

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 232**

**Senator Uecker**

**Cosponsors: Senators Patton, Lehner, Brown**

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**A B I L L**

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

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

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

**Sec. 4775.01.** As used in this chapter: 18

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

4501.01 of the Revised Code. 20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

connection with the suspected violation. 357

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

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

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

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

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

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

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

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

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

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

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

fund created by section 4743.05 of the Revised Code. 452

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

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

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

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

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

the person is registered under this chapter. 483

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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