

*****DRAFT - NOT FOR FILING*****

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 make an application to the registrar for appointment as a limited authority deputy registrar or "LADR". From the applications submitted, the registrar, with the approval of the director, shall choose the clerks and dealers to be appointed limited authority deputy registrars. The selections need not be on a competitive basis, but may be based upon the registrar's discretion. In deciding whether to appoint a limited authority deputy registrar 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 an application for appointment as a limited authority deputy registrar, the registrar shall provide written notification informing the applicant whether the application is granted or denied. If the application 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 federal "Motor Voter" Act and any other functions mandated by Ohio or federal statute in conjunction with motor vehicle registration transactions.
 - (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 limited authority deputy registrar. 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:

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- (1) A requirement for a contract period of no more than three years with a requirement for each contract to terminate on a date specified by the registrar.
- (2) A requirement for a limited authority deputy registrar to collect and retain a maximum fee of three dollars and fifty cents for each transaction or physical inspection that a limited authority deputy registrar conducts.
- (3) A requirement for compliance with laws, administrative rules, and regulations adopted by the registrar governing limited authority deputy registrars.
- (4) A requirement for training of a limited authority deputy registrar or the employees of a limited authority deputy registrar prescribed by the registrar prior to the opening of a limited authority deputy registrar 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 limited authority deputy registrar 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 a limited authority deputy registrar.
- (7) A requirement for bonding as prescribed by the registrar for the entire period of a limited authority deputy registrar 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 limited authority deputy registrar office to be provided by a limited authority deputy registrar.
- (9) A requirement for the LADR to comply with any requirements established by the registrar regarding collection and handling of funds collected by the limited authority deputy registrar on behalf of the state.
- (10) A requirement for a limited authority deputy registrar 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 limited authority deputy registrar or by the registrar.
- (13) A requirement for a method of contract amendment.
- (14) A requirement for good faith performance by a limited authority deputy registrar and the registrar.
- (15) A requirement for severability of a limited authority deputy registrar contract if any provisions are declared unconstitutional or legally deficient in any respect.

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- (16) A prohibition against assignment of a limited authority deputy registrar contract unless the assignment is approved by the registrar.
- (17) Incorporation by reference of the Ohio Revised Code, the Ohio Administrative Code, the LADR Manual, directives for the registrar via the BMV, and any other matter prescribed by the registrar or the BMV.