

As Reported by the Senate Commerce and Labor Committee

130th General Assembly

Regular Session

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Sub. S. B. No. 232

Senator Uecker

Cosponsors: Senators Patton, Lehner, Brown, Bacon

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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, and to make 7
other changes to the Motor Vehicle Repair and 8
Window Tint Operator Law, and to further amend 9
section 4775.03 of the Revised Code on July 1, 10
2015, to dissolve the existing Motor Vehicle 11
Repair Board and replace it with a new board of 12
the same name. 13

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

Section 1. That sections 4775.01, 4775.02, 4775.03, 4775.04, 14
4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 4775.11 15
of the Revised Code be amended to read as follows: 16

Sec. 4775.01. As used in this chapter: 17

(A) "Motor vehicle" has the same meaning as in section 18
4501.01 of the Revised Code. 19

~~(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.~~ 20-24

~~(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, 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, 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.~~ 25-34

~~(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.~~ 35-39

~~(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.~~ 40-47

~~(D) "Mechanical repair" means any alteration or maintenance, diagnostic, or repair service procedures that are performed on and affect or potentially affect the operation of a motor vehicle.~~ 48-50

(E) "Motor vehicle repair" means either a motor vehicle body repair or a motor vehicle mechanical repair. 51
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(F) "Motor vehicle window tint operator" means any person, 53
sole proprietorship, foreign or domestic partnership, limited 54
liability corporation, or other legal entity that is not an 55
employee or agent of a principal and installs tinted glass, or 56
transparent, nontransparent, translucent, and reflectorized 57
material in or on five or more motor vehicle windshields, side 58
windows, sidewings, and rear windows in a calendar year. 59

~~(F)~~(G) "Motor vehicle 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 repairs on five or more motor vehicles in a calendar year, and includes a motor vehicle collision repair operator and a motor vehicle window tint operator, but does not mean any of the following: 60
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(1) An employee, other than a manager, of a motor vehicle repair operator; 67
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(2) A new motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code, irrespective of whether or not the new motor vehicle dealer also is licensed as a used motor vehicle dealer pursuant to those sections; 69
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(3) A new motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code who also is the owner, part owner, or operator of a motor vehicle ~~collision~~ repair facility or a motor vehicle window tint installation facility; 73
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(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code who does not perform motor vehicle repairs; 77
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(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code; 80
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(6) A motor vehicle salvage dealer licensed pursuant to Chapter 4738. of the Revised Code;	82 83
(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;	84 85 86 87 88 89
(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;	90 91 92 93 94
(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;	95 96 97 98 99 100
(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;	101 102 103 104 105 106 107
<u>(11) Any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is either of the following:</u>	108 109 110
<u>(a) Primarily engaged in the retail sale of new, used, or retreaded tires and inner tubes for those tires;</u>	111 112

(b) Engaged in the retail sale of new, used, or retreaded tires and inner tubes for those tires in combination with mechanical repair services. 113
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(12) A national general goods retailer that also performs some motor vehicle repair; 116
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(13) An organization in which members pay in exchange for assistance from the organization in matters relating to travel and the operation, use, and maintenance of a motor vehicle, and for the organization to supply other services, including all of the following: 118
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(a) Community traffic safety services; 123

(b) Travel and touring services; 124

(c) Theft or reward services; 125

(d) Map services; 126

(e) Towing services; 127

(f) Emergency road services; 128

(g) Bail bond services; 129

(h) Legal fee reimbursement in the defense of traffic offenses; 130
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(i) Sickness and accident or life insurance. 132

(14) A used motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code that is primarily engaged in the sale of used motor vehicles; 133
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(15) A person, firm, copartnership, voluntary association, joint-stock association, company, or corporation that is primarily engaged in the towing, recovery, and storage of motor vehicles and that has a current and valid certificate of public convenience as required by Chapter 4921. of the Revised Code. 136
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~~(G)~~(H) "Motor vehicle collision repair facility" means a 141

~~location all mobile or stationary locations~~ from which ~~five or~~ 142
~~more separate motor vehicle collision~~ repairs are performed on 143
~~five or more separate~~ motor vehicles in a ~~twelve month period,~~ 144
~~commencing with the day of the month in which the first such~~ 145
~~repair is made~~ calendar year. 146

~~(H)~~(I) "Motor vehicle window tint installation facility" 147
means a ~~location all mobile or stationary locations~~ from which 148
five or more separate motor vehicle window tint installations are 149
performed on motor vehicles in a ~~twelve month period,~~ commencing 150
~~with the day of the month in which the first such installation is~~ 151
~~made~~ calendar year. 152

Sec. 4775.02. (A) No person shall act as a motor vehicle 153
~~collision~~ repair operator or motor vehicle window tint operator 154
unless the person is registered in accordance with this chapter. 155

(B) Each motor vehicle repair facility shall be registered 156
separately with the motor vehicle repair board. A facility that 157
conducts both body repairs and mechanical repairs at the same 158
location is required to obtain only one registration from the 159
board. 160

(C) Any person or entity that conducts or attempts to conduct 161
business as a motor vehicle ~~collision~~ repair operator or motor 162
vehicle window tint operator in violation of this chapter performs 163
an unfair and deceptive act or practice in violation of section 164
1345.02 of the Revised Code. 165

Sec. 4775.03. (A) There is hereby created the motor vehicle 166
repair board consisting of seven members appointed by the 167
governor, with the advice and consent of the senate. Each member 168
of the board shall be a resident of the state. Five members shall 169
be motor vehicle ~~collision~~ repair operators. One member shall 170
possess expertise in motor vehicle mechanical repair, and one 171

member shall be a representative of the public who has no 172
financial interest in the motor vehicle repair industry. 173

(B) Within ninety days after December 18, 1997, the governor 174
shall make initial appointments to the board. Of the initial 175
appointees, two are for terms ending on January 1, 1998, two are 176
for terms ending on January 1, 1999, two are for terms ending on 177
January 1, 2000, and one is for a term ending on January 1, 2001. 178
Thereafter, terms of office are for three years, with each term 179
ending on the same day of the same month as did the term that it 180
succeeds. Each member shall hold office from the date of 181
appointment until the end of the term for which the member was 182
appointed. Vacancies shall be filled in the manner prescribed for 183
original appointments. Any member appointed to fill a vacancy 184
occurring prior to the expiration of the term for which the 185
member's predecessor was appointed shall hold office for the 186
remainder of the term. A member shall continue in office 187
subsequent to the expiration date of the member's term until the 188
member's successor takes office, or until a period of sixty days 189
has elapsed, whichever occurs first. No person shall serve as a 190
member of the board for more than two consecutive full three-year 191
terms. 192

(C) In making appointments to the board under division (B) of 193
this section, the governor shall select the motor vehicle 194
collision repair operator members and the member with expertise in 195
motor vehicle mechanical repair as provided in this division. 196
Within thirty days after December 18, 1997, the automotive service 197
association of Ohio, inc., shall submit a list containing two 198
names for the motor vehicle mechanical repair member and twelve 199
names for the motor vehicle collision repair members and the 200
governor may appoint individuals from the list to fill those six 201
positions. Thereafter, within sixty days of a vacancy occurring as 202
a result of the expiration of a term and within thirty days after 203

other vacancies occurring on the board, the automotive service 204
association of Ohio, inc., shall submit a list containing three 205
names for each vacancy and the governor may appoint one of the 206
individuals from the list to fill the vacancy. If the automotive 207
service association of Ohio, inc., for its respective appointees, 208
fails to make the recommendations to the governor within the time 209
limits set by this division, the governor shall appoint an 210
individual of the governor's own choosing provided that the 211
individual meets the qualifications of division (A) of this 212
section. 213

(D) Before entering upon the duties of office, each member 214
shall take an oath of office as required by section 3.22 of the 215
Revised Code. The governor may remove any member for misconduct, 216
neglect of duty, incapacity, or malfeasance in accordance with 217
section 3.04 of the Revised Code. 218

(E) The board shall meet at least four times each year, and 219
additional meetings may be held upon the written request of any 220
four members of the board or upon the call of the chairperson. The 221
board shall elect from among its membership a chairperson and 222
vice-chairperson, each of whom shall serve for a term of one year. 223
A majority of the members of the board constitutes a quorum to 224
transact and vote on the business of the board. The chairperson 225
may appoint committees as the chairperson considers necessary to 226
carry out the duties of the board. 227

(F) Each member of the board shall receive a per diem amount 228
fixed pursuant to section 124.15 of the Revised Code when actually 229
attending to matters of the board and for the time spent in 230
necessary travel, and all actual and necessary expenses incurred 231
in the discharge of the member's duties. 232

Sec. 4775.04. ~~(A)~~ The motor vehicle repair board shall do all 233
of the following: 234

(1) (A) Adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this chapter. The rules shall include <u>may address all of the following:</u>	235 236 237
<u>(1) The requirements for the type of liability insurance required under division (A) of section 4775.07 of the Revised Code. The rules shall permit the use of an insurance policy issued by any insurer authorized to issue that type of insurance in this state.</u>	238 239 240 241 242
<u>(2) Consumer education and protection, including inside and outside signage for the benefit of consumers and the establishment of a toll-free telephone number for consumers to call to voice complaints about an operator;</u>	243 244 245 246
<u>(3) Relevant aspects of registration of motor vehicle repair operators, including the identification by national institute of automotive service excellence category of services provided or their equivalents and the form for license applications;</u>	247 248 249 250
<u>(4) The contents of all estimates issued by operators, whether for body repair, mechanical repair, or both;</u>	251 252
<u>(5) The contents of all invoices issued by operators;</u>	253
<u>(6) Compliance by operators with all local ordinances or resolutions, state statutes and rules, and federal statutes and regulations;</u>	254 255 256
<u>(7) The certification of technicians employed by operators;</u>	257
<u>(8) Minimum training requirements for technicians and administrative staff employed by operators;</u>	258 259
<u>(9) Appropriate equipment requirements for operators who perform body repair and those who perform mechanical repair.</u>	260 261
<u>(B) Appoint an executive director to serve at the pleasure of the board;</u>	262 263
(3) (C) Direct the executive director as to how the executive	264

director shall perform the duties imposed under this chapter; 265

~~(4)(D)~~ Consider and make recommendations in regard to all 266
matters submitted to the board by the executive director; 267

~~(5)(E)~~ Determine whether to refuse to issue or renew a 268
registration certificate or determine whether to waive a 269
suspension of a registration certificate as provided in division 270
(D) of section 4775.07 of the Revised Code; 271

~~(6)(F)~~ Do all acts and perform all functions as are necessary 272
for the administration and enforcement of this chapter. 273

~~(B) Nothing in this chapter shall be interpreted as granting 274
the board any authority over a motor vehicle collision repair 275
operator concerning the quality of work performed in the repair 276
of, or installation of parts on, motor vehicles. 277~~

Sec. 4775.05. (A) The motor vehicle repair board shall 278
appoint an individual who is not a member of the board as a 279
full-time employee of the board to serve as the executive director 280
of the board. The executive director shall serve at the pleasure 281
and direction of the board. The director of administrative 282
services shall establish the executive director's salary in a pay 283
range as provided in division (J) of section 124.15 of the Revised 284
Code. The executive director, subject to the approval of the 285
board, shall determine the office space, supplies, and 286
professional and clerical assistance necessary to effectively 287
perform the executive director's duties. 288

(B) The executive director shall perform all the following 289
duties: 290

(1) Review and submit to the board, for its approval, 291
applications for registration pursuant to section 4775.07 of the 292
Revised Code; 293

(2) Issue registration certificates, as approved by the 294

board, to persons who meet the qualifications for registration	295
under division (A) of section 4775.07 of the Revised Code;	296
(3) Maintain a written record of all persons registered	297
pursuant to section 4775.07 of the Revised Code. The record shall	298
include the name, address, and motor vehicle repair registration	299
certificate number of each registered motor vehicle repair	300
operator. The executive director shall make this record available	301
to any person upon request and payment of a fee sufficient to	302
cover the cost of copying the record.	303
(4) Collect all fees pursuant to section 4775.08 of the	304
Revised Code;	305
(5) Appoint enforcement officers <u>investigators</u> as needed to	306
assist the executive director in carrying out this chapter, who	307
shall serve at the pleasure of the director;	308
(6) Gather evidence of violations of this chapter by any	309
person or motor vehicle repair operator, or any partner or officer	310
of any motor vehicle repair operator, and, upon reasonable belief	311
that a violation has occurred, present the evidence to the board	312
for its consideration and possible action by the board under	313
section 4775.02 of the Revised Code. Nothing in division (B)(6) of	314
this section shall be construed as authorizing the executive	315
director or the board to enforce any provision of law other than	316
this chapter. If, however, the executive director or board, in	317
conducting investigations under those sections, determines or	318
suspects that a person has violated any other provision of law,	319
the executive director or board shall notify the governmental	320
entity that is responsible for enforcement of that provision of	321
law.	322
(7) Serve as secretary of the board and maintain a written	323
record of all of the proceedings of the board;	324
(8) Notify all motor vehicle repair operators of changes in	325

this chapter and rules adopted pursuant to this chapter; 326

(9) Do all other things requested by the board for the 327
administration and enforcement of this chapter. 328

(C) The executive director may provide information that is 329
relevant to motor vehicle ~~collision~~ repair to motor vehicle 330
~~collision~~ repair operators or other persons, that is relevant to 331
motor vehicle window tint installation to motor vehicle window 332
tint installation operators or other persons, and may communicate 333
with any person, or respond to communications from any person, in 334
matters pertaining to motor vehicle ~~collision~~ repair or window 335
tint installation. 336

Sec. 4775.06. An ~~enforcement officer~~ investigator appointed 337
by the executive director to assist the executive director in 338
carrying out this chapter shall report to the executive director 339
and the motor vehicle repair board the name and address of any 340
motor vehicle repair operator that the ~~officer~~ investigator has 341
reasonable grounds to believe is operating in violation of this 342
chapter, and shall notify the operator of the suspected violation. 343
The report shall be based on investigation practices and 344
procedures approved by the board. Within sixty days after 345
notification is sent, an ~~enforcement officer~~ investigator shall 346
determine whether the motor vehicle repair operator who has been 347
notified of a suspected violation has come into compliance with 348
the requirements of this chapter. If the motor vehicle repair 349
operator fails to correct the suspected violation within sixty 350
days after the date the operator receives the notification, the 351
~~enforcement officer~~ investigator shall notify the executive 352
director and the board of the operator's failure to correct the 353
suspected violation. Upon receiving a second notification of an 354
operator's failure to comply with this chapter, the executive 355
director shall notify the government entity having enforcement 356

authority over the condition or activity giving rise to the 357
suspected violation in writing of the condition or activity, the 358
nature of the suspected violation, and the name and address of the 359
operator suspected of violating this chapter. An ~~enforcement~~ 360
~~officer~~ investigator shall monitor periodically the progress of 361
any action taken in connection with the suspected violation with 362
the appropriate government entity, including any investigation or 363
charges that are filed in connection with the suspected violation. 364
Upon obtaining such information, the executive director or the 365
~~enforcement officer~~ investigator monitoring such progress shall 366
notify the board of the progress of the suspected violation and 367
any accompanying investigation, charges, or other action taken in 368
connection with the suspected violation. 369

Sec. 4775.07. (A) Any person required to be registered as a 370
motor vehicle repair operator shall apply to the motor vehicle 371
repair board upon application forms prescribed by the board. The 372
forms shall contain sufficient information to identify the 373
applicant, including name, address, state tax identification 374
number, and any other identifying data prescribed by rule of the 375
board. If the applicant is a partnership, identifying data as 376
prescribed by the board may be required for each partner. If the 377
applicant is a corporation, identifying data may be required for 378
each officer of the corporation and each person in charge of each 379
place of the motor vehicle repair operator's business in this 380
state. If the applicant is licensed as a used motor vehicle dealer 381
pursuant to sections 4517.01 to 4517.45 of the Revised Code, the 382
applicant shall include on the application the applicant's used 383
motor vehicle dealer license number as assigned by the bureau of 384
motor vehicles. The applicant shall affirm the application by 385
oath. The applicant shall include with the application the initial 386
registration fee set forth in section 4775.08 of the Revised Code 387
and proof satisfactory to the board that the applicant has a 388

current state and federal tax identification number, a valid 389
vendor's license issued pursuant to section 5739.17 of the Revised 390
Code, a United States environmental protection agency 391
identification number issued under the "Resource Conservation and 392
Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 393
amended, and regulations adopted under that act, proof of 394
possession of all permits required under Chapter 3704. of the 395
Revised Code, general liability insurance and liability insurance 396
that protects a person against liability for damage to motor 397
vehicles in the applicant's care, custody, or control in an amount 398
and form that conforms to the rules the board adopts under section 399
4775.04 of the Revised Code, and coverage under Chapters 4123. and 400
4141. of the Revised Code. In addition, the applicant shall affirm 401
that the applicant is in compliance with all applicable federal 402
and state statutes and rules and all local ordinances and 403
resolutions, including all applicable zoning regulations. 404

(B) Upon receipt of the completed application form and fees 405
and after the board determines that the applicant meets the 406
requirements for registration under division (A) of this section, 407
the board shall direct the executive director to issue a 408
registration certificate to the applicant for each place of 409
business. The motor vehicle repair operator shall display the 410
registration certificate in a conspicuous place on the premises of 411
the business for which the registration is obtained. 412

(C) Each registration certificate issued under this section 413
expires annually on the date of its original issuance and may be 414
renewed in accordance with the standard renewal procedure of 415
Chapter 4745. of the Revised Code. The application for a renewal 416
of a registration certificate shall be accompanied by the same 417
information and proof as is required to accompany an initial 418
application under division (A) of this section. 419

(D) When a motor vehicle repair operator experiences a change 420

in any information or data required under division (A) of this 421
section or by rule of the board for registration as a motor 422
vehicle repair operator, the motor vehicle repair operator shall 423
submit written notification of the change to the board within 424
sixty days after the date that the information becomes obsolete. 425
If a motor vehicle repair operator fails to submit the written 426
notification of a change in information or data within sixty days 427
after the change in information or data, the operator's 428
registration certificate is automatically suspended, except that 429
the board may waive the suspension for good cause shown. 430

(E) Notwithstanding section 5703.21 of the Revised Code, the 431
department of taxation may disclose to the board any information 432
necessary for the board to verify the existence of an applicant's 433
valid vendor's license and current state tax identification 434
number. 435

Sec. 4775.08. (A) The initial and annual renewal fee for a 436
motor vehicle repair registration certificate and for a temporary 437
motor vehicle repair registration certificate is one hundred fifty 438
dollars for each business location at which the motor vehicle 439
repair operator conducts business as an operator, except that the 440
motor vehicle repair board, with the approval of the controlling 441
board, may establish fees in excess of or less than that amount, 442
provided that such fees do not exceed ~~or are not less than that~~ 443
~~amount by more than fifty per cent~~ two hundred dollars. The board 444
shall issue a new, renewal, or temporary registration certificate 445
to a used motor vehicle dealer licensed under Chapter 4517. of the 446
Revised Code or to an organization that provides motor vehicle 447
repair services and that is exempt from federal income taxation 448
under subsection 501(c)(3) of the Internal Revenue Code of 1986, 449
26 U.S.C. 1 et seq., without payment of any fee. 450

The board shall adjust the fees as necessary in order to 451

provide for the expenses associated with carrying out this 452
chapter. 453

(B) If the board has notified or attempted to notify a motor 454
vehicle repair operator that the operator is required to be 455
registered under this chapter, and the operator fails to register, 456
the initial fee for the registration of such an unregistered 457
operator for each business location at which the operator conducts 458
business as an operator, is the initial fee then in effect plus an 459
additional amount equal to the initial fee then in effect for each 460
calendar year that the operator is not registered after the board 461
has notified or attempted to notify the operator. The board may 462
impose a late fee for a registration that is overdue under this 463
division. 464

(C) The board shall deposit all fees and fines collected 465
under this chapter into the occupational licensing and regulatory 466
fund created by section 4743.05 of the Revised Code. 467

Sec. 4775.09. (A)(1) In accordance with Chapter 119. of the 468
Revised Code, the motor vehicle repair board may refuse to issue 469
or renew a registration certificate or may determine whether to 470
waive a suspension of a registration certificate as provided in 471
division (D) of section 4775.07 of the Revised Code. 472

(2) Within ten days after receipt of an abstract from a 473
county court judge, mayor of a mayor's court, or clerk of a court 474
of record indicating a violation of division (D) of section 475
4513.241 of the Revised Code, the board shall determine whether 476
the person named in the abstract is registered with the board and, 477
if the person is so registered, shall further determine whether 478
the person previously has been convicted of or pleaded guilty to a 479
violation of that section. If the person previously has been 480
convicted of or pleaded guilty to a violation of that section, the 481
board, in accordance with Chapter 119. of the Revised Code but 482

without a prior hearing, shall suspend the person's registration 483
for a period of not more than one hundred eighty days. 484

(B) The court of common pleas of Franklin county has 485
exclusive jurisdiction over any person who conducts, or attempts 486
to conduct, business as a motor vehicle repair operator in 487
violation of this chapter or any rule adopted under this chapter. 488
The court, on application of the board, may issue an injunction, a 489
cease and desist order, or other appropriate order restraining the 490
person from continuing the violation. This section shall operate 491
in addition to and shall not prohibit the enforcement of any other 492
law. 493

(C) Upon the request of the executive director or as a result 494
of complaints, the board shall investigate the alleged violation. 495

(D) No person required to be registered under this chapter 496
shall have the benefit of any lien for labor or materials unless 497
the person is registered under this chapter. 498

(E) No person whose application for registration under this 499
chapter is denied shall open or operate a facility for business as 500
a motor vehicle ~~collision~~ repair facility or motor vehicle window 501
tint installation facility under the name of the person designated 502
in the application for a registration certificate or under any 503
other name prior to registering as a motor vehicle repair operator 504
in accordance with this chapter. 505

Sec. 4775.10. (A) A motor vehicle repair operator who 506
substantially complies with the requirements of this chapter for 507
registration as a motor vehicle repair operator and who is making 508
a good faith effort toward achieving compliance with all 509
requirements of this chapter may obtain a temporary motor vehicle 510
repair registration certificate. Following the application of, and 511
payment of a fee by a motor vehicle repair operator, the motor 512
vehicle repair board, in its discretion, may direct the executive 513

director to issue a temporary registration certificate to a motor 514
vehicle repair operator the board finds to be in substantial 515
compliance with the requirements of this chapter for registration 516
and who is making a good faith effort toward achieving compliance 517
with all requirements of this chapter. A temporary motor vehicle 518
repair registration issued on or after the effective date of this 519
amendment is valid for one year and may be renewed at the 520
discretion of the board. 521

~~Except as otherwise provided in division (C) of this section,~~ 522
~~a temporary registration certificate is effective for one year 523
from the date of issuance or until the date the motor vehicle 524
repair operator obtains a regular motor vehicle repair 525
registration certificate under this chapter, whichever date occurs 526
first.~~ If a motor vehicle repair operator obtains a regular 527
registration certificate prior to the expiration of the operator's 528
temporary registration certificate, a portion of the fee paid by 529
the motor vehicle repair operator to obtain the temporary 530
registration certificate shall be applied to the fee imposed under 531
section 4775.08 of the Revised Code to obtain a regular 532
registration certificate in an amount that corresponds to the 533
portion of the year the operator is not utilizing the temporary 534
registration certificate. 535

Upon receiving direction from the board, the executive 536
director shall issue a temporary registration certificate. 537

(B) The board shall adopt rules in accordance with Chapter 538
119. of the Revised Code that specify criteria a motor vehicle 539
repair operator shall meet in order to be considered to be in 540
substantial compliance with the registration requirements of this 541
chapter, and that specify criteria a motor vehicle repair operator 542
shall meet in order to be considered as making a good faith effort 543
toward achieving compliance with all requirements of this chapter. 544
The board shall consider the impact of the rules it adopts under 545

this division on encouraging competition ~~between~~ among all motor 546
vehicle repair operators and not impairing the ability of 547
operators who have been in the motor vehicle repair business for 548
less than one year to succeed in the market place. 549

~~(C) A temporary motor vehicle repair registration may be 550
renewed not more than four consecutive times. A motor vehicle 551
repair operator may apply for the renewal of a temporary 552
registration certificate prior to the expiration of a temporary 553
registration certificate. The board shall consider an application 554
for the renewal of a temporary registration certificate. The board 555
may direct the executive director to renew a temporary 556
registration certificate of an applicant who meets the 557
requirements set forth in division (A) of this section for 558
obtaining a temporary registration certificate. Upon 559
recommendation by the board, the executive director shall issue a 560
renewal of an applicant's temporary registration certificate. 561
Neither the board nor the executive director shall renew a 562
person's temporary registration certificate more than four 563
consecutive times. 564~~

~~A renewal of a temporary motor vehicle repair registration 565
certificate is effective for one year from the date of issuance of 566
the renewal of registration. A temporary registration certificate 567
shall continue in effect during the period in which an applicant 568
is being considered for renewal if the applicant applies for 569
renewal prior to the expiration of the temporary registration 570
certificate. 571~~

Sec. 4775.11. It is the intent of the general assembly to 572
preempt any local ordinance, resolution, or other law adopted or 573
enacted after December 18, 1997, that is limited to the 574
registration of persons engaged in business as motor vehicle 575
repair operators in a manner corresponding to the provisions of 576

this chapter. This chapter does not preempt any of the following 577
local ~~law~~ laws: 578

(A) Laws adopted or enacted prior to December 18, 1997, for 579
motor vehicle collision repair operators ~~or the effective date of~~ 580
~~this amendment~~; 581

(B) Laws adopted or enacted prior to March 22, 2013, for 582
motor vehicle window tint operators, ~~or~~; 583

(C) Laws adopted or enacted prior to the effective date of 584
this amendment for motor vehicle mechanical repair operators; 585

(D) Laws that may require registration or licensure as a 586
component of imposing additional requirements on persons engaged 587
in business as motor vehicle repair operators or technicians. ~~Nor~~ 588
~~does it preempt the enforcement of any local law~~; 589

(E) Laws regulating motor vehicle repair operators or 590
technicians, including building, zoning, health, safety, or other 591
similar codes or laws. 592

Section 2. That existing sections 4775.01, 4775.02, 4775.03, 593
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 594
4775.11 of the Revised Code are hereby repealed. 595

Section 3. Notwithstanding division (A) of section 4775.02 of 596
the Revised Code, as amended by this act, no person shall be 597
required to register as a motor vehicle repair operator until six 598
months after the effective date of Section 1 of this act, unless 599
the person would have been required to register as a motor vehicle 600
collision repair operator in accordance with Chapter 4775. of the 601
Revised Code as it existed immediately prior to the effective date 602
of Section 1 of this act. 603

Section 4. That section 4775.03 of the Revised Code as it 604
results from Section 1 of this act be amended to read as follows: 605

Sec. 4775.03. (A) There is hereby created the motor vehicle repair board consisting of seven members appointed by the governor, with the advice and consent of the senate. Each member of the board shall be a resident of the state. ~~Five~~ Two members shall be motor vehicle body repair operators. ~~One member, two members~~ shall ~~possess expertise in~~ be motor vehicle mechanical repair operators, two members shall be motor vehicle window tint operators, and one member shall be a representative of the public who has no financial interest in the motor vehicle repair industry.

(B) ~~Within ninety days after December 18, 1997, the~~ The governor shall make initial appointments to the board. Of the initial appointees, ~~two~~ three are for terms ending on January 1, ~~1998~~ 2016, two are for terms ending on January 1, ~~1999~~ 2017, and two are for terms ending on January 1, ~~2000, and one is for a term ending on January 1, 2001~~ 2018. Thereafter, terms of office are for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner prescribed for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person shall serve as a member of the board for more than two consecutive full three-year terms.

(C) In making appointments to the board under division (B) of this section, the governor shall select six of the ~~motor vehicle collision repair operator~~ members ~~and the member with expertise in~~

~~motor vehicle mechanical repair~~ as provided in this division. 638
~~Within thirty days after December 18, 1997, the~~ The automotive 639
service association of Ohio, inc., shall submit a list containing 640
~~two~~ names for the motor vehicle mechanical repair ~~member and~~ 641
~~twelve names for members,~~ the motor vehicle ~~collision~~ body repair 642
members, and the motor vehicle window tint operator members, and 643
the governor may appoint individuals from the list to fill those 644
six positions. Thereafter, within sixty days of a vacancy 645
occurring as a result of the expiration of a term and within 646
thirty days after other vacancies occurring on the board, the 647
automotive service association of Ohio, inc., shall submit a list 648
containing three names for each vacancy and the governor may 649
appoint one of the individuals from the list to fill the vacancy. 650
If the automotive service association of Ohio, inc., for its 651
respective appointees, fails to make the recommendations to the 652
governor within the time limits set by this division, the governor 653
shall appoint an individual of the governor's own choosing 654
provided that the individual meets the qualifications of division 655
(A) of this section. 656

(D) Before entering upon the duties of office, each member 657
shall take an oath of office as required by section 3.22 of the 658
Revised Code. The governor may remove any member for misconduct, 659
neglect of duty, incapacity, or malfeasance in accordance with 660
section 3.04 of the Revised Code. 661

(E) The board shall meet at least four times each year, and 662
additional meetings may be held upon the written request of any 663
four members of the board or upon the call of the chairperson. The 664
board shall elect from among its membership a chairperson and 665
vice-chairperson, each of whom shall serve for a term of one year. 666
A majority of the members of the board constitutes a quorum to 667
transact and vote on the business of the board. The chairperson 668
may appoint committees as the chairperson considers necessary to 669

carry out the duties of the board. 670

(F) Each member of the board shall receive a per diem amount 671
fixed pursuant to section 124.15 of the Revised Code when actually 672
attending to matters of the board and for the time spent in 673
necessary travel, and all actual and necessary expenses incurred 674
in the discharge of the member's duties. 675

Section 5. That existing section 4775.03 of the Revised Code 676
as it results from Section 1 of this act is hereby repealed. 677

Section 6. Sections 4 and 5 of this act take effect July 1, 678
2015. 679

Section 7. The Motor Vehicle Repair Board in existence on 680
June 30, 2015, is hereby dissolved as of July 1, 2015, and the 681
Motor Vehicle Repair Board created in section 4775.03 of the 682
Revised Code in Section 4 of this act shall take the dissolved 683
Board's place and assume its duties. 684

The Governor shall make the appointments to the Motor Vehicle 685
Repair Board for the terms of office prescribed in section 4775.03 686
of the Revised Code as contained in Section 4 of this act not 687
later than July 1, 2015. In order to permit the Governor to make 688
the appointments as described in this section, the organizations 689
specified in division (C) of section 4775.03 of the Revised Code 690
as contained in Section 4 of this act shall submit the lists 691
described in section 4775.03 of the Revised Code contained in 692
Section 4 of this act to the Governor not later than April 1, 693
2015. 694