

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 89

Representative Antani

A BILL

To amend sections 4503.03 and 4511.75 of the Revised Code to enhance the penalties for failing to properly stop for a school bus, to establish requirements related to informing the public about that prohibition, and to make an appropriation.

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

Section 1. That sections 4503.03 and 4511.75 of the Revised Code be amended to read as follows:

Sec. 4503.03. (A) (1) (a) Except as provided in division (B) of this section, the registrar of motor vehicles may designate one or more of the following persons to act as a deputy registrar in each county:

(i) The county auditor in any county, subject to division (A) (1) (b) (i) of this section;

(ii) The clerk of a court of common pleas in any county, subject to division (A) (1) (b) (ii) of this section;

(iii) An individual;

(iv) A nonprofit corporation as defined in division (C) of

section 1702.01 of the Revised Code. 19

(b) (i) If the population of a county is forty thousand or 20
less according to the most recent federal decennial census and 21
if the county auditor is designated by the registrar as a deputy 22
registrar, no other person need be designated in the county to 23
act as a deputy registrar. 24

(ii) The registrar may designate a clerk of a court of 25
common pleas as a deputy registrar if the population of the 26
county is forty thousand or less according to the last federal 27
census. In a county with a population greater than forty 28
thousand but not more than fifty thousand according to the last 29
federal census, the clerk of a court of common pleas is eligible 30
to act as a deputy registrar and may participate in the 31
competitive selection process for the award of a deputy 32
registrar contract by applying in the same manner as any other 33
person. All fees collected and retained by a clerk for 34
conducting deputy registrar services shall be paid into the 35
county treasury to the credit of the certificate of title 36
administration fund created under section 325.33 of the Revised 37
Code. 38

Notwithstanding the county population restrictions in 39
division (A) (1) (b) of this section, if no person applies to act 40
under contract as a deputy registrar in a county and the county 41
auditor is not designated as a deputy registrar, the registrar 42
may ask the clerk of a court of common pleas to serve as the 43
deputy registrar for that county. 44

(c) As part of the selection process in awarding a deputy 45
registrar contract, the registrar shall consider the customer 46
service performance record of any person previously awarded a 47
deputy registrar contract pursuant to division (A) (1) of this 48

section. 49

(2) Deputy registrars shall accept applications for the 50
annual license tax for any vehicle not taxed under section 51
4503.63 of the Revised Code and shall assign distinctive numbers 52
in the same manner as the registrar. Such deputies shall be 53
located in such locations in the county as the registrar sees 54
fit. There shall be at least one deputy registrar in each 55
county. 56

Deputy registrar contracts are subject to the provisions 57
of division (B) of section 125.081 of the Revised Code. 58

(B) (1) The registrar shall not designate any person to act 59
as a deputy registrar under division (A) (1) of this section if 60
the person or, where applicable, the person's spouse or a member 61
of the person's immediate family has made, within the current 62
calendar year or any one of the previous three calendar years, 63
one or more contributions totaling in excess of one hundred 64
dollars to any person or entity included in division (A) (2) of 65
section 4503.033 of the Revised Code. As used in this division, 66
"immediate family" has the same meaning as in division (D) of 67
section 102.01 of the Revised Code, and "entity" includes any 68
political party and any "continuing association" as defined in 69
division (C) (4) of section 3517.01 of the Revised Code or 70
"political action committee" as defined in division (C) (8) of 71
that section that is primarily associated with that political 72
party. For purposes of this division, contributions to any 73
continuing association or any political action committee that is 74
primarily associated with a political party shall be aggregated 75
with contributions to that political party. 76

The contribution limitations contained in this division do 77
not apply to any county auditor or clerk of a court of common 78

pleas. A county auditor or clerk of a court of common pleas is 79
not required to file the disclosure statement or pay the filing 80
fee required under section 4503.033 of the Revised Code. The 81
limitations of this division also do not apply to a deputy 82
registrar who, subsequent to being awarded a deputy registrar 83
contract, is elected to an office of a political subdivision. 84

(2) The registrar shall not designate either of the 85
following to act as a deputy registrar: 86

(a) Any elected public official other than a county 87
auditor or, as authorized by division (A)(1)(b) of this section, 88
a clerk of a court of common pleas, acting in an official 89
capacity, except that, the registrar shall continue and may 90
renew a contract with any deputy registrar who, subsequent to 91
being awarded a deputy registrar contract, is elected to an 92
office of a political subdivision; 93

(b) Any person holding a current, valid contract to 94
conduct motor vehicle inspections under section 3704.14 of the 95
Revised Code. 96

(3) As used in division (B) of this section, "political 97
subdivision" has the same meaning as in section 3501.01 of the 98
Revised Code. 99

(C)(1) Except as provided in division (C)(2) of this 100
section, deputy registrars are independent contractors and 101
neither they nor their employees are employees of this state, 102
except that nothing in this section shall affect the status of 103
county auditors or clerks of courts of common pleas as public 104
officials, nor the status of their employees as employees of any 105
of the counties of this state, which are political subdivisions 106
of this state. Each deputy registrar shall be responsible for 107

the payment of all unemployment compensation premiums, all 108
workers' compensation premiums, social security contributions, 109
and any and all taxes for which the deputy registrar is legally 110
responsible. Each deputy registrar shall comply with all 111
applicable federal, state, and local laws requiring the 112
withholding of income taxes or other taxes from the compensation 113
of the deputy registrar's employees. Each deputy registrar shall 114
maintain during the entire term of the deputy registrar's 115
contract a policy of business liability insurance satisfactory 116
to the registrar and shall hold the department of public safety, 117
the director of public safety, the bureau of motor vehicles, and 118
the registrar harmless upon any and all claims for damages 119
arising out of the operation of the deputy registrar agency. 120

(2) For purposes of Chapter 4141. of the Revised Code, 121
determinations concerning the employment of deputy registrars 122
and their employees shall be made under Chapter 4141. of the 123
Revised Code. 124

(D) (1) With the approval of the director, the registrar 125
shall adopt rules governing deputy registrars. The rules shall 126
do all of the following: 127

(a) Establish requirements governing the terms of the 128
contract between the registrar and each deputy registrar and the 129
services to be performed; 130

(b) Establish requirements governing the amount of bond to 131
be given as provided in this section; 132

(c) Establish requirements governing the size and location 133
of the deputy's office; 134

(d) Establish requirements governing the leasing of 135
equipment necessary to conduct the vision screenings required 136

under section 4507.12 of the Revised Code and training in the	137
use of the equipment;	138
(e) Encourage every deputy registrar to inform the public	139
of the location of the deputy registrar's office and hours of	140
operation by means of public service announcements;	141
(f) Allow any deputy registrar to advertise in regard to	142
the operation of the deputy registrar's office, including	143
allowing nonprofit corporations operating as a deputy registrar	144
to advertise that a specified amount of proceeds collected by	145
the nonprofit corporation are directed to a specified charitable	146
organization or philanthropic cause;	147
(g) Specify the hours the deputy's office is to be open to	148
the public and require as a minimum that one deputy's office in	149
each county be open to the public for at least four hours each	150
weekend, provided that if only one deputy's office is located	151
within the boundary of the county seat, that office is the	152
office that shall be open for the four-hour period each weekend;	153
(h) Specify that every deputy registrar, upon request,	154
provide any person with information about the location and	155
office hours of all deputy registrars in the county;	156
(i) Allow a deputy registrar contract to be awarded to a	157
nonprofit corporation formed under the laws of this state;	158
(j) Except as provided in division (D) (2) of this section,	159
prohibit any deputy registrar from operating more than one	160
deputy registrar's office at any time;	161
(k) For the duration of any deputy registrar contract,	162
require that the deputy registrar occupy a primary residence in	163
a location that is within a one-hour commute time from the	164
deputy registrar's office or offices. The rules shall require	165

the registrar to determine commute time by using multiple 166
established internet-based mapping services. 167

(l) Establish procedures for a deputy registrar to request 168
the authority to collect reinstatement fees under sections 169
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 170
4510.72, and 4511.191 of the Revised Code and to transmit the 171
reinstatement fees and two dollars of the service fee collected 172
under those sections. The registrar shall ensure that at least 173
one deputy registrar in each county has the necessary equipment 174
and is able to accept reinstatement fees. The registrar shall 175
deposit the service fees received from a deputy registrar under 176
those sections into the public safety - highway purposes fund 177
created in section 4501.06 of the Revised Code and shall use the 178
money for deputy registrar equipment necessary in connection 179
with accepting reinstatement fees. 180

(m) Establish standards for a deputy registrar, when the 181
deputy registrar is not a county auditor or a clerk of a court 182
of common pleas, to sell advertising rights to third party 183
businesses to be placed in the deputy registrar's office; 184

(n) Allow any deputy registrar that is not a county 185
auditor or a clerk of a court of common pleas to operate a 186
vending machine; 187

(o) Specify that each deputy registrar location shall 188
display at all times, in a prominent place on the premises, a 189
printed card that includes a graphic that instructs drivers to 190
stop and yield to a stopped school bus when it is either loading 191
or unloading passengers. 192

The registrar shall create and issue the graphic for 193
distribution to and display at each deputy registrar location. 194

<u>(p)</u> Establish such other requirements as the registrar and director consider necessary to provide a high level of service.	195 196
(2) Notwithstanding division (D)(1)(j) of this section, the rules may allow both of the following:	197 198
(a) The registrar to award a contract to a deputy registrar to operate more than one deputy registrar's office if determined by the registrar to be practical;	199 200 201
(b) A nonprofit corporation formed for the purposes of providing automobile-related services to its members or the public and that provides such services from more than one location in this state to operate a deputy registrar office at any location.	202 203 204 205 206
(3) As a daily adjustment, the bureau of motor vehicles shall credit to a deputy registrar the amount established under section 4503.038 of the Revised Code for each damaged license plate or validation sticker the deputy registrar replaces as a service to a member of the public.	207 208 209 210 211
(4) (a) With the prior approval of the registrar, each deputy registrar may conduct at the location of the deputy registrar's office any business that is consistent with the functions of a deputy registrar and that is not specifically mandated or authorized by this or another chapter of the Revised Code or by implementing rules of the registrar.	212 213 214 215 216 217
(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.	218 219 220 221 222
(c) A deputy registrar may enter into an agreement with	223

the Ohio turnpike and infrastructure commission pursuant to 224
division (A) (11) of section 5537.04 of the Revised Code for the 225
purpose of allowing the general public to acquire from the 226
deputy registrar the electronic toll collection devices that are 227
used under the multi-jurisdiction electronic toll collection 228
agreement between the Ohio turnpike and infrastructure 229
commission and any other entities or agencies that participate 230
in such an agreement. The approval of the registrar is not 231
necessary if a deputy registrar engages in this activity. 232

(5) As used in this section and in section 4507.01 of the 233
Revised Code, "nonprofit corporation" has the same meaning as in 234
section 1702.01 of the Revised Code. 235

(E) (1) Unless otherwise terminated and except for interim 236
contracts lasting not longer than one year, contracts with 237
deputy registrars shall be entered into through a competitive 238
selection process and shall be limited in duration as follows: 239

(a) For contracts entered into between July 1, 1996 and 240
June 29, 2014, for a period of not less than two years, but not 241
more than three years; 242

(b) For contracts entered into on or after June 29, 2014, 243
for a period of five years, unless the registrar determines that 244
a shorter contract term is appropriate for a particular deputy 245
registrar. 246

(2) All contracts with deputy registrars shall expire on 247
the last Saturday of June in the year of their expiration. Prior 248
to the expiration of any deputy registrar contract, the 249
registrar, with the approval of the director, may award a one- 250
year contract extension to any deputy registrar who has provided 251
exemplary service based upon objective performance evaluations. 252

(3) (a) The auditor of state may examine the accounts, 253
reports, systems, and other data of each deputy registrar at 254
least every two years. The registrar, with the approval of the 255
director, shall immediately remove a deputy who violates any 256
provision of the Revised Code related to the duties as a deputy, 257
any rule adopted by the registrar, or a term of the deputy's 258
contract with the registrar. The registrar also may remove a 259
deputy who, in the opinion of the registrar, has engaged in any 260
conduct that is either unbecoming to one representing this state 261
or is inconsistent with the efficient operation of the deputy's 262
office. 263

(b) If the registrar, with the approval of the director, 264
determines that there is good cause to believe that a deputy 265
registrar or a person proposing for a deputy registrar contract 266
has engaged in any conduct that would require the denial or 267
termination of the deputy registrar contract, the registrar may 268
require the production of books, records, and papers as the 269
registrar determines are necessary, and may take the depositions 270
of witnesses residing within or outside the state in the same 271
manner as is prescribed by law for the taking of depositions in 272
civil actions in the court of common pleas, and for that purpose 273
the registrar may issue a subpoena for any witness or a subpoena 274
duces tecum to compel the production of any books, records, or 275
papers, directed to the sheriff of the county where the witness 276
resides or is found. Such a subpoena shall be served and 277
returned in the same manner as a subpoena in a criminal case is 278
served and returned. The fees of the sheriff shall be the same 279
as that allowed in the court of common pleas in criminal cases. 280
Witnesses shall be paid the fees and mileage provided for under 281
section 119.094 of the Revised Code. The fees and mileage shall 282
be paid from the fund in the state treasury for the use of the 283

agency in the same manner as other expenses of the agency are 284
paid. 285

In any case of disobedience or neglect of any subpoena 286
served on any person or the refusal of any witness to testify to 287
any matter regarding which the witness lawfully may be 288
interrogated, the court of common pleas of any county where the 289
disobedience, neglect, or refusal occurs or any judge of that 290
court, on application by the registrar, shall compel obedience 291
by attachment proceedings for contempt, as in the case of 292
disobedience of the requirements of a subpoena issued from that 293
court, or a refusal to testify in that court. 294

(4) Nothing in division (E) of this section shall be 295
construed to require a hearing of any nature prior to the 296
termination of any deputy registrar contract by the registrar, 297
with the approval of the director, for cause. 298

(F) Except as provided in section 2743.03 of the Revised 299
Code, no court, other than the court of common pleas of Franklin 300
county, has jurisdiction of any action against the department of 301
public safety, the director, the bureau, or the registrar to 302
restrain the exercise of any power or authority, or to entertain 303
any action for declaratory judgment, in the selection and 304
appointment of, or contracting with, deputy registrars. Neither 305
the department, the director, the bureau, nor the registrar is 306
liable in any action at law for damages sustained by any person 307
because of any acts of the department, the director, the bureau, 308
or the registrar, or of any employee of the department or 309
bureau, in the performance of official duties in the selection 310
and appointment of, and contracting with, deputy registrars. 311

(G) The registrar shall assign to each deputy registrar a 312
series of numbers sufficient to supply the demand at all times 313

in the area the deputy registrar serves, and the registrar shall 314
keep a record in the registrar's office of the numbers within 315
the series assigned. Each deputy shall be required to give bond 316
in the amount of at least twenty-five thousand dollars, or in 317
such higher amount as the registrar determines necessary, based 318
on a uniform schedule of bond amounts established by the 319
registrar and determined by the volume of registrations handled 320
by the deputy. The form of the bond shall be prescribed by the 321
registrar. The bonds required of deputy registrars, in the 322
discretion of the registrar, may be individual or schedule bonds 323
or may be included in any blanket bond coverage carried by the 324
department. 325

(H) Each deputy registrar shall keep a file of each 326
application received by the deputy and shall register that motor 327
vehicle with the name and address of its owner. 328

(I) Upon request, a deputy registrar shall make the 329
physical inspection of a motor vehicle and issue the physical 330
inspection certificate required in section 4505.061 of the 331
Revised Code. 332

(J) Each deputy registrar shall file a report semiannually 333
with the registrar of motor vehicles listing the number of 334
applicants for licenses the deputy has served, the number of 335
voter registration applications the deputy has completed and 336
transmitted to the board of elections, and the number of voter 337
registration applications declined. 338

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 339
trackless trolley upon meeting or overtaking from either 340
direction any school bus stopped for the purpose of receiving or 341
discharging any school child, person attending programs offered 342
by community boards of mental health and county boards of 343

developmental disabilities, or child attending a program offered 344
by a head start agency, shall stop at least ten feet from the 345
front or rear of the school bus and shall not proceed until such 346
school bus resumes motion, or until signaled by the school bus 347
driver to proceed. 348

It is no defense to a charge under this division that the 349
school bus involved failed to display or be equipped with an 350
automatically extended stop warning sign as required by division 351
(B) of this section. 352

(B) Every school bus shall be equipped with amber and red 353
visual signals meeting the requirements of section 4511.771 of 354
the Revised Code, and an automatically extended stop warning 355
sign of a type approved by the state board of education, which 356
shall be actuated by the driver of the bus whenever but only 357
whenever the bus is stopped or stopping on the roadway for the 358
purpose of receiving or discharging school children, persons 359
attending programs offered by community boards of mental health 360
and county boards of developmental disabilities, or children 361
attending programs offered by head start agencies. A school bus 362
driver shall not actuate the visual signals or the stop warning 363
sign in designated school bus loading areas where the bus is 364
entirely off the roadway or at school buildings when children or 365
persons attending programs offered by community boards of mental 366
health and county boards of developmental disabilities are 367
loading or unloading at curbside or at buildings when children 368
attending programs offered by head start agencies are loading or 369
unloading at curbside. The visual signals and stop warning sign 370
shall be synchronized or otherwise operated as required by rule 371
of the board. 372

(C) Where a highway has been divided into four or more 373

traffic lanes, a driver of a vehicle, streetcar, or trackless 374
trolley need not stop for a school bus approaching from the 375
opposite direction which has stopped for the purpose of 376
receiving or discharging any school child, persons attending 377
programs offered by community boards of mental health and county 378
boards of developmental disabilities, or children attending 379
programs offered by head start agencies. The driver of any 380
vehicle, streetcar, or trackless trolley overtaking the school 381
bus shall comply with division (A) of this section. 382

(D) School buses operating on divided highways or on 383
highways with four or more traffic lanes shall receive and 384
discharge all school children, persons attending programs 385
offered by community boards of mental health and county boards 386
of developmental disabilities, and children attending programs 387
offered by head start agencies on their residence side of the 388
highway. 389

(E) No school bus driver shall start the driver's bus 390
until after any child, person attending programs offered by 391
community boards of mental health and county boards of 392
developmental disabilities, or child attending a program offered 393
by a head start agency who may have alighted therefrom has 394
reached a place of safety on the child's or person's residence 395
side of the road. 396

(F) (1) Whoever violates division (A) of this section may 397
be fined an amount not to exceed ~~five hundred~~ one thousand 398
dollars. A person who is issued a citation for a violation of 399
division (A) of this section is not permitted to enter a written 400
plea of guilty and waive the person's right to contest the 401
citation in a trial but instead must appear in person in the 402
proper court to answer the charge. 403

(2) In addition to and independent of any other penalty 404
provided by law, the court or mayor may impose upon an offender 405
who violates this section a class ~~seven~~six suspension of the 406
offender's driver's license, commercial driver's license, 407
temporary instruction permit, probationary license, or 408
nonresident operating privilege from the range specified in 409
division (A) ~~(7)~~(6) of section 4510.02 of the Revised Code. When 410
a license is suspended under this section, the court or mayor 411
shall cause the offender to deliver the license to the court, 412
and the court or clerk of the court immediately shall forward 413
the license to the registrar of motor vehicles, together with 414
notice of the court's action. 415

(G) As used in this section: 416

(1) "Head start agency" has the same meaning as in section 417
3301.32 of the Revised Code. 418

(2) "School bus," as used in relation to children who 419
attend a program offered by a head start agency, means a bus 420
that is owned and operated by a head start agency, is equipped 421
with an automatically extended stop warning sign of a type 422
approved by the state board of education, is painted the color 423
and displays the markings described in section 4511.77 of the 424
Revised Code, and is equipped with amber and red visual signals 425
meeting the requirements of section 4511.771 of the Revised 426
Code, irrespective of whether or not the bus has fifteen or more 427
children aboard at any time. "School bus" does not include a van 428
owned and operated by a head start agency, irrespective of its 429
color, lights, or markings. 430

Section 2. That existing sections 4503.03 and 4511.75 of 431
the Revised Code are hereby repealed. 432

Section 3. All items in this section are hereby 433
appropriated as designated out of any moneys in the state 434
treasury to the credit of the designated fund. For all 435
appropriations made in this act, those in the first column are 436
for fiscal year 2020 and those in the second column are for 437
fiscal year 2021. The appropriations made in this act are in 438
addition to any other appropriations made for the FY 2020-FY 439
2021 biennium. 440

DPS Department of Public Safety 441

General Revenue Fund 442

GRF 768433	School Bus Camera Grants	\$1,000,000	\$0	443
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TOTAL GRF General Revenue Fund		\$1,000,000	\$0	444
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TOTAL ALL BUDGET FUND GROUPS		\$1,000,000	\$0	445
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SCHOOL BUS CAMERA GRANTS 446

The foregoing appropriation item 768433, School Bus Camera 447
Grants, shall be used in fiscal year 2020 to award grants to 448
city, local, and exempted village school districts and community 449
schools established under Chapter 3314. of the Revised Code that 450
are responsible for providing transportation to students 451
enrolled in the school pursuant to section 3314.091 of the 452
Revised Code to purchase and install external cameras on buses 453
to record images of the license plates on cars that drive by the 454
bus while it is stopped and loading or unloading children. 455

Section 4. Within the limits set forth in this act, the 456
Director of Budget and Management shall establish accounts 457
indicating the source and amount of funds for each appropriation 458
made in this act, and shall determine the form and manner in 459
which appropriation accounts shall be maintained. Expenditures 460

from appropriations contained in this act shall be accounted for 461
as though made in the main operating appropriations act of the 462
133rd General Assembly. 463

The appropriations made in this act are subject to all 464
provisions of the main operating appropriations act of the 133rd 465
General Assembly that are generally applicable to such 466
appropriations. 467