

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 37**

**Senator Uecker**

**Cosponsors: Senators Seitz, Bacon, Patton, Brown, Gardner**

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**A BILL**

To amend sections 4775.01, 4775.02, 4775.03, 1  
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 2  
4775.09, 4775.10, and 4775.11 of the Revised 3  
Code to extend the jurisdiction of the Motor 4  
Vehicle Repair Board to persons who perform 5  
motor vehicle mechanical repairs, to require 6  
motor vehicle repair facilities to register with 7  
the Board, and to make other changes to the 8  
Motor Vehicle Repair and Window Tint Operator 9  
Law, and to further enact new section 4775.03 10  
and repeal section 4775.03 of the Revised Code 11  
on January 1, 2016, to dissolve the existing 12  
Motor Vehicle Repair Board and replace it with a 13  
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, 15  
4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 16  
and 4775.11 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 4501.01 of the Revised Code. 19  
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~~(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, 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.~~ 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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(C) "Business" has the same meaning as in section 4738.01 of the Revised Code. 42  
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~~(E)~~ (D) "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, 44  
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heating and cooling system, air conditioning, climate controls, 48  
exhaust, fuel, ignition, starting and charging, lubrication, 49  
tires, driver and passenger restraint systems, vehicle anti- 50  
theft, and security systems. 51

(E) "Mechanical repair" means any alteration or 52  
maintenance, diagnostic, or repair service procedures that are 53  
performed on and affect or potentially affect the operation of a 54  
motor vehicle. 55

(F) "Motor vehicle repair" means either a motor vehicle 56  
body repair or a motor vehicle mechanical repair. 57

(G) "Motor vehicle window tint operator" means any person, 58  
sole proprietorship, foreign or domestic partnership, limited 59  
liability corporation, or other legal entity that is not an 60  
employee or agent of a principal and ~~installs~~ is primarily 61  
engaged in the business of installing tinted glass, or 62  
transparent, nontransparent, translucent, and reflectorized 63  
material in ~~or on five or more~~ motor vehicle windshields, side 64  
windows, sidewings, and rear windows ~~in a calendar year for~~ 65  
profit. 66

~~(F)~~ (H) "Motor vehicle repair operator" means any person, 67  
sole proprietorship, foreign or domestic partnership, limited 68  
liability corporation, or other legal entity that is not an 69  
employee or agent of a principal and is primarily engaged in the 70  
business of motor vehicle repair for profit, and includes a 71  
motor vehicle collision repair operator and a motor vehicle 72  
window tint operator, but does not mean any of the following: 73

(1) An employee, other than a manager, of a motor vehicle 74  
repair operator; 75

(2) A new motor vehicle dealer licensed pursuant to 76

sections 4517.01 to 4517.45 of the Revised Code, irrespective of 77  
whether or not the new motor vehicle dealer also is licensed as 78  
a used motor vehicle dealer pursuant to those sections; 79

(3) A new motor vehicle dealer licensed pursuant to 80  
sections 4517.01 to 4517.45 of the Revised Code who also is the 81  
owner, part owner, or operator of a motor vehicle ~~eollision-~~ 82  
repair facility or a motor vehicle window tint installation 83  
facility; 84

(4) A motor vehicle auction owner licensed pursuant to 85  
sections 4517.01 to 4517.45 of the Revised Code who does not 86  
perform motor vehicle repairs; 87

(5) A motor vehicle leasing dealer licensed pursuant to 88  
sections 4517.01 to 4517.45 of the Revised Code; 89

(6) A motor vehicle salvage dealer licensed pursuant to 90  
Chapter 4738. of the Revised Code; 91

(7) A person or lessee who owns or leases ten or more 92  
motor vehicles used principally in connection with any 93  
established business and who does not perform motor vehicle 94  
~~eollision-~~repairs or motor vehicle window tint installation on 95  
motor vehicles other than the motor vehicles used principally in 96  
connection with the established business; 97

(8) A motor vehicle renting dealer as defined in division 98  
(A) (2) of section 4549.65 of the Revised Code who does not 99  
perform motor vehicle ~~eollision-~~repairs or motor vehicle window 100  
tint installation on motor vehicles other than the motor 101  
vehicles used in connection with the established motor vehicle 102  
renting business; 103

(9) A person who performs ~~eollision-~~repairs or motor 104  
vehicle window tint installation on the motor vehicles of a 105

single commercial, industrial, or governmental establishment 106  
exclusively and does not offer or provide motor vehicle 107  
~~collision~~ repair service or motor vehicle window tint 108  
installation to the general public; 109

(10) The owner, part owner, or officer of, or instructor 110  
employed by, an educational institution that provides 111  
instruction in motor vehicle ~~collision~~ repair or motor vehicle 112  
window tint installation while the owner, part owner, officer 113  
of, or instructor is engaging in activity in furtherance of 114  
instruction in motor vehicle ~~collision~~ repair or motor vehicle 115  
window tint installation; 116

(11) Any person, sole proprietorship, foreign or domestic 117  
partnership, limited liability corporation, or other legal 118  
entity that is either of the following: 119

(a) Primarily engaged in the retail sale of new, used, or 120  
retreaded tires and inner tubes for those tires; 121

(b) Engaged in the retail sale of new, used, or retreaded 122  
tires and inner tubes for those tires in combination with 123  
mechanical repair services. 124

(12) A national general goods retailer that also performs 125  
some motor vehicle repair; 126

(13) An organization in which members pay in exchange for 127  
assistance from the organization in matters relating to travel 128  
and the operation, use, and maintenance of a motor vehicle, and 129  
for the organization to supply other services, including all of 130  
the following: 131

(a) Community traffic safety services; 132

(b) Travel and touring services; 133

<u>(c) Theft or reward services;</u>	134
<u>(d) Map services;</u>	135
<u>(e) Towing services;</u>	136
<u>(f) Emergency road services;</u>	137
<u>(g) Bail bond services;</u>	138
<u>(h) Legal fee reimbursement in the defense of traffic offenses;</u>	139 140
<u>(i) Sickness and accident or life insurance.</u>	141
<u>(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;</u>	142 143 144
<u>(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.</u>	145 146 147 148 149
<del>(G)</del> <u>(I) "Motor vehicle collision-repair facility" means a mobile or stationary location from which five or more separate that is primarily engaged in the business of motor vehicle collision repairs are performed on motor vehicles in a twelve-month period, commencing with the day of the month in which the first such repair is made for profit.</u>	150 151 152 153 154 155
<del>(H)</del> <u>(J) "Motor vehicle window tint installation facility" means a mobile or stationary location from which five or more separate that is primarily engaged in the business of motor vehicle window tint installations are performed on motor vehicles in a twelve month period, commencing with the day of</u>	156 157 158 159 160

~~the month in which the first such installation is made for~~ 161  
profit. 162

**Sec. 4775.02.** (A) No person shall act as a motor vehicle 163  
~~collision~~ repair operator or motor vehicle window tint operator 164  
unless the person is registered in accordance with this chapter. 165

(B) Each motor vehicle repair facility shall be registered 166  
separately with the motor vehicle repair board. A facility that 167  
conducts both body repairs and mechanical repairs at the same 168  
location is required to obtain only one registration from the 169  
board. 170

(C) Any person or entity that conducts or attempts to 171  
conduct business as a motor vehicle ~~collision~~ repair operator or 172  
motor vehicle window tint operator in violation of this chapter 173  
performs an unfair and deceptive act or practice in violation of 174  
section 1345.02 of the Revised Code. 175

**Sec. 4775.03.** (A) There is hereby created the motor 176  
vehicle repair board consisting of seven members appointed by 177  
the governor, with the advice and consent of the senate. Each 178  
member of the board shall be a resident of the state. Five 179  
members shall be motor vehicle ~~collision~~ repair operators. One 180  
member shall possess expertise in motor vehicle mechanical 181  
repair, and one member shall be a representative of the public 182  
who has no financial interest in the motor vehicle repair 183  
industry. 184

(B) Within ninety days after December 18, 1997, the 185  
governor shall make initial appointments to the board. Of the 186  
initial appointees, two are for terms ending on January 1, 1998, 187  
two are for terms ending on January 1, 1999, two are for terms 188  
ending on January 1, 2000, and one is for a term ending on 189

January 1, 2001. Thereafter, terms of office are for three 190  
years, with each term ending on the same day of the same month 191  
as did the term that it succeeds. Each member shall hold office 192  
from the date of appointment until the end of the term for which 193  
the member was appointed. Vacancies shall be filled in the 194  
manner prescribed for original appointments. Any member 195  
appointed to fill a vacancy occurring prior to the expiration of 196  
the term for which the member's predecessor was appointed shall 197  
hold office for the remainder of the term. A member shall 198  
continue in office subsequent to the expiration date of the 199  
member's term until the member's successor takes office, or 200  
until a period of sixty days has elapsed, whichever occurs 201  
first. No person shall serve as a member of the board for more 202  
than two consecutive full three-year terms. 203

(C) In making appointments to the board under division (B) 204  
of this section, the governor shall select the motor vehicle 205  
collision repair operator members and the member with expertise 206  
in motor vehicle mechanical repair as provided in this division. 207  
Within thirty days after December 18, 1997, the automotive 208  
service association of Ohio, inc., shall submit a list 209  
containing two names for the motor vehicle mechanical repair 210  
member and twelve names for the motor vehicle collision repair 211  
members and the governor may appoint individuals from the list 212  
to fill those six positions. Thereafter, within sixty days of a 213  
vacancy occurring as a result of the expiration of a term and 214  
within thirty days after other vacancies occurring on the board, 215  
the automotive service association of Ohio, inc., shall submit a 216  
list containing three names for each vacancy and the governor 217  
may appoint one of the individuals from the list to fill the 218  
vacancy. If the automotive service association of Ohio, inc., 219  
for its respective appointees, fails to make the recommendations 220



to the governor within the time limits set by this division, the 221  
governor shall appoint an individual of the governor's own 222  
choosing provided that the individual meets the qualifications 223  
of division (A) of this section. 224

(D) Before entering upon the duties of office, each member 225  
shall take an oath of office as required by section 3.22 of the 226  
Revised Code. The governor may remove any member for misconduct, 227  
neglect of duty, incapacity, or malfeasance in accordance with 228  
section 3.04 of the Revised Code. 229

(E) The board shall meet at least four times each year, 230  
and additional meetings may be held upon the written request of 231  
any four members of the board or upon the call of the 232  
chairperson. The board shall elect from among its membership a 233  
chairperson and vice-chairperson, each of whom shall serve for a 234  
term of one year. A majority of the members of the board 235  
constitutes a quorum to transact and vote on the business of the 236  
board. The chairperson may appoint committees as the chairperson 237  
considers necessary to carry out the duties of the board. 238

(F) Each member of the board shall receive a per diem 239  
amount fixed pursuant to section 124.15 of the Revised Code when 240  
actually attending to matters of the board and for the time 241  
spent in necessary travel, and all actual and necessary expenses 242  
incurred in the discharge of the member's duties. 243

**Sec. 4775.04.** ~~(A)~~—The motor vehicle repair board shall do 244  
all of the following: 245

~~(1)~~ (A) Adopt rules in accordance with Chapter 119. of the 246  
Revised Code as necessary to carry out the purposes of this 247  
chapter. The rules ~~shall include~~ may address all of the 248  
following: 249

(1) The requirements for the type of liability insurance 250  
required under division (A) of section 4775.07 of the Revised 251  
Code. The rules shall permit the use of an insurance policy 252  
issued by any insurer authorized to issue that type of insurance 253  
in this state. 254

(2) Consumer education and protection, including inside 255  
and outside signage for the benefit of consumers and the 256  
establishment of a toll-free telephone number for consumers to 257  
call to voice complaints about an operator; 258

(3) Relevant aspects of registration of motor vehicle 259  
repair operators, including the identification by national 260  
institute of automotive service excellence category of services 261  
provided or their equivalents and the form for license 262  
applications; 263

(4) The contents of all estimates issued by operators, 264  
whether for body repair, mechanical repair, or both; 265

(5) The contents of all invoices issued by operators; 266

(6) Compliance by operators with all local ordinances or 267  
resolutions, state statutes and rules, and federal statutes and 268  
regulations; 269

(7) The certification of technicians employed by 270  
operators; 271

(8) Minimum training requirements for technicians and 272  
administrative staff employed by operators; 273

(9) Appropriate equipment requirements for operators who 274  
perform body repair and those who perform mechanical repair. 275

(B) Appoint an executive director to serve at the pleasure 276  
of the board; 277

~~(3)~~ (C) Direct the executive director as to how the executive director shall perform the duties imposed under this chapter;

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

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

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

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

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

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

- (1) Review and submit to the board, for its approval, 307  
applications for registration pursuant to section 4775.07 of the 308  
Revised Code; 309
- (2) Issue registration certificates, as approved by the 310  
board, to persons who meet the qualifications for registration 311  
under division (A) of section 4775.07 of the Revised Code; 312
- (3) Maintain a written record of all persons registered 313  
pursuant to section 4775.07 of the Revised Code. The record 314  
shall include the name, address, and motor vehicle repair 315  
registration certificate number of each registered motor vehicle 316  
repair operator. The executive director shall make this record 317  
available to any person upon request and payment of a fee 318  
sufficient to cover the cost of copying the record. 319
- (4) Collect all fees pursuant to section 4775.08 of the 320  
Revised Code; 321
- (5) Appoint ~~enforcement officers~~ investigators as needed 322  
to assist the executive director in carrying out this chapter, 323  
who shall serve at the pleasure of the director; 324
- (6) Gather evidence of violations of this chapter by any 325  
person or motor vehicle repair operator, or any partner or 326  
officer of any motor vehicle repair operator, and, upon 327  
reasonable belief that a violation has occurred, present the 328  
evidence to the board for its consideration and possible action 329  
by the board under section 4775.02 of the Revised Code. Nothing 330  
in division (B) (6) of this section shall be construed as 331  
authorizing the executive director or the board to enforce any 332  
provision of law other than this chapter. If, however, the 333  
executive director or board, in conducting investigations under 334  
those sections, determines or suspects that a person has 335

violated any other provision of law, the executive director or board shall notify the governmental entity that is responsible for enforcement of that provision of law.

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

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

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

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

**Sec. 4775.06.** An ~~enforcement officer~~ investigator appointed by the executive director to assist the executive director in carrying out this chapter shall report to the executive director and the motor vehicle repair board the name and address of any motor vehicle repair operator that the ~~officer~~ investigator has reasonable grounds to believe is operating in violation of this chapter, and shall notify the operator of the suspected violation. The report shall be based on investigation practices and procedures approved by the board. Within sixty days after notification is sent, an ~~enforcement officer~~ investigator shall determine whether the motor vehicle repair operator who has been notified of a suspected violation

has come into compliance with the requirements of this chapter. 365  
If the motor vehicle repair operator fails to correct the 366  
suspected violation within sixty days after the date the 367  
operator receives the notification, the ~~enforcement officer~~ 368  
investigator shall notify the executive director and the board 369  
of the operator's failure to correct the suspected violation. 370  
Upon receiving a second notification of an operator's failure to 371  
comply with this chapter, the executive director shall notify 372  
the government entity having enforcement authority over the 373  
condition or activity giving rise to the suspected violation in 374  
writing of the condition or activity, the nature of the 375  
suspected violation, and the name and address of the operator 376  
suspected of violating this chapter. An ~~enforcement officer~~ 377  
investigator shall monitor periodically the progress of any 378  
action taken in connection with the suspected violation with the 379  
appropriate government entity, including any investigation or 380  
charges that are filed in connection with the suspected 381  
violation. Upon obtaining such information, the executive 382  
director or the ~~enforcement officer~~investigator monitoring such 383  
progress shall notify the board of the progress of the suspected 384  
violation and any accompanying investigation, charges, or other 385  
action taken in connection with the suspected violation. 386

**Sec. 4775.07.** (A) Any person required to be registered as 387  
a motor vehicle repair operator shall apply to the motor vehicle 388  
repair board upon application forms prescribed by the board. The 389  
forms shall contain sufficient information to identify the 390  
applicant, including name, address, state tax identification 391  
number, and any other identifying data prescribed by rule of the 392  
board. If the applicant is a partnership, identifying data as 393  
prescribed by the board may be required for each partner. If the 394  
applicant is a corporation, identifying data may be required for 395

each officer of the corporation and each person in charge of 396  
each place of the motor vehicle repair operator's business in 397  
this state. If the applicant is licensed as a used motor vehicle 398  
dealer pursuant to sections 4517.01 to 4517.45 of the Revised 399  
Code, the applicant shall include on the application the 400  
applicant's used motor vehicle dealer license number as assigned 401  
by the bureau of motor vehicles. The applicant shall affirm the 402  
application by oath. The applicant shall include with the 403  
application the initial registration fee set forth in section 404  
4775.08 of the Revised Code and proof satisfactory to the board 405  
that the applicant has a current state and federal tax 406  
identification number, a valid vendor's license issued pursuant 407  
to section 5739.17 of the Revised Code, a United States 408  
environmental protection agency identification number issued 409  
under the "Resource Conservation and Recovery Act of 1976," 90 410  
Stat. 2795, 42 U.S.C.A. 6901, as amended, and regulations 411  
adopted under that act, proof of possession of all permits 412  
required under Chapter 3704. of the Revised Code, general 413  
liability insurance and liability insurance that protects a 414  
person against liability for damage to motor vehicles in the 415  
applicant's care, custody, or control in an amount and form that 416  
conforms to the rules the board adopts under section 4775.04 of 417  
the Revised Code, and coverage under Chapters 4123. and 4141. of 418  
the Revised Code. In addition, the applicant shall affirm that 419  
the applicant is in compliance with all applicable federal and 420  
state statutes and rules and all local ordinances and 421  
resolutions, including all applicable zoning regulations. 422

(B) Upon receipt of the completed application form and 423  
fees and after the board determines that the applicant meets the 424  
requirements for registration under division (A) of this 425  
section, the board shall direct the executive director to issue 426

a registration certificate to the applicant for each place of 427  
business. The motor vehicle repair operator shall display the 428  
registration certificate in a conspicuous place on the premises 429  
of the business for which the registration is obtained. 430

(C) Each registration certificate issued under this 431  
section expires annually on the date of its original issuance 432  
and may be renewed in accordance with the standard renewal 433  
procedure of Chapter 4745. of the Revised Code. The application 434  
for a renewal of a registration certificate shall be accompanied 435  
by the same information and proof as is required to accompany an 436  
initial application under division (A) of this section. 437

(D) When a motor vehicle repair operator experiences a 438  
change in any information or data required under division (A) of 439  
this section or by rule of the board for registration as a motor 440  
vehicle repair operator, the motor vehicle repair operator shall 441  
submit written notification of the change to the board within 442  
sixty days after the date that the information becomes obsolete. 443  
If a motor vehicle repair operator fails to submit the written 444  
notification of a change in information or data within sixty 445  
days after the change in information or data, the operator's 446  
registration certificate is automatically suspended, except that 447  
the board may waive the suspension for good cause shown. 448

(E) Notwithstanding section 5703.21 of the Revised Code, 449  
the department of taxation may disclose to the board any 450  
information necessary for the board to verify the existence of 451  
an applicant's valid vendor's license and current state tax 452  
identification number. 453

**Sec. 4775.08.** (A) The initial and annual renewal fee for a 454  
motor vehicle repair registration certificate and for a 455  
temporary motor vehicle repair registration certificate is one 456



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

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

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

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

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 487  
the Revised Code, the motor vehicle repair board may refuse to 488  
issue or renew a registration certificate or may determine 489  
whether to waive a suspension of a registration certificate as 490  
provided in division (D) of section 4775.07 of the Revised Code. 491

(2) Within ten days after receipt of an abstract from a 492  
county court judge, mayor of a mayor's court, or clerk of a 493  
court of record indicating a violation of division (D) of 494  
section 4513.241 of the Revised Code, the board shall determine 495  
whether the person named in the abstract is registered with the 496  
board and, if the person is so registered, shall further 497  
determine whether the person previously has been convicted of or 498  
pleaded guilty to a violation of that section. If the person 499  
previously has been convicted of or pleaded guilty to a 500  
violation of that section, the board, in accordance with Chapter 501  
119. of the Revised Code but without a prior hearing, shall 502  
suspend the person's registration for a period of not more than 503  
one hundred eighty days. 504

(B) The court of common pleas of Franklin county has 505  
exclusive jurisdiction over any person who conducts, or attempts 506  
to conduct, business as a motor vehicle repair operator in 507  
violation of this chapter or any rule adopted under this 508  
chapter. The court, on application of the board, may issue an 509  
injunction, a cease and desist order, or other appropriate order 510  
restraining the person from continuing the violation. This 511  
section shall operate in addition to and shall not prohibit the 512  
enforcement of any other law. 513

(C) Upon the request of the executive director or as a 514  
result of complaints, the board shall investigate the alleged 515  
violation. 516

(D) No person required to be registered under this chapter 517  
shall have the benefit of any lien for labor or materials unless 518  
the person is registered under this chapter. 519

(E) No person whose application for registration under 520  
this chapter is denied shall open or operate a facility for 521  
business as a motor vehicle ~~collision~~-repair facility or motor 522  
vehicle window tint installation facility under the name of the 523  
person designated in the application for a registration 524  
certificate or under any other name prior to registering as a 525  
motor vehicle repair operator in accordance with this chapter. 526

**Sec. 4775.10.** (A) A motor vehicle repair operator who 527  
substantially complies with the requirements of this chapter for 528  
registration as a motor vehicle repair operator and who is 529  
making a good faith effort toward achieving compliance with all 530  
requirements of this chapter may obtain a temporary motor 531  
vehicle repair registration certificate. Following the 532  
application of, and payment of a fee by a motor vehicle repair 533  
operator, the motor vehicle repair board, in its discretion, may 534  
direct the executive director to issue a temporary registration 535  
certificate to a motor vehicle repair operator the board finds 536  
to be in substantial compliance with the requirements of this 537  
chapter for registration and who is making a good faith effort 538  
toward achieving compliance with all requirements of this 539  
chapter. A temporary motor vehicle repair registration issued on 540  
or after the effective date of this amendment is valid for one 541  
year and may be renewed at the discretion of the board. 542

~~Except as otherwise provided in division (C) of this~~ 543  
~~section, a temporary registration certificate is effective for~~ 544  
~~one year from the date of issuance or until the date the motor~~ 545  
~~vehicle repair operator obtains a regular motor vehicle repair~~ 546

~~registration certificate under this chapter, whichever date~~ 547  
~~occurs first.~~ If a motor vehicle repair operator obtains a 548  
regular registration certificate prior to the expiration of the 549  
operator's temporary registration certificate, a portion of the 550  
fee paid by the motor vehicle repair operator to obtain the 551  
temporary registration certificate shall be applied to the fee 552  
imposed under section 4775.08 of the Revised Code to obtain a 553  
regular registration certificate in an amount that corresponds 554  
to the portion of the year the operator is not utilizing the 555  
temporary registration certificate. 556

Upon receiving direction from the board, the executive 557  
director shall issue a temporary registration certificate. 558

(B) The board shall adopt rules in accordance with Chapter 559  
119. of the Revised Code that specify criteria a motor vehicle 560  
repair operator shall meet in order to be considered to be in 561  
substantial compliance with the registration requirements of 562  
this chapter, and that specify criteria a motor vehicle repair 563  
operator shall meet in order to be considered as making a good 564  
faith effort toward achieving compliance with all requirements 565  
of this chapter. The board shall consider the impact of the 566  
rules it adopts under this division on encouraging competition 567  
~~between~~ among all motor vehicle repair operators and not 568  
impairing the ability of operators who have been in the motor 569  
vehicle repair business for less than one year to succeed in the 570  
market place. 571

~~(C) A temporary motor vehicle repair registration may be~~ 572  
~~renewed not more than four consecutive times. A motor vehicle~~ 573  
~~repair operator may apply for the renewal of a temporary~~ 574  
~~registration certificate prior to the expiration of a temporary~~ 575  
~~registration certificate. The board shall consider an~~ 576

~~application for the renewal of a temporary registration certificate. The board may direct the executive director to renew a temporary registration certificate of an applicant who meets the requirements set forth in division (A) of this section for obtaining a temporary registration certificate. Upon recommendation by the board, the executive director shall issue a renewal of an applicant's temporary registration certificate. Neither the board nor the executive director shall renew a person's temporary registration certificate more than four consecutive times.~~ 577  
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~~A renewal of a temporary motor vehicle repair registration certificate is effective for one year from the date of issuance of the renewal of registration. A temporary registration certificate shall continue in effect during the period in which an applicant is being considered for renewal if the applicant applies for renewal prior to the expiration of the temporary registration certificate.~~ 587  
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**Sec. 4775.11.** It is the intent of the general assembly to preempt any local ordinance, resolution, or other law adopted or enacted after December 18, 1997, that is limited to the registration of persons engaged in business as motor vehicle repair operators in a manner corresponding to the provisions of this chapter. This chapter does not preempt any of the following local ~~law~~ laws: 594  
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(A) Laws adopted or enacted prior to December 18, 1997, for motor vehicle collision repair operators ~~or the effective date of this amendment;~~ 601  
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(B) Laws adopted or enacted prior to March 22, 2013, for motor vehicle window tint operators, ~~or;~~ 604  
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(C) Laws adopted or enacted prior to the effective date of this amendment for motor vehicle mechanical repair operators; 606  
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(D) Laws that may require registration or licensure as a component of imposing additional requirements on persons engaged in business as motor vehicle repair operators or technicians. 608  
~~Nor does it preempt the enforcement of any local law;~~ 609  
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(E) Laws regulating motor vehicle repair operators or technicians, including building, zoning, health, safety, or other similar codes or laws. 612  
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**Section 2.** That existing sections 4775.01, 4775.02, 615  
4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 616  
4775.10, and 4775.11 of the Revised Code are hereby repealed. 617

**Section 3.** Notwithstanding division (A) of section 4775.02 618  
of the Revised Code, as amended by this act, no person shall be 619  
required to register as a motor vehicle repair operator until 620  
six months after the effective date of Section 1 of this act, 621  
unless the person would have been required to register as a 622  
motor vehicle collision repair operator in accordance with 623  
Chapter 4775. of the Revised Code as it existed immediately 624  
prior to the effective date of Section 1 of this act. 625

**Section 4.** That new section 4775.03 of the Revised Code be 626  
enacted to read as follows: 627

**Sec. 4775.03.** (A) There is hereby created the motor 628  
vehicle repair board consisting of seven members appointed by 629  
the governor, with the advice and consent of the senate. Each 630  
member of the board shall be a resident of the state. Two 631  
members shall be motor vehicle body repair operators, two 632  
members shall be motor vehicle mechanical repair operators, two 633  
members shall be motor vehicle window tint operators, and one 634

member shall be a representative of the public who has no 635  
financial interest in the motor vehicle repair industry. 636

(B) The governor shall make appointments to the board. Of 637  
the initial appointees, three are for terms ending on June 1, 638  
2016, two are for terms ending on June 1, 2017, and two are for 639  
terms ending on June 1, 2018. Thereafter, terms of office are 640  
for three years, with each term ending on the same day of the 641  
same month as did the term that it succeeds. Each member shall 642  
hold office from the date of appointment until the end of the 643  
term for which the member was appointed. Vacancies shall be 644  
filled in the manner prescribed for original appointments. Any 645  
member appointed to fill a vacancy occurring prior to the 646  
expiration of the term for which the member's predecessor was 647  
appointed shall hold office for the remainder of the term. A 648  
member shall continue in office subsequent to the expiration 649  
date of the member's term until the member's successor takes 650  
office, or until a period of sixty days has elapsed, whichever 651  
occurs first. No person shall serve as a member of the board for 652  
more than two consecutive full three-year terms. 653

(C) In making appointments to the board under division (B) 654  
of this section, the governor shall select six of the members as 655  
provided in this division. The automotive service association of 656  
Ohio, inc., shall submit a list containing names for the motor 657  
vehicle mechanical repair members, the motor vehicle body repair 658  
members, and the motor vehicle window tint operator members, and 659  
the governor may appoint individuals from the list to fill those 660  
six positions. Thereafter, within sixty days of a vacancy 661  
occurring as a result of the expiration of a term and within 662  
thirty days after other vacancies occurring on the board, the 663  
automotive service association of Ohio, inc., shall submit a 664  
list containing three names for each vacancy and the governor 665

may appoint one of the individuals from the list to fill the 666  
vacancy. If the automotive service association of Ohio, inc., 667  
for its respective appointees, fails to make the recommendations 668  
to the governor within the time limits set by this division, the 669  
governor shall appoint an individual of the governor's own 670  
choosing provided that the individual meets the qualifications 671  
of division (A) of this section. 672

(D) Before entering upon the duties of office, each member 673  
shall take an oath of office as required by section 3.22 of the 674  
Revised Code. The governor may remove any member for misconduct, 675  
neglect of duty, incapacity, or malfeasance in accordance with 676  
section 3.04 of the Revised Code. 677

(E) The board shall meet at least four times each year, 678  
and additional meetings may be held upon the written request of 679  
any four members of the board or upon the call of the 680  
chairperson. The board shall elect from among its membership a 681  
chairperson and vice-chairperson, each of whom shall serve for a 682  
term of one year. A majority of the members of the board 683  
constitutes a quorum to transact and vote on the business of the 684  
board. The chairperson may appoint committees as the chairperson 685  
considers necessary to carry out the duties of the board. 686

(F) Each member of the board shall receive a per diem 687  
amount fixed pursuant to section 124.15 of the Revised Code when 688  
actually attending to matters of the board and for the time 689  
spent in necessary travel, and all actual and necessary expenses 690  
incurred in the discharge of the member's duties. 691

**Section 5.** That section 4775.03 of the Revised Code as it 692  
results from Section 1 of this act is hereby repealed. 693

**Section 6.** Sections 4 and 5 of this act take effect 694



January 1, 2016. 695

**Section 7.** The Motor Vehicle Repair Board in existence on 696  
December 31, 2015, is hereby dissolved as of January 1, 2016, 697  
and the Motor Vehicle Repair Board created in section 4775.03 of 698  
the Revised Code as presented in Section 4 of this act shall 699  
take the dissolved Board's place and assume its duties. 700

The Governor shall make the appointments to the Motor 701  
Vehicle Repair Board for the terms of office prescribed in 702  
section 4775.03 of the Revised Code as presented in Section 4 of 703  
this act not later than January 1, 2016. In order to permit the 704  
Governor to make the appointments as described in this section, 705  
the organizations specified in division (C) of section 4775.03 706  
of the Revised Code as presented in Section 4 of this act shall 707  
submit the lists described in section 4775.03 of the Revised 708  
Code as presented in Section 4 of this act to the Governor not 709  
later than October 1, 2015. 710