

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 232

Senator Uecker

Cosponsors: Senators Patton, Lehner, Brown

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A B I L L

To amend sections 4775.01, 4775.02, 4775.03, 4775.04, 1
4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 2
4775.10, and 4775.11 of the Revised Code to extend 3
the jurisdiction of the Motor Vehicle Repair Board 4
to persons who perform motor vehicle mechanical 5
repairs, to require motor vehicle repair 6
facilities to register with the Board, to create 7
the Motor Vehicle Repair Operator Vendor's License 8
Suspension Fund, and to make other changes to the 9
Motor Vehicle Repair and Window Tint Operator Law, 10
and to further amend section 4775.03 of the 11
Revised Code on July 1, 2014, to dissolve the 12
existing Motor Vehicle Repair Board and replace it 13
with a new board of the same name. 14

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

Section 1. That sections 4775.01, 4775.02, 4775.03, 4775.04, 15
4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 4775.11 16
of the Revised Code be amended to read as follows: 17

Sec. 4775.01. As used in this chapter: 18

(A) "Motor vehicle" has the same meaning as in section 19

4501.01 of the Revised Code. 20

~~(B) "Collision" means an occurrence in which two or more objects, whether mobile or stationary, contact one another in a manner that causes the alteration of the surface, structure, or appearance, whether separately or collectively, of an object that is party to the occurrence.~~ 21
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~~(C) "Collision Body repair" means any and all restorative or replacement procedures that are performed on and affect or potentially affect the structural, life safety, auto glass, and cosmetic components of a motor vehicle that has been damaged as a result of a collision. "Collision Body repair" also includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, auto glass, or cosmetic component of a motor vehicle to a condition approximating or replicating the function, use, or appearance of the component prior to a collision.~~ 26
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~~(D) "Motor vehicle collision repair operator" means any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and performs five or more motor vehicle collision repairs in a calendar year.~~ 37
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~~(E)(C) "Mechanical" means any original manufacturer equipment or aftermarket systems or parts designed for use in or on a motor vehicle, including the drive and power train, engine, transmission, suspension, steering, brakes, illumination system, heating and cooling system, air conditioning, climate controls, exhaust, fuel, ignition, starting and charging, lubrication, tires, driver and passenger restraint systems, vehicle anti-theft, and security systems.~~ 42
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(D) "Mechanical repair" means any alteration or maintenance, 50

diagnostic, or repair service procedures that are performed on and 51
affect or potentially affect the operation of a motor vehicle. 52

(E) "Motor vehicle repair" means either a motor vehicle body 53
repair or a motor vehicle mechanical repair. 54

(F) "Motor vehicle window tint operator" means any person, 55
sole proprietorship, foreign or domestic partnership, limited 56
liability corporation, or other legal entity that is not an 57
employee or agent of a principal and installs tinted glass, or 58
transparent, nontransparent, translucent, and reflectorized 59
material in or on five or more motor vehicle windshields, side 60
windows, sidewings, and rear windows in a calendar year. 61

~~(F)~~(G) "Motor vehicle repair operator" means any person, sole 62
proprietorship, foreign or domestic partnership, limited liability 63
corporation, or other legal entity that is not an employee or 64
agent of a principal and performs five or more motor vehicle 65
repairs in a calendar year, and includes a motor vehicle collision 66
repair operator and a motor vehicle window tint operator, but does 67
not mean any of the following: 68

(1) An employee, other than a manager, of a motor vehicle 69
repair operator; 70

(2) A new motor vehicle dealer licensed pursuant to sections 71
4517.01 to 4517.45 of the Revised Code, irrespective of whether or 72
not the new motor vehicle dealer also is licensed as a used motor 73
vehicle dealer pursuant to those sections; 74

(3) A new motor vehicle dealer licensed pursuant to sections 75
4517.01 to 4517.45 of the Revised Code who also is the owner, part 76
owner, or operator of a motor vehicle ~~eollision~~ repair facility or 77
a motor vehicle window tint installation facility; 78

(4) A motor vehicle auction owner licensed pursuant to 79
sections 4517.01 to 4517.45 of the Revised Code who does not 80
perform motor vehicle repairs; 81

(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	82 83
(6) A motor vehicle salvage dealer licensed pursuant to Chapter 4738. of the Revised Code;	84 85
(7) A person or lessee who owns or leases ten or more motor vehicles used principally in connection with any established business and who does not perform motor vehicle collision repairs or motor vehicle window tint installation on motor vehicles other than the motor vehicles used principally in connection with the established business;	86 87 88 89 90 91
(8) A motor vehicle renting dealer as defined in division (A)(2) of section 4549.65 of the Revised Code who does not perform motor vehicle collision repairs or motor vehicle window tint installation on motor vehicles other than the motor vehicles used in connection with the established motor vehicle renting business;	92 93 94 95 96
(9) A person who performs collision repairs or motor vehicle window tint installation on the motor vehicles of a single commercial, industrial, or governmental establishment exclusively and does not offer or provide motor vehicle collision repair service or motor vehicle window tint installation to the general public;	97 98 99 100 101 102
(10) The owner, part owner, or officer of, or instructor employed by, an educational institution that provides instruction in motor vehicle collision repair or motor vehicle window tint installation while the owner, part owner, officer of, or instructor is engaging in activity in furtherance of instruction in motor vehicle collision repair or motor vehicle window tint installation;	103 104 105 106 107 108 109
<u>(11) Any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that falls within the North American industry classification</u>	110 111 112

system industry classification code number 441320 and either 113
receives more than sixty per cent of its annual revenue from the 114
retail sale of new or used tires and inner tubes for those tires 115
or sells at retail new or used tires and inner tubes for those 116
tires and also performs motor vehicle repair; 117

(12) A national general goods retailer that also performs 118
some motor vehicle repair; 119

(13) An automobile club or association that provides motor 120
vehicle repair services for its members; 121

(14) A used motor vehicle dealer licensed pursuant to 122
sections 4517.01 to 4517.45 of the Revised Code. A used motor 123
vehicle dealer whose business receives fifty per cent or more of 124
its gross revenue from motor vehicle repairs is a motor vehicle 125
repair operator for purposes of this section. 126

~~(G)~~(H) "Motor vehicle ~~eollision~~ repair facility" means a 127
~~location~~ all mobile or stationary locations from which 128
more separate motor vehicle ~~eollision~~ repairs are performed on 129
motor vehicles in a ~~twelve-month period, commencing with the day~~ 130
~~of the month in which the first such repair is made~~ calendar year. 131

~~(H)~~(I) "Motor vehicle window tint installation facility" 132
means a ~~location~~ all mobile or stationary locations from which 133
five or more separate motor vehicle window tint installations are 134
performed on motor vehicles in a ~~twelve-month period, commencing~~ 135
~~with the day of the month in which the first such installation is~~ 136
~~made~~ calendar year. 137

Sec. 4775.02. (A) No person shall act as a motor vehicle 138
~~eollision~~ repair operator or motor vehicle window tint operator 139
unless the person is registered in accordance with this chapter. 140

(B) Each motor vehicle repair facility shall be registered 141
separately with the motor vehicle repair board. A facility that 142

conducts both body repairs and mechanical repairs at the same 143
location is required to obtain only one registration from the 144
board. 145

(C) Any person or entity that conducts or attempts to conduct 146
business as a motor vehicle ~~eollision~~ repair operator or motor 147
vehicle window tint operator in violation of this chapter performs 148
an unfair and deceptive act or practice in violation of section 149
1345.02 of the Revised Code. 150

Sec. 4775.03. (A) There is hereby created the motor vehicle 151
repair board consisting of seven members appointed by the 152
governor, with the advice and consent of the senate. Each member 153
of the board shall be a resident of the state. Five members shall 154
be motor vehicle ~~eollision~~ repair operators. One member shall 155
possess expertise in motor vehicle mechanical repair, and one 156
member shall be a representative of the public who has no 157
financial interest in the motor vehicle repair industry. 158

(B) Within ninety days after December 18, 1997, the governor 159
shall make initial appointments to the board. Of the initial 160
appointees, two are for terms ending on January 1, 1998, two are 161
for terms ending on January 1, 1999, two are for terms ending on 162
January 1, 2000, and one is for a term ending on January 1, 2001. 163
Thereafter, terms of office are for three years, with each term 164
ending on the same day of the same month as did the term that it 165
succeeds. Each member shall hold office from the date of 166
appointment until the end of the term for which the member was 167
appointed. Vacancies shall be filled in the manner prescribed for 168
original appointments. Any member appointed to fill a vacancy 169
occurring prior to the expiration of the term for which the 170
member's predecessor was appointed shall hold office for the 171
remainder of the term. A member shall continue in office 172
subsequent to the expiration date of the member's term until the 173

member's successor takes office, or until a period of sixty days 174
has elapsed, whichever occurs first. No person shall serve as a 175
member of the board for more than two consecutive full three-year 176
terms. 177

(C) In making appointments to the board under division (B) of 178
this section, the governor shall select the motor vehicle 179
collision repair operator members and the member with expertise in 180
motor vehicle mechanical repair as provided in this division. 181
Within thirty days after December 18, 1997, the automotive service 182
association of Ohio, inc., shall submit a list containing two 183
names for the motor vehicle mechanical repair member and twelve 184
names for the motor vehicle collision repair members and the 185
governor may appoint individuals from the list to fill those six 186
positions. Thereafter, within sixty days of a vacancy occurring as 187
a result of the expiration of a term and within thirty days after 188
other vacancies occurring on the board, the automotive service 189
association of Ohio, inc., shall submit a list containing three 190
names for each vacancy and the governor may appoint one of the 191
individuals from the list to fill the vacancy. If the automotive 192
service association of Ohio, inc., for its respective appointees, 193
fails to make the recommendations to the governor within the time 194
limits set by this division, the governor shall appoint an 195
individual of the governor's own choosing provided that the 196
individual meets the qualifications of division (A) of this 197
section. 198

(D) Before entering upon the duties of office, each member 199
shall take an oath of office as required by section 3.22 of the 200
Revised Code. The governor may remove any member for misconduct, 201
neglect of duty, incapacity, or malfeasance in accordance with 202
section 3.04 of the Revised Code. 203

(E) The board shall meet at least four times each year, and 204
additional meetings may be held upon the written request of any 205

four members of the board or upon the call of the chairperson. The 206
board shall elect from among its membership a chairperson and 207
vice-chairperson, each of whom shall serve for a term of one year. 208
A majority of the members of the board constitutes a quorum to 209
transact and vote on the business of the board. The chairperson 210
may appoint committees as the chairperson considers necessary to 211
carry out the duties of the board. 212

(F) Each member of the board shall receive a per diem amount 213
fixed pursuant to section 124.15 of the Revised Code when actually 214
attending to matters of the board and for the time spent in 215
necessary travel, and all actual and necessary expenses incurred 216
in the discharge of the member's duties. 217

Sec. 4775.04. ~~(A)~~ The motor vehicle repair board shall do all 218
of the following: 219

~~(1)(A)~~ Adopt rules in accordance with Chapter 119. of the 220
Revised Code as necessary to carry out the purposes of this 221
chapter. The rules ~~shall include~~ may address all of the following: 222

(1) The requirements for the type of liability insurance 223
required under division (A) of section 4775.07 of the Revised 224
Code. The rules shall permit the use of an insurance policy issued 225
by any insurer authorized to issue that type of insurance in this 226
state. 227

(2) Consumer education and protection, including inside and 228
outside signage for the benefit of consumers and the establishment 229
of a toll-free telephone number for consumers to call to voice 230
complaints about an operator; 231

(3) Relevant aspects of registration of motor vehicle repair 232
operators, including the identification by national institute of 233
automotive service excellence category of services provided or 234
their equivalents; persons whom the board determines are exempt 235

<u>from the requirements of this chapter, in addition to those</u>	236
<u>persons described in division (F) of section 4775.01 of the</u>	237
<u>Revised Code; and the form for license applications;</u>	238
<u>(4) The contents of all estimates, whether for body repair,</u>	239
<u>mechanical repair, or both;</u>	240
<u>(5) The contents of all invoices;</u>	241
<u>(6) Compliance by operators with all local ordinances or</u>	242
<u>resolutions, state statutes and rules, and federal statutes and</u>	243
<u>regulations;</u>	244
<u>(7) The certification of technicians;</u>	245
<u>(8) Minimum training requirements for technicians and</u>	246
<u>administrative staff;</u>	247
<u>(9) Appropriate equipment requirements for operators who</u>	248
<u>perform body repair and those who perform mechanical repair.</u>	249
<u>(B) Appoint an executive director to serve at the pleasure of</u>	250
<u>the board;</u>	251
+3+(C) Direct the executive director as to how the executive	252
director shall perform the duties imposed under this chapter;	253
+4+(D) Consider and make recommendations in regard to all	254
matters submitted to the board by the executive director;	255
+5+(E) Determine whether to refuse to issue or renew a	256
registration certificate or determine whether to waive a	257
suspension of a registration certificate as provided in division	258
(D) of section 4775.07 of the Revised Code;	259
+6+(F) Do all acts and perform all functions as are necessary	260
for the administration and enforcement of this chapter.	261
(B) Nothing in this chapter shall be interpreted as granting	262
the board any authority over a motor vehicle collision repair	263
operator concerning the quality of work performed in the repair	264

~~of, or installation of parts on, motor vehicles.~~ 265

Sec. 4775.05. (A) The motor vehicle repair board shall 266
appoint an individual who is not a member of the board as a 267
full-time employee of the board to serve as the executive director 268
of the board. The executive director shall serve at the pleasure 269
and direction of the board. The director of administrative 270
services shall establish the executive director's salary in a pay 271
range as provided in division (J) of section 124.15 of the Revised 272
Code. The executive director, subject to the approval of the 273
board, shall determine the office space, supplies, and 274
professional and clerical assistance necessary to effectively 275
perform the executive director's duties. 276

(B) The executive director shall perform all the following 277
duties: 278

(1) Review and submit to the board, for its approval, 279
applications for registration pursuant to section 4775.07 of the 280
Revised Code; 281

(2) Issue registration certificates, as approved by the 282
board, to persons who meet the qualifications for registration 283
under division (A) of section 4775.07 of the Revised Code; 284

(3) Maintain a written record of all persons registered 285
pursuant to section 4775.07 of the Revised Code. The record shall 286
include the name, address, and motor vehicle repair registration 287
certificate number of each registered motor vehicle repair 288
operator. The executive director shall make this record available 289
to any person upon request and payment of a fee sufficient to 290
cover the cost of copying the record. 291

(4) Collect all fees pursuant to section 4775.08 of the 292
Revised Code; 293

(5) Appoint ~~enforcement officers~~ investigators as needed to 294

assist the executive director in carrying out this chapter, who 295
shall serve at the pleasure of the director; 296

(6) Gather evidence of violations of this chapter by any 297
person or motor vehicle repair operator, or any partner or officer 298
of any motor vehicle repair operator, and, upon reasonable belief 299
that a violation has occurred, present the evidence to the board 300
for its consideration and possible action by the board under 301
section 4775.02 of the Revised Code. Nothing in division (B)(6) of 302
this section shall be construed as authorizing the executive 303
director or the board to enforce any provision of law other than 304
this chapter. If, however, the executive director or board, in 305
conducting investigations under those sections, determines or 306
suspects that a person has violated any other provision of law, 307
the executive director or board shall notify the governmental 308
entity that is responsible for enforcement of that provision of 309
law. 310

(7) Serve as secretary of the board and maintain a written 311
record of all of the proceedings of the board; 312

(8) Notify all motor vehicle repair operators of changes in 313
this chapter and rules adopted pursuant to this chapter; 314

(9) Do all other things requested by the board for the 315
administration and enforcement of this chapter. 316

(C) The executive director may provide information that is 317
relevant to motor vehicle ~~collision~~ repair to motor vehicle 318
~~collision~~ repair operators or other persons, that is relevant to 319
motor vehicle window tint installation to motor vehicle window 320
tint installation operators or other persons, and may communicate 321
with any person, or respond to communications from any person, in 322
matters pertaining to motor vehicle ~~collision~~ repair or window 323
tint installation. 324

Sec. 4775.06. An ~~enforcement officer~~ investigator appointed 325
by the executive director to assist the executive director in 326
carrying out this chapter shall report to the executive director 327
and the motor vehicle repair board the name and address of any 328
motor vehicle repair operator that the ~~officer~~ investigator has 329
reasonable grounds to believe is operating in violation of this 330
chapter, and shall notify the operator of the suspected violation. 331
The report shall be based on investigation practices and 332
procedures approved by the board. Within sixty days after 333
notification is sent, an ~~enforcement officer~~ investigator shall 334
determine whether the motor vehicle repair operator who has been 335
notified of a suspected violation has come into compliance with 336
the requirements of this chapter. If the motor vehicle repair 337
operator fails to correct the suspected violation within sixty 338
days after the date the operator receives the notification, the 339
~~enforcement officer~~ investigator shall notify the executive 340
director and the board of the operator's failure to correct the 341
suspected violation. Upon receiving a second notification of an 342
operator's failure to comply with this chapter, the executive 343
director shall notify the government entity having enforcement 344
authority over the condition or activity giving rise to the 345
suspected violation in writing of the condition or activity, the 346
nature of the suspected violation, and the name and address of the 347
operator suspected of violating this chapter. An ~~enforcement~~ 348
~~officer~~ investigator shall monitor periodically the progress of 349
any action taken in connection with the suspected violation with 350
the appropriate government entity, including any investigation or 351
charges that are filed in connection with the suspected violation. 352
Upon obtaining such information, the executive director or the 353
~~enforcement officer~~ investigator monitoring such progress shall 354
notify the board of the progress of the suspected violation and 355
any accompanying investigation, charges, or other action taken in 356

connection with the suspected violation. 357

Sec. 4775.07. (A) Any person required to be registered as a 358
motor vehicle repair operator shall apply to the motor vehicle 359
repair board upon application forms prescribed by the board. The 360
forms shall contain sufficient information to identify the 361
applicant, including name, address, state tax identification 362
number, and any other identifying data prescribed by rule of the 363
board. If the applicant is a partnership, identifying data as 364
prescribed by the board may be required for each partner. If the 365
applicant is a corporation, identifying data may be required for 366
each officer of the corporation and each person in charge of each 367
place of the motor vehicle repair operator's business in this 368
state. If the applicant is licensed as a used motor vehicle dealer 369
pursuant to sections 4517.01 to 4517.45 of the Revised Code, the 370
applicant shall include on the application the applicant's used 371
motor vehicle dealer license number as assigned by the bureau of 372
motor vehicles. The applicant shall affirm the application by 373
oath. The applicant shall include with the application the initial 374
registration fee set forth in section 4775.08 of the Revised Code 375
and proof satisfactory to the board that the applicant has a 376
current state and federal tax identification number, a valid 377
vendor's license issued pursuant to section 5739.17 of the Revised 378
Code, a United States environmental protection agency 379
identification number issued under the "Resource Conservation and 380
Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 381
amended, and regulations adopted under that act, proof of 382
possession of all permits required under Chapter 3704. of the 383
Revised Code, general liability insurance and liability insurance 384
that protects a person against liability for damage to motor 385
vehicles in the applicant's care, custody, or control in an amount 386
and form that conforms to the rules the board adopts under section 387
4775.04 of the Revised Code, and coverage under Chapters 4123. and 388

4141. of the Revised Code. In addition, the applicant shall affirm 389
that the applicant is in compliance with all applicable federal 390
and state statutes and rules and all local ordinances and 391
resolutions, including all applicable zoning regulations. 392

(B) Upon receipt of the completed application form and fees 393
and after the board determines that the applicant meets the 394
requirements for registration under division (A) of this section, 395
the board shall direct the executive director to issue a 396
registration certificate to the applicant for each place of 397
business. The motor vehicle repair operator shall display the 398
registration certificate in a conspicuous place on the premises of 399
the business for which the registration is obtained. 400

(C) Each registration certificate issued under this section 401
expires annually on the date of its original issuance and may be 402
renewed in accordance with the standard renewal procedure of 403
Chapter 4745. of the Revised Code. The application for a renewal 404
of a registration certificate shall be accompanied by the same 405
information and proof as is required to accompany an initial 406
application under division (A) of this section. 407

(D) When a motor vehicle repair operator experiences a change 408
in any information or data required under division (A) of this 409
section or by rule of the board for registration as a motor 410
vehicle repair operator, the motor vehicle repair operator shall 411
submit written notification of the change to the board within 412
sixty days after the date that the information becomes obsolete. 413
If a motor vehicle repair operator fails to submit the written 414
notification of a change in information or data within sixty days 415
after the change in information or data, the operator's 416
registration certificate is automatically suspended, except that 417
the board may waive the suspension for good cause shown. 418

(E) Notwithstanding section 5703.21 of the Revised Code, the 419
department of taxation may disclose to the board any information 420

necessary for the board to verify the existence of an applicant's 421
valid vendor's license and current state tax identification 422
number. 423

Sec. 4775.08. (A) The initial and annual renewal fee for a 424
motor vehicle repair registration certificate and for a temporary 425
motor vehicle repair registration certificate is one hundred fifty 426
dollars for each business location at which the motor vehicle 427
repair operator conducts business as an operator, except that the 428
motor vehicle repair board, with the approval of the controlling 429
board, may establish fees in excess of or less than that amount, 430
provided that such fees do not exceed ~~or are not less than that~~ 431
~~amount by more than fifty per cent~~ two hundred dollars. The board 432
shall issue a new, renewal, or temporary registration certificate 433
to a used motor vehicle dealer licensed under Chapter 4517. of the 434
Revised Code without payment of any fee. 435

The board shall adjust the fees as necessary in order to 436
provide for the expenses associated with carrying out this 437
chapter. 438

(B) If the board has notified or attempted to notify a motor 439
vehicle repair operator that the operator is required to be 440
registered under this chapter, and the operator fails to register, 441
the initial fee for the registration of such an unregistered 442
operator for each business location at which the operator conducts 443
business as an operator, is the initial fee then in effect plus an 444
additional amount equal to the initial fee then in effect for each 445
calendar year that the operator is not registered after the board 446
has notified or attempted to notify the operator. The board may 447
impose a late fee for a registration that is overdue under this 448
division. 449

(C) The board shall deposit all fees and fines collected 450
under this chapter into the occupational licensing and regulatory 451

fund created by section 4743.05 of the Revised Code. 452

Sec. 4775.09. (A)(1) In accordance with Chapter 119. of the 453
Revised Code, the motor vehicle repair board may refuse to issue 454
or renew a registration certificate or may determine whether to 455
waive a suspension of a registration certificate as provided in 456
division (D) of section 4775.07 of the Revised Code. 457

(2) Within ten days after receipt of an abstract from a 458
county court judge, mayor of a mayor's court, or clerk of a court 459
of record indicating a violation of division (D) of section 460
4513.241 of the Revised Code, the board shall determine whether 461
the person named in the abstract is registered with the board and, 462
if the person is so registered, shall further determine whether 463
the person previously has been convicted of or pleaded guilty to a 464
violation of that section. If the person previously has been 465
convicted of or pleaded guilty to a violation of that section, the 466
board, in accordance with Chapter 119. of the Revised Code but 467
without a prior hearing, shall suspend the person's registration 468
for a period of not more than one hundred eighty days. 469

(B) The court of common pleas of Franklin county has 470
exclusive jurisdiction over any person who conducts, or attempts 471
to conduct, business as a motor vehicle repair operator in 472
violation of this chapter or any rule adopted under this chapter. 473
The court, on application of the board, may issue an injunction, a 474
cease and desist order, or other appropriate order restraining the 475
person from continuing the violation. This section shall operate 476
in addition to and shall not prohibit the enforcement of any other 477
law. 478

(C) Upon the request of the executive director or as a result 479
of complaints, the board shall investigate the alleged violation. 480

(D) No person required to be registered under this chapter 481
shall have the benefit of any lien for labor or materials unless 482

the person is registered under this chapter. 483

(E) No person whose application for registration under this 484
chapter is denied shall open or operate a facility for business as 485
a motor vehicle ~~collision~~ repair facility or motor vehicle window 486
tint installation facility under the name of the person designated 487
in the application for a registration certificate or under any 488
other name prior to registering as a motor vehicle repair operator 489
in accordance with this chapter. 490

Sec. 4775.10. (A) A motor vehicle repair operator who 491
substantially complies with the requirements of this chapter for 492
registration as a motor vehicle repair operator and who is making 493
a good faith effort toward achieving compliance with all 494
requirements of this chapter may obtain a temporary motor vehicle 495
repair registration certificate. Following the application of, and 496
payment of a fee by a motor vehicle repair operator, the motor 497
vehicle repair board, in its discretion, may direct the executive 498
director to issue a temporary registration certificate to a motor 499
vehicle repair operator the board finds to be in substantial 500
compliance with the requirements of this chapter for registration 501
and who is making a good faith effort toward achieving compliance 502
with all requirements of this chapter. A temporary motor vehicle 503
repair registration issued on or after the effective date of this 504
amendment is valid for one year and may be renewed at the 505
discretion of the board. 506

~~Except as otherwise provided in division (C) of this section,~~ 507
~~a temporary registration certificate is effective for one year 508
from the date of issuance or until the date the motor vehicle 509
repair operator obtains a regular motor vehicle repair 510
registration certificate under this chapter, whichever date occurs 511
first.~~ If a motor vehicle repair operator obtains a regular 512
registration certificate prior to the expiration of the operator's 513

temporary registration certificate, a portion of the fee paid by 514
the motor vehicle repair operator to obtain the temporary 515
registration certificate shall be applied to the fee imposed under 516
section 4775.08 of the Revised Code to obtain a regular 517
registration certificate in an amount that corresponds to the 518
portion of the year the operator is not utilizing the temporary 519
registration certificate. 520

Upon receiving direction from the board, the executive 521
director shall issue a temporary registration certificate. 522

(B) The board shall adopt rules in accordance with Chapter 523
119. of the Revised Code that specify criteria a motor vehicle 524
repair operator shall meet in order to be considered to be in 525
substantial compliance with the registration requirements of this 526
chapter, and that specify criteria a motor vehicle repair operator 527
shall meet in order to be considered as making a good faith effort 528
toward achieving compliance with all requirements of this chapter. 529
The board shall consider the impact of the rules it adopts under 530
this division on encouraging competition ~~between~~ among all motor 531
vehicle repair operators and not impairing the ability of 532
operators who have been in the motor vehicle repair business for 533
less than one year to succeed in the market place. 534

~~(C) A temporary motor vehicle repair registration may be 535
renewed not more than four consecutive times. A motor vehicle 536
repair operator may apply for the renewal of a temporary 537
registration certificate prior to the expiration of a temporary 538
registration certificate. The board shall consider an application 539
for the renewal of a temporary registration certificate. The board 540
may direct the executive director to renew a temporary 541
registration certificate of an applicant who meets the 542
requirements set forth in division (A) of this section for 543
obtaining a temporary registration certificate. Upon 544
recommendation by the board, the executive director shall issue a 545~~

~~renewal of an applicant's temporary registration certificate. 546
Neither the board nor the executive director shall renew a 547
person's temporary registration certificate more than four 548
consecutive times. 549~~

~~A renewal of a temporary motor vehicle repair registration 550
certificate is effective for one year from the date of issuance of 551
the renewal of registration. A temporary registration certificate 552
shall continue in effect during the period in which an applicant 553
is being considered for renewal if the applicant applies for 554
renewal prior to the expiration of the temporary registration 555
certificate. 556~~

Sec. 4775.11. It is the intent of the general assembly to 557
preempt any local ordinance, resolution, or other law adopted or 558
enacted after December 18, 1997, that is limited to the 559
registration of persons engaged in business as motor vehicle 560
repair operators in a manner corresponding to the provisions of 561
this chapter. This chapter does not preempt any local law adopted 562
or enacted prior to December 18, 1997, for motor vehicle ~~collision~~ 563
repair operators or ~~the effective date of this amendment~~ March 22, 564
2013, for motor vehicle window tint operators, or that may require 565
registration or licensure as a component of imposing additional 566
requirements on persons engaged in business as motor vehicle 567
repair operators or technicians. Nor does it preempt the 568
enforcement of any local law regulating motor vehicle repair 569
operators or technicians, including building, zoning, health, 570
safety, or other similar codes or laws. 571

Section 2. That existing sections 4775.01, 4775.02, 4775.03, 572
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 573
4775.11 of the Revised Code are hereby repealed. 574

Section 3. That section 4775.03 of the Revised Code as it 575

results from Section 1 of this act be amended to read as follows: 576

Sec. 4775.03. (A) There is hereby created the motor vehicle 577
repair board consisting of seven members appointed by the 578
governor, with the advice and consent of the senate. Each member 579
of the board shall be a resident of the state. ~~Five~~ Two members 580
shall be motor vehicle body repair operators. ~~One member, two~~ 581
members shall ~~possess expertise in~~ be motor vehicle mechanical 582
repair operators, two members each of whom shall be either a motor 583
vehicle window tint operator or a person who owns or manages an 584
auto glass repair or replacement business, and one member shall be 585
a representative of the public who has no financial interest in 586
the motor vehicle repair industry. 587

(B) ~~Within ninety days after December 18, 1997, the~~ The 588
governor shall make initial appointments to the board. Of the 589
initial appointees, ~~two~~ three are for terms ending on January 1, 590
~~1998~~ 2015, two are for terms ending on January 1, ~~1999~~ 2016, and 591
two are for terms ending on January 1, ~~2000, and one is for a term~~ 592
~~ending on January 1, 2001~~ 2017. Thereafter, terms of office are 593
for three years, with each term ending on the same day of the same 594
month as did the term that it succeeds. Each member shall hold 595
office from the date of appointment until the end of the term for 596
which the member was appointed. Vacancies shall be filled in the 597
manner prescribed for original appointments. Any member appointed 598
to fill a vacancy occurring prior to the expiration of the term 599
for which the member's predecessor was appointed shall hold office 600
for the remainder of the term. A member shall continue in office 601
subsequent to the expiration date of the member's term until the 602
member's successor takes office, or until a period of sixty days 603
has elapsed, whichever occurs first. No person shall serve as a 604
member of the board for more than two consecutive full three-year 605
terms. 606

(C) In making appointments to the board under division (B) of 607
this section, the governor shall select six of the ~~motor vehicle~~ 608
~~collision repair operator~~ members ~~and the member with expertise in~~ 609
~~motor vehicle mechanical repair~~ as provided in this division. 610
~~Within thirty days after December 18, 1997, the~~ The automotive 611
service association of Ohio, inc., shall submit a list containing 612
~~two~~ names for the motor vehicle mechanical repair ~~member and~~ 613
~~twelve names for~~ members, the motor vehicle ~~collision~~ body repair 614
members, and the members who are either a motor vehicle window 615
tint operator or a person who owns or manages an auto glass repair 616
or replacement business, and the governor may appoint individuals 617
from the list to fill those six positions. Thereafter, within 618
sixty days of a vacancy occurring as a result of the expiration of 619
a term and within thirty days after other vacancies occurring on 620
the board, the automotive service association of Ohio, inc., shall 621
submit a list containing three names for each vacancy and the 622
governor may appoint one of the individuals from the list to fill 623
the vacancy. If the automotive service association of Ohio, inc., 624
for its respective appointees, fails to make the recommendations 625
to the governor within the time limits set by this division, the 626
governor shall appoint an individual of the governor's own 627
choosing provided that the individual meets the qualifications of 628
division (A) of this section. 629

(D) Before entering upon the duties of office, each member 630
shall take an oath of office as required by section 3.22 of the 631
Revised Code. The governor may remove any member for misconduct, 632
neglect of duty, incapacity, or malfeasance in accordance with 633
section 3.04 of the Revised Code. 634

(E) The board shall meet at least four times each year, and 635
additional meetings may be held upon the written request of any 636
four members of the board or upon the call of the chairperson. The 637
board shall elect from among its membership a chairperson and 638

vice-chairperson, each of whom shall serve for a term of one year. 639
A majority of the members of the board constitutes a quorum to 640
transact and vote on the business of the board. The chairperson 641
may appoint committees as the chairperson considers necessary to 642
carry out the duties of the board. 643

(F) Each member of the board shall receive a per diem amount 644
fixed pursuant to section 124.15 of the Revised Code when actually 645
attending to matters of the board and for the time spent in 646
necessary travel, and all actual and necessary expenses incurred 647
in the discharge of the member's duties. 648

Section 4. That existing section 4775.03 of the Revised Code 649
as it results from Section 1 of this act is hereby repealed. 650

Section 5. Sections 3 and 4 of this act take effect July 1, 651
2014. 652

Section 6. The Motor Vehicle Repair Board in existence on 653
June 30, 2014, is hereby dissolved as of July 1, 2014, and the 654
Motor Vehicle Repair Board created in section 4775.03 of the 655
Revised Code in Section 3 of this act shall take the dissolved 656
Board's place and assume its duties. 657

The Governor shall make the appointments to the Motor Vehicle 658
Repair Board for the terms of office prescribed in section 4775.03 659
of the Revised Code as contained in Section 3 of this act not 660
later than July 1, 2014. In order to permit the Governor to make 661
the appointments as described in this section, the organizations 662
specified in division (C) of section 4775.03 of the Revised Code 663
as contained in Section 3 of this act shall submit the lists 664
described in section 4775.03 of the Revised Code contained in 665
Section 3 of this act to the Governor not later than April 1, 666
2014. 667