

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 ~~(B)~~(C)(4) of section 3517.01 of the Revised Code or political action committee as defined in division ~~(B)~~(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 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.

Effective: 03/22/2015

Five Year Review (FYR) Dates: 12/30/2014 and 12/30/2019

CERTIFIED ELECTRONICALLY

Certification

03/12/2015

Date

Promulgated Under: 119.03
Statutory Authority: R.C. 4501.02, R.C. 4503.03
Rule Amplifies: R.C. 4503.03, R.C. 4503.031, R.C. 4503.032, R.C. 4507.01
Prior Effective Dates: 3/5/80, 12/23/88 (Emer.), 3/28/89, 1/13/92, 1/9/93, 1/28/94, 1/9/00, 1/7/02, 2/20/2014