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4501:1-3-01

Used motor vehicle dealer training.

- (A) Except as otherwise set forth in divisions (B)(2) and (B)(3) of section 4517.05 of the Revised Code, every applicant for a used motor vehicle dealer's license must successfully complete an approved classroom or online training course administered by an authorized course provider as set forth in rule 4501:1-3-02 of the Administrative Code.
- (B) Every applicant that is required to complete the training course shall present a copy of his or her certificate of completion issued by the authorized course provider at the time of application.
- (C) Notwithstanding the requirements of section 4517.05 of the Revised Code, any licensed used motor vehicle dealer found by the board to be in violation of Chapter 4517. of the Revised Code or Chapter 4501:1-3 of the Administrative Code may be required to complete the used motor vehicle dealer training course by an authorized course provider.

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4501:1-3-02

Used motor vehicle dealer training; curriculum and course provider requirements.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501:1-3-38 of the Administrative Code.]

(A) The registrar shall issue a certificate of approval to an authorized course provider to administer the used motor vehicle dealers training course mandated by section 4517.05 of the Revised Code and rule 4501:1-3-01 of the Administrative Code. In order to be an authorized course provider, an entity must meet the following requirements:

- (1) Either be an institution of higher learning as defined in section 3345.12 of the Revised Code or a professional or trade association that has been in existence for more than five years and has a majority of association members who are motor vehicle dealers licensed in Ohio;
- (2) Submit a "Training Course Provider Application," with a copy of the training course curriculum that meets the requirements of paragraph (B) of this rule;
- (3) Meet all of the other requirements set forth in section 4517.05 of the Revised Code and this rule.

(B) The curriculum submitted for review in accordance with paragraph (A)(2) of this rule shall meet the following requirements:

- (1) Consist of no less than a minimum of six hours classroom or equivalent online training;
- (2) Include pages that are all consecutively numbered;
- (3) Be organized into units or lessons and include a table of contents;
- (4) Provide a curriculum that clearly sets forth the expectations of the course and is easy to navigate;
- (5) Provide appropriate content-based exercises that actively engage the students in the learning process including, but not limited to, instructional methods such as videos, games, activities, or tests;
- (6) Allow the applicant to review previously completed sections and resources included in the course curriculum;

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- (7) Ask content-based questions that are related to the lesson that is being completed. Such questions must be of a sufficient complexity that they cannot be easily answered without having reviewed the course material. If a question is answered incorrectly, the provider must provide constructive feedback and the correct answer;
- (8) Authorized course providers shall not include any content that promotes, sells, or offers goods, products or services in the training course curriculum;
- (9) Address the following topics and subject matters:
 - (a) The used motor vehicle dealer requirements set forth in Chapter 4517. of the Revised Code and this chapter of the Administrative Code, including but not limited to, those pertaining to a dealer's established place of business;
 - (b) The duties and responsibilities of the motor vehicle dealers board as set forth in Chapter 4517. of the Revised Code and this chapter of the Administrative Code;
 - (c) Acts and omissions that may result in suspension or revocation of a used motor vehicle dealer's license as set forth in Chapter 4517. of the Revised Code and this chapter of the Administrative Code;
 - (d) The issuance of temporary licenses pursuant to section 4503.182 of the Revised Code;
 - (e) The duties and responsibilities in performing out of state inspections pursuant to section 4505.061 of the Revised Code;
 - (f) The registration requirements for manufacturers, dealers, and distributors pursuant to section 4503.27 of the Revised Code;
 - (g) The display and proper use of license plates issued to manufacturers, dealers, and distributors pursuant to section 4503.30 of the Revised Code;
 - (h) All applicable federal and state laws governing the sale and distribution of motor vehicles, including but not limited to, those pertaining to the titling of vehicles, the title defect rescission fund, sales tax, motor vehicle financing, document fees, retail agreements, repossession of

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motor vehicles, and consumer protection.

(C) Every authorized course provider must meet the following requirements with respect to the administration of the training course:

- (1) Provide the training course at least once every ninety days at a date and time determined by the course provider;
- (2) Provide written notification to the registrar and the motor vehicle dealers board on an annual basis and any changes as applicable of the date, time, location, length, content, and cost of each training course;
- (3) Maintain records of attendance for each training course for a minimum of one year from the date of the course, and make such records available to the registrar and the motor vehicle dealers board upon request;
- (4) Provide a certificate of completion to all individuals who successfully complete the training course that includes the following information:
 - (a) The name of the student;
 - (b) The name, address, and telephone number of the course provider;
 - (c) The course provider number provided by the registrar;
 - (d) Whether or not the student completed the training through a classroom course an online training course, or a combination of both;
 - (e) The length of the course;
 - (f) The start and completion dates of the training course attended by the student;
 - (g) A statement certifying that the student identified on the certificate of completion has successfully completed the program;
 - (h) The name and signature of the course instructor.

(D) In addition to the requirements set forth in paragraphs (A) to (C) of this rule, online

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training course providers must also meet the following requirements. For the purpose of this rule, "online training course" means a training course that is delivered by the internet, web-based media, or a combination of these methods:

- (1) Require every student to register for the course by using an individual identification number that shall also be used to verify course participation and completion;
- (2) Provide a means, such as a bulletin board, e-mail, or call center, for applicants to ask questions regarding the course curriculum.

(E) A template, model, or sample certificate of completion shall be submitted at application with the training course curriculum for the registrar's review and approval.

(F) If a certificate is lost or stolen after the completion of the training course, the applicant may obtain a new certificate from the provider that issued the initial certificate.

(G) A certificate of approval to an authorized course provider shall be subject to an annual audit and renewal biennially. The registrar reserves the right to decline or renew any prospective course provider, or disapprove any authorized course provider, that fails to meet requirements as set forth in this rule or section 4517.05 of the Revised Code.

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4501:1-3-03

Sign required to identify place of business.

No applicant shall be issued a license unless there is signage for which the license is sought. Each applicant shall provide evidence of suitable signage that meets the following requirements:

~~(A) No applicant shall be issued a license unless there is signage that includes the name of the business as registered with the secretary of state, as applicable, for which the license is sought. Each applicant shall provide evidence of suitable signage that meets the following requirements:~~

~~(1) The sign displays the business or trade name, as registered with the secretary of state, in which the application is made;~~

~~(2) The sign is permanent, properly maintained, and prominently displayed in a conspicuous place in public view for the entire period for which the license is held by the entrance of the office, if the sign is not visible from the public roadway;~~

~~(3) The sign's letters identifying the business name are no less than six inches high, unless otherwise approved by the registrar.~~

~~(B) No motor vehicle dealer or auction owner or its agent or representative shall alter the business sign so that it is not in compliance with this rule.~~

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4501:1-3-04

Dealer required to maintain records.

(A) A motor vehicle dealer, a motor vehicle auction owner and a motor vehicle distributor shall maintain the following records, electronically or by paper, all the motor vehicles purchased, leased and sold:

- (1) Name and address of the previous owner;
- (2) Serial number (vehicle identification number);
- (3) Title number, county and state;
- (4) Year and make of said vehicle;
- (5) A purchase agreement for each vehicle sold, which shall include a description of the vehicle, the name and address of the purchaser, the sales price, the odometer reading and may include the dealer's permit number;
- (6) A copy of written documentation proving that the adaptive mobility vehicle sold was adapted or modified in accordance with 49 C.F.R part 568 or 595, if applicable to the license;
- ~~(6)~~(7) Lease contracts and security agreements;
- ~~(7)~~(8) Odometer disclosure statement for each vehicle;
- ~~(8)~~(9) A record of temporary tags sold on each vehicle.

(B) Records must be held for a period of three years unless otherwise mandated by a federal regulation.

(C) Records must be maintained and easily accessible by those holding a license granted under Chapter 4517. of the Revised Code and by any person who held a license and has since gone out of business.

(D) The business records shall be available for reasonable inspection by the registrar or his authorized agent within ten business days of the request.

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4501:1-3-06

Military provisions related to processing motor vehicle dealer applications.

(A) For the purpose of this rule, the following shall apply:

- (1) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.
- (2) "Armed forces" shall have the same meaning as in section 5903.01 of the Revised Code.
- (3) "Veteran" shall have the same meaning as in section 5903.01 of the Revised Code.

(B) The bureau shall track, monitor, prioritize and expedite each application for a license issued under Chapter 4517. of the Revised Code, from an applicant who is a:

- (1) Veteran;
- (2) Member of the armed forces;
- (3) Spouse of a veteran or member of the armed forces; or
- (4) Surviving spouse of a veteran or member of the armed forces.

(C) Satisfactory evidence that the applicant is a veteran or member of the armed forces for the purpose of determining whether an applicant qualifies for an accommodation under Chapter 5903. of the Revised Code includes the applicant's official military identification card, official DD-214 separation document, or other official military documentation approved by the board. A marriage certificate may be required, in addition to evidence of the spouse's status as a veteran or member of the armed forces, if the applicant is a spouse or surviving spouse of a veteran or member of the armed forces.

(D) In order to expedite the processing of complete applications, especially for individuals facing imminent deployment, the bureau shall accept necessary information in support of the application by electronic and other appropriate means.

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4501:1-3-07

Criminal history record required with application.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501:1-3-38 of the Administrative Code.]

(A) A criminal history record, that is checked on a state-wide basis through the bureau of criminal identification and investigation shall be submitted with an application for any license granted under Chapter 4517. of the Revised Code. A criminal history record is also required if the applicant has not held a license or has not previously submitted a criminal history record within twelve months prior to the application . Each person listed on the application as a sole proprietor, officer(s) of a corporation, trustee(s) of a business trust, or in the case of a partnership or limited liability company, partner(s) or member(s), or any such entity as defined in division (A) of section 4517.01 of the Revised Code, shall also submit results of a criminal history record, checked on a state-wide basis through the bureau of criminal identification and investigation, with the application.

(B) Each applicant for a dealer's, distributor's, auction owner's, or construction equipment auction license, shall disclose if the applicant has been convicted of, [judicial finding of guilt of, pleaded](#) [plea of guilty, or pleaded no contest, in a criminal action, or has been guilty of a fraudulent act as defined in rule 4501:1-3-09 of the Administrative Code to a disqualifying offense as determined under section 9.79 of the Revised Code](#), or had a judgment rendered against the applicant in a civil action. Each applicant shall indicate all of the offenses committed in this state, another state, or jurisdiction for which the person has been convicted and shall be responsible for providing all the following documents or its equivalent:

- (1) A certified copy of a conviction or journal entry;
- (2) A certified copy of the sentencing entry; and
- (3) A certified copy of the indictment or complaint.

~~(C) Each applicant for a salesperson's license, shall disclose if the applicant has been convicted of, or pleaded guilty to, in a criminal action, or has been guilty of a fraudulent act as defined in rule 4501:1-3-09 of the Administrative Code or had a judgment rendered against the applicant in a civil action. Each applicant shall indicate all of the offenses committed in this state, another state, or jurisdiction for which the person has been convicted and shall be responsible for providing all the following documents or its equivalent:~~

~~(1) A certified copy of a conviction or journal entry;~~

~~(2) A certified copy of the sentencing entry; and~~

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(3) A certified copy of the indictment or complaint.

~~(D)~~(C) All officers of a corporation, trustees of a business trust, or in the case of a partnership or limited liability company, partners or members, or any such entity as defined in division (A) of section 4517.01 of the Revised Code, listed on a "Motor Vehicle Dealer Application For Change Of Officer," submitted pursuant to section 4517.23 of the Revised Code, that currently does not hold a license, has not held a license, or has not previously submitted a criminal history record within twelve months prior to the application, shall submit with the application results of a criminal history record, that is checked on a state-wide basis through the bureau of criminal identification and investigation.

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4501:1-3-08

Place of business required for used motor vehicle dealers.

(A) A used motor vehicle dealer shall have an established place of business that meets all of the following requirements:

- (1) Has a display lot of no less than three thousand five hundred square feet, not including driveways or office, with adequate ground cover of a hard surface that is free from the collection of dust, mud, water, or other unsightly conditions;
- (2) Except as set forth in paragraphs (B) and (D) of this rule, is separated with a barrier, as defined in this rule, from any residence and from any other business or service facility that is not primarily related to assisting or furthering the selling, displaying, offering for sale, or dealing in motor vehicles;

A barrier is a permanent fixture or feature of the property that distinguishes the display lot from residences or other businesses, comprised of metal, brick, stone, concrete, wood, heavy support cable, landscaping, curbing, or other comparable feature that creates a distinct space for the display lot. It shall clearly delineate a separation between a residence or an unrelated business and the beginning of the dealership's established place of business. Such separation shall be properly maintained during the entire period for which a used motor vehicle dealer's license is held.

- (3) Includes a permanent usable structure on the display lot that is identifiable as a motor vehicle dealership to the public that includes an easily accessible office of at least a ~~contiguous~~contiguous one hundred eighty square feet with walls of a hard surface and shall not be used as a storage or other utility area. The office shall include, at minimum, a desk, three chairs, and a filing cabinet, or similar furnishings to create an environment conducive to transacting business, consummating sales, and facilitating the storage of records securely according to 16 C.F.R. Part 314, all of which shall be kept in a neat and orderly fashion at all times. The office shall include adequate lighting, electrical service, heating and ventilation that is secure and safe for a retail office environment. The entire premises, including any plumbing fixtures, shall not be in violation of any applicable building and zoning requirements. The dealer shall provide evidence to show building and zoning requirements, a secured lease, in the name of the applicant, for not less than three months or a deed of the proposed dealership location, in the name of the applicant, at the time of application and upon change of location in the place of business, and have been met upon the request of the registrar or the registrar's designee. Upon request of the dealer, the registrar of motor vehicles shall consider, and may approve, reasonable variances to these requirements except for variances to the building and zoning requirements;

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- (4) Has a business telephone in service at all times that shall be answered and identified exclusively for the dealership's business. The business telephone number shall be legible and posted in a conspicuous place in public view. A motor vehicle dealer shall notify the registrar in writing within fifteen days of any change in the business telephone number;
- (5) Is staffed during posted business hours by a ~~a~~ sole proprietor, officer of a corporation, trustee of a business trust, or in the case of a partnership or limited liability company, partner or member, or any such entity as defined in division (A) of section 4517.01 of the Revised Code, or a ~~licensed~~ motor vehicle salesperson under ~~division (N) of section 4517.01~~~~sections 4517.09, 4517.14, and 4517.20~~ of the Revised Code.

(B) ~~After the effective date of this rule, all~~All licensed used motor vehicle dealers are to be open to the public no less than five hours a week, with at least two of those hours being between eight a.m. to five p.m. Monday through Friday. The business hours shall be legible and posted in a conspicuous place near the entrance of the office. A motor vehicle dealer shall notify the registrar in writing within fifteen days of any change in the posted business hours;

(C) A physical barrier between the dealership and service facility is not required at an established place of business that includes a service facility that is used to perform service on motor vehicles, if the established place of business meets the following requirements:

- (1) The service facility is owned and operated by each person listed on the dealer license as a sole proprietor, officer(s) of a corporation, trustee(s) of a business trust, or in the case of a partnership or limited liability company, partner(s) or member(s), or any such entity as defined in division (A) of section 4517.01 of the Revised Code;
- (2) The display lot shall have distinguished areas, identified through signage, for motor vehicles that are being repaired, motor vehicles that are being offered for sale, and customer parking;
- (3) Notwithstanding the requirement of paragraph (A)(3) of this rule, a private office shall be available that is conducive to transacting business in a confidential manner regarding the sale of a motor vehicle; and
- (4) Is staffed during posted business hours by a sole proprietor, officer of a corporation, trustee of a business trust, or in the case of a partnership or limited liability company, partner or member, or any such entity as defined in

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division (A) of section 4517.01 of the Revised Code, or a ~~licensed~~ motor vehicle salesperson under division (N) of section sections 4517.09, 4517.14, and 4517.204517.01 of the Revised Code.

- (D) No motor vehicle dealer, its agent, or its representative shall alter the physical conditions of the established place of business so that it is not in compliance with the requirements of Chapter 4517. of the Revised Code.
- (E) A dealer may make a written request to the registrar for an exception to the barrier requirements as follows:
 - (1) The dealer shall present a plan to clearly identify, distinguish and segregate through signage or other measures any vehicles the dealer is offering for sale from any other vehicles that may be present on the premises at any time;
 - (2) The registrar shall review the plan. If the registrar determines that there is no reasonable health or safety threat to customers, neighbors, or neighboring businesses; that the dealer acted in good faith in buying or leasing the property; and that the dealer has made a reasonable effort to comply with the barrier requirements, but that restrictions imposed by local zoning ordinances or by the lessor prohibit the establishment of a barrier, the registrar, in the registrar's discretion, may approve the plan, approve the plan with modifications, or disapprove the plan.
- (F) In the event that a used motor vehicle dealer's license is sought by an applicant that surrenders a new motor vehicle dealer's license, and specific circumstances prevent the location previously used for operation of the new motor vehicle dealership from meeting all of the requirements of section 4517.03 of the Revised Code and this rule, the registrar may exercise discretion to grant a used motor vehicle dealer's license at said location despite the defect.

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4501:1-3-09

The denial, suspension, or revocation of a license.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501:1-3-38 of the Administrative Code.]

(A) The registrar shall deny the application of any person for a license that is granted under Chapter 4517. of the Revised Code that has been convicted of a fraudulent act in connection with selling or otherwise dealing in motor vehicles. Fraudulent acts shall include, but are not limited to the following:

- (1) Theft of a motor vehicle as set forth in section 2913.02 of the Revised Code;
- (2) Forgery as set forth in section 2913.31 of the Revised Code;
- (3) Identity fraud as set forth in section 2913.49 of the Revised Code;
- (4) Falsification as set forth in section 2921.13 of the Revised Code;
- (5) Receiving stolen property as set forth in section 2913.51 of the Revised Code;
- (6) Concealing or destroying the identity of a motor vehicle as set forth in section 4549.62 of the Revised Code;
- (7) Tampering with an odometer as set forth in section 4549.42 of the Revised Code;
- (8) Prohibited acts that involve certificate of title for motor vehicles as set forth in section 4505.19 of the Revised Code;
- (9) Tampering with records as set forth in section 2913.42 of the Revised Code;
- (10) Extortion as set forth in section 2905.11 of the Revised Code;
- (11) Coercion as set forth in section 2905.12 of the Revised Code;
- (12) Passing bad checks as set forth in section 2913.11 of the Revised Code.

(B) As set forth in section 4517.33 of the Revised Code, the board may suspend or revoke any license for violations of Chapter 4517. of the Revised Code and this chapter of the Administrative Code.

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4501:1-3-10

Requirements for expanded display site for motor vehicle dealer, motor vehicle leasing dealer, or motor vehicle auction owner.

(A) A motor vehicle dealer, motor vehicle leasing dealer, or motor vehicle auction owner, pursuant to section 4517.01 of the Revised Code may expand the display area of the dealership location licensed under Chapter 4517. of the Revised Code. The expanded area is an extension of the principally established place of business pursuant to section 4517.03 of the Revised Code which is located adjacent to or within two hundred feet of the property line of the principally established place of business and which complies with the following:

- (1) The expanded site shall be at least two thousand square feet not including driveway with adequate ground cover of hard surface so as to prevent the collection of dust, mud, water or other unsightly conditions.
- (2) The expanded site shall be used exclusively for the display of motor vehicles and no other business or residence shall be located or conducted on the site.
- (3) There shall be a sign at the expanded site which shall be in accordance with rule 4501:1-3-03 of the Administrative Code.

(B) In addition to the above conditions, the motor vehicle dealer shall conduct all transactions relating to the lease or sale of motor vehicles at the principal place of business, except when section 4517.03 of the Revised Code permits. A motor vehicle dealer who has more than one place of business in a county, must operate the expanded display site in conjunction with the principally established place of business.

(C) Any motor vehicle dealer seeking to establish an expanded display site shall first request approval from the registrar of motor vehicles and request an inspection to determine if the site meets the criteria set forth above. If the registrar determines that the site meets the requirements of this rule, the motor vehicle dealer shall not be required to obtain a separate license for the expanded display site nor will the motor vehicle dealer be required to maintain a display or repair facility under roof on the expanded site. If the registrar determines that the expanded display site does not continue to meet the above criteria annually thereafter, the dealers annual license renewal shall be denied pursuant to section 4517.12 of the Revised Code. An appeal of such a denial may be made to the motor vehicle dealers board in accordance with ~~rule 4501:1-3-25 of the Administrative~~section 4517.33 of the Revised Code. If the motor vehicle dealers board, upon its own investigation, determines that the site does not meet or is not in accordance with the requirements set forth above, the board may suspend or revoke the dealer's license pursuant to section 4517.33 of the Revised Code.

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4501:1-3-11

Net worth and bond.

(A) No person as defined in division (A) of section 4517.01 of the Revised Code shall be issued a motor vehicle dealer's license or be permitted to operate under such license unless the person has a net worth, verifiable upon ~~request by the registrar~~application, in the sum of at least seventy-five thousand dollars.

(B) The net worth of any person shall be equal to that person's assets less liabilities.

(1) The term "assets" shall include all money, receivables, prepaid items, and other property, be it real or personal, tangible or intangible;

(2) The term "liabilities" shall include all obligations, short term and long term, for which the person is responsible.

(C) Each application for a used motor vehicle dealer licensed under Chapter 4517. of the Revised Code, ~~received~~received on or after January 27, 2018~~the effective date of this rule~~, shall post with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than ~~twenty-five~~seventy-five thousand dollars. The surety bond is used solely for the purpose of replenishing funds that have been dispersed to compensate retail purchasers of motor vehicles, as pursuant to section 4505.181 of the Revised Code. The surety bond may also be used to comply with the net worth requirement required in paragraph (A).

(D) Each surety bond shall include the following:

(1) The business name on the bond must correspond exactly with the business name on file with the bureau of motor vehicles and the secretary of state, as applicable;

(2) A copy of the bond must accompany the application before a license is issued;

(3) The bond shall not be canceled by a surety company with less than thirty days notice in writing to the registrar. If a bond is canceled and the licensee fails to file a new bond with the bureau of motor vehicles in the required amount on or before the bond's effective date of cancellation, the licensee shall appear before the motor vehicle dealers board for failure to comply with Chapter 4517. of the Revised Code and this chapter of the Administrative Code;

(4) The bond shall be maintained during the entire period for which a used motor vehicle dealer's license is held;

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(5) The licensee shall notify the registrar and the surety company within fifteen days of any change in information that is contained in the application for the surety bond.

(E) Notwithstanding the requirement of paragraph (C) of this rule, no surety bond is required if, a used motor vehicle dealer, or any sole proprietor, officer of a corporation, trustee of a business trust, or in the case of a partnership or limited liability company, partner or member that currently holds or has held a new motor vehicle dealers license, ~~used motor vehicle dealers license~~adaptive mobility dealers license, or a leasing dealers license within a period of one year immediately preceding the date of application and the previous license was not suspended, revoked, or found in violation of section 4505.181 of the Revised Code.

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4501:1-3-12

Administrative penalties.

In accordance with section 4517.22 of the Revised Code, and pursuant to an adjudication hearing conducted in accordance with Chapter 119. of the Revised Code, the board may order a person to pay an administrative penalty for any violation of sections 4517.22 or 4517.221 of the Revised Code. The amount of any such administrative penalty assessed for the first violation shall be not more than five hundred dollars and shall be not more than one thousand dollars for each subsequent violation thereafter.

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4501:1-3-13

Method of instituting complaints.

- (A) The board may, upon its own motion, investigate any license holder for alleged violations of law or of the rules of this board. If such investigation discloses any such violations, such license holder shall be informed that reasonable grounds for suspension or revocation of the license exist.
- (B) The board shall, upon verified written complaint of any person filed with the secretary or acting secretary of the board, investigate as to the matters complained of, and if such investigation develops any apparent violation of the laws or of the rules of this board, such license holder shall be informed that reasonable grounds for suspension or revocation of the license exist.

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4501:1-3-14

Notice of hearing.

When in the opinion of the board, reasonable grounds for issuance of a citation exist, the secretary or acting secretary of the board shall send a "Notice of Opportunity for Hearing" ~~by certified mail, return receipt requested, in accordance with section 119.05 of the Revised Code~~ to the license holder cited at the address specified in the application for license. Such notice shall specify the alleged violation of the Revised Code or the rules of the board, and shall apprise the licensee of his/her right to request an adjudicatory hearing on the matter.

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4501:1-3-15

Date and place of hearing.

If requested by the license holder in writing, within thirty days after mailing of the "Notice of Opportunity for Hearing", the board must set the date, time and place of hearing, and immediately notify the license holder. The date for such hearing shall be within seven to fifteen days after the party has requested a hearing. If the license holder fails to respond to "Notice of Opportunity for Hearing" within thirty days, the board may consider the charges as proven and may, in its discretion and without a hearing, suspend or revoke the license.

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4501:1-3-16

Continuances.

- (A) Any hearing may be postponed or continued by the board on its own motion, or within the discretion of the board at the request of the license holder for such period of time and upon such terms as the board may prescribe.
- (B) The license holder requesting continuances shall submit to the board, at least five days prior to the date set for the hearing, a written request, stating the reasons for the desired continuance. Verified statements setting out the grounds for the continuance shall be filed with the request.

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4501:1-3-17

Consent agreements.

- (A) Any motor vehicle dealer, motor vehicle leasing dealer, motor vehicle auction owner, construction equipment auction owner, or motor vehicle distributor, hereinafter referred to as "licensee", who has been notified by the secretary of the board of a hearing to be held pursuant to Chapter 119. of the Revised Code for violations of Chapter 4517. of the Revised Code and this chapter of the Administrative Code may enter into a consent agreement with the board.
- (B) A consent agreement shall be in writing and shall be submitted for authorization to the board. The board shall accept, modify or reject said agreement.
- (C) No modifications to such an agreement may become a final order without the agreement and consent of the licensee. If the board rejects the proposed consent agreement terms, or it modifies the consent agreement terms and the modification is not agreed to by the licensee, therein after, the right to an administrative hearing and full due process pursuant to Chapter 119. of the Revised Code shall be granted.
- (D) A consent agreement shall not be effective until the agreement is authorized by the board and signed by the licensee, licensee's legal counsel, if applicable, and the president of the board.
- (E) A consent agreement authorized by the board and signed by all parties pursuant to paragraph (D) of this rule, relinquishes the licensee's privilege to an administrative hearing and any appeal or right of consideration in the matter pursuant to Chapters 119. and 4517. of the Revised Code.

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4501:1-3-19

Stenographer's record.

(A) At any hearing before the board, the record of which may be the basis of an appeal to a court, a stenographic record of the testimony and other evidence submitted shall be taken at the expense of the board.

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4501:1-3-20

Hearing procedure.

Unless otherwise directed by the board, the procedure for hearings before the board shall be as follows:

- (A) The attorney general shall concisely state the action or proposed action to be taken by the registrar of motor vehicles in said case.
- (B) The licensee, or the licensee's attorney, may briefly state the licensee's case, and briefly state facts, laws, and rules relied upon.
- (C) The attorney general shall have the duty to proceed forth with the registrar's case.
- (D) The licensee or licensee's attorney shall present the licensee's case and may offer supporting evidence of facts, laws, and rules.
- (E) The attorney general may offer evidence with facts, laws, and rules in rebuttal.
- (F) The board may in its discretion allow arguments.
- (G) The board may in its discretion request or permit the filing of all presented supporting evidence.

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4501:1-3-21

Evidence.

- (A) In all hearings before the board, the introduction of evidence shall be governed in general by the Ohio rules of evidence.
- (B) The board may call the license holder to testify under oath as upon cross-examination. The license holder may call the acting secretary of the board to testify under oath as upon cross-examination.

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4501:1-3-22

Filing of protest cases.

Protest case filings as pursuant to Chapter 4517. of the Revised Code, shall be clearly typewritten or photocopied. The party filing the protest shall furnish the opposite party or their attorney with a copy, in such a format as agreed upon by both parties. The secretary of board or acting secretary of the board shall be furnished with an original and one paper copy of the filing.

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4501:1-3-23

Decision of the board.

- (A) After submission of the case to the board, the board may retire and deliberate immediately or take the case under advisement.
- (B) Any applicant or licensee found by the board to be in violation of Chapter 4517. of the Revised Code or this chapter of the Administrative Code shall be issued one of the following:
 - (1) A revocation of the license;
 - (2) A suspension with a defined time period;
 - (3) A verbal warning; or
- (4)(C) ~~A~~The board may order a licensed used motor vehicle dealer, notwithstanding the requirements of section 4517.05 of the Revised Code, ~~may be required~~ to complete the used motor vehicle dealer training course.
- (4)(D) The decision of the board shall be written and a copy of such decision shall be mailed to the license holder ~~by certified mail, return receipt requested in accordance with section 119.05 of the Revised Code~~, and a copy mailed to the attorney for the license holder, if any. A copy also shall be forwarded to the attorney general.

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4501:1-3-24

Rehearings.

(A) Should the license holder desire a rehearing before the board, such license holder shall file for rehearing in writing with the secretary or acting secretary of the board, within fifteen days after receipt of the decision of the board and shall accompany the application with a verified statement setting out the grounds on which such rehearing is sought.

(B) Grounds for rehearing shall be for the following causes only:

- (1) For mistake, neglect or omission on the part of the board, or irregularity in obtaining a favorable decision or order on the part of the successful party.
- (2) For fraud practiced by the successful party in obtaining a favorable order or decision.
- (3) For unavoidable casualty or misfortune, preventing the license holder from prosecuting his case before the board.
- (4) When a decision or order was obtained, in whole or a material part by false testimony on the part of the successful party, or any witness on the license holders behalf, which ordinary prudence could not have anticipated or guarded against.
- (5) Newly discovered evidence, material for the license holder applying for rehearing, which with reasonable diligence could not have been discovered and produced at the hearing and which is not merely corroborative of evidence produced or offered at the hearing, and the license holder in the request for rehearing shall state the nature of such evidence.

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4501:1-3-25

Appeals from registrar's order.

- (A) When the registrar refuses to issue, renew, or transfer any license, the registrar shall, by certified mail, return receipt requested, send to the applicant so refused, notice of such order at the address stated in the application and certify the findings and final order to the board. The notice to the applicant shall set forth the reasons for the registrar's action, refer to the statute or rule directly involved, and state that the applicant has a period of thirty days from the time of mailing of the notice, to file his appeal with the board.
- (B) Such appeal must be by petition, in writing, and verified under oath by the appellant. The petition in appeal must set forth the reason for such appeal and the reason why the order of the registrar is in error. The original and at least one copy shall be filed with the secretary or acting secretary of the board.
- (C) After receipt of such petition in appeal, the secretary or acting secretary of the board shall, by certified mail, return receipt requested, immediately send a notice of hearing to the appellant. The notice of hearing shall contain the date, time, and place of hearing of the appeal. The date set for such hearing shall be within seven to fifteen days after the party has requested a hearing unless otherwise agreed to by both the board and the party. The board may postpone or continue any adjudication hearing upon the motion of any party or upon its own motion.
- (D) The provisions of rules 4501:1-3-16, 4501:1-3-19, 4501:1-3-20, 4501:1-3-21, and 4501:1-3-23 of the Administrative Code shall apply to hearings on appeals from the registrar's order in the same manner as regular hearings before the board.

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4501:1-3-26

Docket.

(A) The secretary or acting secretary of the board shall keep a docket and enter into such docket all cases before the board. Said docket shall be open to public inspection.

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4501:1-3-30

Licensing of leasing employees.

An employee of a motor vehicle leasing dealer other than a sole proprietor, officer of a corporation, trustee of a business trust, or in the case of a partnership or limited liability company, partner or member, or any such entity as defined in division (A) of section 4517.01 of the Revised Code, shall be licensed as a motor vehicle salesperson under sections 4517.09, 4517.14 and 4517.20 of the Revised Code if the employee engages in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle for personal, family, or household use pursuant to a bailment, lease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more where title to the motor vehicle is in a person other than the user.

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4501:1-3-31

Exemption from notice of change.

Motor vehicle dealers shall be exempt from the provisions of division (A) of section 4517.23 of the Revised Code, requiring dealers to notify the registrar of changes in the status of personnel of owners, partners, officers and/or directors, if stock in the dealer or its parent company has been traded publicly and public records with state and federal agencies document such change.

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4501:1-3-32

Place of business required for motor vehicle leasing dealers.

A motor vehicle leasing dealer who makes motor vehicles available for personal, family, or household use by another in the manner described in the definition of "motor vehicle leasing dealer" contained in section 4517.01 of the Revised Code shall have an easily recognizable established place of business and meet all of the following requirements:

- (A) Is separated with a barrier, as defined in rule 4501:1-3-08 of the Administrative Code, from any residence and any other business that is not primarily related to leasing motor vehicles to any person desiring to lease a motor vehicle for personal, family, or household use, with the exception of the business operated as a new motor vehicle dealership, a used motor vehicle dealership, or a motor vehicle renting dealership, as defined in section 4549.65 of the Revised Code, located at the place of business;
- (B) Has an office that is clearly identified, easily accessible and at least one hundred eighty square feet that shall not be used as a storage or other utility area. The office shall include, at minimum, a desk, three chairs, and a filing cabinet, or similar furnishings to create an environment conducive to transacting business, consummating sales, and facilitating the storage of records securely according to 16 C.F.R. Part 314, all of which shall be kept in a neat and orderly fashion at all times. The office shall include adequate lighting, electrical service, heating and ventilation that is secure and safe for a retail office environment. The entire premises, including any plumbing fixtures, shall not be in violation of any applicable building and zoning requirements. The dealer shall provide evidence to show building and zoning requirements have been met upon request of the registrar or the registrar's designee. Upon request of the dealer, the registrar of motor vehicles shall consider, and may approve, reasonable variances to these requirements except for variances to the building and zoning requirements;
- (C) Has a business telephone in service at all times that shall be answered in the name of the lending dealer. The business telephone number shall be legible and posted in a conspicuous place in public view. A motor vehicle leasing dealer shall notify the registrar in writing within fifteen days of any change in the business telephone number;
- (D) Has a sign that displays the business or trade name in which the application is made, is permanent, properly maintained, and prominently displayed by the entrance of the office, if the sign is not visible from the public roadway. The sign's letters identifying the business name shall be no less than six inches high;
- (E) Maintain at all times the capability to send and receive electronic documents;
- (F) Is open during the posted business hours. The business hours shall be legible and posted in a conspicuous place near the entrance of the office. A motor vehicle

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leasing dealer shall notify the registrar in writing within fifteen days of any change in the posted business hours;

(G) Is staffed by a sole proprietor, officer of a corporation, trustee of a business trust, or in the case of a partnership or limited liability company, partner or member, or any such entity as defined in division (A) of section 4517.01 of the Revised Code, or a ~~licensed~~ salesperson as defined in division (N) of section 4517.01 of the Revised Code.

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4501:1-3-33

Place of business required for a motor vehicle auction owner.

(A) A motor vehicle auction owner shall have an established place of business that meets all of the following requirements:

- (1) Is separated with a barrier, as defined in rule 4501:1-3-08 of the Administrative Code, from any residence, motor vehicle dealership, salvage motor vehicle dealership, salvage motor vehicle auction, or salvage motor vehicle pool;
- ~~(2) Has at least one area under permanent roof that is large enough that motor vehicles may be moved through where such motor vehicles may be offered at auction;~~
- ~~(3)~~(2) Has an office area that is easily accessible, permanent, and shall include, at minimum, adequate lighting, electrical service, heating and ventilation that is secure and safe for a retail office environment. The entire premises, including any plumbing fixtures, shall not be in violation of any applicable building and zoning requirements. The dealer shall provide evidence to show building and zoning requirements have been met upon request of the registrar or the registrar's designee.
- ~~(4)~~(3) Has an office and auction area that shall be kept neat and orderly at all times that shall not be used as a storage or utility area;
- ~~(5)~~(4) Has a business telephone in service at all times that shall be answered and identified exclusively for the auction's business. The business telephone number shall be legibly posted in a conspicuous place in public view. A motor vehicle auction owner shall notify the registrar in writing within fifteen days of any change in the business telephone number;
- ~~(6)~~(5) Has an auction area that is open during the posted business hours. The business hours shall be legible and posted in a conspicuous place near the entrance of the business. A motor vehicle auction owner shall notify the registrar in writing within fifteen days of any change in the posted business hours.

(B) Notwithstanding section 4517.21 of the Revised Code, auction facilities may be used to conduct a public auction of repossessed motor vehicles and a motor vehicle dealer auction simultaneously. All inventories shall be maintained and separated at all times.

(C) Any person in attendance for a public auction of repossessed motor vehicles shall be separately identified and prohibited from participating in a motor vehicle dealer auction.

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(D) Every auction owner licensed under Chapter 4517. of the Revised Code shall notify the registrar of motor vehicles in writing within fifteen days of any change in status of the business name or location, or change in status of sole proprietor, partner, president of a corporation, member of a limited liability company, trustee of a business trust, or an equivalent natural person affiliated with some other kind of legally constituted business organization.

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4501:1-3-35

Notice of meetings.

- (A) Any person may obtain information regarding the time and location of all regularly scheduled meetings and information regarding the time, location, and purpose of any special meetings of the board, its subcommittees, and special committees. Requests for notice of meetings may be submitted to the secretary of the motor vehicle dealers board in written form, or may be made in person during regular business hours. Notice of all regularly scheduled board meetings will be placed on the dealer licensing website no less than fifteen days before a regularly scheduled meeting. The website is available at <http://www.ohioautodealers.com>.
- (B) Written requests for notice of meetings may be general in nature or may be specific to meetings where a particular type of business will be considered. Such requests shall include the name of the person submitting the request, any organization with which the requester is affiliated, mailing address, telephone number, and whether notice is sought for all or specified types of meetings.
- (C) The board shall provide twenty-four hour advance notice of special meetings of the board, subcommittees; and special committees to representatives of news organizations who have submitted written requests for such notice to the secretary of the motor vehicle dealers board. In the event that an emergency meeting is scheduled and twenty-four hour notice is not possible, the board shall notify those representatives of news organizations who have requested notice in accordance with this paragraph, as soon as is reasonably possible after such meeting is scheduled. The notice requested by representatives of news organizations pursuant to this rule may be general or specific in nature.

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4501:1-3-36

Construction equipment auction license.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501:1-3-38 of the Administrative Code.]

(A) Each person applying for a construction equipment auction license shall submit an "Application for Construction Equipment Auction License," hereinafter referred to as "application," to the registrar of motor vehicles. The application shall be signed and sworn to by the applicant and shall include the following information:

- (1) The name or names under which the business will be conducted;
- (2) The business address, telephone number, fax number, and email address;
- (3) The form of business under which the business is organized;
- (4) The vendor number of the business;
- (5) The business's federal tax identification number;
- (6) Information identifying the principals including name, address, and social security number or tax identification number as follows:
 - (a) For a sole proprietorship, the proprietor;
 - (b) For a partnership, the partners;
 - (c) For a corporation, the president, vice president, secretary, and treasurer of the corporation;
 - (d) For a trust, the trustees;
 - (e) For a limited liability company, all members owning more than ten percent of the company;
 - (f) For any other form of organization, the directors or other appropriate principals of the organization as designated by the registrar.
- (7) Any other information determined by the registrar to be relevant to the application.

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(B) Each principal of the business who is an individual and a resident of Ohio shall submit a background check obtained through the bureau of criminal identification and investigation. Each principal of the business who is an individual but is not a resident of Ohio, shall submit a "Civilian Identification Fingerprint Card," for the purpose of obtaining a background check through the office of the bureau of criminal identification and investigation. Fingerprint cards are ~~available upon written request to: "Ohio Bureau of Motor Vehicles, Dealer Licensing Section, P.O. Box 16521, Columbus, Ohio 43216-6521."~~ available online at <https://www.ohioattorneygeneral.gov.>

(C) The applicant shall affirm all the following requirements:

- (1) Is engaged primarily in the business of selling large construction and transportation equipment at auction;
- (2) Receives more than one million dollars in gross annual sales in Ohio, and derives not more than ten percent of ~~the~~ its gross annual sales revenue in Ohio from the sale of motor vehicles having a gross vehicle weight rating of ten thousand pounds or less;
- (3) Maintains a permanent auction site within Ohio that is at least ninety acres in size and maintains over sixty thousand square feet of total facility space;
- (4) Will comply with sections 4517.17 and 4517.18 of the Revised Code;
- (5) With respect to motor vehicles having a gross vehicle weight rating of ten thousand pounds or less, will comply with all applicable provisions of Chapter 4505. of the Revised Code concerning the titling of such vehicles, Chapter 5739. of the Revised Code concerning the ~~the~~ withholding and payment of sales taxes in connection with the sale such motor vehicles, and Chapter 5751. of the Revised Code concerning the payment of commercial activity taxes on the sale of such motor vehicles in the same manner as a motor vehicle dealer, including transferring title to such vehicles to the licensee's name prior to auction.

(D) The application, shall contain questions requiring the applicant to state whether the business or any of the principals of the business have previously applied for an Ohio new or used motor vehicle dealer's license, leasing license, auction owner's license, motor vehicle salvage license, motor vehicle auction license, or motor vehicle salvage pool license, ~~or motor vehicle salesperson's license~~; whether the business or any of the principals of the business currently holds any such license; and whether any such license has ever been suspended or revoked. The applicant

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shall also provide information regarding any such applications, licenses, suspensions, and revocations.

- (E) The application shall contain questions requiring the applicant to state whether the business or any of the principals of the business have ever been convicted of ~~any fraudulent act in connection with selling or otherwise dealing in auctions, motor vehicles, or equipment~~. [judicial findings of guilt of, plea of guilty, or pleaded no contest, to a disqualifying offense as determined under section 9.79 of the Revised Code](#). The registrar may require the applicant to provide additional information regarding any such conviction.
- (F) The application shall be signed by a principal or authorized agent of the business and shall be notarized.
- (G) The registrar shall determine whether the business is eligible for a construction equipment auction license and if the application should be approved. If so, the registrar shall issue the license. If the registrar determines that the license should not be issued, the registrar shall either require additional information or deny the license.
- (H) The registrar shall prescribe a "Construction Equipment Auction License Annual Report," hereinafter referred to as "annual report." The licensed construction equipment auction shall certify the following information:
 - (1) The gross proceeds generated from auctions held at the auction site during the prior calendar year;
 - (2) The gross proceeds generated from the sale of motor vehicles having a gross vehicle weight of ten thousand pounds or less during the prior calendar year;
 - (3) Any other information reasonably prescribed by the registrar.
- (I) Each licensed construction equipment auction shall file with the bureau of motor vehicles the annual report specified in paragraph (H) of this rule no later than the thirtieth day of April in the following calendar year. Failure to timely file the annual report may be grounds for the suspension of the auction's license until the annual report is filed.
- (J) The registrar shall deny the application of any business for a construction equipment auction license or may revoke a license previously issued if the registrar finds that the business is in violation of any provisions of section 4517.171 of the Revised Code.

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(K) Any business which has been denied a license or has had a license revoked by the registrar may appeal from the action of the registrar to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code.

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4501:1-3-37

Construction equipment auction required to maintain records.

(A) A construction equipment auction shall maintain the following records covering the purchase and sale of all motor vehicles having a gross vehicle weight rating of ten thousand pounds or less:

- (1) The year and make of the motor vehicle;
- (2) The vehicle identification number (VIN);
- (3) The name and address of the previous owner;
- (4) The title number and the county and state of issuance of the previous title;
- (5) The odometer reading at the time of purchase;
- (6) The name and address of the purchaser, the sales price, and the odometer reading at the time of sale;
- (7) The odometer disclosure statement;
- (8) A record of any temporary tag sold for each motor vehicle.

(B) A construction equipment auction shall maintain financial records sufficient to demonstrate that the business receives more than one million dollars in gross annual sales in Ohio and derives not more than ten per cent of its gross annual sales revenue in Ohio from the sale of motor vehicles having a gross vehicle weight rating of ten thousand pounds or less.

(C) The business records of a construction equipment auction licensee shall be maintained in an easily accessible manner and shall be open for reasonable inspection by the registrar of motor vehicles or the registrar's authorized agents for a period of not less than three years from the date of the transaction or the date of the creation of the record, whichever is later.

(D) The construction equipment auction facility shall be open to inspection by the registrar or the registrar's authorized agents at all reasonable times prior to the issuance to any license and during the term of any such license.

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4501:1-3-38

Materials incorporated by reference.

[Comment: For dates and availability of material incorporated by reference in this chapter, see paragraph (A) of this rule.]

(A) Incorporated by reference. This chapter includes material that has been incorporated by reference. If the material is subject to change, only the specific version listed in this rule is incorporated. Any revision to the referenced material is not incorporated unless and until this rule has been amended to specify the new date.

~~(1) "Motor Vehicle Dealer Salesperson License Application," form "BMV 4301," (January, 2018), may be accessed via the dealer licensing website at <http://www.OhioAutoDealers.com>.~~

~~(2)~~⁽¹⁾ "Construction Equipment Auction License Annual Report," form "BMV 4313," (October, 2012 June 30, 2025), may be accessed via the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(3)~~⁽²⁾ "Distributor's License Application," form "BMV 4314," (January, 2018 June 30, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(4)~~⁽³⁾ "Used Motor Vehicle Dealer Application," or form "BMV 4320," (January, 2018 April 9, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(5)~~⁽⁴⁾ "Leasing Motor Vehicle Dealer Application," form "BMV 4321," (January, 2018 June 30, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(6)~~⁽⁵⁾ "New Motor Vehicle Dealer Application," form "BMV 4322," (January, 2018 April 3, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(7)~~⁽⁶⁾ "Application for Construction Equipment Auction License," form "BMV 4324," (January, 2018 June 30, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(8)~~⁽⁷⁾ "Auction Owners License Application," form "BMV 4325," (January, 2018 June 30, 2025), may be accessed via the online application link located on the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(9)~~⁽⁸⁾ "Training Course Provider Application," or form "BMV 4326," (September,

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2013), may be accessed via the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(10)(9)~~ "Motor Vehicle Dealer Application For Change of Officer," or form "BMV 4377," (~~January, 2018~~ October, 2021), may be accessed via the dealer licensing website at <http://www.OhioAutoDealers.com>.

~~(11)(10)~~ "Civilian Identification Fingerprint Card," ~~form "BIM-12-98," (December, 1998), may be accessed by contacting the Bureau of Motor Vehicles, Dealer Licensing Section is available online at <https://www.ohioattorneygeneral.gov>.~~

(B) Materials incorporated by reference are also available by writing to the "Bureau of Motor Vehicles, Dealer Licensing Section, P.O. Box 16521, Columbus, Ohio 43216-6521."