

4501:1-6-01

Terms and provisions governing contracts between the registrar and deputy registrars.

- (A) The registrar of motor vehicles, with the approval of the director of public safety, shall prescribe the terms and conditions for contracts between the registrar and the deputy registrars. The contract shall require the deputy registrar to comply with all applicable requirements of the Revised Code, the Administrative Code, and the contract. The contract may, at the registrar's discretion, incorporate by reference the terms of the request for proposals and the proposal.
- (B) Each deputy registrar shall give and maintain during the period of the contract a bond in the amount of at least twenty-five thousand dollars, or in such higher amount as the registrar determines necessary, based on a uniform schedule of bond amounts prescribed by the registrar and determined by the estimated volume of transactions handled by the deputy. The bond required of deputy registrars may, at the discretion of the registrar, be individual or schedule bonds or may be included in any blanket bond coverage carried by the department. The bond shall name "The State of Ohio, Department of Public Safety, Bureau of Motor Vehicles" as the bondholder and shall stipulate that the registrar be notified in the event of nonpayment of the premium or cancellation before the expiration of the bond. Notification shall be within the time frame and in the manner determined by the registrar. The bond shall be sufficient to protect the funds and assets of the state of Ohio from losses due to fraud, theft, embezzlement and other improprieties.
- (C) The registrar, with the approval of the director, may prescribe a liquidated damages clause to be included in the deputy registrar contract to compensate the department of public safety and the bureau of motor vehicles for damages incurred as a result of failure of performance by the deputy registrar. Any liquidated damages clause prescribed by the registrar shall set forth the conditions which may constitute default, shall require that written notice of default be made to the deputy registrar, and shall give the deputy registrar reasonable time, not less than seventy-two hours, to cure the default. If the default is not cured within the time prescribed by the registrar, the registrar may require the liquidated damages to be paid or may, in the registrar's discretion, grant an extension of time to cure the default. The registrar, with the approval of the director, shall specify in the contract the amount of the liquidated damages, which shall not exceed fifty dollars per terminal per day. The amount specified shall be liquidated damages, and not a penalty, for failure of performance by the deputy registrar. The liquidated damages clause shall be in addition to any other clauses contained in the deputy registrar contract and neither the use nor the waiver of the liquidated damages clause shall constitute a waiver of any other term of the contract by the registrar.
- (D) The registrar may designate the location of each deputy registrar agency either at a specific site or within specific boundaries.

- (E) The registrar shall prescribe the size of each deputy registrar office based on the estimated number of transactions and the number of terminals for that agency and such other factors as determined by the registrar.
- (F) The registrar shall lease the equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code to the deputy registrar at the cost of ten cents per vision screening conducted by the deputy registrar. The deputy registrar shall transmit these amounts to the registrar by depositing them in the depository account not more than one business day after their collection.
- (G) The registrar shall prescribe training requirements for deputy registrars and deputy registrar employees, and the deputy registrars and deputy registrar employees shall participate in training programs as prescribed by the registrar.
- (H) Each deputy registrar shall be permitted and encouraged to inform the public of the location of the agency and the hours of operation. A deputy registrar may, with the prior written approval of the registrar, advertise in regard to the operation of the deputy registrar agency. No advertisement shall contain any material which in the opinion of the registrar reflects negatively upon the state of Ohio, the department of public safety, the bureau of motor vehicles, any deputy registrar, or any deputy registrar agency. The registrar may prohibit or otherwise regulate any advertisement which in the registrar's opinion contains any such negative material, and may take any appropriate remedial action. No person shall advertise as a deputy registrar unless that person is at the time of the advertisement acting as a deputy registrar upon appointment of and under contract with the registrar. Any deputy registrar whose contract expires or is terminated for any reason shall take reasonable measures to remove any deputy registrar advertisement or listing of any nature whatsoever for that deputy registrar agency.
- (I) The registrar may prescribe requirements for signs to be displayed by the deputy registrar both outside and within the deputy registrar agency and the deputy registrar shall conform thereto. The registrar shall modify sign specifications for any deputy registrar to the extent necessary to conform to applicable zoning laws. Upon termination or expiration of any deputy registrar contract the deputy registrar shall immediately remove all signs and indicia identifying the deputy registrar agency.
- (J) The registrar shall prescribe the hours that deputy registrar offices be open to the public, which hours shall conform to at least the minimum requirements set forth in division (D) of section 4503.03 of the Revised Code. Each deputy registrar shall submit to the registrar for approval the hours of operation of that agency. Where there are two or more deputy registrars in a county and they agree upon weekend and evening hours of operation, their agreement shall be submitted to the registrar

for approval. This rule does not prohibit the registrar from requiring hours of operation different from ones selected by the deputy registrar.

- (K) Every deputy registrar in each county, upon request, shall provide any person with information about the location and office hours of all deputy registrars in that county and each adjoining county. This information will be supplied by the bureau of motor vehicles to each deputy registrar for dissemination.
- (L) No person except the registrar shall operate or control, directly or indirectly, more than one deputy registrar agency at any time except when the registrar determines that it is practical and beneficial to award contracts to a deputy registrar to operate more than one deputy registrar agency at specific locations designated by the registrar. No spouse of a deputy registrar shall be appointed as a deputy registrar or operate a deputy registrar agency. No parent, child, brother, or sister of a deputy registrar shall be appointed as a deputy registrar or operate a deputy registrar agency if they are living in the same household as the deputy registrar. This paragraph does not prohibit any member of a deputy registrar's family from serving as an employee of any deputy registrar.
- (M) No employee of the state of Ohio shall be appointed as a deputy registrar. No spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of any employee of the department of public safety, the bureau of motor vehicles, or the state highway patrol shall be appointed as a deputy registrar or operate a deputy registrar agency. The registrar, with the approval of the director, may waive this provision for any family member of an employee if that family member has since January 1, 1992 continuously served as a deputy registrar or if the family member became so employed after the deputy registrar was first appointed as deputy registrar. This paragraph does not prohibit any member of an employee's family from serving as an employee of any deputy registrar and does not apply to county auditors or clerk of courts.
- (N) Deputy registrars are independent contractors and neither they nor their employees are employees of this state, except that nothing in this rule shall affect the status of county auditors or clerks of courts as public officials, nor the status of their employees as employees of any of the counties of this state which are political subdivisions of this state.
- (O) Each deputy registrar shall comply with all applicable federal, state, and local laws in the conduct of the deputy registrar agency. Each deputy registrar shall obtain a vendor's license, shall collect Ohio sales taxes on nonexempt transactions as required by law, and shall be responsible for the payment of all unemployment compensation payments, all workers' compensation payments, all social security contributions and deductions, and any and all other taxes or payroll deductions for

which the deputy registrar is legally responsible. Each deputy registrar shall comply with all applicable federal, state, and local laws requiring the withholding of income taxes or other taxes from the compensation of the deputy registrar's employees.

- (P) Each deputy registrar shall have adequate staffing and equipment/[supplies](#) to handle the volume of business including adequate provisions to handle any peak periods of activity. The registrar may prescribe reasonable minimum staffing requirements and each deputy registrar shall comply with those requirements. The registrar may prohibit the employment by any deputy registrar of any person who within the past ten years has been convicted of a crime punishable by death or imprisonment in excess of one year or a crime involving dishonesty or false statement.
- (Q) Each deputy registrar shall appoint a full-time office manager to be responsible for the management of the agency. The deputy registrar may designate himself or herself to serve as the office manager or may appoint another employee to do so. The office manager shall be regularly scheduled and on duty at the deputy registrar agency at least thirty-six hours per week during regular business hours except for temporary periods of vacation, sickness or holidays. The registrar may require that the deputy registrar, except a county auditor or a clerk of court, shall be regularly scheduled and on duty at the deputy registrar agency at least twenty hours per week during regular business hours except for temporary periods of vacation or sickness. The deputy registrar shall also designate an employee to supervise the agency during all periods when both the office manager and the deputy registrar are absent.
- (R) The registrar shall prescribe and each deputy registrar shall conform to requirements for buildings and facilities, staffing, parking, disability accessibility, heating, ventilation, air conditioning, lighting, security, signs, bank accounts, reports, record keeping and retention, voter registration, organ donation documentation, employee training, and any other requirements that the registrar deems necessary or proper for the efficient operation of the deputy registrar agency.
- (S) The registrar may prohibit solicitations of any kind by the deputy registrars or their employees. The registrar may require that there be direct access to the deputy registrar facility and may prohibit the operation of any other business or activity in conjunction with the operation of the deputy registrar agency. The provisions of this paragraph do not apply to county auditors or clerks of courts.
- (T) Each deputy registrar shall perform in an efficient and professional manner all services on behalf of the registrar including but not limited to the issuance of drivers' licenses, identification cards, vehicle registration plates or stickers, temporary tags, and vehicle registration and driver record abstracts; physical inspection of motor vehicles as required by section 4505.061 of the Revised Code;

administering vision screenings; offering the public the option of listing organ donor preferences; voter registration and any other services the registrar is required or chooses to offer to the public.

- (U) The registrar shall, with the approval of the director, terminate the contract and immediately remove a deputy who violates any provision of the Revised Code related to the deputy's duties any rule adopted by the registrar, or any term of the contract with the registrar. The registrar may also remove a deputy who, in the opinion of the registrar, has engaged in any conduct that is either unbecoming to one representing this state or is inconsistent with the efficient operation of the deputy's office.
- (V) Any deputy registrar who wishes to unilaterally terminate his or her contract shall give written notice to the registrar at least ninety days prior to said termination. No deputy registrar shall cease to conduct the business of deputy registrar until ninety days have elapsed since the written notice has been received by the registrar, unless the registrar gives written approval of earlier termination.
- (W) In the event the registrar should cancel any deputy registrar contract without a breach of condition, the registrar shall give written notice of cancellation at least ninety days prior to the effective date of said cancellation.
- (X) No deputy registrar shall change the deputy registrar's office telephone number or banking facility without the prior written consent of the registrar. No deputy registrar shall change or move the deputy registrar agency to any other site without the prior written consent of the registrar. The registrar may withhold approval if the registrar determines that the proposed facility is not as well suited for a deputy registrar office as the existing facility.
- (Y) Neither the registrar nor any person shall terminate a deputy registrar contract awarded to a person, or threaten to do so, because that person fails to pay an assessment or subscription to, or fails to make contribution to, any political party, the governor or the governor's campaign committee, or any candidate for public office or the candidate's campaign committee.
- (Z) The contract between the registrar and the deputy registrar may contain any provisions the registrar deems necessary or proper to assure that the provisions of the Revised Code and the Administrative Code are adhered to and that the deputy registrar provides proper and efficient service to the state of Ohio, the department of public safety, the bureau of motor vehicles, and the citizens of Ohio.
- (AA) The deputy registrar contract may be amended at any time to the extent it is

necessary to conform to any applicable federal or state law or any rule adopted by the registrar or director in accordance with Chapter 119. of the Revised Code.

(BB) Unless otherwise terminated and except for interim contracts lasting not longer than one year contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration to five years unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar as follows:

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

~~(2) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.~~

~~(3)~~(1) All contracts with deputy registrars shall expire on the last Saturday of June in the year of their expiration.

~~(4)~~(2) Prior to the expiration of any deputy registrar contract, the registrar, with the approval of the director, may award a one-year contract extension to any deputy registrar who has provided exemplary ~~serve~~service based upon objective performance evaluations.

(CC) Each deputy registrar shall maintain during the entire term of the deputy registrar contract a policy of business liability, property damage, and theft insurance satisfactory to the registrar and shall hold the department of public safety, the director of public safety, the bureau of motor vehicles, and the registrar harmless upon any and all claims for damages or losses arising out of the operation of the deputy registrar agency. County auditors and clerks of court may be self-insured through their county government and are exempt from the hold harmless provision.

(DD) Each individual deputy registrar shall occupy a primary residence in a location that is within a one-hour commute time from the deputy registrar's agency or agencies, during the term of the contract. The registrar shall determine the commute time by using multiple established internet-based mapping services. If the deputy registrar is a nonprofit corporation, it shall maintain a place of business within the county in which each of its agencies is located. The registrar may, after notice, terminate the contract of any deputy registrar who violates this provision.

(EE) The registrar may prescribe requirements to assure the deputy registrar's fiscal responsibility and financial solvency during the term of the contract. Requirements

may include, without limitation, financial reviews of the deputy registrar agency's books, periodic reviews of credit reports, and minimum standards for cash on hand or lines of credit to meet the agency's expenses and obligations on an ongoing basis.

(FF) The registrar may prescribe minimum security requirements to protect the bureau of motor vehicles' and the deputy registrar's facilities, property, and protected information during the term of the contract.

(GG) Unless otherwise prohibited by statute, the registrar may waive any contract provisions in this rule for clerks of courts or county auditors, or both.

4501:1-6-02

Selection and appointment of deputy registrars.

(A) The registrar of motor vehicles may designate one or more of the following persons to serve as a deputy registrar in each county:

- (1) The county auditor in any county;
- (2) The clerk of a court of common pleas in any county having a population of forty thousand or less according to the most recent federal decennial census;
- (3) The clerk of a court of common pleas in any county having a population greater than forty thousand but not more than fifty thousand according to the most recent federal decennial census provided that the clerk participates in, and is chosen through, the competitive selection process in the same manner as any other person;
- (4) An individual;
- (5) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.

If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor or clerk of court is designated by the registrar as a deputy registrar, no other person need be designated in the county to serve as a deputy registrar. Notwithstanding the county population restrictions, if no eligible person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of court of common pleas to serve as a deputy registrar for that county. The registrar may increase the number of deputy registrars in any county or decrease the number of deputy registrars in any county which has more than one deputy registrar subject to the provisions of division (A) of section 4503.03 of the Revised Code.

(B) The registrar shall not contract with any person to act as a deputy registrar if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the three previous calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section 4503.033 of the Revised Code. As used in this rule, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code and "entity" includes any political party and any continuing association as defined in division (C)(4) of section 3517.01 of the Revised Code or political action committee as defined in division (C)(8) of that section that is primarily associated with that

political party. For purposes of this paragraph contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated with contributions to that political party. For the purpose of enforcing this paragraph, the registrar shall require any person proposing to become a deputy registrar to certify under oath that he or she has not made prohibited contributions during the current calendar year nor any of the three immediately preceding calendar years and will not make prohibited contributions in any calendar year during which the deputy registrar contract is in effect. For nonprofit corporations, the registrar shall require both the nonprofit corporation itself, and its executive director or chief executive officer, whichever will have primary responsibility for the operation of the agency, to certify under oath that neither of them made any prohibited political contributions. The registrar, with the approval of the director of public safety, shall terminate the appointment and the contract of any deputy registrar who is found to be in violation of this paragraph. The contribution limitations contained in this paragraph do not apply to any county auditor or clerk of courts.

- (C) Neither the registrar nor any person shall award a deputy registrar contract to a person, or promise to do so, because that person pays an assessment or subscription to, or makes a contribution to, any political party, the governor or the governor's campaign committee, or any candidate for public office or the candidate's campaign committee. Neither the registrar nor any person shall withhold a deputy registrar contract from a person, or threaten to do so, because that person fails to pay an assessment or subscription to, or fails to make a contribution to, any political party, the governor or the governor's campaign committee, or any candidate for public office or the candidate's campaign committee.
- (D) The registrar shall not appoint nor contract with any person serving in an elective public office either by election or appointment to act as a deputy registrar, other than a county auditor or a clerk of courts acting in their official capacity except that the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract is elected to an office of a political subdivision. As used in this paragraph "elective public office" means any office which is customarily filled by the vote of registered voters in a primary, general, or special election conducted pursuant to Chapter 3501. of the Revised Code.
- (E) No spouse of a deputy registrar shall be appointed as a deputy registrar or operate a deputy registrar agency. No parent, child, brother, or sister of a deputy registrar shall be appointed as a deputy registrar or operate a deputy registrar agency if they are living in the same household as the deputy registrar. The registrar may disqualify any person from being awarded a deputy registrar contract if the deputy registrar or the deputy registrar's spouse holds or the deputy registrar's parent, child,

brother, or sister lives in the same household and holds a deputy registrar contract the term of which extends beyond the effective date of the proposed contract.

- (F) The registrar may appoint and contract with qualified individuals and nonprofit corporations and may designate county auditors and clerks of courts acting in their official capacities to act as deputy registrars. The registrar shall not appoint or contract with any person or entity other than a qualified individual, a nonprofit corporation, or a county auditor or clerk of courts acting in his or her official capacity to serve as a deputy registrar. Except as provided in paragraph (G) of this rule, any attempt by an individual, nonprofit corporation, county auditor, or clerk of courts to assign the deputy registrar appointment or deputy registrar contract, in whole or in part, shall be void.
- (G) Except as provided in paragraph (A)(3) of this rule, the registrar may, with the approval of the director, designate a county auditor or clerk of courts acting in his or her official capacity to act as a deputy registrar without using the competitive award process set forth in this rule. Any appointment of a county auditor or clerk of courts to serve as a deputy registrar shall be in their official capacity only and shall terminate immediately upon the person's vacating of the office. The registrar may designate a successor county auditor or a successor clerk of courts as a deputy registrar. With the written approval of the registrar, an outgoing county auditor may assign the deputy registrar contract to the successor county auditor and an outgoing clerk of courts may assign the deputy registrar contract to the successor clerk of courts.
- (H) The registrar may, with the approval of the director, appoint and contract with an eligible individual, nonprofit corporation, clerk of courts, or county auditor to act as a deputy registrar on an interim basis upon the death, resignation, or contract termination of any deputy registrar or upon any other occurrence which, in the opinion of the registrar, warrants the appointment of an interim deputy registrar. The length of the interim deputy registrar appointment and contract shall be until the next regularly scheduled request for proposals is released and contracts are awarded thereunder, unless the registrar, in the registrar's discretion, first issues a special request for proposals.
- (I) The registrar, with the approval of the director, may disqualify a deputy registrar from competing for a new deputy registrar contract if in the opinion of the registrar that deputy registrar has not performed the deputy registrar's duties in a satisfactory manner. Any such disqualification shall be effective for a period of not more than two years as determined by the registrar. The registrar shall base his or her determination of the quality of each deputy registrar's performance upon periodic evaluations and such other factors as the registrar may reasonably prescribe.

- (J) The registrar may make deputy registrar contracts subject to minority business set-asides to the extent permitted or required by law.
- (K) Except as otherwise provided in this rule, the registrar shall, with the approval of the director, select deputy registrars through the competitive award process set forth in this rule.
- (L) The registrar, with the approval of the director, shall prescribe a request for proposals for the selection of deputy registrars. The registrar, with the approval of the director, may amend or modify the request for proposals as the registrar deems appropriate.
- (M) The request for proposals for the selection of deputy registrars may include the following requirements:
 - (1) That any person appointed to act as a deputy registrar shall perform deputy registrar services in compliance with all applicable provisions of the Revised Code, the Administrative Code, and the deputy registrar contract;
 - (2) Such provisions relating to locating deputy registrar agencies with, or in proximity to, driver's license examination stations or clerk of courts' motor vehicle certificate of title offices or both as the registrar deems appropriate;
 - (3) The locations of the deputy registrar agencies which may be based on the following considerations:
 - (a) The number of estimated driver license and vehicle registration transactions;
 - (b) The population of the county;
 - (c) A preference of the registrar to have a deputy registrar agency in the county seat of each county;
 - (d) Where people live, recreate or generally frequent;
 - (e) Other factors as prescribed by the registrar;
 - (4) The site specifications for the various deputy registrar agencies which may include the following:

- (a) Location of the building;
 - (b) Minimum space requirements;
 - (c) Parking requirements;
 - (d) Accessibility for persons with disabilities;
 - (e) Climate control;
 - (f) Signs;
 - (g) A plan that ensures the safety of the agency's employees and patrons;
 - (h) Acceptable facility maintenance plan;
 - (i) Site security plan;
 - (j) Other factors as prescribed by the registrar;
- (5) Personnel and management specifications, which may include:
- (a) A plan for hiring of employees experienced in the deputy registrar process;
 - (b) The payment of at least the federal minimum wage to employees;
 - (c) Compliance with all applicable state and federal laws which regulate employee benefits, employer contributions, and withholding requirements;
 - (d) A personnel policy statement outlining employee hiring, training, evaluating, disciplining and rewarding practices, including equal employment opportunities;
 - (e) A statement of willingness to adhere to office hours as prescribed by the registrar;
 - (f) A statement of the personal qualifications and the business and

employment experience of the proposer;

(g) Other factors as prescribed by the registrar;

- (6) That the proposer shall submit the proposer's name, home address, home and office telephone numbers, driver's license or identification (ID) card number and the address of the proposed site;
- (7) That the proposer submit information to establish that the proposer will adhere to all banking and depository requirements prescribed by the registrar;
- (8) That the proposer submit information to establish that the proposer will comply with all applicable laws relative to affirmative action for purpose of contracting services;
- (9) That the proposer certify that no taxes, unemployment compensation contributions, social security payments or workers' compensation premiums due the state of Ohio or any other state or any political subdivision thereof, or the federal government, are outstanding and unpaid as of the date of the certification; taxes accrued, but not yet payable, may be excluded from this certification;
- (10) That the proposer submit a detailed floor plan or other information sufficient to show how the proposed deputy registrar agency will be configured;
- (11) That all proposal documents be submitted on eight and one-half inch by eleven inch paper printed on one side only and conform to the format prescribed by the registrar;
- (12) That the proposer submit a current credit report covering the proposer's current credit status;
- (13) That the proposer submit the required documents and fees to permit the bureau of motor vehicles to obtain a background and criminal record report from the bureau of criminal investigation;
- (14) That the proposer submit a local law enforcement report as prescribed by the registrar;
- (15) That the proposer have on deposit in a financial institution acceptable to the

registrar funds in the proposer's own name sufficient to pay the initial costs of opening and operating the proposed deputy registrar agency for a period of at least three months; and

- (16) Any other requirements prescribed by the registrar.
- (N) Any proposal received by the bureau of motor vehicles after the time established by the registrar for submission of proposals shall not be evaluated and shall not be eligible for any consideration.
- (O) All proposals timely received by the bureau of motor vehicles will be evaluated. Documents which do not conform to the requirements of the request for proposals, are nonresponsive to the request for proposals, contain political endorsements, or contain any other improper information may be removed from the proposal and will not be considered in the evaluation or final selection process. The registrar shall prescribe points to be awarded for the various categories contained in the request for proposals. The registrar and the director shall designate persons to perform a preliminary evaluation of each proposal and to compute scores in each category based upon the standardized point system prescribed by the registrar. The registrar may cause a review of those scores and corrections of any errors to be made. When this points evaluation is completed, the score for each proposal shall be posted and notice of the scores shall be sent to the proposer.
- (P) The registrar may give proposers an opportunity to review the proposals and the scores. The registrar may also give the proposers an opportunity to submit a written response and comments to the scores announced in the preliminary evaluation. Any written response and comments shall be submitted on the form and in the format prescribed by the registrar. The purpose of the written response and comments shall be to bring to the registrar's attention any alleged errors or discrepancies in the points evaluation process. No proposer shall attempt to modify any proposal in any way after it has been submitted to the bureau of motor vehicles, and any attempt to do so shall be void.
- (Q) In making the final selection of deputy registrars, the registrar may, with the approval of the director, assign any employee of the department of public safety to assist them in the final selection process and may:
 - (1) Consider the scores computed by the evaluators to assist them in exercising their discretion in selecting deputy registrars;
 - (2) Correct any errors the registrar finds in the evaluations or computations;

- (3) Consider any information submitted in any proposer's written response and comments;
 - (4) Waive any defects in a proposal which the registrar deems to be minor, inadvertent, or immaterial;
 - (5) Disqualify any proposal or proposer if the registrar finds that there is good cause to do so; the registrar shall cause a notation to be made of the grounds for any disqualification;
 - (6) Reject all proposals for any given deputy registrar location; and
 - (7) Consider any reasonable factors which bear upon the proposal and the proposer's ability to act as a deputy registrar.
- (R) As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record [including periodic evaluation](#) of any person previously awarded a deputy registrar contract.
- (S) The scores computed in the points evaluation shall not be the sole deciding factor in awarding the deputy registrar contract. The registrar, with the approval of the director, may select a proposal which did not receive the highest point score if the registrar determines that the proposal offers the deputy registrar and site which would best serve the needs of the state of Ohio, the department of public safety, the bureau of motor vehicles, and the citizens of Ohio.
- (T) Unless otherwise limited in the request for proposals, eligible persons may submit one or more proposals for any location or for more than one location. In the case of multiple proposals by one eligible person, the registrar, with the approval of the director, shall have sole discretion in determining which, if any, proposal and location shall be selected for the award of a contract.
- (U) The registrar, with the approval of the director, shall make a final determination as to which proposal offers the deputy registrar and site which would best serve the needs of the state of Ohio, the department of public safety, the bureau of motor vehicles, and the citizens of Ohio. Once the decision of the registrar is approved by the director, the registrar shall announce the selection of the successful proposer and shall award the contract, provided that the proposer selected complies with all the requirements of the Revised Code, the Administrative Code, and the deputy registrar contract.

- (V) No deputy registrar appointment shall be final and no deputy registrar contract shall be valid until the proposer makes provisions satisfactory to the registrar to cure any deficiencies contained in the proposal; to meet any contingencies reasonably prescribed by the registrar; and to come into full compliance with all applicable provisions of the Revised Code, the Administrative Code, and the deputy registrar contract, and the deputy registrar contract is executed by the proposer and the registrar.

- (W) A nonprofit corporation formed for the purposes of providing automobile related services to its members or the public and that provides such services from more than one location in this state may, with the written approval of the registrar, operate a deputy registrar office at any such location. The registrar may permit a clerk of courts who is appointed a deputy registrar to offer deputy registrar services at each title office operated by the clerk within the county.

4501:1-6-03

Designation of locations and sites of deputy registrar offices.

- (A) "Location," as used in this rule, means the area prescribed by the registrar and described in the request for proposals for deputy registrar appointees in which the proposed deputy registrar site must be located.
- (B) "Site," as used in this rule, means the precise address proposed for the deputy registrar agency.
- (C) "One-stop shopping" means an arrangement, prescribed or approved by the registrar, in which the deputy registrar site is located in the same facility as, or within a prescribed distance of, a driver's license examination station or a clerk of the court of common pleas title office or both.
- (D) "Department of public safety," as used in this rule, means the department of public safety or any division thereof.
- (E) "Clerk of a court of common pleas," as used in this rule, means the office of the clerk itself and the county government in which the clerk serves.
- (F) The registrar may designate a location for one-stop shopping in conjunction with the requirements contained in paragraphs (G), (H), (I), and (J) of this rule.
- (G) The registrar of motor vehicles may restrict the location of any particular deputy registrar agency to a single site. The department of public safety may lease or otherwise acquire space for sublease to a deputy registrar or a clerk of a court of common pleas or both.
- (H) The registrar may designate a site at which the deputy registrar is required to sublease space from the department of public safety or a clerk of a court of common pleas, if the clerk consents. In such case the deputy registrar site shall be available for sublease to any qualified proposer on an equal basis.
- (I) The registrar may designate a location within which the deputy registrar is required to provide and sublease space to the department of public safety or a clerk of a court of common pleas or both.
- (J) In all subleases between the department of public safety and a deputy registrar, the sublessee shall pay to the sublessor a rental fee equal to the percentage of space occupied by the sublessee multiplied by the rental fee or mortgage cost paid by the sublessor for the entire premises. In calculating the rental fees the sublessee shall also pay a pro rata share of the rental for common space. In addition to the rental fee, the sublessee shall pay a pro rata share of all utility costs unless the utilities are

separately metered, in which case each sublessee shall pay its own utility costs. If approved by the department of public safety, the sublessee may make all necessary payments directly to the lessor.

- (K) The registrar may, in the request for proposals, designate a location for one-stop shopping to encourage that the deputy registrar site be located close to either a driver's license examination station or a clerk of the court of common pleas title office or both. The registrar may give consideration to sites situated in the same building, in an adjacent building, within the same block or business district or shopping center or within a certain distance, or any combination of the foregoing.
- (L) Any deputy registrar whose contract expires or is terminated for any reason shall take reasonable measures to make the telephone number assigned to the deputy registrar available to the bureau of motor vehicles or any deputy registrar designated by it.

4501:1-6-04

Limited authority deputy registrars.

- (A) The registrar of motor vehicles, with the approval of the director of public safety, shall establish a program to appoint limited authority deputy registrars. The registrar shall appoint only clerks of the courts of common pleas in counties having a population of more than forty thousand and electronic motor vehicle dealers.

An electronic motor vehicle dealer means a motor vehicle dealer that:

- (1) Holds a current, valid motor vehicle dealer's license issued under Chapter 4517. of the Revised Code.
 - (2) Participates in the title defect rescission fund created by section 1345.52 of the Revised Code.
 - (3) Has the capability, via electronic means, to send motor vehicle title and registration information, as specified by the registrar, to the registrar and clerks of courts of common pleas.
- (B) Any eligible clerk of courts or electronic motor vehicle dealer may submit a proposal to the registrar for appointment as a limited authority deputy registrar or "LADR". From the proposals submitted, the registrar, with the approval of the director, shall choose the clerks and dealers to be appointed as LADRs. The selections need not be on a competitive basis, but may be based upon the registrar's discretion. In deciding whether to appoint a LADR the registrar shall consider whether the appointment would make it economically infeasible for an existing deputy registrar's office to continue to operate. The registrar may also consider any other information the registrar deems relevant. Within thirty days of submission of a proposal for appointment as a LADR, the registrar shall provide written notification informing the applicant whether the proposal is accepted or denied. If the proposal is denied, the written notification from the registrar shall state the reason or reasons for the denial.
- (C) A limited authority deputy registrar or "LADR" may provide only the following services and only when the services are rendered in conjunction with an application for a certificate of title transaction pursuant to Chapter 4505. of the Revised Code:
- (1) Using electronic means, initial and transfer motor vehicle transactions.
 - (2) Using electronic means, vehicle identification number (VIN) inspections.
 - (3) Essential services and functions associated with motor vehicle registration transactions including collecting certain charitable donations as required by statute, registering persons to vote, to the extent required by the registrar.

- (4) Issuing temporary tags or window placards in compliance with the requirements set forth in the Ohio Revised Code or prescribed by the registrar.
- (D) A limited authority deputy registrar or "LADR" shall sign a contract before assuming any duties as a LADR. The contract terms and conditions may differ depending upon whether the limited authority deputy registrar is a clerk of courts or an electronic motor vehicle dealer. Among other provisions the registrar may reasonably prescribe, limited authority deputy registrar contract terms and provisions shall provide for:
- (1) A requirement for a contract period of no more than ~~five~~three years with a requirement for each contract to terminate on a date specified by the registrar.
 - (2) A requirement for a LADR to collect and retain the statutory fee set forth in each applicable section of the Revised Code for each transaction or physical inspection that the LADR conducts.
 - (3) A requirement for compliance with laws, administrative rules, and regulations adopted by the registrar governing LADRs.
 - (4) A requirement for training of a LADR or the employees of a LADR prescribed by the registrar prior to the opening of a LADR office.
 - (5) A requirement for security as prescribed by the registrar as necessary to secure all BMV funds, equipment, and inventory.
 - (6) A requirement for LADR release of liability holding the registrar, director of public safety, the bureau of motor vehicles, the department of public safety and the state of Ohio harmless upon any claims for injuries or damages resulting from the operation of LADR. The registrar may waive this requirement for any county auditor or clerk of courts serving as a LADR.
 - (7) A requirement for bonding as prescribed by the registrar for the entire period of the LADR contract.
 - (8) A requirement that if any computers, equipment, and inventory are assigned by the BMV, such computers, equipment and inventory must be returned to the BMV upon the termination of the contract or at the registrar's request. A requirement for other office equipment and supplies for employees and customers that are necessary for the operation of a LADR office to be provided by the LADR.

- (9) A requirement for the LADR to comply with any requirements established by the registrar regarding collection and handling of funds collected by the LADR on behalf of the state.
- (10) A requirement for a LADR to adopt and enforce policies to prohibit sexual harassment and to provide equal opportunity for employees and in providing service to the public.
- (11) A requirement for records to be made available to BMV representatives for inspection and a requirement for record retention for periods prescribed by the registrar.
- (12) A requirement for a method of contract termination by a LADR or by the registrar.
- (13) A requirement for a method of contract amendment.
- (14) A requirement for good faith performance by a LADR and the registrar.
- (15) A requirement for severability of a LADR contract if any provisions are declared unconstitutional or legally deficient in any respect.
- (16) A prohibition against assignment of a LADR contract unless the assignment is approved by the registrar.

4501:1-6-05

Deputy registrar authority to collect reinstatement fees.

- (A) With the approval of the director of public safety, the registrar of motor vehicles shall establish a procedure for authorizing deputy registrars who meet the requirements set forth in paragraph (B) of this rule to collect reinstatement fees in accordance with section 4503.03 of the Revised Code. The registrar shall ensure that at least one deputy registrar in each county has the capability to collect reinstatement fees. No deputy registrar shall be under any obligation to request authority to collect reinstatement fees under this rule.
- (B) The registrar shall only grant authority to collect reinstatement fees to deputy registrars who request such authority in writing, are deemed to be in good standing by the registrar, and have sufficient internet access for the collection of the fees. The registrar has the discretion to deny a deputy registrar's request for authority to collect reinstatement fees. The registrar may revoke a deputy registrar's authority to collect reinstatement fees for good cause and without prior notice. The registrar shall issue written notice to any deputy registrar whose request for authority is denied, or whose authority has been revoked, within one day of the denial or revocation decision. A deputy registrar whose request has been denied, or whose authority has been revoked, can appeal the decision in writing to the registrar within ten business days of receipt of the notice. Any deputy registrar whose request for authority to collect reinstatement fees was denied, or whose authority to collect such fees was revoked, may reapply in writing to the registrar after a period of one year has lapsed.
- (C) Authorized deputy registrars shall collect a ten dollar service fee for each completed transaction, regardless of the number of reinstatement fees paid during the transaction. Deputy registrars must transmit the reinstatement fees and two dollars of the service fee to the bureau of motor vehicles for deposit no more than one business day after the collection of such fees.
- (D) As used in paragraph (B) of this rule, "good standing" means that a deputy registrar is not on probation as a result of financial audit discrepancies or a violation of the deputy registrar contract, state statutes or rules, federal law, or applicable policies and procedures. As used in paragraph (B) of this rule, "good cause" for revoking a deputy registrar's authority to collect reinstatement fees shall include, but not be limited to, financial audit discrepancies or a violation of the deputy registrar contract, state statutes or rules, federal law, or applicable policies and procedures.

4501:1-6-12

Motor vehicle dealer vehicle registration customer convenience fee.

(A) Notwithstanding any other provision of Ohio law, a motor vehicle dealer may charge a negotiable convenience fee not to exceed fifty dollars per vehicle leased or sold to the customer for services provided pursuant to this rule. This fee is in addition to all other fees allowed by law. Any such fee shall not be included in the advertised price of a vehicle.

(B) These registration convenience service for purchased or leased vehicles include:

(1) Delivering required registration documents to the deputy registrar, including certificates of title, lease agreements, powers of attorney, and proof of financial responsibility, and other documents as required by law or contract on the customer's behalf for the purposes of registration;

(2) Retrieving license plates, registration documents, and validation stickers from the deputy registrar; and

(3) Delivery of license plates, registration documents, and validation stickers to customers at the dealership, via mail or other delivery service, or as otherwise agreed to by the dealership and its customer.

(C) Any customer convenience fee charged under this rule must be agreed to and acknowledged to in writing by the customer and include a statement that the registration service is optional unless required by the secured party or legal owner of the vehicle.

4501:1-3-34

~~Notice of public hearing regarding adoption, amendment, or rescission of a rule.~~

- ~~(A) A public notice issued by the motor vehicle dealers board of a hearing to consider adopting, amending or rescinding a rule which the board is authorized by law to do, shall be published in accordance with the requirements of section 119.03 of the Revised Code. Notice shall be published at least once in the register of Ohio, in the English language, at least thirty days prior to the date set for a public hearing.~~
- ~~(B) The motor vehicle dealers board shall be authorized to give additional notice of such public hearing as it deems necessary; however, the giving of such additional notice shall not be mandatory, and failure to give notice by any means other than as specified in paragraph (A) of this rule shall not in any way invalidate any action which may be taken by the motor vehicle dealers board.~~
- ~~(C) The public notice shall specify the date, time and place of any hearing relative to the proposed rule change and shall include:~~
- ~~(1) A statement of the motor vehicle dealers board intention to consider adopting, amending or rescinding a rule and the purpose or reason therefore;~~
 - ~~(2) A summary of the proposed rule, amendment or rescission or a general statement as to the subject to which it relates.~~