



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 37*
135th General Assembly

Bill Analysis

[Click here for S.B. 37's Fiscal Note](#)

Version: As Reported by House Homeland Security

Primary Sponsors: Sens. Blessing and Ingram

Margaret E. Marcy, Attorney

SUMMARY

Driver's license suspensions

Drug offenses

- Removes the possible penalty of a driver's license suspension for a drug abuse offense unless the offender used a vehicle to further the commission of the offense or, as retained from current law, the offense occurs under the same circumstances as an OVI-offense .

Failure to pay a court fine or appear

- Eliminates the option of submitting a valid and unexpired driver's license, in lieu of bail or another form of security, as a guarantee that the licensee will appear in court.
- Specifies that a person can enter into a payment plan with the clerk of court in order to avoid an arrest warrant for failure to appear or failure to pay a fine.
- Requires, rather than authorizes as under current law, a court to issue a supplemental citation to a person who fails to appear in court, and delays issuance of a summons or arrest warrant by the court for failure to appear until 30 days after the supplemental citation is issued.
- Authorizes the supplemental citation to be sent through electronic means to the offender.

* This analysis was prepared before the report of the House Homeland Security Committee appeared in the House Journal. Note that the legislative history may be incomplete.

Failure to pay child support

- Authorizes a person who is in default on child support payments to present evidence that a driver's license suspension would effectively prevent that person from paying child support or the arrearage due under the child support order.
- Authorizes a child support enforcement agency to consider that evidence in determining whether to notify the Registrar to terminate a driver's license suspension on the person in default.
- Delays the implementation of a driver's license suspension on a person who is in default on child support payments for 30 days after the child support enforcement agency sends notice to the person.
- Authorizes a person whose driver's license is suspended for failure to pay child support to file a motion with a court with jurisdiction over the child support order for limited driving privileges in all circumstances, not just when the motion is made during contempt proceedings as under current law.

Truancy

- Removes a driver's license suspension or a denial of the opportunity to obtain a driver's license as possible penalties for a student who is habitually truant from school.
- Authorizes a student whose license currently is suspended or who currently is denied the opportunity to obtain a license because of the student's habitual truancy to apply to have the suspension or denial removed.

Proof of financial responsibility penalties

- Regarding the imposition of increased penalties for multiple violations of the offense of operating a motor vehicle without proof of financial responsibility, reduces the lookback period from five years to one year within which repeat violations must occur.
- Eliminates the suspension of motor vehicle registration rights and impoundment of a motor vehicle's certificate of registration and license plates as penalties for operating a motor vehicle without proof of financial responsibility, but retains a driver's license suspension as a penalty.
- Eliminates the \$50 financial responsibility noncompliance fee when a person fails to voluntarily surrender the person's license, certificate of registration, or license plates.
- Increases from 15 days to 45 days the grace period, starting at the date the Registrar mails notification of the pending suspension order, during which a person may present the Registrar proof of financial responsibility in order to avoid a driver's license suspension.
- Reduces the amount of time from either three or five years down to one year that a person whose license was suspended for failure to provide proof of financial responsibility must continually file such proof after the offense (a.k.a., an SR-22 form).

- Eliminates the additional criminal penalties and license suspension imposed on a person who operates a motor vehicle without proof of financial responsibility while the person is within the period of continually filing an SR-22 form.

Random Selection Verification Program

- Requires the Registrar to remove any remaining driver's license suspensions associated with the Financial Responsibility Random Verification Program (which was repealed through H.B. 62 of the 133rd General Assembly).
- Prohibits the Registrar from charging any reinstatement fees for the reinstatement of a driver's license associated with the program.

Law enforcement and EMS training

Training course for chiefs of police and sergeants

- Requires the training course for chiefs of police to be conducted at locations determined by the Ohio Peace Officer Training Commission and in a manner prescribed by the Commission.
- Sets eight hours as the maximum exemption for a chief who submits evidence of previous training or qualification in the exempted topics.
- Specifies that a "newly appointed" chief is one who has never held the full-time position before.
- Allows the Commission to establish and conduct police officer training courses to be offered to law enforcement officers at or above the rank of sergeant.

Vacant police positions and training schools

- Allows a police department to fill a vacant position in the classified civil service without a competitive examination if the department presents evidence that competition is impracticable and the position can best be filled by a person holding a specialized certification, possessing peculiar and exceptional qualifications, or having completed the department's police cadet training program.
- Allows the municipal police chief to conduct training schools for prospective law enforcement officers that align with Ohio Peace Officer Training Academy standards and cadet qualifications, and places the prospective officers in the unclassified civil service.

EMS training

- Establishes a process by which a person may request the State Board of Emergency Medical, Fire, and Transportation Services to add new training or continuing education topics for EMS personnel.

Feminine hygiene products

- Prohibits county and municipal correctional facilities and state correctional institutions housing female inmates from denying inmates access to feminine hygiene products.

- Requires county and municipal correctional facilities and state correctional institutions housing female inmates to provide inmates experiencing a menstrual cycle with an adequate supply of feminine hygiene products at no cost to the inmates.
- Requires county and municipal correctional facilities and state correctional institutions housing female inmates to have a policy that allows access to feminine hygiene products while providing sanitary disposal methods.
- Requires county and municipal correctional facilities and state correctional institutions housing female inmates to provide a designated area with containers for disposal of feminine hygiene products.
- Requires county and municipal correctional facilities and state correctional institutions housing female inmates to provide inmates experiencing menstruation a minimum of one shower per day with access to hot water for washing, except when experiencing an emergency.

Private vendor specialty license plate program

- Authorizes the Registrar of Motor Vehicles to enter into a contract, via a competitive selection process, with a vendor to operate a special license plate program that will operate alongside the current statutory process for establishing and issuing specialty license plates.
- Requires the vendor, under the contract, to design and market specialty license plates required to be issued under current law and new specialty license plates established under the program.
- Stipulates that the contract between the private vendor and the Registrar must contain certain provisions, including:
 - A requirement that the private vendor use electronic infrastructure that is compatible with infrastructure used by the Bureau of Motor Vehicles (BMV);
 - Terms governing the security of the information exchanged between the Registrar, the private vendor, and any other third parties;
 - Terms allowing a motor vehicle owner or lessee to select the combination of letters and numbers appearing on a license plate and various design features for a specialty license plate;
 - Provisions allowing the vendor to enter into an agreement to create new license plates not currently offered by the BMV; and
 - An allowance for the Registrar (or any deputy registrar) to collect the following fees and contribution that are in addition to any applicable motor vehicle registration taxes and fees:
 - ❖ A fee deposited in the Public Safety – Highway Purposes Fund to compensate the Registrar for costs associated with program administration and license plate design and production;

- ❖ A fee deposited in the Public Safety Specialty License Plate Contract Fund (created by the bill) to compensate the private vendor for the performance of its duties under the contract; and
 - ❖ A contribution deposited in the Drug Law Enforcement Fund, which is used to make grants to local governments to defray expenses related to local drug task forces.
- Limits the contract between the Registrar and the private vendor to two years, but allows the contract to be extended for additional two-year periods.
 - Exempts the private vendor from an existing general prohibition against charging a fee for online motor vehicle registrations unless specified conditions exist.
 - Requires the Registrar to submit each specialty license plate created under the program to the Joint Committee on Agency Rule Review (JCARR) for approval, and requires JCARR to approve or disapprove of any proposed specialty license plate.
 - Prohibits the Registrar from restricting the background color, color combinations, or color alphanumeric license plate numbers of a specialty license plate proposed by the private vendor except for purposes of public safety.

Stopping for on-track equipment at a railroad crossing

- Requires a vehicle operator to stop for on-track equipment that may be approaching a railroad crossing.
- Requires school vehicle operators, hazardous materials transporters, and certain construction equipment operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing in the same manner as for trains.
- Applies existing penalties to the requirements specified above.
- Generally authorizes a court to order an offender to attend and successfully complete a remedial safety training or presentation regarding rail safety in lieu of a fine or jail term for failing to stop appropriately at a railroad crossing.

TABLE OF CONTENTS

Driver’s license suspensions	6
Drug offenses	6
Failure to pay a court fine or fee.....	8
License as bond	8
Failure to pay child support.....	8
Truancy.....	10
Proof of financial responsibility penalties	10
SR-22 form.....	11
Random Verification Program reinstatement.....	11

Law enforcement and EMS training	12
Training for chiefs of police	12
Training for the rank of sergeant and above	12
Fill vacant police position in classified civil service without exam	12
Training schools for prospective law enforcement officers.....	14
Training of EMS personnel	14
Feminine hygiene products	15
Providing feminine hygiene products	15
Access to and disposal of feminine hygiene products	15
Access to shower	16
Definitions	16
Private vendor specialty license plate program	17
Authority under the contract	18
Contract terms.....	18
JCARR approval of designs	19
Third party online registration exemption.....	19
Stopping for on-track equipment at a railroad crossing.....	20
Vehicles required to stop every time	20
Penalties	21
Alternative rail safety course	21

DETAILED ANALYSIS

Driver's license suspensions

Drug offenses

Under current law, many drug offenses carry a possible penalty of a driver's license suspension.¹ The bill removes the general authorization for a court to impose a driver's license suspension for these offenses, but continues to allow the court to impose a suspension in limited circumstances. Specifically:

1. If the drug offense occurs under the same circumstances as an operating a vehicle under the influence offense (OVI-offense), the bill retains current law's mandatory driver's license suspension of up to five years.
2. If the offender used a vehicle to further the commission of the offense, the bill retains a discretionary driver's license suspension of up to five years.

¹ References to "driver's license suspension" throughout this analysis includes a suspension of a commercial driver's license, temporary instruction permit, commercial driver's temporary instruction permit, and motorcycle operator's license or endorsement.

3. If (1) or (2) do not apply, the bill removes the possible penalty of a driver's license suspension for the drug offense.²

An offender whose license is suspended, in accordance with parameters detailed above, may file a motion for the sentencing court to terminate the suspension two years after the suspension was imposed or the offender is released from jail or prison, whichever date is later. This early termination is consistent with current law for such suspensions.³

The following table details the drug offenses that are impacted under the bill. Under current law, for all of the offenses listed below, a court *may* impose a driver's license suspension for *any* commission of the offense and *must* impose a suspension if the offense occurs under the same circumstances as an OVI-offense.

Drug offenses impacted by the bill	
Revised Code	Description
R.C. 2925.02	Corrupting another with drugs
R.C. 2925.03	Drug trafficking
R.C. 2925.04	Illegal manufacture of drugs or illegal cultivation of marijuana
R.C. 2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs
R.C. 2925.05	Funding of drug or marijuana trafficking
R.C. 2925.06	Illegal administration or distribution of anabolic steroids
R.C. 2925.11	Drug possession
R.C. 2925.12	Possessing drug abuse instruments
R.C. 2925.13	Permitting drug abuse
R.C. 2925.14	Illegal use or possession of drug paraphernalia (not for marijuana)
R.C. 2925.22	Deception to obtain a dangerous drug
R.C. 2925.23	Illegal processing of drug documents
R.C. 2925.31	Abusing harmful intoxicants

² R.C. 2929.33; R.C. Chapter 2925.

³ R.C. 2925.03(G)(1) and 2929.33(C)(2).

Drug offenses impacted by the bill	
Revised Code	Description
R.C. 2925.32	Trafficking in harmful intoxicants
R.C. 2925.36	Illegal dispensing of drug samples
R.C. 2925.37	Trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, or fraudulent drug advertising
R.C. 4510.17	Commission of an out-of-state drug or OVI violation that is substantially similar to the Revised Code offenses

Failure to pay a court fine or fee

The bill requires, rather than authorizes as under current law, a court to send a supplemental citation to a person who either fails to appear in court or who fails to pay a court fine or fee. The court must wait to issue a summons, arrest warrant, or license suspension for the failure to appear or failure to pay until 30 days after the supplemental citation is issued. The bill authorizes the court to send the supplemental citation through electronic means.⁴

Additionally, the bill adds an option for a person to enter into an installment payment plan for all court fines, fees, and costs with the clerk of the court. If the person enters into a payment plan, the court cannot issue and must cancel a previously issued summons or arrest warrant for the person.⁵

License as bond

The bill eliminates the option of submitting a valid and unexpired driver's license, in lieu of bail or another form of security, as a guarantee that the licensee will appear in court. Under current law, a person may post bond by depositing the driver's license with the arresting officer. Then, when the person appears in court to answer the traffic charges and pays any court fines, fees, and costs, the court returns the license to the person.⁶

Failure to pay child support

Under current law, after a person defaults on his or her child support obligations and specified statutory warnings have been issued to that person, a child support enforcement agency may send a notice to the Registrar to suspend the person's driver's license. The driver's license suspension is effective when the Registrar receives the notice. The suspension terminates

⁴ R.C. 2935.26 and 2935.27.

⁵ R.C. 2935.26.

⁶ R.C. 2935.27, 2937.221, repealed, and 2937.40; conforming changes in R.C. 4501.06, 4503.10, 4503.102, 4503.12, and 4503.39.

only after the Registrar receives further notice from the child support enforcement agency that either:

1. The person is no longer in default;
2. The person has complied with any related court orders or subpoenas; or
3. The agency has made other specified arrangements with the person based on his or her current circumstances.⁷

The bill authorizes a person in default of child support obligations to present evidence to the child support enforcement agency demonstrating that a driver's license suspension would effectively prevent that person from paying child support or any arrearage due under the child support order (e.g., a person who drives a commercial motor vehicle for a living). Additionally, the agency is authorized to consider that evidence in determining whether to request that the Registrar terminate the associated driver's license suspension (as part of the other arrangements made with the agency, see (3) above).⁸ If the agency moves forward with the driver's license suspension, the bill requires a 30-day grace period after sending the person notice of the impending suspension in which the person may cooperate with the agency in satisfying the default or making other payment arrangements.⁹

Additionally, the bill authorizes a person whose driver's license is suspended for failure to pay child support to file a motion in the court with jurisdiction over the child support order for limited driving privileges at any point, not just during a contempt proceeding, as under current law.¹⁰ Accordingly, the court, in its discretion, may grant those limited driving privileges for any of the following purposes:

1. Occupational, education, vocational, or medical purposes;
2. Taking the driver's or commercial driver's license examination;
3. Attending court-ordered treatment;
4. Attending any court proceeding related to the offense for which the offender's suspension was imposed;
5. Transporting a minor to a child care provider, daycare, preschool, school, or to any other location for purposes of receiving child care; and
6. Any other purpose the court determines to be appropriate.¹¹

Under current law, the court must request the person subject to the driver's license suspension to provide a current noncertified copy of the person's driver's abstract from the Registrar before granting limited driving privileges. (This ensures that the person does not have

⁷ R.C. 3123.56 and 3123.58; R.C. 3123.54, 3123.55, 3123.57, not in the bill.

⁸ R.C. 3123.56(C)(2).

⁹ R.C. 3123.54.

¹⁰ R.C. 3123.58.

¹¹ R.C. 4510.021(A) and (B), not in the bill.

any other suspensions or traffic offenses that might affect the court's decision on whether to grant those privileges.) Additionally, the court must request the child support enforcement agency to provide an opinion on the agency's position (in person, through a representative, or through a written document) regarding the request for limited driving privileges. The bill requires the court to include in the order granting limited driving privileges any conditions the person must comply with in order to retain the limited driving privileges. The court then must issue a permit card or, as added by the bill, any other written document setting forth the date on which limited driving privileges will become effective, the purposes of the privileges, the times and places the person may drive, and any other conditions imposed.¹²

Truancy

The bill removes the possible administrative penalty of a driver's license suspension or denial or a driver's license for a habitually truant student. Under current law, a board of education of a school district may adopt a resolution that authorizes, as one possible repercussion for habitual truancy, a driver's license suspension imposed by the Registrar. If the student does not yet have a driver's license (or temporary instruction permit), the opportunity to obtain the license or permit may also be denied. Similar repercussions may also be imposed on a student who is suspended or expelled from school. The bill removes this potential driver's license suspension or denial.¹³

Additionally, any student who received either a driver's license suspension or the denial of the opportunity to obtain a permit or a license before the bill's effective date because of habitual truancy may file a motion with the juvenile court to have that suspension or denial terminated. The court, in its discretion, may order the Registrar to terminate the suspension or the denial, cancel the record related to the suspension or denial, and return or reissue a license to the student.¹⁴

Proof of financial responsibility penalties

The bill reduces the penalties for failing to provide proof of financial responsibility (e.g., motor vehicle insurance) when operating a motor vehicle. Under current law, a person must continuously maintain proof of financial responsibility throughout the registration period of a motor vehicle. A person who operates a motor vehicle without proof of financial responsibility is subject to a variety of penalties, including a driver's license suspension, suspension of motor vehicle registration rights, impoundment of the certificate of registration and license plates of the subject motor vehicle, and reinstatement fees. If, within five years of the offense, a person commits additional violations of the prohibition, the person is subject to increasing penalties (primarily a longer driver's license suspension and higher reinstatement fees).¹⁵

¹² R.C. 3123.58(B)(1) and (2).

¹³ R.C. 3321.13, 3321.191, and 4510.32, repealed; conforming change in R.C. 4510.101.

¹⁴ Section 4.

¹⁵ R.C. 4509.101(A).

The bill reduces the penalties associated with this offense in two ways. Specifically, it decreases the five-year lookback period for repeat offenses to a one-year period. Thus, for a repeat offense to trigger increased penalties, it has to occur within one year of the initial offense. Additionally, the bill eliminates the suspension of a person's motor vehicle registration rights and impoundment of the certificate of registration and license plates as penalties for the offense. Furthermore, the bill eliminates the \$50 financial responsibility noncompliance fee when a person fails to voluntarily surrender the person's license, certificate of registration, or license plates.¹⁶ The bill also increases from 15 days to 45 days the grace period, starting at the date the Registrar mails notification of the pending suspension order, during which a person may present the Registrar proof of financial responsibility in order to avoid a driver's license suspension.¹⁷

SR-22 form

Under current law, if a person fails to provide proof of financial responsibility and the Registrar imposes the required administrative driver's license suspension on the person, the person must regularly file proof with the Registrar that he or she is maintaining some form of proof of financial responsibility. If the suspension is a Class A, B, or C suspension (one to three years), the person must file and maintain such proof for five years. If the suspension is a Class D, E, or F suspension (until conditions are met to six months), the person must file and maintain such proof for three years. This requirement is typically accomplished through what is known as an SR-22 form, issued by an insurance company. The bill reduces the time that the person must file the SR-22 form with the Registrar to only one year.¹⁸

Additionally, the bill removes the current law criminal penalties for operating a motor vehicle without proof of financial responsibility during the period that a person is required to continually file the SR-22 form with the Registrar. The offense under current law is an unclassified misdemeanor with fines up to \$1,000 and up to 500 hours of community service. While the bill removes the criminal penalties, a person who operates a motor vehicle without proof of financial responsibility during the one year of filing the SR-22 form would still face all applicable civil penalties for failing to have the required proof.¹⁹

Random Verification Program reinstatement

Within 30 days of the bill's effective date, the bill requires the Registrar to remove any remaining driver's license suspensions that the Registrar imposed as the result of the Financial Responsibility Random Verification Program. H.B. 62 of the 133rd General Assembly eliminated that Program, effective July 3, 2019.²⁰ The Registrar may not charge any fees, including reinstatement fees, for the reinstatement of these driver's licenses. Impacted individuals may

¹⁶ R.C. 4509.101(A); conforming changes in R.C. 4503.20(F), 4507.212(E), 4509.37, 4509.66, 4509.67, 4509.69, and 4509.77.

¹⁷ R.C. 4509.101(D)(5).

¹⁸ R.C. 4509.45(D); conforming changes in R.C. 4509.101.

¹⁹ R.C. 4510.16.

²⁰ See the LSC [Final Analysis for H.B. 62 \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov.

reinstate their licenses at their local deputy registrar offices. However, if an individual has additional license suspensions, that individual will need to wait until the other suspensions are eligible for reinstatement. The Registrar must notify any impacted individual about the terms of and process for the driver's license reinstatement.²¹

Law enforcement and EMS training

Training for chiefs of police

Continuing law requires the Ohio Peace Officer Training Commission to provide a chief of police training course for newly appointed chiefs. The course consists of at least 40 hours of instruction on topics determined by the Commission. The bill modifies the course requirements in the following ways:

- Instead of requiring the course to be conducted at the Ohio Peace Officer Training Academy, as under current law, the course must be conducted at locations determined by the Commission.
- The bill specifies the course must be conducted in a manner prescribed by the Commission.
- Current law allows a new chief to request an exemption from a "portion" of the course by submitting the exemption request to the Commission within ten days after the chief is appointed. The bill makes the maximum exemption eight hours, limits the exemption to topics approved by the Executive Director, and requires the request to be provided to the Commission at least 14 days before the course starts.
- Lastly, the bill specifies a "newly appointed" chief is one who has never held the full-time position before, rather than one who did not hold the office on the date the person was appointed.²²

Training for the rank of sergeant and above

The bill allows the Commission to establish and conduct police officer training courses, in addition to the Peace Officer Basic Training Academy, to be offered to a law enforcement officer at or above the rank of sergeant.²³

Fill vacant police position in classified civil service without exam

Under the bill, the Director of Administrative Services may suspend the requirement to conduct a civil service examination to fill a vacant position in the classified civil service in a police department where competition is impracticable in that special case, unless the exception described below applies. To have the examination suspended, the appointing authority must submit satisfactory evidence to the Director that competition is impracticable and the position can best be filled by a person who:

²¹ Section 6.

²² R.C. 109.804.

²³ R.C. 109.791.

- Holds a specialized certification;
- Possesses peculiar and exceptional qualifications; or
- Has completed a police cadet training program through the police department.

A suspension cannot be general in its application.²⁴

The Director's authority to suspend competitive examination requirements under the bill does not apply to a vacancy in a position in the classified civil service in a police department that must be filled by promotion under continuing law. Continuing law prescribes the manner by which positions above the rank of patrol officer in a police department must be filled.²⁵

The Ohio Constitution requires that appointments to the civil service of the state or a county or city be made "according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations." It also requires that laws be passed to enforce that requirement.²⁶ Ohio law generally requires all applicants for a position in the classified civil service to pass an examination to be eligible for hire.²⁷ A city must apply the Ohio civil service law unless its charter expressly allows it to exercise its power of local self-government in a way that contradicts the law.²⁸

Current law allows the Director to suspend the requirement that an examination be conducted to fill a position where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required. To receive the suspension, the appointing authority must provide evidence that competition in each special case is impracticable and the position can best be filled by a person of high and recognized attainments relevant to the position.²⁹ The Ohio Supreme Court has held that an appointing authority must demonstrate "extraordinary circumstances" to make an appointment to a position with exceptional qualifications without an examination.³⁰ Determining whether extraordinary circumstances justify suspending a competitive examination requires an individualized analysis of the facts in each case.³¹

Current law also permits an appointing authority to make a temporary appointment to a vacant position in the classified civil service by noncompetitive examination. A temporary

²⁴ R.C. 124.30(A)(3).

²⁵ R.C. 124.30(D), by reference to R.C. 124.44, not in the bill.

²⁶ Ohio Constitution, Article XV, Section 10.

²⁷ R.C. 124.23, not in the bill.

²⁸ Ohio Const., art. XVIII, secs. 2, 3, and 7 and *State ex rel. Regetz v. Cleveland Civ. Serv. Comm.*, 72 Ohio St.3d 167, 172 (1995). See also *Northern Ohio Patrolmen's Benevolent Assn. v. Parma*, 61 Ohio St.2d 375 (1980).

²⁹ R.C. 124.30(A)(2).

³⁰ *Moore v. Agin*, 12 Ohio St.3d 173, 175 (1984).

³¹ Compare *Moore* at 174-175 (finding extraordinary circumstances) with *Ohio Patrolmen's Benevolent Assn v. Fostoria Civ. Serv. Comm.*, 2006-Ohio-4193, ¶12-14 (3rd Dist. 2006) (refusing to find extraordinary circumstances).

appointment must be made for urgent reasons and cannot last longer than 120 days, unless it is considered necessary according to the Director's rules.³² Security concerns resulting from understaffing are considered a valid "urgent reason" for making a temporary appointment.³³ However, the appointing authority must administer an examination before a temporary appointment can become permanent.³⁴ A temporary appointee serves at the pleasure of the appointing authority. If the temporary appointee is permanently appointed to the position, the temporary service does not count toward the appointee's probationary service in the permanent position.³⁵

Training schools for prospective law enforcement officers

The bill allows a municipal police chief to conduct training schools for prospective law enforcement officers. The training school programs must align with Ohio Peace Officer Training Academy standards and cadet qualifications. The prospective officers, during the training period and as members of the training school, may be paid a reasonable salary. The bill places prospective officers participating in a training school program in the unclassified civil service. The police chief may establish rules governing the qualifications for admission to training schools for prospective officers and provide for competitive examinations to determine the fitness of the students and prospective officers, not inconsistent with the Director's rules. The police chief also may furnish the necessary supplies and equipment for the prospective officers' use during the training. On completing a training school program, a program graduate may be hired directly by the relevant department, provided the graduate satisfies continuing law requirements for original appointment as a law enforcement officer.³⁶

Training of EMS personnel

The bill establishes a process by which a person may request, via a petition, the State Board of Emergency Medical, Fire, and Transportation Services (the Board) to add new training or continuing education topics in required EMS training or continuing education programs. A person must submit the petition in the manner prescribed by the Board. EMS personnel includes first responders, EMTs-basic, EMTs-I, or paramedics.³⁷

Once the Board receives a petition, it must review it and approve or deny the request in accordance with rules adopted by the Board.³⁸ If the Board approves a topic, it must require that the topic be added to the EMS training or continuing education programs. Additionally, the Board

³² R.C. 124.30(A)(1).

³³ *State ex rel. Charlton v. McFaul*, 8th Dist. Cuyahoga No. 68678, 1995 Ohio App. LEXIS 5284, 1995 WL 705266 (November 30, 1995).

³⁴ *See, e.g., Mines v. Warren*, 11th Dist. Trumbull Case Nos. 90-T-4453, 90-T-4454, 1991 Ohio App. LEXIS 1838, 1991 WL 70115 (April 26, 1991).

³⁵ R.C. 124.30(B) and (C), with conforming changes in R.C. 124.11.

³⁶ R.C. 124.11(A) and 737.061.

³⁷ R.C. 4765.163(A).

³⁸ R.C. 4765.163(B).

must adopt rules regarding the number of hours of training or continuing education that must be devoted to the approved topic.³⁹ The bill exempts the rules from the law that limits regulatory restrictions adopted by certain agencies.⁴⁰

Under current law, the Board oversees emergency medical services training and continuing education requirements. Current statutory requirements and rules adopted by the Board specify the content and hours of that training and education.⁴¹ In general, all training and continuing education programs are developed under the direction of a physician who specializes in emergency medicine.⁴²

Feminine hygiene products

Providing feminine hygiene products

The bill requires that each county and municipal correctional facility and state correctional institution housing female inmates provide inmates experiencing a menstrual cycle with an adequate supply based on individualized need, in perpetuity and without reprimand, of feminine hygiene products in a variety of sizes at no cost to the inmates.⁴³ The bill prohibits such a county or municipal correctional facility or state correctional institution from denying inmates access to feminine hygiene products.⁴⁴ The bill defines “county correctional facility,” “municipal correctional facility,” “state correctional institution,” “female,” and “feminine hygiene products” for purposes of its provisions (see “**Definitions**,” below).

Access to and disposal of feminine hygiene products

The bill requires that each county and municipal correctional facility and state correctional institution housing female inmates provide a separate disposal container with a lid in a safe, designated area for inmates experiencing a menstrual cycle within the facility. The container’s purpose is to dispose of used, soiled, or damaged feminine hygiene products.⁴⁵ The bill also requires that each such county and municipal correctional facility and state correctional institution have a written policy and procedure that protects inmates from being denied feminine hygiene products based on race, sex, income status, degree of charge, disability status, or any other type of discriminatory identity.⁴⁶ The policy must also establish proper methods for storing, administering, and disposing of feminine hygiene products and safe and sanitary procedures for

³⁹ R.C. 4765.163(C).

⁴⁰ R.C. 4765.163(D).

⁴¹ R.C. Chapter 4765.

⁴² R.C. 4765.16, not in the bill.

⁴³ R.C. 341.261(B), 753.321(B), and 5120.631(B).

⁴⁴ R.C. 341.261(E), 753.321(E), and 5120.631(E).

⁴⁵ R.C. 341.261(D), 753.321(D), and 5120.631(D).

⁴⁶ R.C. 341.261(C)(1), 753.321(C)(1), and 5120.631(C)(1).

hand washing and cleaning of surfaces between restrooms and the designated areas for disposal bins.⁴⁷

Access to shower

The bill requires that each county and municipal correctional facility and state correctional institution that houses female inmates provide inmates experiencing menstruation a minimum of one shower per day with access to hot water for washing, regardless of whether the inmates are separated from the general population for disciplinary status, unless the facility or institution is experiencing an “emergency” (see “**Definitions**,” below).⁴⁸

Definitions

As used in the bill:

“**County correctional facility**” means a county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.⁴⁹

“**Emergency**” includes: (1) riots or inmate uprisings, (2) escapes or attempted escapes, (3) staff shortages or strikes, (4) outbreaks of contagious diseases, (5) incidents of suicide or self-harm, (6) gang-related violence or conflicts within the inmate population, (7) natural disasters, or (8) hostage situations.⁵⁰

“**Municipal correctional facility**” means a municipal jail, municipal workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.⁵¹

“**State correctional institution**” means any institution or facility that is operated by the Department of Rehabilitation and Correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders.⁵²

“**Female**” means of or denoting the sex that can bear offspring or produce eggs and has XX chromosomes, distinguished biologically by the production of gametes or ova that can be fertilized by male gametes.⁵³

⁴⁷ R.C. 341.261(C)(2) and (3), 753.321(C)(2) and (3), and 5120.631(C)(2) and (3).

⁴⁸ R.C. 341.261(F), 753.321(F), and 5120.631(F).

⁴⁹ R.C. 341.261(A)(1).

⁵⁰ R.C. 341.261(A)(2), 753.321(A)(1), and 5120.631(A)(1).

⁵¹ R.C. 753.321(A)(4).

⁵² R.C. 5120.631(A)(4) and 2967.01, not in the bill.

⁵³ R.C. 341.261(A)(3), 752.321(A)(2), and 5120.631(A)(2).

“Feminine hygiene products” means tampons and sanitary napkins that are used for the menstrual cycle.⁵⁴

Private vendor specialty license plate program

Under current law, the Registrar of Motor Vehicles must issue a variety of specialty license plates, which may be used in lieu of the standard license plate issued to the majority of Ohio motorists. Each specialty license plate is authorized by statute and honors the military and military awards or highlights various organizations, schools, and sports teams. Examples of specialty license plates include:

The Distinguished Flying Cross license plate



The Ohio State University license plate (one of three types)



Ohio State Beekeepers license plate



The bill establishes a program whereby the Registrar must enter into a contract with a private vendor to design and market specialty license plates. The private vendor is selected by the Registrar through a competitive bidding process. The specialty license plate program established by the bill operates alongside the current statutory process for establishing and issuing specialty license plates. As a result, a person may choose to obtain a specialty license plate

⁵⁴ R.C. 341.261(A)(4), 753.321(A)(3), and 5120.631(A)(3).

established and designed pursuant to statute or through the contractor-operated specialty license plate program.⁵⁵

Authority under the contract

Under the contract, beginning nine months after the bill's effective date, the private vendor must design and market specialty license plates, including those required by law to be issued by the Registrar. The Registrar remains responsible for the issuance of each specialty license plate and a validation sticker and for the collection of existing taxes and fees related to the specialty license plate. Additionally, the Registrar (or a deputy registrar) must collect the following:

1. A fee deposited in the Public Safety – Highway Purposes Fund to compensate the Registrar for costs associated with program administration and license plate design and production;
2. A fee deposited in the Public Safety Specialty License Plate Contract Fund (created by the bill) to compensate the private vendor for the performance of its duties under the contract; and
3. A contribution deposited in the Drug Law Enforcement Fund, which is used to make grants to local governments to defray expenses related to local drug task forces.

The Registrar and any deputy registrar issuing a registration or registration renewal under the program also may collect the existing service fee of \$5.⁵⁶

Contract terms

The contract between the Registrar and private vendor is limited to two years, but may be extended afterwards for additional two-year terms upon agreement of the parties. The contract must include the following:

- A requirement that the private vendor use electronic infrastructure that is compatible with infrastructure used by the Bureau of Motor Vehicles (BMV);
- Provisions concerning the security of the information exchanged through the electronic infrastructure use by the Registrar, the private vendor, and any other third parties;
- Provisions allowing a motor vehicle owner or lessee to select the combination of letters and numbers appearing on a license plate, subject to the approval of the Registrar;
- Provisions allowing an owner or lessee purchasing a specialty license plate created by the private vendor to select various design features of the license plate;
- Provisions allowing the private vendor to contract with any person for the marketing and sale of a specialty license plate that is not offered by the BMV (a person or entity that has

⁵⁵ R.C. 4503.261(A).

⁵⁶ R.C. 4503.038, 4503.19, 4503.261(A), (B)(7), and (D), 4503.262, and 5502.68.

sponsored a specialty license plate offered by the BMV may create a new specialty license plate through the private vendor);

- Provisions specifying that the private vendor complies with all applicable copyright and trademark laws;
- A requirement that the Registrar collect the fees and contribution specified above that are in addition to any applicable motor vehicle registration taxes and fees; and
- Provisions requiring the private vendor to comply with all applicable requirements of the Revised Code and the Ohio Administrative Code.⁵⁷

JCARR approval of designs

Under the bill the Registrar must submit each specialty license plate design created under the specialty license plate program to the Joint Committee on Agency Rule Review (JCARR). JCARR has final authority regarding the design and content of any specialty license plate and must approve or disapprove of any proposed specialty license plate. Furthermore, the Registrar may consult with the Superintendent of the State Highway Patrol regarding the readability, reflectivity, and public safety of a specialty license plate. The Registrar may not restrict the background color, color combinations, or color alphanumeric license plate numbers of a specialty license plate proposed by the private vendor, except for purposes of public safety.⁵⁸

Third party online registration exemption

The bill provides that the private vendor is exempt from a prohibition that prevents third parties from conducting the online registration of motor vehicles. Under current law, a person is prohibited from charging any fee for the submission of an application for a motor vehicle registration or registration renewal by electronic means unless a person complies with all of the following:

- The person prominently displays on the person's website that the service is not provided by a government agency;
- The person requires customers to confirm they understand that the person's services are not offered by a governmental entity; and
- The person's website states that the person may opt to submit the application directly to the Registrar, and the Registrar's link for submission is provided on the person's website.

Failure to comply with all of the above requirements results in a maximum fine of \$1,000.⁵⁹

⁵⁷ R.C. 4503.261(B).

⁵⁸ R.C. 4503.261(C).

⁵⁹ R.C. 4503.261(A)(3); R.C. 4503.106, not in the bill. Since the vendor no longer has authority to facilitate the registration of motor vehicles and the collection of fees associated with registration as was required in the As Introduced version of the bill, it is unclear if this exemption has any practical effect.

Stopping for on-track equipment at a railroad crossing

The bill requires vehicle⁶⁰ operators to stop for on-track equipment at rail crossings in the same manner that operators are required to stop for trains. Thus, under the bill, a vehicle operator must stop between 15 and 50 feet away from the tracks of a railroad crossing under any of the following circumstances:

1. A clearly visible electric or mechanical signal device gives off its warning for approaching or passing on-track equipment;
2. A flag person gives off a warning for approaching on-track equipment;
3. There is insufficient space on the other side of the railroad crossing so that the vehicle would block the tracks and obstruct on-track equipment from passing; and
4. Approaching on-track equipment is emitting an audible signal or is plainly visible, thus, making it hazardous to cross.⁶¹

Regarding (3) and (4) above, the vehicle operator must recklessly fail to stop under the given circumstances in order to be guilty of having violated the prohibition. The bill does not specify a separate mens rea for (1) and (2) above. Presumably, these offenses would be strict liability offenses, as under current law.⁶²

On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads. This type of equipment is used for tasks such as repairing the tracks, clearing snow, additional construction, and other activities needed to keep railroad tracks clean, clear, and safe for trains. The equipment is often as big as a locomotive and, thus, can be as dangerous around railroad crossings as a train.

Vehicles required to stop every time

Under current law, certain motor vehicle operators are required to stop, watch, and listen for trains at railroad crossings every time they approach such a crossing, including an operator of a school bus, school vehicle, vehicle transporting hazardous material regulated under federal law,

⁶⁰ "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. R.C. 4511.01(A), not in the bill.

⁶¹ R.C. 4511.62(A)(1). The bill retains current law requirements that vehicle operators stop when a crossing gate is lowered and when there is insufficient undercarriage clearance on a vehicle to safely negotiate the crossing.

⁶² R.C. 4511.62(A)(2)(b).

and a specified construction vehicle. Under the bill, such operators also are required to stop, watch, and listen for on-track equipment.⁶³

Penalties

The bill applies the penalties for failure to stop, watch, and listen for a train to the failure to stop, watch, and listen for on-track equipment. Those penalties are as follows:

1. Failure to stop under any of the circumstances listed in (1) to (4) above: fourth degree misdemeanor;
2. An operator of a school bus, school vehicle, or vehicle carrying hazardous material that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor for first offense and fourth degree misdemeanor if it is the second offense or the offender previously was convicted of or pled guilty to another specified school bus-related offense; and
3. An operator of a construction vehicle that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor/predicate motor vehicle offense on a first offense and a fourth degree misdemeanor if the offender has committed a predicate motor vehicle offense within one year.⁶⁴

Alternative rail safety course

The bill authorizes a court, in lieu of imposing a fine or a jail term on an vehicle operator who failed to stop for a train or on-track equipment (penalty (1) above), to require instead that the offender attend and successfully complete a remedial safety training or presentation regarding rail safety. The training or presentation must be offered by an authorized and qualified organization that is selected by the court and must be completed within 180 days (or less, if specified by the court). The offender must notify the court when the training or presentation is completed. The court then must waive the fine or jail term that it otherwise would have imposed.⁶⁵

⁶³ R.C. 4511.63 and 4511.64(A); 49 Code of Federal Regulations Parts 100-185. Examples of construction vehicles include a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway.

⁶⁴ R.C. 4511.62(C), 4511.63(D), and 4511.64(C). A predicate motor vehicle offense is a specified group of traffic offenses in which an offender is guilty of a minor misdemeanor for the first violation of any of the offenses within one year, a fourth degree misdemeanor for the second violation of any of the offenses within one year, and a third degree misdemeanor for a third or subsequent violation of any of the offenses within one year. R.C. 4511.01(III), not in the bill.

⁶⁵ R.C. 4511.62(C)(2).

HISTORY

Action	Date
Introduced	01-31-23
Reported, S. Judiciary	05-22-24
Passed Senate (31-0)	05-22-24
Reported, H. Homeland Security	---
