is applying;
 - Decreases the number of individuals to whom a CDL skills test examiner must administer a skills test each calendar year from 32 to ten;
 - Requires the third party to schedule all skills test appointments through a system or method provided by the DPS Director, or if the Director does not provide a system or method, to submit the schedule weekly;
 - Requires the third party to keep a copy of the third-party agreement entered into with the Director at its principal place of business.

Fraudulent acts related to CDL testing

- Prohibits knowingly providing false statements or engaging in any fraudulent act related to a CDL test.
- Specifies that a violation of the prohibition is a first degree misdemeanor.
- Allows the Registrar to cancel a CDL or an application for a CDL as a result of a violation of the prohibition.

CDL disqualifications: human trafficking

- Prohibits a CDL holder from using a commercial motor vehicle in the commission of a felony human trafficking offense, and specifies that a violation of the prohibition is a first degree misdemeanor.
- Establishes a lifetime disqualification from operating a commercial motor vehicle for a person who is convicted of violating the prohibition.

Strict liability declaration

- Clarifies that various prohibitions related to operating a commercial motor vehicle are strict liability offenses.

Motor vehicle OVI violation requiring surrender of CDL

- Clarifies that a CDL holder or CDLTIP holder must immediately surrender the holder's CDL or permit to an arresting peace officer if the holder was operating a motor vehicle in violation of the state OVI law's statutory limits for alcohol or a controlled substance.

Other BMV services

Deputy registrars

- Allows county auditors and clerks of court to serve as a deputy registrar in any county, rather than only in counties below certain population thresholds.
- Relieves the Registrar from the responsibility to appoint a deputy registrar in a county under certain circumstances (e.g., when the county auditor or clerk of court is unwilling to serve and no other entities have applied).
- In the case of a county in which there is no deputy registrar, allows the Registrar to reestablish a deputy registrar office in certain circumstances (e.g., the willingness of the county auditor, a clerk of court, or deputy registrar in another county to serve).
- As a result of the changes specified above, eliminates the requirement that a deputy registrar live within a one-hour commute from the deputy registrar's office and the prohibition against a deputy registrar operating more than one deputy registrar office at any time.

Deputy registrar fees and online transactions

- Increases the deputy registrar/BMV service fee from \$5 to \$6.
- Requires the Registrar, by July 1, 2024, to provide every deputy registrar with access to an application programming interface (API) that will allow the deputy registrars to conduct BMV services and transactions with customers online.
- Authorizes the Registrar to adopt rules, as necessary, to implement and administer the API and its related provisions, and exempts those rules from requirements governing the elimination of existing regulatory restrictions.

Permanent removable windshield placard

- Creates a permanent removable windshield placard with no expiration date that authorizes use of accessible parking spaces for a person with a permanent disability that limits or impairs the ability to walk.
- Sets the cost for a permanent placard at \$15 (as opposed to \$5 for a standard or temporary placard), but exempts an armed forces veteran whose disability is service-connected.

- Consolidates and makes conforming changes within the language pertaining to the three types of placards: a standard placard (five-year renewal); a temporary placard (expires within six months); and the new permanent placard (no expiration).

Invisible disabilities license plate and placard

- Authorizes a person who has a disability that limits the ability to walk, but whose disability is not readily apparent to another person, to apply for one of the following:
 - A license plate with an orange International Symbol of Access printed on it; or
 - An orange standard removable windshield placard with a white International Symbol of Access printed on it.

Titling a motor vehicle from another state

- Regarding an application for a certificate of title for a motor vehicle last registered in another state, clarifies that the required physical inspection certificate must be issued specifically by the Registrar, rather than DPS as in current law.
- Requires the physical inspection to include a verification of the mileage of the motor vehicle, in addition to a verification of the make, body type, model, and vehicle identification number as in current law.

Traffic and vehicle equipment laws

Emergency vehicles using flashing lights

- Allows a vehicle being used on a road or highway for emergency preparedness, response, and recovery activities to use flashing amber or flashing red and white lights if the vehicle is being operated by a person from one of the following:
 - The Ohio Emergency Management Agency;
 - A countywide emergency management agency;
 - A regional authority for emergency management; or
 - A program for emergency management.

Vehicle platoons

- Exempts a vehicle platoon from a specific prohibition against a driver of a truck following too closely to another truck or to another motor vehicle that is drawing another vehicle.
- Specifies that a vehicle platoon generally is the linking of two or more connected vehicles using electronic vehicle-to-vehicle communication technology.

Distracted driving safety course

- Regarding the opportunity to take a distracted driving safety course in lieu of paying a fine and incurring points for the offense of driving while using an electronic wireless communication device (EWCD), does both of the following:

- Requires evidence of course completion to be submitted to the court within 90 days of the offense; and
- Clarifies that successful completion of the course does not result in a dismissal of the charges for the violation, and the violation constitutes a prior offense if the offender is subsequently convicted of an EWCD violation within two years of the initial offense.
- Regarding the opportunity to take a distracted driving safety course in lieu of paying a \$100 fine for distracted driving, requires the course to be completed within 90 days of the underlying offense that resulted in the imposition of the distracted driving fine.

Civil actions related to towing

- Establishes a process for a motor vehicle owner to file a civil action to dispute a towing service or storage facility's charges related to the towing and storage of that owner's motor vehicle, cargo, or personal property after a motor vehicle accident, similar to the process used by insurance companies under current law.
- Requires a motor vehicle owner to pay the undisputed amount and to post a bond for the disputed amount of the towing service or storage facility's charges.
- Requires the bond amount to be used to pay the remaining disputed amount of the bill or to be returned, depending on the civil action's outcome.
- Authorizes a towing service or storage facility to file a civil action against a motor vehicle owner if all of the following apply:
 - The motor vehicle, cargo, or personal property was removed, towed, or stored after a motor vehicle accident;
 - The motor vehicle owner has not paid the bill or filed a civil action to dispute the charges within 45 days of the owner receiving the bill sent by the towing service or storage facility; and
 - The towing service or storage facility is not attempting to take title to the motor vehicle until after any final judgments are entered for the current civil action.
- Requires the court to determine the reasonableness of the amount charged by the towing service or storage facility if that amount is in dispute.

Peer-to-peer car sharing programs

- Removes requirements that a peer-to-peer (P2P) car sharing program collect certain information, retain certain records, and exclude certain vehicles from its platform and those that use the platform.
- Modifies the automobile and general insurance requirements related to peer-to-peer car sharing programs.

Motor vehicle sales, dealers, and manufacturers

Motor vehicle sales

- For purposes of the Motor Vehicle Sales Law, does all of the following:
 - Expands the meaning of “persons” to include a variety of business entities.
 - Expands the meaning of “business” to include activities conducted through the internet or other computer networks.
 - Expands the meaning of “retail sale” to include sales that occur through the internet or other computer networks.
 - Modifies the meaning of “motor vehicle leasing dealer” to include a financial institution acting as a lessor and to exclude a new motor vehicle dealer that is not the lessor.
 - Defines “established place of business” to mean a permanent building or structure that meets certain conditions, potentially barring individuals whose business does not meet those conditions from licensure.

Manufacturer, dealer, and distributor vehicle registration

- Requires the Registrar to issue a license plate, rather than a placard, to vehicle manufacturers, dealers, distributors, and other similar professionals that require a temporary identification for vehicles in their possession.
- Requires the Registrar to issue corresponding and matching additional certificates of registration and license plates, rather than certified copies of the original certificate and placards, for any additional license plates requested.

Licensee contact information

- Prohibits a salvage motor vehicle dealer, salvage motor vehicle auction, salvage motor vehicle pool, and a motor vehicle dealer, leasing dealer, and distributor from failing to notify the Registrar of any change in status regarding contact information, including the relevant business phone number and email address.
- Imposes a fourth degree misdemeanor for violating the prohibition.

Salvage dealer provisional license

- Permits the Registrar to utilize an agent to inspect the premises of a motor vehicle salvage dealer when the dealer holds a provisional license.
- After a successful inspection of a provisional license holder, eliminates the requirement that the Registrar send notice to the holder of the removal of provisional status and, instead, requires the Registrar to issue a license without provisional status to the holder.
- Requires the Registrar to send the notice of the revocation of a provisional license (after an unsuccessful inspection) in accordance with the Administrative Procedure Act.

Used dealer provisional license

- Creates a provisional, 180-day, used motor vehicle dealer license, similar to the current provisional license for a salvage motor vehicle dealer, for the first issuance of the license to an applicant.
- Requires the Registrar, or the Registrar's agent, to inspect the premises of the dealer within the provisional period to ensure compliance with the Used Motor Vehicle Dealer Law.
- Requires the Registrar to either issue a nonprovisional license or revoke the provisional license, based on whether the dealer is in compliance.
- Exempts a person that either (1) currently holds, or (2) held within the two years preceding the application, a valid new motor vehicle dealer license from obtaining a provisional used motor vehicle dealer license.

Corrective changes

- Corrects references in law to an annual renewal for specified licenses that are currently biennial.

State Board of Emergency Medical, Fire, and Transportation Services

- Eliminates a requirement that each organization nominating persons to the State Board of Emergency Medical, Fire, and Transportation Services put forth three nominees and, instead, allows each organization to nominate any number of persons.
- Does both of the following regarding the Board member who is certified to teach emergency medical services training and who holds a certificate to practice as an EMT, AEMT, or paramedic:
 - Eliminates the requirement that the Governor appoint the member from among three persons nominated by the Ohio Emergency Medical Technician Instructors Association and the Ohio Instructor/Coordinators' Society; and
 - Instead, requires the member to be appointed from among EMTs, AEMTs, and paramedics nominated by the Ohio Association of Professional Firefighters and EMTs, AEMTs, and paramedics nominated by the Northern Ohio Fire Fighters.
- Specifies that if any nominating organization ceases to exist or fails to make a nomination within 60 days of a vacancy, the Governor may appoint any person who meets the designated professional qualifications for that member.
- Extends the potential time a member of the Board may continue in office if a successor does not take office from 60 days to three years.
- Eliminates a requirement that each organization nominating persons to the Trauma Committee of the State Board put forth three nominees and, instead, allows each organization to nominate any number of persons.

- Specifies that if any nominating organization ceases to exist or fails to make a nomination of a member within 60 days of a vacancy, the DPS Director may appoint any person who meets the designated professional qualifications for that member.
- Eliminates a restriction preventing the Director from appointing more than one member to the Committee who is employed by or practices in the same health system.
- Further modifies that restriction to allow the Director to appoint persons who practice at the same hospital or with the same emergency medical service (EMS) organization, provided they do not primarily practice at the same hospital or with the same EMS organization.

Emergency medical vehicle and aircraft permits

- Shortens the timeframe by which the State Board of Emergency Medical, Fire, and Transportation Services must issue or deny a permit application for an emergency medical vehicle or aircraft from within 60 days of receiving the application to within 45 days.

Assistant EMS and firefighter instructors

- Authorizes any person issued an EMS Assistant Instructor Certificate or Assistant Fire Instructor Certificate prior to April 6, 2023, to continue to hold and renew those certifications until the person allows them to expire or lapse.
- Requires the State Board of Emergency Medical, Fire, and Transportation Services to no longer issue new certifications in order to work as an assistant EMS or assistant fire instructor.

Ohio Narcotics Intelligence Center

- Codifies the Ohio Narcotics Intelligence Center in DPS, which was originally created by a Governor's Executive Order.
- Requires the Center to perform specified duties, including coordinating law enforcement response to illegal drug activities for state agencies and acting as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives.
- Requires the DPS Director to appoint an executive director of the Center, who serves at the Director's discretion.
- Requires the executive director to advise the Governor and the Director on matters pertaining to illegal drug activities.

State Hazard Mitigation Grant Program

- Requires the DPS Director to adopt rules to establish and administer a State Hazard Mitigation Grant Program to provide grants to eligible government entities to take actions that reduce impact from hazards and disasters.

- Requires the rules to establish specified requirements regarding the Program, including:
 - A list of hazards and disasters for which grants may be issued;
 - Priorities for grant funding; and
 - Eligibility requirements for applicants to receive a grant.

Security Grants Program

- Expands the eligible purposes of grants issued under the Security Grants Program managed by the Emergency Management Agency (EMA).
- Authorizes a nonprofit organization that serves a broad community or geographic area to apply for a security grant to provide antiterrorism services throughout its region, including armed security personnel.
- Authorizes multiple nonprofit organizations that are located at the same address to apply for separate security grants, provided the organizations can explain how they will each use the funding to address a different vulnerability.
- Requires the EMA to post information regarding the security grants and applicants on its website.

Public Safety – Highway Purposes Fund Study Committee

- Establishes the Public Safety – Highway Purposes Fund Study Committee, which consists of three members appointed by the Governor, three members appointed by the Senate President, and three members appointed by the Speaker of the House.
- Requires the Committee to study long term issues facing the fund and to submit a report of its findings and recommendations by July 1, 2024, to the Speaker and the President.

Specific investigatory work product

- Defines “specific investigatory work product” as used in the Public Records Law.

Trial preparation records and attorney work product records

- Exempts confidential attorney work product records from disclosure as a public record at any time.
- Clarifies that trial preparation records are exempt from the Public Records Law until after the conclusion of all direct appeals or, if no appeal is filed, at the expiration of the time during which an appeal may be filed.
- Defines “attorney work product record.”

Driver's licenses and identification cards

Limited term licenses and identification cards

(R.C. 3501.01, 4507.01, 4507.061, 4507.09, 4507.13, 4507.50, 4507.501, and 4507.52)

The bill makes changes to Ohio law that governs driver's licenses and state identification (ID) cards issued to temporary residents. Temporary residents generally are persons who are not U.S. citizens or permanent residents under U.S. immigration laws.¹⁴³ The purpose of the changes is to ensure that those licenses and ID cards issued to temporary residents conform to the federal REAL ID Act. Under that act, driver's licenses and ID cards issued to temporary residents are described as "limited term," with required expiration date standards. A temporary resident may renew a limited term license upon verification of the applicant's continued legal status in the U.S. Regarding their expiration dates, federal law requires a REAL ID-compliant license or ID issued to a temporary resident to expire as follows:

- If the license or ID is issued to a temporary resident who has a definite expiration date for the resident's authorized stay in the U.S., the license or ID must expire on that date or four years from the date of issuance, whichever is earlier.
- If the license or ID is issued to a temporary resident who does not have a definite expiration date for the resident's authorized stay in the U.S., the license or ID must expire one year from the date of issuance.¹⁴⁴

In order to conform Ohio's law to the federal REAL ID Act, the bill does all of the following:

1. Renames the "nonrenewable/nontransferable" driver's license and ID card a "limited term license," "limited term identification card," and "limited term temporary identification card." (As a conforming change, the bill excludes the use of a limited term license as a form of photo identification for purposes of voting.)

2. Requires the limited terms licenses and ID cards to have the words "limited term" printed on them, along with any other characteristics prescribed by the Registrar.

3. Authorizes the limited term licensee or cardholder to renew the license or ID card within 90 days of expiration, provided the licensee or cardholder can verify his or her continued lawful status/legal presence in the U.S.

4. Aligns the required expiration dates more clearly with the required expiration dates in the federal Real ID Act, and requires the Registrar to adopt rules regarding the issuance of the limited term licenses and ID cards and their expiration dates. (In doing so, the bill also adjusts the law concerning expiration dates for licenses and ID cards generally.)

¹⁴³ O.A.C. 4501:1-1-35 and 4501:1-1-35.

¹⁴⁴ "Real ID Act," 49 U.S.C. 30301, *et seq.*, 6 C.F.R. Part 37.

5. Requires, in general, all driver's licenses and ID cards issued in accordance with the federal REAL ID Act to comply with the corresponding federal regulations.

Return of ID cards

(R.C. 4507.52)

The bill removes the requirement that an ID cardholder surrender or return his or her original ID card to the BMV if any of the following occur:

1. The cardholder applies for a driver's license or CDL in Ohio or in another state;
2. The cardholder lost the original ID card, but then finds it after obtaining a duplicate or a reprint ID card; or
3. The cardholder changes his or her name and obtains a replacement ID card to reflect the new name.

As a conforming change, the bill also removes the requirement that the Registrar cancel any card surrendered to the BMV for any of the above reasons.

Color photographs

(R.C. 4506.11, 4507.01, 4507.06, 4507.18, 4507.51, and 4507.52)

The bill removes the requirement that the Registrar or a deputy registrar photograph an applicant for a CDL, driver's license, or ID card in color. Similarly, it removes the requirement that CDLs, driver's licenses, and ID cards display a color photograph of the cardholder. While the REAL ID Act requires those licenses and ID cards to display a photograph of the licensee or cardholder, it does not require that photograph to be in color.

ID card reimbursements

(Section 373.30)

The bill authorizes the DPS Director to certify to the OBM Director, on a quarterly basis, both of the following:

1. The amounts paid by DPS to deputy registrars to reimburse them for their services in issuing and renewing free ID cards or temporary ID cards that past quarter; and
2. The amount of fees not otherwise collected by the Registrar for any free ID cards and temporary ID cards issued or renewed by the Registrar that past quarter.

Furthermore, the bill authorizes the OBM Director to transfer up to \$4 million per fiscal year to the BMV's primary fund (Public Safety – Highway Purposes Fund) from the GRF. The money reimburses the BMV for its expenses related to the free ID cards. The General Assembly authorized any person 17 and over who applies for and receives an ID card from the BMV to

receive and renew it for free. That authorization was established by H.B. 458 of the 134th General Assembly in association with requiring photo identification for voting.¹⁴⁵

Driver's licenses and permits for dependent minors

(R.C. 2307.22, 4507.07, and 5103.162)

The bill authorizes a minor's representative to sign a minor's application for a probationary driver's license, restricted license, or temporary instruction permit (license or permit). A minor's representative is a person who has custody of a minor under the age of 18 and who is one of the following:

- A representative of a private child placing agency (PCPA) or public children services agency (PCSA); or
- A resource caregiver (meaning a foster or kinship caregiver) who has placement of a child in the custody of a PCPA or PCSA.

Under current law, only a parent, guardian, or another person having custody of the minor may sign the minor's license or permit application.

The bill excludes a minor's representative who signs a minor's application from imputed liability for the minor's negligence or willful or wanton misconduct committed while driving a motor vehicle. This imputed liability currently applies to a parent or guardian and makes the parent or guardian jointly and severally liable with the minor for damages, unless the minor has proof of financial responsibility (i.e., auto insurance).

The bill requires the Department of Job and Family Services or a minor's representative to verify that a minor has auto insurance before the minor's representative signs the minor's license or permit application. The Department or minor's representative must notify the Registrar and surrender the minor's license or permit to the Registrar upon determining that the minor does not have auto insurance. The Registrar must cancel the license or permit in that event.

The bill retains law allowing any person who signed a minor's application for a license or permit to surrender the minor's license or permit to the Registrar and ask that it be cancelled. The Registrar must cancel it in that circumstance and the person who signed the application is relieved from any imputed liability.

When signing a dependent minor's permit or license application, the bill requires a minor's representative to use the reasonable and prudent parent standard. Under current law, this standard is a standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth. Under the bill, it must be used by a resource

¹⁴⁵ R.C. 4507.49, not in the bill. For additional information regarding free ID cards, see the [LSC Final Analysis for H.B. 458 of the 134th General Assembly \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.

caregiver or resource caregiver's supervising agency in order to be immune in a civil action for damages resulting from the decision to allow a minor to participate in extracurricular activities, which includes driving.

Resource caregiver immunity and authority

(R.C. 2151.315 and 5103.162)

The bill expands the general immunity granted to foster caregivers for acts authorized under the public welfare law so that the immunity also applies to kinship caregivers. Currently, foster caregivers are immune in any civil action for damages for injury, death, or loss allegedly caused by an act or omission in connection with the foster caregiver's duties, powers, or responsibilities unless one of the following applies:

1. The foster caregiver acted manifestly outside the scope of the foster caregiver's power, duty, responsibility, or authorization;
2. The foster caregiver committed the act or omission maliciously, in bad faith, or wantonly or recklessly; or
3. Liability is expressly imposed by another provision of the Revised Code.

The bill applies these general principles of civil immunity to resource caregivers, which includes both foster caregivers and kinship caregivers.

Under current law, a private child placing agency (PCPA), public children services agency (PCSA), and private noncustodial agency that serves as a child's custodian or as the supervising agency for a foster caregiver is specifically immune from any civil liability resulting from the agency's or foster caregiver's decision to allow a child to participate in extracurricular, enrichment, and social activities. However, the immunity applies **only** when the agency or foster caregiver makes the decision using the reasonable and prudent parent standard described above. The bill applies this immunity to a kinship caregiver and an agency supervising a kinship caregiver who uses the reasonable and prudent parent standard regarding a child's participation in the activities.

The bill also specifies that any alleged abused, neglected, or dependent child placed with a resource caregiver is entitled to participate in any age-appropriate extracurricular, enrichment, and social activities. Under current law, that entitlement extends only if the child is subject to out-of-home care. Correspondingly, the bill requires a resource caregiver to consider certain factors when determining whether to give permission for a child to participate in those activities, as is required currently of out-of-home care facilities. Under current law, those factors include all of the following:

1. The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
2. The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity; and
3. The best interest of the child based on information known by the person or facility (under the bill, includes a resource caregiver) providing out-of-home care for the child.

The bill clarifies that a resource caregiver who grants permission for a child to participate in the activities is immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child, provided the three factors above were considered.

Restricted driver's license

(R.C. 4507.08)

The bill eliminates the six-month validity period for a medically restricted driver's license and, instead, requires the Registrar to determine the validity period.

Under current law, the Registrar is prohibited from issuing a driver's license or temporary instruction permit to any person who has a physical or mental disability or disease that prevents the person, in the Registrar's opinion, from exercising reasonable and ordinary control over a motor vehicle. However, the Registrar may issue the person a restricted license that is valid for six months when, based on a physician's statement, the Registrar determines that the condition is dormant or is sufficiently under medical control. Each six-month interval after the medically restricted license is issued, the holder must send to the Registrar an updated statement from a licensed physician indicating that the condition is under effective medical control. The bill instead requires the statement to be sent at intervals determined by the Registrar.

Commercial driver's licenses

Online driver's license, ID card, and CDL renewal

(R.C. 4507.061)

The bill provides for the online renewal of CDLs in a similar manner as driver's licenses and ID cards under current law. In so doing, the bill prohibits online renewal or issuance of any of the following:

1. A CDL temporary instruction permit;
2. An initial CDL; and
3. A nonrenewable CDL.

Eligibility criteria

The bill modifies two existing eligibility requirements for online renewal. First, when a person is renewing a driver's license or ID card (or, under the bill, a CDL) online, the applicant's current license or ID card must have been issued when the applicant was age 21 or older. Further, the applicant must be under age 65 at the time of application. Under current law, the applicant must be between 21 and 65 years of age, and the age at which the applicant's current license was issued is not relevant. Second, the bill authorizes U.S. permanent residents who reside in Ohio to renew driver's licenses, CDLs, and ID cards online. Currently only U.S. citizens who reside in Ohio are eligible for online renewal.

The bill also establishes two new eligibility criteria that apply only to the online renewal of a CDL. Namely, a CDL holder must:

1. Be in compliance with all laws governing CDL issuance, including self-certification and medical certificate requirements; and
2. Not be under any CDL restriction specified by federal regulations.

CDL temporary instruction permit

(R.C. 4506.06)

The bill specifies that a commercial driver's license temporary instruction permit (CDLTIP) is a prerequisite to obtaining a CDL only when the CDL requires the passage of a skills test in order to receive it. Under current law, a CDLTIP is a prerequisite to obtaining any CDL. The bill also extends the maximum validity period for a CDLTIP from six months to 12 months. Finally, it repeals law that allows the Registrar to renew a CDLTIP only once in a two-year period. These changes align Ohio law with the Federal Motor Carrier Safety Administration rules.

CDL skills test third-party examiners

(R.C. 4506.09)

Under current law and as authorized by federal law, the DPS Director may contract with third parties to administer the skills test given to applicants for a CDL or a specific endorsement on the CDL. Recent updates to federal regulations pertaining to the CDL skills tests, examining locations, and the examiners necessitate corresponding changes to Ohio's laws.

Currently, third party examiners must meet the same qualification and training standards as the DPS examiners and pass a criminal background check. The bill clarifies that as part of meeting the DPS standards, third party examiners must meet the standards for the class of vehicle and the endorsements for which an applicant taking the skills test is applying. For example, an examiner giving the skills test to an applicant for the S-endorsement (school bus) must personally meet the standards for that S-endorsement. Finally, the bill reduces the number of individuals to whom a CDL skills test examiner must administer a skills test from 32 to ten individuals per calendar year.

The bill also requires the contracted third party to schedule all skills test appointments through a system or method provided by the DPS Director. If the Director does not provide a system or method, the third party must submit a schedule of the skills test appointments to the Director weekly. The Director may request that any additions to the schedule, made after the weekly submission, be submitted at least two business days prior to the additional appointment. Under current law, the third parties must submit a schedule of skills test appointments to the Director at least two business days prior to each skills test.

Finally, the bill requires the third parties to keep a copy of their third-party agreement with the Director at their principal place of business. Current law requires third parties to maintain a variety of records at their business, including their CDL skills testing program certificate, their examiners' certificates of authorization to administer skills tests, completed skills test scoring sheets, a list of test routes, and a complete and accurate copy of their examiners' training records.

Fraudulent acts related to CDL testing

(R.C. 4506.04 and 4506.10)

The bill prohibits a person from knowingly providing false statements or engaging in any fraudulent acts related to CDL testing. A violation of the prohibition is a first degree misdemeanor. The Registrar also may cancel the offender's driver's license, CDL, CDLTIP, or any pending application for a license or permit. Current law includes a parallel provision that prohibits providing false information in any application for a CDL. That prohibition carries the same penalties as discussed above.

CDL disqualifications: human trafficking

(R.C. 4506.15, 4506.16)

The bill prohibits a CDL holder from using a commercial motor vehicle in the commission of a felony human trafficking offense. A violation is a first degree misdemeanor, which is in addition to any penalties imposed for the underlying conduct. Further, the bill establishes a lifetime disqualification from operating a commercial motor vehicle for a person who is convicted of violating the prohibition.

Strict liability declaration

The bill also clarifies that various offenses related to CDL holders are strict liability offenses, including the new offense specified above.

Motor vehicle OVI violation requiring surrender of CDL

(R.C. 4506.17)

The bill clarifies that a CDL holder or CDLTIP holder must immediately surrender the holder's CDL or permit to an arresting peace officer if the holder was operating a motor vehicle in violation of the state OVI law's (operating a vehicle while intoxicated) statutory limits for alcohol or a controlled substance. Current law requires the surrender when a holder exceeds the statutory limits for alcohol or a controlled substance under the CDL law, but it does not specifically require the surrender when the violation involves the general state OVI law.

Other BMV services

Deputy registrars

(R.C. 4503.03)

Current law allows the Registrar to designate the following persons to act as a deputy registrar:

1. A county auditor if the county population is 40,000 or less;
2. A clerk of a court of common pleas if the county population is 40,000 or less (if the county population exceeds 40,000, but is less than 50,000, the clerk is eligible to act as a deputy registrar, but must participate in the competitive selection process);
3. An individual; or

4. A nonprofit corporation.

The bill eliminates the population restrictions that limit the counties in which a county auditor or clerk of court may serve. Thus, the Registrar may designate either the county auditor or clerk of court to serve as a deputy registrar in any county.

The bill then relieves the Registrar from the responsibility to appoint a deputy registrar in a county if the following apply:

1. No qualified individual or nonprofit corporation applies to be a deputy registrar via a competitive selection process or otherwise;
2. The clerk of court and county auditor do not agree to be designated as a deputy registrar; and
3. No deputy registrar in another county agrees to be designated for that county.

If the Registrar does not appoint a deputy registrar for a county, the Registrar may subsequently reestablish a deputy registrar for that county under the following circumstances:

1. The county auditor or clerk of court requests to be designated as a deputy registrar;
2. A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as the deputy registrar for the county in question; or
3. A qualified individual or nonprofit corporation requests to be designated as a deputy registrar for that county. If more than one qualified individual or nonprofit corporation makes the request, the Registrar may make the designation via a competitive selection process.

As a result of these changes, the bill eliminates the requirement that a deputy registrar live within a one-hour commute from the deputy registrar's office. It also eliminates the prohibition against a deputy registrar operating more than one deputy registrar office at any time, thus allowing a person to operate multiple deputy registrar offices.

Deputy registrar fees and online transactions

(R.C. 4503.03 and 4503.038)

The bill increases the deputy registrar/BMV service fee from \$5 to \$6. Customers pay the service fee to either the deputy registrar or the BMV, depending on who is providing the service, for most BMV services and transactions (e.g., motor vehicle registration and renewal, driver's license issuance and renewal, etc.).

Additionally, in recent years the BMV has expanded the number of BMV services and transactions that customers may conduct online. For example, customers may renew certain four-year driver's licenses or ID cards online – a service that formerly always had to occur at a deputy registrar office. The bill expands the ability of deputy registrars to conduct BMV services and transactions with customers online as well. By July 1, 2025, the Registrar must provide every deputy registrar with access to an application programming interface (API) to allow the deputy registrars to conduct the same online services and transactions conducted by the BMV currently. Through the API, each deputy registrar must be assigned a unique credential. Use of

the API must be limited to the deputy registrars, their authorized agents, and the Registrar's authorized agents for technical support.

The bill authorizes the Registrar to adopt rules to implement and administer the API and its related provisions.

Regulatory restriction reduction requirement exemption

The bill exempts rules adopted by the Registrar from the law requiring agencies to reduce regulatory restrictions in their rules.

Without that exemption, the Department must do all of the following with respect to any regulatory restrictions contained in rules adopted under the bill:

- Until June 30, 2025, and for so long as the Department fails to reach the reductions required under the statutory schedule, remove two or more existing regulatory restrictions for each new restriction adopted (referred to as the “two-for-one rule”);
- Refrain from adopting a regulatory restriction when doing so would negate a previous reduction;
- Beginning July 1, 2025, refrain from adopting a regulatory restriction when doing so would cause the total number of regulatory restrictions in effect to exceed a statewide cap calculated by the Joint Committee on Agency Rule Review.¹⁴⁶

Permanent removable windshield placard

(R.C. 4503.038, 4503.44, 4511.69, 4731.481, and 4734.161)

The bill creates a permanent removable windshield placard with no expiration date that authorizes the use of accessible parking spaces for a person with a permanent disability that limits or impairs the ability to walk. The Registrar determines the form, size, material, and color of the permanent placard, but it must display the word “permanent” on it. Under current law, the BMV issues two types of removable windshield placards: a standard placard that expires five years after the date of issuance and a temporary placard that expires within six months. The temporary placard is issued to a person whose disability is expected to last for less than six months (e.g., a broken leg). Those with a permanent disability, under current law, must renew the standard placard every five years.

To obtain a permanent placard, an applicant must submit a completed application to the BMV that includes a prescription from an authorized health care provider stating that the applicant's disability is expected to be permanent. The cost of a permanent placard is \$15, compared to \$5 for the temporary or standard placard. Similar to the temporary and standard placard, that fee is waived for an armed forces veteran whose disability is service-connected.

¹⁴⁶ R.C.121.95 to 121.953.

If a person who was issued a permanent placard no longer requires it, the person must notify and surrender the placard to BMV within ten days of no longer requiring the placard. That person may still apply for a temporary or standard placard, if applicable.

The bill consolidates and makes conforming changes within the statutory language pertaining to the three different types of removable windshield placards. However, it makes no substantive changes concerning the issuance, cost, or display of the temporary placard or standard placard.

Invisible disabilities license plate and placard

(R.C. 4503.44)

The bill authorizes a person with a disability that limits or impairs the ability to walk, but whose disability is not readily apparent to another person, to apply for either:

- A license plate with an orange International Symbol of Access printed on it; or
- An orange standard removable windshield placard with a white International Symbol of Access printed on it.

The alternative license plate and placard are in lieu of the current accessible license plate (printed with a blue International Symbol of Access) and removable windshield placard (either blue or red). The orange Symbol and orange placard are meant to signal to the public that the person qualifies for the accessible parking spot, however, that person's disability is not as clearly visible (as, for example, a person using a wheelchair).

All other current law requirements relating to the issuance, expiration, revocation, surrender, and proper display of the accessible license plates and removable windshield placards apply to the new ones created by the bill. Additionally, while available to a person with an invisible disability, that person is not required to apply for and display the alternative license plate or placard instead of the license plates and placards currently available.

Titling a motor vehicle from another state

(R.C. 4505.061)

Under current law, when a person applies for a certificate of title for a motor vehicle that was last registered in another state, a physical inspection of the motor vehicle is required. The inspection may be conducted at various locations specified in the law. A physical inspection includes a verification of the make, body type, model, and vehicle identification number of the motor vehicle. The bill requires the inspection to also verify the mileage of the vehicle. The bill also clarifies that the required physical inspection certificate must be issued specifically by the Registrar, rather than DPS as in current law.

Traffic and vehicle equipment laws

Emergency vehicles using flashing lights

(R.C. 4513.17)

The bill allows a vehicle being used on a road or highway for emergency preparedness, response, and recovery activities to use flashing amber or flashing red and white lights if the vehicle is being operated by a person from one of the following:

1. The Ohio Emergency Management Agency;
2. A countywide emergency management agency;
3. A regional authority for emergency management; or
4. A program for emergency management.

Generally, under current law, flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. Current law provides for other exceptions to this prohibition, including certain flashing lights on all of the following: emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, rural mail delivery vehicles, highway maintenance vehicles, farm machinery and vehicles escorting farm machinery, and a funeral hearse or funeral escort vehicle.

Vehicle platoons

(R.C. 4511.34)

Under current law, outside of a municipal corporation, the driver of any truck or motor vehicle drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of the roadway is obstructed, must not follow within 300 feet of another truck or other motor vehicle drawing another vehicle. The bill exempts a vehicle platoon from this prohibition. A vehicle platoon is the linking of two or more vehicles using electronic communication technology. The first connected vehicle in the platoon sets the speed and direction for the remaining connected vehicles, enabling all connected vehicles to follow the lead vehicle at a close distance. Connected vehicles are able to exchange information electronically with the lead motor vehicle, other vehicles in the platoon, other road users, and infrastructure.

Distracted driving safety course

(R.C. 4511.204 and 4511.991)

Driving while using an electronic wireless communication device

Under current law, a person is prohibited from using an electronic wireless communication device (EWCD) when driving a motor vehicle. For a first offense within a two-year period, an offender who violates this prohibition is subject to a fine of up to \$150 and a two point assessment on the offender's driver's license. However, if the offender completes a

distracted driving safety course, the person is not required to pay the fine and points are not assessed against the person's license. The offender is required to submit written evidence to the court of course completion.

The bill requires the offender to submit the evidence of course completion to the court within 90 days of the violation in order to qualify for the exemption from fine payment and point assessment. Further, it clarifies that successful completion of the course does not result in a dismissal of the charges for the violation, and the violation constitutes a prior offense if the offender is subsequently convicted of an EWCD violation within two years of the initial offense.

Driving distracted

The bill makes similar changes to the law governing distracted driving. Under current law, an offender who commits a moving violation while distracted may be charged with distracted driving if the distracting activity was a "contributing factor" to the commission of the underlying moving violation. Generally, distracted includes any activity that is not necessary to operate a motor vehicle and that impairs the ability of the driver to drive the motor vehicle safely. Distracted also specifically includes illegally using an EWCD while driving. The penalty for driving while distracted is up to a \$100 fine in addition to any penalties for the underlying moving violation.

Current law allows a distracted driving offender to take a distracted driving safety course in lieu of paying the \$100 fine. As with an EWCD violation, the offender must submit written evidence of the successful completion of the course to the court in order for the fine exemption to apply. The bill requires the evidence to be submitted within 90 days of the underlying violation that led to the distracted driving charge.

Civil actions related to towing

(R.C. 4513.71)

The bill establishes a process for a motor vehicle owner to file a civil action to dispute a towing service or storage facility's charges related to the towing and storage of that owner's motor vehicle, cargo, or personal property after a motor vehicle accident. The process established is similar to the current process used by insurance companies to dispute these type of charges on behalf of their customers. Under the bill, the owner may file the action on his or her own behalf or on behalf of a third party for whom the owner commercially transports the cargo that is the subject of the civil action. The owner may file the action in the municipal or county court with territorial jurisdiction over the location of the accident.

Similarly, the bill authorizes a towing service or storage facility to commence a civil action against a motor vehicle owner if all of the following apply:

1. The motor vehicle, cargo, or personal property was removed, towed, or stored after a motor vehicle accident;
2. The motor vehicle owner has not paid the amount billed or commenced the civil action described above to dispute the charges within 45 days of the owner receiving the bill from the towing service or storage facility; and

3. The towing service or storage facility is not seeking title to the motor vehicle, in accordance with current law procedures, until judgment is entered in the current civil action.

Regardless of who files the civil action, if the owner objects to the billed amount, the owner must include in the owner's complaint, answer, or objection the amount of the bill that is undisputed and the owner's reasons for objecting to the remainder. The owner must also post a bond equal to the disputed amount. After receipt of payment for the undisputed amount, within two business days, the towing service or storage facility must release the subject motor vehicle, cargo, or personal property.

If the billed amount is in dispute, the court must make a determination on the reasonableness of the amount charged by the towing service or storage facility. If the amount is reasonable, the court must order the owner to pay the remaining amount of the bill. If the amount is unreasonable, the court must determine a reasonable amount and order the owner to pay any remaining amount. Any remaining payment comes from the bond posted by the owner, and any of the bond left after payment must be returned to that owner. The court may also require either party to pay or refund any additional amounts or may impose any monetary penalties on either party, if appropriate.

Peer-to-peer car sharing programs

(R.C. 4516.01, 4516.02, 4516.05, 4516.06, 4516.08, 4516.09, and 4516.10)

The bill makes numerous changes related to a peer-to-peer (P2P) car sharing program's general responsibilities and insurance requirements. Under current law, a program must collect specified information from the shared vehicle owners and shared vehicle drivers both before entering into a P2P car sharing program agreement and as ongoing information for shared vehicles that are part of the platform. The bill removes information collection requirements for the following:

- The name and address of any alternative drivers (but still requires an alternative driver to submit their driver's license information);
- Information regarding whether the shared vehicle owner or shared vehicle drivers have a motor vehicle liability policy or other proof of financial responsibility;
- Information about any outstanding safety recalls on the shared vehicle; and
- Verification that the shared vehicle is properly registered in either Ohio or another state.

Additionally, under current law, a P2P car sharing program is prohibited from allowing a P2P car sharing agreement through its platform if it knows that (1) the person driving the shared vehicle is not a party to the agreement or does not have a valid driver's license, or (2) that the shared vehicle is not properly registered. The bill removes these prohibitions. It also removes requirements that the program collect, verify, and maintain records pertaining to the dates, times, and duration of time that a shared vehicle driver possess a shared vehicle through the program.

Similarly, the bill removes requirements that the program establish commercially reasonable procedures to determine safety recalls that apply to the shared vehicles on its platform after initial registration with the platform. However, it retains the requirements that the program verify that there are no outstanding safety recalls on initial registration and that shared vehicle owners alert the program to safety recalls after registration. The bill specifies that P2P car sharing is subject to the laws governing consumer sales practices; however, it removes current law references and specifications regarding the roles of each party (the program, the shared vehicle owner, and the shared vehicle driver) within those laws.

Related to the P2P car sharing agreement between the parties, the bill clarifies that if the parties agree to an alternative location for return of the vehicle, that new location must be incorporated into the agreement in order to trigger the car sharing termination time.

Insurance requirements

The bill expands on current law's general statement that an insurer may limit, restrict, or exclude coverage of a shared vehicle within its insurance policies. Specifically, the bill specifies that an insurer may exclude or limit coverage for bodily injury and property damage, uninsured or underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, collision physical damage coverage, and loss of earnings coverage. Insurance companies are free to either include, exclude, or otherwise limit coverage of a shared vehicle as they determine appropriate within the policies they establish with their customers.

Given that some insurance companies may not provide shared vehicle coverage to their customers, the bill requires a P2P car sharing program to have either a policy of insurance or a self-insurance mechanism to cover its liabilities and obligations, which include providing coverage when the shared vehicle owner or shared vehicle driver cannot. Policies (and other forms of proof of financial responsibility) must still provide the minimum coverage required by Ohio law and recognize the motor vehicle as a shared vehicle. The bill adds that the policies must also not expressly exclude the use of the insured vehicle as a shared vehicle by a shared vehicle driver and that the program must cover the difference in minimum coverage if the shared vehicle is operated in a state that has higher minimum coverage requirements.

The bill retains current law that specifies that the shared vehicle owner, shared vehicle driver, or P2P car sharing program may provide the necessary insurance over the shared vehicle and the use of that vehicle through the program. However, it designates the person so providing the insurance as the "primary insurance." The primary insurance must assume primary liability for the claim if:

- There is a dispute over who was operating the shared vehicle at the time of the loss (and the program does not have any applicable records to note the operator at the time); or
- There is a dispute as to whether the shared vehicle was returned to the correct location.

Additionally, the bill removes the requirement that the P2P car sharing program examine the insurance policy of the shared vehicle owner or shared vehicle driver (to determine if car sharing coverage is excluded) if the owner or driver refuses coverage provided

by the program. The removal does not relieve the program of the requirement to provide insurance if the shared vehicle owner or shared vehicle driver's insurance does not provide the required coverage and to ensure that the shared vehicle is insured during the car sharing period.

Motor vehicle sales, dealers, and manufacturers

Motor vehicle sales

(R.C. 4517.01)

The bill expands the meaning of "person" under the Motor Vehicle Sales Law to expressly include a variety of business entities, such as a sole proprietorship, a limited liability company, a limited liability partnership, and a business trust. Thus, the bill clarifies that these legally recognized business entities are subject to the requirements, prohibitions, and penalties of that law. The current law definition already includes a variety of business entities; however, those listed above were not expressly included in that list.

The bill also expands the meaning of "business" and "retail sale" within the Motor Vehicle Sales Law to encompass activities that are conducted and sales that occur through the internet or other computer networks. In recent years, numerous motor vehicle dealers, both established dealers and newer start-ups, have attempted to make the car buying process simpler by offering online buying options. The bill ensures that businesses selling motor vehicles online are still subject to BMV regulations pertaining to motor vehicle sales by expanding those definitions.

Likewise, the bill modifies the meaning of "motor vehicle leasing dealer," affecting which entities must meet the statutory requirements for leasing dealers. The modification consists of both of the following:

1. It includes a financial institution acting as the lessor for a lease or a sublease; and
2. It excludes a new motor vehicle dealer that is not acting as the lessor and is only assisting in arranging a lease on the lessor's behalf.

Additionally, the bill creates a definitive meaning of "established place of business," which current law regulates, but does not define. Specifically, an established place of business is a permanent, enclosed building or structure that meets the following conditions:

1. It is owned, leased, or rented by the motor vehicle dealer;
2. It meets local zoning or municipal requirements;
3. At least one person regularly occupies it;
4. It is easily accessible to the public;
5. The records and files necessary to conduct the business are generally kept and maintained at the location or are readily accessible and available for reasonable inspection from that location (e.g., electronic files); and

6. It is not a residence, tent, temporary stand, storage shed, lot, or any temporary quarters, unless otherwise authorized by the Registrar.

Under law unchanged by the bill, motor vehicle dealers (new, used, and leasing), motor vehicle auction owners, and distributors are required to have an established place of business to sell, display, offer for sale, deal in, or lease motor vehicles.¹⁴⁷ Thus, the specified conditions for an established place of business could potentially prevent those that do not meet those conditions from licensure under the Motor Vehicle Sales Law.

Manufacturer, dealer, and distributor vehicle registration

(R.C. 4503.27, 4503.271, 4503.28, 4503.30, 4503.301, 4503.31, 4503.311, 4503.312, 4503.32, 4503.33, and 4503.34)

The bill requires the Registrar to issue a license plate, rather than a placard as in current law, to vehicle manufacturers, dealers, distributors, and other similar professionals that require a temporary identification for the vehicles that are in their possession. Under law unchanged by the bill, the Registrar and BMV license and regulate motor vehicle manufacturers, dealers, and distributors. As part of that licensing, the Registrar assigns those entities a distinctive number. The Registrar, historically, issued the entity a placard displaying that distinctive number. The entity could then use the placard on its various vehicles when each of the vehicles was operated on the public streets and highways (e.g., during a test drive by a customer). According to the BMV, current practice is to issue a license plate, rather than a placard, for the entities to use on the vehicles.

In addition to the original license plate, a manufacturer, dealer, or distributor may request additional license plates with the same distinctive number. Having additional copies allows the entity to have multiple vehicles driven at the same time. The entity pays an annual \$5 fee for each additional license plate. Historically, the Registrar issued certified copies of the original certificate of registration for each of the additional placards. Currently, the Registrar issues instead an additional registration certificate with the same numbering as the original. The bill updates the registration laws related to motor vehicle manufacturers, dealers, and distributors to reflect the current practices.

Along with motor vehicle manufacturers, dealers, and distributors, other similar professionals use the temporary identification placards/license plates. The bill applies the same changes to license plates and additional certificates of registration to those professionals. Those professionals include:

- Manufacturers, dealers, and distributors of commercial cars, commercial tractors, trailers, or semitrailers;
- Those engaged in testing motor vehicles or motorized bicycles;
- Those who collect motor vehicles as the collateral of a secured transaction;

¹⁴⁷ R.C. 4517.03, 4517.12, and 4517.13, not in the bill.

- Those transporting or holding motor vehicles for an insurance company for salvage disposition;
- Those engaged in salvage operations or scrap metal processing;
- Those testing motor vehicles as part of an Ohio nonprofit corporation;
- Those engaged in rustproofing, reconditioning, or installing equipment or trim on motor vehicles;
- Those engaged in manufacturing articles for attachment to motor vehicles;
- Towers (for the motor vehicle being towed to a point of storage);
- Those using trailers who are engaged in the business of selling tangible personal property other than motor vehicles;
- Manufacturers and dealers in watercraft trailers;
- Manufacturers, distributors, and retail sellers of utility trailers or trailers used for motorcycles, snowmobiles, or all-purpose vehicles; and
- A drive-away operator or trailer transporter (a person that transports new or used motor vehicles).

Licensee contact information

(R.C. 4517.23 and 4738.08; R.C. 2901.20, 2901.21, 4517.99 and 4738.99, not in the bill)

The bill prohibits a salvage motor vehicle dealer, salvage motor vehicle auction, salvage motor vehicle pool, and a motor vehicle dealer, leasing dealer, and distributor from failing to notify the Registrar of any change in status regarding the dealer's or distributor's business contact information, including the relevant business phone number and business email address. The bill imposes a criminal penalty of a fourth degree misdemeanor for a violation of the prohibition but does not specify a culpable mental state (*mens rea*) necessary to commit the offense.

Under current law, dealers, auctions, pools, and distributors are prohibited from failing to notify the Registrar of changes to ownership personnel or the location of the principal place of business. The *mens rea* for commission of the current and new offenses are not specified. However, because current law requires criminal offenses enacted after March 23, 2015, to contain a culpable mental state, a court could determine that the new offenses established by the bill are void.

Salvage dealer provisional license

(R.C. 4738.071)

Under current law, prior to the issuance of a permanent motor vehicle salvage dealer license to an applicant for an initial license, the Registrar must issue a provisional license. A provisional license is valid for 180 days. During that time, the Registrar must inspect the premises of the provisional licensee to verify compliance with the law governing motor vehicle

salvage dealers. The bill permits the Registrar to utilize an agent to inspect the place of business of the provisional licensee.

After a successful inspection of a provisional licensee's place of business, the bill requires the Registrar to issue a license without provisional status to the licensee. The bill eliminates a requirement that the Registrar provide written notice to the licensee that the license no longer has provisional status.

After an unsuccessful inspection, current law requires the Registrar to send notice of the revocation of the provisional license. The bill requires the Registrar to provide the notice in accordance with the Administrative Procedure Act (R.C. Chapter 119).

Used dealer provisional license

(R.C. 4517.10 and 4517.101)

The bill creates a provisional, 180-day, used motor vehicle dealer license, applicable for the first issuance of the license to an applicant. The provisional license is similar in structure to the provisional salvage motor vehicle dealer license. During the provisional license period, the Registrar, or the Registrar's agent, must inspect the dealer's place of business to determine compliance with the Used Motor Vehicle Dealer Law.

After the inspection, the inspector must notify the holder of whether the holder is currently in compliance. The inspector must then also notify the Registrar. If the provisional license holder is in compliance, the Registrar must issue a nonprovisional used motor vehicle dealer license. That license remains valid until its expiration date, unless it is suspended or revoked. If the provisional license holder is not in compliance, the Registrar must send a written notice, in accordance with the Administrative Procedure Act (R.C. Chapter 119), notifying the holder that the Registrar is revoking the provisional license and that the holder may appeal the revocation to the Motor Vehicle Dealers Board.

Any owner, operator, partner, or director of the applicant business entity that either (1) currently holds a valid new motor vehicle dealer license or (2) previously held a valid new motor vehicle dealer license within the two years preceding the application is exempt from obtaining a provisional used motor vehicle dealer license. If the person previously held the new motor vehicle dealer license, that license cannot have been suspended or revoked in order for the applicant to qualify for the exemption.

Corrective changes

(R.C. 4517.05, 4517.06, 4517.07, and 4517.08)

The bill makes corrective changes to several references in current law to an "annual renewal" for the used motor vehicle license, the motor vehicle leasing dealer's license, the

motor vehicle auction owner's license, and the distributor's license. In practice, and in a separate reference for all of the licenses, they renew biennially.¹⁴⁸

State Board of Emergency Medical, Fire, and Transportation Services

(R.C. 4765.02 and 4765.04)

The bill eliminates a requirement that each organization required to nominate persons to the State Board of Emergency Medical, Fire, and Transportation Services put forth three nominees. Instead, it allows each organization to nominate any number of persons. As under current law, the Governor must then appoint a Board member from those nominees.

For example, one member of the Board must be a physician certified by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The Ohio Chapter of the American College of Emergency Physicians and the Ohio Osteopathic Association must each nominate three persons for this position. Under the bill, each of these organizations may nominate any number of persons for the position. The Governor must then appoint the physician Board member from those nominees.

In addition, the bill does both of the following regarding the Board member who must be certified to teach emergency medical services training and who must hold a certificate to practice as an EMT, AEMT, or paramedic:

- Eliminates the requirement that the Governor appoint the member from among three persons nominated by the Ohio Emergency Medical Technician Instructors Association and the Ohio Instructor/Coordinators' Society; and
- Instead, requires the member to be appointed from among EMTs, AEMTs, and paramedics nominated by the Ohio Association of Professional Firefighters and EMTs, AEMTs, and paramedics nominated by the Northern Ohio Fire Fighters.

The bill specifies that if any organization required to make nominations to the Board ceases to exist or fails to make a nomination within 60 days of a vacancy, the Governor may appoint any person who meets the professional qualifications designated for that member.

Finally, the bill extends the potential time a member of the Board may continue in office if a successor does not take office from 60 days to three years. For reference, a Board member's term is three years.

The bill also eliminates a requirement that each organization required to nominate persons to the Board's Trauma Committee put forth three nominees. Instead, it allows each designated organization to nominate any number of persons. The DPS Director must then

¹⁴⁸ R.C. 4517.10.

appoint members from those nominees. The bill specifies that if any nominating organization ceases to exist or fails to nominate a member within 60 days of a vacancy, the Director may appoint any person who meets the professional qualifications designated for that member.

The bill eliminates a restriction preventing the Director from appointing more than one member to the Trauma Committee who is employed by or practices in the same health system. It also allows the Director to appoint persons who practice at the same hospital or with the same emergency medical service (EMS) organization, provided they do not primarily practice at the same hospital or with the same EMS organization. Currently, the Director cannot appoint more than one member who is employed by or practices at the same hospital, health system, or EMS organization.

Emergency medical vehicle and aircraft permits

(R.C. 4766.07)

The bill shortens the timeframe by which the State Board of Emergency Medical, Fire, and Transportation Services must issue or deny a permit application for an emergency medical vehicle or aircraft from within 60 days of receiving the application to within 45 days.

Assistant EMS and firefighter instructors

(R.C. 505.38, 737.22, 4765.11, and 4765.55)

H.B. 509 of the 134th General Assembly made changes to the law governing several occupational licenses, including eliminating the EMS Assistant Instructor Certificate and the Assistant Fire Instructor Certificate. In order to effectuate the elimination of the certifications, the State Board of Emergency Medical, Fire, and Transportation Services, after April 6, 2023, was required to no longer require certification to practice as an EMS or fire assistant instructor, to no longer issue those certifications, and to no longer renew any current certifications. A person currently certified as an EMS or fire assistant instructor, however, could retain that certification until its expiration, subject to any of the conditions or responsibilities of retaining it.

The bill modifies the elimination of these certifications by allowing anyone holding an unexpired and valid EMS Assistant Instructor Certificate or Assistant Fire Instructor Certificate prior to April 6, 2023, to continue to both hold and to renew those certifications. The certification remains valid (still subject to the conditions and responsibilities of retaining it) until its holder allows it to expire or to lapse. The Board cannot issue new certifications (consistent with H.B. 509); however, the bill preserves the existing certifications and their renewal.

Ohio Narcotics Intelligence Center

(R.C. 5502.69)

The bill codifies the Ohio Narcotics Intelligence Center in DPS. According to DPS, the Center was created by Governor DeWine in 2019 via Executive Order 2019-20D.

The Center must do all of the following:

1. Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives;

2. Collect, analyze, maintain, and disseminate information to support law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records that are not considered a public record.

3. Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities; and

4. Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies.

The DPS Director must appoint an executive director of the Center. The executive director must serve at the Director's discretion. The executive director must advise the Governor and the Director on matters pertaining to illegal drug activities. To carry out the duties assigned under the bill, the executive director, subject to the direction and control of the Director, may appoint and maintain necessary staff and may enter into any necessary agreements.

State Hazard Mitigation Grant Program

(R.C. 5502.251)

The bill requires the DPS Director, in accordance with the Administrative Procedure Act (R.C. Chapter 119), to adopt rules to establish and administer a State Hazard Mitigation Grant Program. The Director must use the program to provide grants to eligible applicants to undertake actions that reduce the impact to people and property from hazards and disasters. An eligible applicant is any state agency or a municipal corporation, township, county, school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

The rules must establish the following regarding the program:

1. A list of hazards and disasters for which grants may be issued;
2. Priorities for grant funding, including giving priority to applicants that intend to use grant money for both of the following:
 - a. To mitigate hazards and disasters that constitute the highest risk based on the state's hazard mitigation plan;
 - b. To undertake actions that mitigate risk during the recovery period following a disaster.

3. Eligibility requirements for applicants to receive a grant, including a requirement that all applicants have, at the time a grant is awarded, a current hazard mitigation plan approved by the Federal Emergency Management Agency;

4. A minimum percentage for nonstate matching funds to be provided by applicants;

5. Grant application forms and procedures for submitting the forms;

6. A requirement that mitigation projects be cost effective;

7. If grant money is to be used for purposes of acquisition of property and demolition actions at the property, a requirement that the property acquired must be deed restricted as open space in perpetuity; and

8. Any other requirements or procedures necessary to administer the program.

The bill exempts rules adopted by the Director governing the program from the law concerning reductions in regulatory restrictions.

Security Grants Program

(Sections 373.10 and 373.20)

The bill expands the eligible purposes of grants issued under the Security Grants Program. The Emergency Management Agency (EMA) administers the program and it has existed in its current form since approximately 2019. Through the program, the EMA issues grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools. Under current law, the EMA issues grants for various security and counterterrorism purposes. The bill keeps to that general purpose but expands the specific uses of the grant money to include the following:

1. The lease, in addition to purchase, of qualified equipment (e.g., equipment for emergency and crisis communication, crisis management, or trauma and crisis response);

2. The placement of qualified equipment at a location that is not owned by the grantee, provided the appropriate authorizations are given by the political subdivision or law enforcement agency with jurisdiction over the location;

3. To fund coordinated training between law enforcement, counterterrorism agencies, and emergency responders; and

4. To continue coverage of costs that were covered by a prior grant issued to the grantee by the EMA.

The bill also authorizes a nonprofit organization that serves a broad community or geographic area to use the grant money to provide antiterrorism-related services for all of its served area, including armed security personnel. Prior to receiving the grant, however, the nonprofit organization must provide the EMA with any appropriate compliance documentation required by the EMA. Additionally, multiple nonprofit organizations that are located at the same address may apply for separate security grants, if the nonprofit organizations can explain how they will each use the funding to address a different vulnerability. The bill requires the

EMA to include information about the Security Grants and the application process on its website.

Public Safety – Highway Purposes Fund Study Committee

(Section 745.10)

The bill establishes the Public Safety – Highway Purposes Fund Study Committee, which must study the long term issues facing the fund. The Committee must submit a report of its findings and recommendations by July 1, 2024, to the Speaker of the House and the Senate President. The Committee terminates upon submission of the report. The Committee consists of the following nine members:

- The following three members appointed by the Governor:
 - One member representing DPS other than BMV and the Ohio State Highway Patrol;
 - One member representing BMV; and
 - One member representing the Ohio State Highway Patrol.
- Three members appointed by the Senate President, comprised of two Republicans and one Democrat; and
- Three members of the House appointed by the Speaker, comprised of two Republicans and one Democrat.

Specific investigatory work product

(R.C. 149.43)

The bill specifies that “specific investigatory work product,” as used in the definition of “confidential law enforcement investigatory record” and therefore exempted from public disclosure by the Public Records Law, means any record, thing, or item that documents the independent thought processes, factual findings, mental impressions, theories, strategies, opinions, or analyses of an investigating officer or an agent of an investigative agency and also includes any documents and evidence collected, written or recorded interviews or statements, interview notes, test results, lab results, preliminary lab results, and other internal memoranda, things, or items created during any point of an investigation. “Specific investigatory work product” does not include basic information regarding date, time, address, and type of incident.

Trial preparation records and attorney work product records

(R.C. 149.43)

Under the bill, confidential attorney work product records are exempt from disclosure as public records at any time. The bill defines “attorney work product record” as any record that documents the independent thought processes, mental impressions, legal theories, strategies, opinions, analysis, or reasoning of an attorney for the state, including, but not limited to, reports, memoranda, or other internal documents made by a prosecuting attorney, or the prosecuting attorney’s agent, in connection with the investigation or prosecution of a case.

Additionally, under the bill, trial preparation records are exempt from the Public Records Law until after the conclusion of all direct appeals, or, if no appeal is filed, at the expiration of the time during which an appeal may be filed.