



Ohio Administrative Code

Rule 4775-1-01 Definitions.

Effective: April 1, 2016

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

(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.

(C) Collision 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, including glass. Collision 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.

(D) Motor vehicle window tint operator means any person, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that installs tinted glass, or transparent, nontransparent, translucent, and reflectorized material in or on five or more motor vehicle windshields, side windows, sidewings, and rear windows in a calendar year.

(E) A motor vehicle repair operator means a person who owns or manages, in whole or in part, a motor vehicle repair business, an auto glass repair or replacement business, a paintless dent repair (PDR) business, an airbag repair or replacement company, or a window tint installation business, whether mobile or stationary and whether or not mechanical or other repairs also are performed at the business, but does not mean any of the following:

(1) An employee, other than a manager, of a motor vehicle repair business;

(2) A motor vehicle dealer, licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;



- (3) A 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 repair business;
- (4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;
- (5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;
- (6) A motor vehicle salvage dealer licensed pursuant to sections 4738.01 to 4738.18 of the Revised Code;
- (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 repairs on motor vehicles other than the motor vehicles used principally in connection with the established business.
- (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 repairs on motor vehicles other than the motor vehicles used in connection with the established motor vehicle renting business;
- (9) A person who performs repairs to the motor vehicles of a single commercial, industrial, or governmental establishment exclusively and does not offer or provide motor vehicle repair service to the general public;
- (10) The owner, part owner, or officer of, or instructor employed by an educational institution that provides instruction in motor vehicle repair while the owner, part owner, officer of, or instructor is engaging in activity in furtherance of instruction in motor vehicle collision repair.
- (F) The "board" or "state board" pursuant to these rules at all times shall refer to the Ohio board of motor vehicle repair.
- (G) "Motor vehicle repair business" means a business location, whether mobile or stationary, in or



from which five or more separate motor vehicle repairs or window tint installations are performed for the general public in a twelve-month period, commencing with the day of the month in which the first such repair is made.

(H) "Place of business" means any site where commercial transactions take place and where merchandise and inventory are stored or transported from. Such establishment shall be in accordance with rule 4501:1-4-04 of the Administrative Code,

(I) "Renew", "renewal", "renewed" means to grant, subsequent to the original or preceding registration certificate prior to or on the date of expiration of the original or preceding registration. Such terms may be used interchangeably.

(J) "Issue", "issuance", "issued" means a registration certificate is or has been provided to the motor vehicle repair operator, upon the agreement or recommendation by or of the board. Such terms may be used interchangeably.

(K) "Suspend", "suspension", "suspended" means to make invalid for an indefinite period of time a registration certificate that is or was previously in effect. Such terms may be used interchangeably.

(L) "Anniversary" means three hundred sixty-five days after a particular date.

(M) "Home base" means the original location from which mobile units are assigned.



Ohio Administrative Code

Rule 4775-2-01 Information to accompany application for "motor vehicle repair registration".

Effective: April 1, 2016

(A) The application and necessary forms for registration may be obtained from the Ohio board of motor vehicle repair registration. No application shall be accepted for a "motor vehicle collision repair registration", unless the application for such registration is accompanied by the following information:

(1) Two suitable exterior photographs of the premises for which the registration is sought showing a suitable exterior sign identifying said premises; the other photograph depicting the means of public ingress to the place of the business. If the business is solely a mobile repair business, side and rear photos of the mobile unit shall be submitted. The minimum dimensions of the photographs shall be three inches by five inches for all photographic film formats, including digital recordation, or alternately, may be standard sized polaroid photographs.

(2) A current certificate of insurance listing the type(s) and amount(s) of coverage upon the business, its premises, and contents including, but not limited to:

(a) General liability insurance.

(b) Garagekeeper's liability insurance for damage to motor vehicles in the applicant's care, custody, or control.

(c) Names the board as "certificate holder" on the certificate of insurance for the purpose of board notification regarding policy renewal(s), policy coverage change(s), effective coverage date(s) and lapses of coverage upon the business and contents.



Ohio Administrative Code

Rule 4775-2-02 Content of application for "motor vehicle repair registration certificate".

Effective: April 1, 2016

(A) Any person or entity applying for a "motor vehicle repair registration certificate", shall complete and submit to the board on a form to be furnished by the board for that purpose, a separate application for a registration certificate for each location in which the business is to be conducted. When pertaining to mobile businesses, one registration application shall be submitted per "home base" where the mobile unit is assigned to work from. Such application or renewal application shall be completed and returned to the board within thirty-days of its receipt by the motor vehicle repair business. The registration certificate application form shall be in the form prescribed by the Ohio board of motor vehicle repair and shall be signed by the applicant. Original applications must be notarized. The application shall contain and be accompanied by the following information:

(1) Check the box which best describes the business applying for registration; collision repair shop, auto glass repair, mobile auto repair PDR (paintless dent repair), mechanical shop, airbag replacement, dealership, or window tint installation.

(2) Registration number; assigned by the board.

(3) Number of mobile units working from this location.

(4) Name of the business and complete address of the place of business or home base.

(5) Name or style under which the business is to be conducted and, if a corporation, the state of incorporation.

(6) Name and complete address of each owner or partner or, if a corporation or limited liability company, the names and addresses of each officer and director.

(7) A current Ohio bureau of worker's compensation identification number and duplicate certificate from which that number was obtained or assigned.



(8) A current Ohio bureau of unemployment services identification number and duplicate certificate from which that number was obtained or assigned.

(9) A current federal taxpayer identification number and duplicate certificate from which that number was obtained or assigned.

(10) A current state of Ohio taxpayer identification number and duplicate certificate from which that number was obtained or assigned.

(11) A current state of Ohio vendor's license number and duplicate certificate from which that number was obtained or assigned.

(12) A hazardous waste generator disposal permit number, if applicable.

(13) Ohio bureau of motor vehicles dealer permit number.

(14) Ohio environmental protection agency air pollution source permit number.

(15) Local building zone designation.

(16) Name and address of each business owner.

(B) The initial fee for each application for each registration certificate sought shall be one hundred fifty dollars, or the fee then in effect as determined by the Ohio board of motor vehicle repair, the office of budget and management and the Ohio controlling board, payable when filing the application for the registration certificate. In all cases, the fee shall accompany each application.

(C) Upon receipt of the completed application form and fees and after the board determines that the applicant meets the requirements for registration under paragraph (A) of this rule, the board shall direct the executive director to issue a registration certificate to the applicant.

(D) The annual fee for the renewal of each registration certificate shall be one hundred fifty dollars



or the fee then in effect as determined by the Ohio board of motor vehicle repair, the office of budget and management and the Ohio controlling board. The Ohio board of motor vehicle repair, with the approval of the controlling board, may establish fees in excess of or less than one hundred fifty dollars, provided that such fees do not exceed or are not less than that amount by more than fifty per cent.

(E) Each registration certificate expires annually on the date of its original issuance. The application for renewal of a registration certificate, shall be accompanied by the same information and proof required by the board. If the business information or location should change between the registration certificate's date of issuance and expiration, the motor vehicle repair business shall submit a new registration application and accompanying materials to the board, unless needed changes can be made on the renewal application.

(F) Each registration certificate shall be conspicuously displayed for public inspection by the motor vehicle repair business in a place normally accessible by the public.



Ohio Administrative Code

Rule 4775-2-03 Changes in information or data required by board for issuance of registration certificate.

Effective: April 1, 2016

(A) When a motor vehicle repair operator experiences a change in any information or data required by the board for registration subsequent to the original issuance of or renewal of the registration certificate, the motor vehicle repair operator shall submit written notification of the change(s) to the Ohio board of motor vehicle repair within sixty days after the change(s) in information or data. If a motor vehicle repair operator fails to submit written notification to the board within sixty days after the change(s) in information or data, the operator's registration certificate may be suspended.

(B) In addition to registration suspension, the board may require a fee be paid by a repair operator who fails to provide the board with notification of the changes to the information or data required by the board within sixty days from the date the changes occur.



Ohio Administrative Code

Rule 4775-2-04 Nature of and length of time records will be maintained.

Effective: September 8, 2016

(A) Persons, partnerships, corporations, limited liability companies, or any and all other business forms operating a motor vehicle repair business, required to be registered under Chapter 4775. of the Revised Code, shall maintain for a period of four years, written records of and any and all documents related to the following:

(1) Record of repair facility ownership, listing the names and addresses of all owners, partners, officers, and/or directors as applicable.

(2) Current and past certificates of insurance

(3) If, during the record maintenance period, a business name change occurs, all documentation related to said name change

(4) Current and past Ohio bureau of worker's compensation identification numbers and related documents.

(5) Current and past Ohio bureau of unemployment identification number and related documents.

(6) Current and past federal taxpayer identification number and related documents.

(7) Current and past state of Ohio taxpayer identification number and related documents.

(8) Current and past state of Ohio vendor's license number and related documents.

(9) Any and all documentation related to the application for, securing, obtainment, and maintenance of all permits, licenses, registrations, air, ground, and water discharge testing and monitoring, seminar attendance, training completion, investigations, suspensions and revocations, and/or any and all other actions that may be required by, instituted by, or conducted by the environmental protection



agency and its state counterpart, the Ohio environmental protection agency.

(10) Any and all documentation pertaining to the purchase of any and all materials necessary to conduct the ordinary or extraordinary business of motor vehicle repair.

(11) All documentation pertaining to compliance with local statutes.

(B) A facility or operator subject to registration shall make available for inspection during business hours the aforementioned records to board personnel upon their request and proof of identification.

(C) A facility or operator subject to registration shall record their registration number in a conspicuous location on each estimate and invoice.

(D) The board may issue window decals of the board's seal to registered businesses. The decals will remain the property of the board, and may be displayed to the public as long as the business remains registered.



Ohio Administrative Code

Rule 4775-2-07 Substantial compliance with board's registration requirements.

Effective: April 1, 2016

(A) The standard by which the board determines if an operator is in substantial compliance with its registration requirements shall be that the repair operator is currently in possession of the board's required documentation, identification numbers, licenses, permits, policy(s), and/or registrations but who, by virtue of newly imposed or enacted requirements set forth in federal, state, or local statute, or by company policy, has not yet been able to secure, obtain, implement, or incorporate the equipment, training, controls, processes, ratings, or other requirements as set forth in the newly imposed requirements.

(B) The repair operator who is deemed by the board to be in substantial compliance shall be afforded a reasonable period of time in which to achieve full and complete compliance with the newly enacted requirements as they relate to the board's registration. An operator shall not construe or interpret the board's determination of substantial compliance to mean the operator is, has been, or shall be relieved from the requirements put upon them by the agency compelling such compliance. The operator shall be afforded a period of one year with which to achieve full compliance as required by outside agencies or entities. Said time period shall expire on the first anniversary of the date of the board's original determination of the operator's substantial compliance.

(C) The repair operator who is determined to be in substantial compliance by the board shall periodically prepare and provide, by regular U.S. mail, the board with a typewritten narrative upon paper measuring eight and one-half inches by eleven inches, which narrative shall detail the activities of the preceding three month period as they relate to the newly imposed requirements. Documents provided by a repair operator in support of the substantial compliance status will be reviewed annually by the board not later than the anniversary of issuance of the operator's registration. Upon review by the board, the board shall determine whether the operator continues to be or shall continue to be considered in substantial compliance or if other action by the board is warranted.



Ohio Administrative Code

Rule 4775-2-08 Method of instituting complaints.

Effective: April 1, 2016

(A) The board's investigator(s), having reasonable grounds to believe a repair operator is in violation of the board's registration requirements, or upon the receipt of a complaint, shall report to the executive director and the board the name and address of a repair operator suspected of being in violation. The investigator shall attempt personal contact with the business owner/operator and determine if a violation exists. If the investigator determines there is a violation of Chapter 4775. of the Revised Code, the investigator shall explain the laws and provide the owner/operator with the proper application for registration.

(B) Within sixty days of providing the notification, the investigator shall determine if the repair operator who has been notified of a suspected violation has come into compliance with the board's requirements for registration. If the repair operator fails to correct the suspected violation within sixty days after the date the operator receives the notification, the investigator shall notify the executive director and the board of the operator's failure to correct the suspected violation. The investigator shall then provide the operator with a thirty-day written notice of violation and shall provide the executive director a duplicate copy of the notification. Upon receipt of a notice of violation, the executive director shall notify the government entity having enforcement authority over the condition or activity giving rise to the illegal activity, the nature of the violation, and the name and address of the operator of the violation.

(C) Thereafter, an investigator shall periodically monitor the progress of any action taken in connection with the violation with the appropriate government entity, including any investigation or charges that are filed in connection with the violation. Upon obtaining such information, the executive director or the investigator monitoring such progress shall notify the board of the progress of the suspected violation and any accompanying investigation, charges, or other action taken in connection with the violation.



Ohio Administrative Code

Rule 4775-2-09 Board's suspension of or refusal to issue or renew registration certificate; automatic suspension of registration certificate.

Effective: April 1, 2016

The board may, in its discretion, refuse to issue, renew or suspend a registration certificate or may determine whether to waive a suspension of a registration certificate. Notice of the suspension, non-renewal or non-issuance of a registration certificate shall cause notice to be sent within thirty days succeeding such determination to the registrant or applicant. Such notice shall state the reasons for the action, cite the law or rule directly involved, and state that the party will be afforded a hearing if he requests it within thirty days of the time of mailing the notice. Failure of a registered motor vehicle repair operator to advise the board, in writing, of changes in information or data within sixty days of the changes required by the board for registration, may result in automatic suspension of the operator's registration certificate.



Ohio Administrative Code Rule 4775-3-01 Notice of hearing.

Effective: April 1, 2016

(A) Any motor vehicle repair business who is in violation of section 4775.02 of the Revised Code, shall be afforded the opportunity for a hearing, as required by sections 119.01 to 119.13 of the Revised Code, prior to the imposition of fines or business closure.

(B) When, in the opinion of the board, reasonable grounds exist to not issue, or not renew a registration certificate, i.e. violation of the rules governing the registration of a motor vehicle repair operator or business, the executive director shall send a notice of opportunity for hearing by certified mail, return receipt requested, to the applicant cited at the address specified in the application for registration. Such notice shall specify the alleged violations of the Revised Code or the rules of the board, and shall apprise the applicant or registration certificate holder, of their right to request an adjudicatory hearing on the matter.



Ohio Administrative Code

Rule 4775-3-02 Date, time and place of hearing.

Effective: January 10, 2011

Upon written request by an applicant whose registration has not been renewed or issued, which request must occur within thirty days after receipt of the notice of opportunity for hearing, the board must set the date, time and place of hearing, and immediately notify the registration applicant or his/her appointed representative. The date, time and place for such hearing shall be determined by the board. Notice to the registration applicant as to the date, time and place for hearing shall be provided by the board within seven to fifteen days after the party has requested a hearing. If the registration applicant fails to respond to the notice of opportunity for hearing within thirty days, the board may consider the violation(s) as proven and may, in its discretion and without a hearing, disapprove the registration application, levy administrative fines and enter decisions in its journal.



Ohio Administrative Code

Rule 4775-3-03 Appointment of hearing examiner or referee; report of findings and recommendations.

Effective: January 10, 2011

(A) The board, in its discretion, may appoint a referee or examiner to conduct the hearing. The referee or examiner shall have the same powers and authority in conducting the hearing as is granted to the agency. Such referee or examiner shall have been admitted to the practice of law in the state and be possessed of such additional qualifications as the agency requires.

(B) Upon the conclusion of an adjudicatory hearing the referee or examiner shall submit to the agency a written report setting forth his/her findings of fact and conclusions of law and a recommendation of the action to be taken by the agency. A copy of such written report and recommendations of the referee or examiner shall within five days of the date of filing thereof, be furnished to the party or his/her attorney or other representative of record, by certified mail, return receipt requested or other means of registered receipt delivery.



Ohio Administrative Code Rule 4775-3-04 Continuances.

Effective: April 1, 2016

(A) Any hearing may be postponed or continued by the board on its own motion, or within the discretion of the board at the request of the registration applicant for such period of time and upon such terms as the board may prescribe, subject to paragraph (C) of this rule.

(B) The registration applicant requesting a continuance shall submit to the board, at least five days prior to the date set for the hearing, a written request, stating the reason(s) for the desired continuance. Verified statements setting out the grounds for the continuance shall be filed with the request.

(C) A hearing, if requested by an applicant pursuant to the rules adopted by the board, shall be conducted within one year from the date the board determined the motor vehicle repair operator's registration application was not in compliance with its registration requirements and thus, a registration certificate not be issued or renewed.



Ohio Administrative Code Rule 4775-3-06 Stenographer's record.

Effective: February 20, 2011

(A) Only at adjudication hearings in which the record may be the basis of an appeal to a court, will a stenographic record of the testimony and other evidence submitted be taken. The stenographic recording in those instances shall be taken at the expense of the board.

(B) If an adjudication order is made without a stenographic record of the hearing, the board shall, upon request of the party, afford a hearing or rehearing for the purpose of making such a record which may be the basis of an appeal to court.



Ohio Administrative Code Rule 4775-3-07 Hearing procedure.

Effective: January 10, 2011

In all hearings before the board, the procedure shall be as follows:

- (A) The board or its referee or examiner may request or permit the filing of briefs and attached exhibits.
- (B) The attorney general concisely may state his/her case, and may briefly state his/her evidence to sustain it.
- (C) The registration applicant or his/her attorney, may then briefly state his/her case, and briefly may state his/her evidence in support of it.
- (D) The attorney general first must produce and submit his/her evidence, and the registration applicant or his/her attorney must then produce and submit his/her evidence.
- (E) The attorney general may offer evidence in rebuttal.
- (F) The board or its appointed referee or examiner may hear arguments.
- (G) The attorney general and the applicant or his/her attorney may produce, examine, cross-examine, and take testimony from witnesses. Witnesses may also be produced, examined, and testimony taken from to rebut the testimony of other witnesses.
- (H) The attorney general and the applicant or his/her attorney may present closing or summary arguments.
- (I) The board, if presiding at a hearing, shall then retire to weigh and consider the evidence and shall timely deliver a decision to the applicant. If, in its discretion, the board has appointed a referee or examiner to preside at the hearing, the appointed representative shall then retire to weigh and



consider the evidence presented and shall prepare a report and recommendation(s) to be timely delivered to the board for its consideration.



Ohio Administrative Code

Rule 4775-3-08 Board approval, modification, or disapproval of referee's or examiner's findings and recommendation.

Effective: February 20, 2011

(A) No recommendation of the referee or examiner may be approved, modified, or disapproved by the agency until after ten days after service of such report and recommendation upon the registrant. The recommendation of the referee or examiner may be approved, modified, or disapproved by the board, and the order of the board based on such report, recommendation, transcript of testimony and evidence, or objections of the parties, and additional testimony and evidence shall have the same effect as if such hearing had been conducted by the board.

(B) No such recommendation shall be final until confirmed and approved by the board as indicated by the order entered on its record of proceedings, and if the board modifies or disapproves the recommendation of the referee or examiner it shall include in the record or its proceedings the reasons for such modification or disapproval.



Ohio Administrative Code Rule 4775-3-09 Decision of the board.

Effective: February 20, 2011

(A) After submission of the referee's or examiner's recommendation to the board, the board may retire and deliberate immediately or take the case under advisement.

(B) The decision of the board shall be written and a copy of such decision shall be mailed to the party by certified mail, return receipt requested, and a copy mailed to the attorney for the party, if any. A copy shall be forwarded to the attorney general.



Ohio Administrative Code

Rule 4775-3-10 Party's objections to board's, referee's or examiner's findings and recommendations.

Effective: February 20, 2011

(A) The party may, within ten days of receipt of the board's, referee's or examiner's written report and recommendation, file with the agency written objections to the report and recommendation, which objections shall be considered by the agency before approving, modifying, or disapproving the recommendation.

(B) The board may grant extensions of time to the registrant within which to file such objections.



Ohio Administrative Code

Rule 4775-3-11 Appeal by party adversely affected.

Effective: January 10, 2011

Any party adversely affected by any order of an agency issued pursuant to an adjudication denying the issuance or renewal of a license or registration may appeal from the order of the agency to the court of common pleas.



Ohio Administrative Code Rule 4775-4-01 Notification of public hearings.

Effective: April 1, 2016

Pursuant to the Ohio Administrative Procedures Act, and prior to the adoption, amendment, or rescission of any rule or regulation by the Ohio board of motor vehicle repair, public notice thereof shall be given at least thirty days prior to the date set for the public hearing, by publication in a newspaper of general circulation. Such notice shall include the following information:

- (A) A statement of the board's intentions to consider adoption, amendment or rescission of a rule.
 - (B) A synopsis of the proposed rule, regulation, amendment or rescission thereof or a general statement of the subject matter to which the proposed rule is related.
 - (C) The date, time and place of the public hearing on said proposed action.
 - (D) A statement of the reason or purpose for adopting, amending or rescinding the rule.
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Ohio Administrative Code

Rule 4775-4-02 Special meetings; notices to news media.

Effective: April 1, 2016

(A) Any representative of the news media may obtain twenty-four hours' advance notice of all special meetings, except in the event of an emergency requiring immediate official action, by requesting in writing, in the manner designated, that such notice be provided. Such notice will only be given, however, to one representative of any particular publication or radio or television station. A request for such notification shall be addressed to: "Executive Director, Ohio Board of Motor Vehicle Repair, 77 South High Street, 16th floor, Columbus, Ohio 43215."

(B) Such a written request for advance notice of all special meetings shall operate to require the secretary of the board to send such notice for the period of time subsequent to the date of receipt by the secretary of such request and ending at one minute after twelve a.m. on the first day of January immediately succeeding such request or until such requesting person notifies the secretary of the board in writing that he/she has left the employ of the particular publication, radio or television station, whichever period is shorter.

(C) The request shall provide the name of the individual media representative to be contacted, his/her mailing address and a maximum of two telephone numbers where he/she can be reached. The secretary of the board shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to this rule.

(D) In the event of a special meeting not of an emergency nature, the secretary of the board shall notify all media representatives on the list of such meeting by doing at least one of the following:

(1) Sending written notice, which must be mailed no later than four calendar days prior to the day of the special meeting.

(2) Notifying such representatives by telephone no later than twenty-four hours prior to the special meeting. Such telephone notice shall be complete if a message has been left for the representative, or if, after reasonable effort, the secretary of the board has been unable to provide such telephone



notice.

(3) Informing such representative personally no later than twenty-four hours prior to the special meeting. Nothing in this paragraph shall require the board to provide personal notification at any time, except as provided in paragraph (E) of this rule.

(E) In the event of a special meeting of an emergency nature, the secretary of the board shall notify all media representatives on the list of such meeting by providing the notice as described in paragraph (D)(3) of this rule.

(F) In giving the notices required by paragraph (D) or (E) of this rule, the Ohio board of motor vehicle repair may rely on assistance provided by any member of its staff and such notice is complete if given by such member in the manner provided in paragraph (D) or (E) of this rule.

(G) It shall be the sole responsibility of the particular media representative, publication, radio or television station to advise the board of its desire to renew its request for notification at the expiration of the period designated in paragraph (B) of this rule and any change in the name or address of the person within such publication, radio or television station, to whom the board is to direct the advance notice.

(H) Failure of any news media or representative thereof to comply with the requirements of this rule shall relieve the board of any obligation under this rule as to advance notice of any type of special public meeting.

(I) Any media representative may request notice of the time and place of all regularly scheduled meetings in accordance with the provisions of rule 4501:1-4-20 of the Administrative Code, "Meeting Notification on Yearly Basis."



Ohio Administrative Code

Rule 4775-4-03 Meeting notification on yearly basis.

Effective: April 1, 2016

(A) Any person may, upon payment of a reasonable fee to be set once a year, on an estimated cost per service basis, receive notice of all meetings of the board or its committees at which specific subject matters designated by such persons are schedule to be discussed. In order to receive notification, such persons must provide the secretary of the board, annually, fifteen self-addressed, business-size (at least four inches by nine and one-half inches) stamped envelopes for the mailing of the notices. Such notice shall be mailed no later than seven calendar days prior to the date of the meeting. Said self-addressed, business-size envelopes shall have affixed to them the equivalent of three first-class united states postage stamps. The board may designate more general subject matters than are specified by persons requesting notice, in order to reasonably limit the variety of lists of persons to receive notices.

(B) It shall be the sole responsibility of any person requesting notice to provide the board with ample written notice of change of address or name.

(C) Such person requesting the notification as provided in paragraph (A) of this rule, shall mail the payment and requisite self-addressed envelopes sufficiently early in time to allow the secretary of the board and his/her staff two weeks before the next regularly scheduled meeting or special meeting, within which to process such request.

(D) Said fee shall be remitted to the secretary of the board solely in the following manner-cashier's check, money order or certified check. No cash will be accepted. Said instruments shall be made payable to: "Ohio Motor Vehicle Repair Fund." Said fee is non-refundable in whole or in part.

(E) Failure of the person making the request to comply with any requirements set forth in this rule shall relieve the board of, and discharge, any obligation to that person under this rule.

(F) The obligation of the board under this rule to each person fully complying with said rule, for each individual regularly scheduled or special meeting, shall also be deemed discharged upon



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mailing of notice of said meeting to the most current mailing address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled or special meeting.



Ohio Administrative Code Rule 4775-4-04 Minutes of meetings.

Effective: April 1, 2016

(A) The unapproved minutes of a regularly scheduled or special meeting shall be held for board approval at the following regularly scheduled meeting. Within ten days after their approval by the board, the approved minutes of a regularly scheduled or special meeting shall be substituted for the unapproved minutes, and the former shall be open for public inspection during regular working hours.

(B) All records of meetings will be open to the public for inspection during regular business hours which are eight a.m. to five p.m. at the "Ohio Board of Motor Vehicle Repair, 77 South High Street, 16th floor, Columbus, Ohio 43215."



Ohio Administrative Code

Rule 4775-5-01 Definitions for accessing confidential personal information.

Effective: April 1, 2016

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) Access as a noun means an instance of copying, viewing, or otherwise perceiving whereas access as a verb means to copy, view, or otherwise perceive.

(B) Acquisition of a new computer system means the purchase of a computer system, as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.

(C) Board or state board means the Ohio board of motor vehicle repair.

(D) Computer system means a system, as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) Confidential personal information (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(F) Employee of the state board means each employee of a state board regardless of whether he/she holds an elected or appointed office or position within the state board. Employee of the state board is limited to the specific employing state board.

(G) Incidental contact means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.



(H) Individual means natural person or the natural persons authorized representative, legal counsel, legal custodian, or legal guardian.

(I) Information owner means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(J) Person means natural person.

(K) Personal information has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(L) Personal information system means a system that maintains personal information as those terms are defined in section 1347.01 of the Revised Code. System includes manual and computer systems.

(M) Research means a methodical investigation into a subject.

(N) Routine means common place, regular, habitual, or ordinary.

(O) Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the boards employees that is maintained by the board for administrative and human resource purposes.

(P) System has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(Q) Upgrade means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.



Ohio Administrative Code

Rule 4775-5-02 Procedures for accessing confidential personal information.

Effective: April 1, 2016

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a need-to-know basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employees supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employees access to confidential personal information upon a change to that employees job duties including, but not limited to, transfer or termination. Whenever an employees job duties no longer require access to confidential personal information in a personal information system, the employees access to confidential personal information shall be removed.

(B) Individuals request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individuals request.



(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

Investigation as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board director shall designate an employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board director shall designate an employee of the board to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.



Ohio Administrative Code

Rule 4775-5-03 Valid reasons for accessing confidential personal information.

Effective: January 10, 2011

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the boards exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system.

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure or eligibility for examination processes;



- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with a board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.



Ohio Administrative Code Rule 4775-5-04 Confidentiality statutes.

Effective: January 10, 2011

The following federal statutes or regulations or state statutes make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a., unless the individual was told that the number would be disclosed.

 - (B) Bureau of criminal investigation and information criminal records check results: section 4776.04 of the Revised Code.
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Ohio Administrative Code

Rule 4775-5-05 Restricting and logging access to confidential personal information in computerized personal information systems.

Effective: January 10, 2011

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The agency shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.



- (b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.
- (c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.
- (d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:
- (i) The individual request confidential personal information about himself/herself.
- (ii) The individual makes a request that the board takes some action on that individuals behalf and accessing the confidential personal information is required in order to consider or process that request.
- (3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.
- (E) Log management. The board shall issue a policy that specifies the following:
- (1) Who shall maintain the log;
- (2) What information shall be captured in the log;
- (3) How the log is to be stored; and
- (4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.



Ohio Administrative Code Rule 4775-5-06 Personal information systems.

Effective: January 10, 2011

(A) The board executive director shall be directly responsible for each personal information system maintained by the section. The director shall:

- (1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted there under; and,
- (2) Inform all persons requested to supply personal information for a system whether or not they are legally required to provide such information; and,
- (3) Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute, ordinance, code or rule; and,
- (4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,
- (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
 - (a) Inform the person of any personal information in the system of which they are the subject;
 - (b) Permit the person, or their legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which they are the subject, except where prohibited by law;



(c) Inform the person of the uses made of the personal information and identify other users who have access to the system;

(d) Allow a person who wishes to exercise his/her rights as provided by the rule to be accompanied by an individual of their choice;

(e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.

(6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.

(B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employees personal file.

(C) The executive director shall monitor its personal information system by:

(1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the physical therapy section which is based on information contained in the system; and,

(2) Eliminating unnecessary information from the system.

(D) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,

(1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,



- (2) Delete any information that the section cannot verify or finds to be inaccurate; and,

- (3) Permit the disputant, if they are not satisfied with the determination made by the board, to include within the system:
 - (a) A brief statement of the persons position on the disputed information; or,

 - (b) A brief statement that the person finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.

- (4) The board shall maintain a copy of all statements made by a disputant.

- (E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

- (F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the section.

- (G) The board shall make available, upon request, all information concerning charges made by the section for reproduction of materials contained in its personal information system.