

As Passed by the Senate

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Am. Sub. S. B. No. 179

Senator Wilson

**Cosponsors: Senators Sawyer, Tavares, Kearney, Schaffer, Coley, Eklund,
Faber, Gentile, Hite, Hughes, Manning, Obhof, Patton, Seitz, Turner,
Wagoner**

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A B I L L

To amend sections 1505.11, 4519.03, and 5533.941 and 1
to enact sections 1505.12, 1505.13, and 4503.515 2
of the Revised Code to create the "Ohio Geology" 3
license plate, to require the Ohio Geology 4
Advisory Council to establish and administer a 5
grant program utilizing the contributions that are 6
paid by persons who obtain the license plate, to 7
eliminate the provision in the Special Vehicle Law 8
that permits owners of certain off-highway 9
motorcycles and all-purpose vehicles to register 10
the motorcycles and vehicles by presenting 11
affidavits of ownership rather than certificates 12
of title, and to relocate the portion of State 13
Route 170 designated as the "Cpl. Kenneth Tyler 14
Butler Memorial Highway". 15

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

Section 1. That sections 1505.11, 4519.03, and 5533.941 be 16
amended and sections 1505.12, 1505.13, and 4503.515 of the Revised 17
Code be enacted to read as follows: 18

Sec. 1505.11. (A) There is hereby created in the department 19
of natural resources the Ohio geology advisory council consisting 20
of seven members to be appointed by the governor with the advice 21
and consent of the senate. No more than four of the members shall 22
be of the same political party. Members shall be persons who have 23
a demonstrated interest in the geology and mineral resources of 24
this state and whose expertise reflects the various 25
responsibilities of the division of geological survey. The council 26
shall include at least one representative from each of the 27
following: the oil and gas industry, the industrial minerals 28
industry, the coal industry, hydrogeology interests, environmental 29
geology interests, and an institution of higher education in this 30
state. The chief of the division of geological survey may 31
participate in the deliberations of the council, but shall not 32
vote. 33

Within ninety days after May 3, 1990, the governor shall make 34
initial appointments to the council. Of the initial appointments, 35
three shall be for a term ending one year after May 3, 1990, three 36
shall be for a term ending two years after May 3, 1990, and one 37
shall be for a term ending three years after May 3, 1990. 38
Thereafter, terms of office shall be for three years, with each 39
term ending on the same day of the same month as did the term that 40
it succeeds. Members may be reappointed. The governor may remove 41
any member at any time for inefficiency, neglect of duty, or 42
malfeasance in office. Vacancies shall be filled in the manner 43
provided for original appointments. Any member appointed to fill a 44
vacancy prior to the expiration date of the term for which the 45
member's predecessor was appointed shall hold office as a member 46
for the remainder of that term. A member shall continue in office 47
subsequent to the expiration date of the member's term until the 48
member's successor takes office or until a period of sixty days 49
has elapsed, whichever occurs first. 50

Serving as an appointed member on the council does not 51
constitute holding a public office or position of employment under 52
the laws of this state and does not constitute grounds for removal 53
of public officers or employees from their offices or positions of 54
employment. 55

Members shall serve without compensation, but shall be 56
reimbursed for their actual and necessary expenses incurred in the 57
performance of their official duties from moneys appropriated to 58
the division. 59

The council annually shall select from its members a 60
chairperson and a vice-chairperson. The council shall hold at 61
least one meeting each calendar quarter and shall keep a record of 62
its proceedings, which shall be open to public inspection. Special 63
meetings may be called by the chairperson and shall be called upon 64
the written request of two or more members. A majority of the 65
members constitutes a quorum. The division shall furnish clerical, 66
technical, legal, and other services required by the council in 67
the performance of its duties. 68

(B) The council shall do all of the following: 69

~~(A)~~(1) Advise the chief in carrying out the duties of the 70
division under this chapter; 71

~~(B)~~(2) Recommend policy and legislation with respect to 72
geology, resource analysis, and management that will promote the 73
economic and industrial development of the state while minimizing 74
threats to the natural environment of the state; 75

~~(C)~~(3) Review and make recommendations on the development of 76
plans and programs for long-term, comprehensive geologic mapping 77
and analysis throughout the state; 78

~~(D)~~(4) Recommend ways to enhance cooperation among 79
governmental agencies having an interest in the geology of the 80
state to encourage wise use and management of the geology and 81

mineral resources of the state. To this end, the council shall 82
request nonvoting representation from appropriate governmental 83
agencies. 84

~~(E)~~(5) Review and make recommendations with respect to 85
changes in the fee schedules established in rules adopted under 86
section 1505.05 of the Revised Code. 87

(6) Establish and administer the grant program as described 88
in section 1505.12 of the Revised Code. 89

Sec. 1505.12. The Ohio geology advisory council shall 90
establish a grant program utilizing the contributions that are 91
paid to the bureau of motor vehicles by persons who obtain "Ohio 92
geology" license plates pursuant to section 4503.515 of the 93
Revised Code and are deposited into the "Ohio geology" license 94
plate fund created by section 1505.13 of the Revised Code. The 95
primary purpose of the program shall be the awarding of grants by 96
the council to geology departments of colleges and universities 97
located in this state for graduate level research conducted at 98
locations of geological interest in this state. Subject to the 99
amount of money in the fund, the secondary purpose of the program 100
shall be to provide materials such as rock and mineral kits to 101
elementary and secondary schools in this state to assist students 102
at those schools in the study of geology. 103

The council shall award grants at least annually and, in its 104
discretion, may award grants on a more frequent basis. 105

Sec. 1505.13. There is hereby created in the state treasury 106
the "Ohio geology" license plate fund. The fund shall consist of 107
the contributions that are paid to the bureau of motor vehicles by 108
applicants who choose to obtain "Ohio geology" license plates 109
pursuant to section 4503.515 of the Revised Code. 110

The contributions deposited into the fund shall be used by 111

the Ohio geology advisory council in the manner described in 112
section 1505.12 of the Revised Code. 113

Sec. 4503.515. (A) The owner or lessee of any passenger car, 114
noncommercial motor vehicle, recreational vehicle, or other 115
vehicle of a class approved by the registrar of motor vehicles may 116
apply to the registrar for the registration of the vehicle and 117
issuance of "Ohio geology" license plates. The application may be 118
combined with a request for a special reserved license plate under 119
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 120
the completed application and compliance by the applicant with 121
divisions (B) and (C) of this section, the registrar shall issue 122
to the applicant the appropriate vehicle registration and a set of 123
"Ohio geology" license plates and a validation sticker, or a 124
validation sticker alone when required by section 4503.191 of the 125
Revised Code. 126

In addition to the letters and numbers ordinarily inscribed 127
on the license plates, "Ohio geology" license plates shall bear an 128
appropriate logo and words selected by the Ohio geology advisory 129
council and approved by the registrar. "Ohio geology" license 130
plates shall display county identification stickers that identify 131
the county of registration by name or number. 132

(B) "Ohio geology" license plates and a validation sticker, 133
or validation sticker alone, shall be issued upon receipt of an 134
application for registration of a motor vehicle under this 135
section; payment of the regular license tax as prescribed under 136
section 4503.04 of the Revised Code, any applicable motor vehicle 137
license tax levied under Chapter 4504. of the Revised Code, any 138
applicable additional fee prescribed by section 4503.40 or 4503.42 139
of the Revised Code, an additional fee of ten dollars, and a 140
contribution as provided in division (C) of this section; and 141
compliance with all other applicable laws relating to the 142

registration of motor vehicles. 143

(C) For each application for registration and registration 144
renewal notice the registrar receives under this section, the 145
registrar shall collect a contribution of fifteen dollars. The 146
registrar shall transmit this contribution to the treasurer of 147
state for deposit into the state treasury to the credit of the 148
"Ohio geology" license plate fund created by section 1505.13 of 149
the Revised Code. 150

The registrar shall transmit the additional fee of ten 151
dollars, the purpose of which is to compensate the bureau of motor 152
vehicles for the additional services required in the issuing of 153
"Ohio geology" license plates, to the treasurer of state for 154
deposit into the state treasury to the credit of the state bureau 155
of motor vehicles fund created by section 4501.25 of the Revised 156
Code. 157

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 158
motorcycle, and all-purpose vehicle required to be registered 159
under section 4519.02 of the Revised Code shall file an 160
application for registration with the registrar of motor vehicles 161
or a deputy registrar, on blanks furnished by the registrar for 162
that purpose and containing all of the following information: 163

(1) A brief description of the snowmobile, off-highway 164
motorcycle, or all-purpose vehicle, including the year, make, 165
model, and the vehicle identification number; 166

(2) The name, residence, and business address of the owner; 167

(3) A statement that the snowmobile, off-highway motorcycle, 168
or all-purpose vehicle is equipped as required by section 4519.20 169
of the Revised Code and any rule adopted under that section. The 170
statement shall include a check list of the required equipment 171
items in the form the registrar shall prescribe. 172

The application shall be signed by the owner of the 173
snowmobile, off-highway motorcycle, or all-purpose vehicle and 174
shall be accompanied by a fee as provided in division (C) of 175
section 4519.04 of the Revised Code. 176

If the application is not in proper form, or if the vehicle 177
for which registration is sought does not appear to be equipped as 178
required by section 4519.20 of the Revised Code or any rule 179
adopted under that section, the registration shall be refused, and 180
no registration sticker, license plate, or validation sticker 181
shall be issued. 182

(B) ~~Except as provided in this division, no~~ No certificate of 183
registration or renewal of a certificate of registration shall be 184
issued for an off-highway motorcycle or all-purpose vehicle 185
required to be registered under section 4519.02 of the Revised 186
Code, and no certificate of registration issued under this chapter 187
for an off-highway motorcycle or all-purpose vehicle that is sold 188
or otherwise transferred shall be transferred to the new owner of 189
the off-highway motorcycle or all-purpose vehicle as permitted by 190
division (B) of section 4519.05 of the Revised Code, unless a 191
certificate of title has been issued under this chapter for the 192
motorcycle or vehicle, and the owner or new owner, as the case may 193
be, presents a physical certificate of title or memorandum 194
certificate of title for inspection at the time the owner or new 195
owner first submits a registration application, registration 196
renewal application, or registration transfer application for the 197
motorcycle or vehicle if a physical certificate of title or 198
memorandum certificate has been issued by a clerk of a court of 199
common pleas. If, under sections 4519.512 and 4519.58 of the 200
Revised Code, a clerk instead has issued an electronic certificate 201
of title for the applicant's off-highway motorcycle or all-purpose 202
vehicle, that certificate may be presented for inspection at the 203
time of first registration in a manner prescribed by rules adopted 204

by the registrar. ~~In the case of an off-highway motorcycle or~~ 205
~~all purpose vehicle that was purchased prior to October 1, 2005,~~ 206
~~and for which a certificate of title has not been issued, the~~ 207
~~owner shall not be required to present a physical certificate of~~ 208
~~title or memorandum certificate of title or an electronic~~ 209
~~certificate of title for the motorcycle or vehicle but instead may~~ 210
~~present a signed affidavit of ownership in a form prescribed by~~ 211
~~the registrar. The affidavit shall include, at a minimum, the date~~ 212
~~of purchase, make, model, and vehicle identification number of the~~ 213
~~motorcycle or vehicle. If no vehicle identification number has~~ 214
~~been assigned to the off-highway motorcycle or all purpose~~ 215
~~vehicle, then the serial number of the motorcycle or vehicle shall~~ 216
~~be presented at the time of application.~~ 217

(C) When the owner of an off-highway motorcycle or 218
all-purpose vehicle first registers it in the owner's name, and a 219
certificate of title has been issued for the motorcycle or 220
vehicle, the owner shall present for inspection a physical 221
certificate of title or memorandum certificate of title showing 222
title to the off-highway motorcycle or all-purpose vehicle in the 223
name of the owner if a physical certificate of title or memorandum 224
certificate has been issued by a clerk of a court of common pleas. 225
If, under sections 4519.512 and 4519.58 of the Revised Code, a 226
clerk instead has issued an electronic certificate of title for 227
the applicant's off-highway motorcycle or all-purpose vehicle, 228
that certificate may be presented for inspection at the time of 229
first registration in a manner prescribed by rules adopted by the 230
registrar. ~~In the case of an off-highway motorcycle or all purpose~~ 231
~~vehicle that was purchased prior to October 1, 2005, and for which~~ 232
~~a certificate of title has not been issued, the owner shall not be~~ 233
~~required to present a physical certificate of title or memorandum~~ 234
~~certificate of title or an electronic certificate of title for the~~ 235
~~motorcycle or vehicle but instead may present a signed affidavit~~ 236
~~of ownership in a form prescribed by the registrar. The affidavit~~ 237

~~shall include, at a minimum, the date of purchase, make, model, and vehicle identification number of the motorcycle or vehicle. If no vehicle identification number has been assigned to the off-highway motorcycle or all-purpose vehicle, then the serial number of the motorcycle or vehicle shall be presented at the time of application.~~ If, when the owner of such an off-highway motorcycle or all-purpose vehicle first makes application to register it in the owner's name, the application is not in proper form or the certificate of title or memorandum certificate of title does not accompany the registration or, in the case of an electronic certificate of title ~~or ownership affidavit, it~~ is not presented in a manner prescribed by the registrar, the registration shall be refused, and neither a certificate of registration nor a registration sticker, license plate, or validation sticker shall be issued. When a certificate of registration and registration sticker, license plate, or validation sticker are issued upon the first registration of an off-highway motorcycle or all-purpose vehicle by or on behalf of the owner, the official issuing them shall indicate the issuance with a stamp on the certificate of title, or memorandum certificate of title, ~~or affidavit,~~ or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar.

(D) Each deputy registrar shall be allowed a fee of three dollars and fifty cents for each application or renewal application received by the deputy registrar, which shall be for the purpose of compensating the deputy registrar for services, and office and rental expense, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and the issuing of certificates of registration.

Each deputy registrar, upon receipt of any application for registration, together with the registration fee, shall transmit

the fee, together with the original and duplicate copy of the 270
application, to the registrar in the manner and at the times the 271
registrar, subject to the approval of the director of public 272
safety and the treasurer of state, shall prescribe by rule. 273

Sec. 5533.941. That part of the road known as state route 274
number one hundred seventy, ~~from~~ within the municipal corporation 275
of Calcutta in Columbiana county ~~and extending in a northeasterly~~ 276
~~direction to the intersection of that state route and the road~~ 277
~~known as Duke Vodrey road~~ only, shall be known as the "Cpl. 278
Kenneth Tyler Butler Memorial Highway." 279

The director of transportation may erect suitable markers 280
along the highway indicating its name. 281

Section 2. That existing sections 1505.11, 4519.03, and 282
5533.941 of the Revised Code are hereby repealed. 283