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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 68  
133<sup>rd</sup> General Assembly

## Final Analysis

[Click here for S.B. 68's Fiscal Note](#)

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## SUMMARY

### Reinstatement fees

- Authorizes a court that suspends a driver's license to allow an offender to complete a community service program in lieu of paying driver's license reinstatement fees when the court determines the offender cannot reasonably pay those fees.
- Authorizes the Registrar of Motor Vehicles to adopt rules to create an ongoing reinstatement fee waiver plan through which an indigent person may apply for and receive a waiver of all reinstatement fees.

### Police and driver interaction education

- Requires the Attorney General to adopt rules requiring continuing education for existing peace officers on proper interactions with civilians during traffic stops and other encounters.
- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General for peace officer basic training on proper interactions with civilians during traffic stops and other encounters.
- Requires the State Board of Education to adopt a model curriculum for high school students on proper interactions with peace officers during traffic stops and other encounters.
- Requires school districts and other public schools to use the State Board's model curriculum in at least one course required for high school graduation.

- Requires the Director of Public Safety to adapt the State Board's model curriculum for use in driver training programs and new driver instructional materials.

### **Power of attorney for vehicle title transactions**

- Authorizes a motor vehicle dealer's employee or agent to serve as a witness to a power of attorney created for the purpose of transferring the title of a motor vehicle.
- Specifies that being "present" for witnessing a signature includes witnessing a signature via audio-visual conference technology.

### **CDL medical examiner's certificates**

- Requires the Registrar to post information from a medical examiner's certificate, when required, on a commercial driver's license (CDL) holder's CDL information system driver record within ten calendar days of receipt of the medical certificate.

### **BMV electronic and online transactions**

- Expands the services that the Registrar or a deputy registrar may provide electronically (for example an electronic kiosk at a deputy registrar's location), and allows the Registrar to establish a convenience fee for such services.
- Allows the Registrar and, with the Registrar's permission, a deputy registrar to offer any service or transaction (that they are authorized or required to conduct) online rather than in person (there is no specific authorization to charge a convenience fee for remote online transactions).
- Requires any charges for online transactions to be the same as the associated in-person transaction.
- Allows the Registrar or deputy registrar to accept payment for such charges by an electronic financial transaction device (i.e., a credit or debit card) and to pass along any associated costs to the person using that device.

### **Third-party administration of skills test**

- Authorizes the Director of Public Safety to allow a third party to administer the driver's license skills test.
- Requires any test administered by a third party to be substantially the same as the test administered by the Bureau of Motor Vehicles (BMV).
- Establishes quality control provisions that must be included in any contract between the Director and a third party authorized to conduct the driver's license skills test.

### **Abbreviated driver training**

- Exempts an adult applicant for an initial driver's license who fails the skills test from the requirement to complete the adult abbreviated driving training course if, within the 12 months prior to application, the applicant completed a full driver training course.

## Reprints

- Authorizes a person who holds a valid Ohio credential (i.e., a learner’s permit, driver’s license, commercial driver’s license, motorcycle operator’s permit, motorized bicycle license, or state identification card) issued after July 2, 2018, to obtain an exact reprint of that Ohio credential.
- Requires an applicant to certify that the applicant’s current Ohio credential has been lost, destroyed, or mutilated and to provide identifying information, as required by the Registrar.
- Requires the Registrar to conduct transactions for a reprint Ohio credential online via the BMV website within 180 days after the act’s April 12, 2021, effective date.
- Specifies the appearance and cost of the reprint.

## Eight-year renewal cycle

- Authorizes a person between age 21 and 65 to apply for and renew an Ohio commercial driver’s license, driver’s license (motor vehicles and motorcycles), motorcycle operator’s endorsement, or motorized bicycle license on an eight-year renewal cycle.
- Authorizes a person, regardless of age, to request and renew an Ohio identification card on an eight-year renewal cycle.
- Makes the cost of an eight-year license, endorsement, or card twice the cost of a four-year license, endorsement, or card, minus \$1.
- Makes the eight-year renewal option available beginning July 1, 2021.

## Orthotics and prosthetics licensure for unique qualifications

- Permits the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to issue an orthotics, prosthetics, or orthotics and prosthetics license to an applicant with unique and exceptional qualifications.
- Requires the Board to adopt rules establishing requirements for license eligibility based on the applicant’s unique and exceptional qualifications, including standards for evidence of the applicant’s qualifications through the applicant’s education, experience, or training.
- Requires the Orthotics, Prosthetics, and Pedorthics Advisory Council to issue recommendations to the Board on requirements to issue a license to an applicant with unique and exceptional qualifications.

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## DETAILED ANALYSIS

### Reinstatement fees

#### Community service in lieu of reinstatement fees

The act authorizes a municipal or county court to allow an offender to perform community service in lieu of paying driver’s license reinstatement fees when the court determines that the offender cannot reasonably pay those fees.<sup>1</sup> When an offender completes the community service, the court must provide documentation of that completion. Additionally, an offender who is seeking license reinstatement must present that documentation to the Registrar of Motor Vehicles.

Generally, payment of reinstatement fees is required before the Registrar will reinstate a suspended driver’s license. Unless a waiver or alternative payment arrangement is authorized under law, the Registrar is prohibited from reinstating a driver’s license until the person has paid all reinstatement fees and has complied with all other conditions (typically court-mandated) for each license suspension. Under law retained by the act, a municipal or county

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<sup>1</sup> The act also applies to reinstatement fees for a commercial driver’s license or permit or nonresident operating privilege.

court also may establish an installment payment plan or a payment extension plan for an offender who cannot reasonably pay the reinstatement fees.<sup>2</sup>

### **Reinstatement fee waiver plan**

The act authorizes the Registrar, with the Director of Public Safety's approval, to adopt rules creating a permanent reinstatement fee waiver plan managed by the Bureau of Motor Vehicles (BMV). The plan permits an indigent person to apply for and receive a waiver of all reinstatement fees. An indigent person, for purposes of the waiver plan, is a person who participates in one of the following programs:

1. The Supplemental Nutrition Assistance Program (SNAP);
2. The Medicaid Program;
3. The Ohio Works First Program;
4. The Supplemental Security Income Program; or
5. The U.S. Department of Veterans Affairs Pension Benefit Program.<sup>3</sup>

The rules creating the plan may establish any of the following:

1. The form of the application;
2. The documentation required to prove the applicant is indigent;
3. A process for recording the applicant's driving privileges as "valid" after the waiver of the reinstatement fees; and
4. Any other requirements or procedures the Registrar determines are necessary for implementation of the plan.<sup>4</sup>

Under continuing law, the Registrar is authorized to create a reinstatement fee installment plan managed by the BMV, similar to the court-managed reinstatement fee installment payment plan.<sup>5</sup>

## **Police and driver interaction education**

### **Peace officer training on proper interactions with civilians**

Under the act, the Attorney General, with the advice of the Ohio Peace Officer Training Commission, must adopt as part of the minimum standards for continuing professional training rules requiring a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters. The training must include specified content, as

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<sup>2</sup> R.C. 4510.10.

<sup>3</sup> R.C. 4510.10(A)(2).

<sup>4</sup> R.C. 4510.10(G)(1)(b) and (G)(3).

<sup>5</sup> R.C. 4510.10(G)(1)(a) and (G)(2).

shown in the table below. It also must be offered in an online format, although other additional formats are permitted. The Attorney General may adopt additional requirements or procedures necessary for proper implementation of these provisions.<sup>6</sup>

Under continuing law, the Commission may direct existing peace officers to complete up to 24 hours of continuing professional training each calendar year. As described above, the act expands the list of permissible types of continuing professional training to include officer interactions with civilians. However, all peace officer continuing professional training is contingent on funding.<sup>7</sup>

### **Peace officer basic training**

The act also requires the Commission to recommend rules to the Attorney General establishing procedures and requirements for a portion of peace officer basic training on proper interactions with civilians during traffic stops and other in-person encounters. The content of the training, which is set forth in the table below, must mirror that of the rules for continuing professional training.<sup>8</sup>

### **Training students on proper interactions with peace officers**

#### **Model curriculum**

The act requires the State Board of Education, in collaboration with the Director of Public Safety, to develop a model curriculum for instruction in grades 9-12 on proper interactions with peace officers during traffic stops and other in-person encounters. In so doing, the State Board and Director may consult with any interested party, including a volunteer work group convened to make recommendations regarding the instruction. A reasonable period for public comment must be provided before the curriculum is finalized.<sup>9</sup>

The model curriculum must include specified content, as shown in the table below.

#### **District or school to provide instruction**

Using the model curriculum developed by the State Board, all school districts and other public schools must instruct students in grades 9-12 on proper interactions with peace officers. The instruction must be included in one or more courses already required for graduation. After soliciting input from local law enforcement, driver training schools, and the community, a district or school may modify the curriculum to more appropriately serve the needs of its students.<sup>10</sup>

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<sup>6</sup> R.C. 109.803(B)(4).

<sup>7</sup> R.C. 109.803(A)(1).

<sup>8</sup> R.C. 109.73(A)(15).

<sup>9</sup> R.C. 3301.0721(B).

<sup>10</sup> R.C. 3313.6025, 3314.03(A)(11)(d), 3326.11, and 3328.24.

## Driver trainee instruction on proper interactions with peace officers

The Director of Public Safety must adapt the State Board's model curriculum so that it is appropriate for the instructional methods of driver training schools. The materials must contain the same specified content and be included in the classroom portion of all online and traditional driver training programs.

In addition, the Director must include a separate section on proper interactions with a peace officer in the reference document for the material covered in the written temporary permit and drivers' license examinations. The instruction must be adapted from the model curriculum so that it is appropriate for new drivers.<sup>11</sup> Under continuing administrative law, the Digest of Motor Vehicle Laws is the official reference document for those examinations.<sup>12</sup>

### Content requirements

The following table shows the content requirements for instruction of new and existing peace officers,<sup>13</sup> high school students,<sup>14</sup> and driver trainees.<sup>15</sup>

Title		
Content requirements	Peace officers	High school students and driver trainees
Rights related to when a peace officer may require that person to exit a vehicle	✓	
Constitutional protections from illegal search and seizure during an interaction with an officer	✓	
Rights of a passenger during a traffic stop	✓	
The right of a citizen to record an encounter with a peace officer	✓	
Proper interactions between peace officers and civilians	✓	✓
Information on which individuals are peace officers, and their duties and responsibilities		✓

<sup>11</sup> R.C. 4508.022.

<sup>12</sup> See Ohio Administrative Code 4501:1-1-08(A).

<sup>13</sup> R.C. 109.803 and 109.73.

<sup>14</sup> R.C. 3301.0721(B)(1) and (2).

<sup>15</sup> R.C. 4508.022.

Title		
Content requirements	Peace officers	High school students and driver trainees
Questioning and detention laws, including any that require proof of identity, and consequences for failure to comply with the laws		✓
A person's rights during an interaction with a peace officer		✓
Demonstrations and role-play in classroom setting, to allow better understanding of how interactions between officers and civilians can and should unfold		✓

## Power of attorney for vehicle title transactions

The act authorizes a motor vehicle dealer's employee or agent to serve as a witness to a power of attorney created for the purpose of transferring the title of a motor vehicle. A "transfer of title" for a motor vehicle includes both an application for a certificate of title and the assignment of a certificate of title to another person. Under prior law, only the motor vehicle dealer or the dealer's salesperson could serve as a witness for these limited power of attorney forms (they exist only for the transfer of title for a motor vehicle).

Additionally, the act specifies that "presence" as a witness includes witnessing a signature via audio-visual conference technology. Previously, a witness could only be physically present in order to witness the signing of a power of attorney.<sup>16</sup>

## CDL medical examiner's certificates

The act requires the Registrar to post information from a medical examiner's certificate, in certain circumstances, on a commercial driver's license (CDL) holder's CDL information system driver record within ten calendar days of receipt of the medical certificate. Prior law required the Registrar to do so within ten business days of issuing the CDL.<sup>17</sup>

## BMV electronic and online transactions

The act authorizes the Registrar and a deputy registrar, with the Registrar's permission, to offer expanded electronic services and online transactions for customers. Expanded electronic services include options such as self-service kiosks in the physical deputy registrar offices, while online transactions include options such as renewing a driver's license online.<sup>18</sup>

<sup>16</sup> R.C. 4505.071.

<sup>17</sup> R.C. 4506.13(C)(4).

<sup>18</sup> R.C. 4501.025 and 4501.027.

Currently, BMV electronic services and online transactions include online motor vehicle registration renewal and online driver's license renewal for members of the military and their families.<sup>19</sup>

Related to the expansion of electronic and online services, the Registrar may establish a convenience fee for electronic services. However, it is unclear if a convenience fee can be charged for online services. And related to both electronic services and online transactions, the Registrar and a deputy registrar may accept payment through a financial transaction device (i.e., a credit or a debit card). If accepting payment by the device incurs any extra cost for the Registrar or the deputy registrar, they may pass along that cost to the customer using the device.<sup>20</sup>

### **Third party administration of skills test**

The act authorizes the Director of Public Safety to allow third parties to administer the driver's license skills test. In administering the test, the third party must use the same skills test as otherwise would be administered by the BMV. Before an authorized third party may administer the test, it must enter into an agreement with the Director that:

1. Allows the Director (or the Director's representative) to conduct random examinations, inspections, and audits of the third party;
2. Requires the third party's administrators to meet the same qualifications and training standards as Department of Public Safety (DPS) examiners;
3. Requires the third party to use designated road test routes preapproved by the Director;
4. If the third party is a driver training school, prohibits a skills test examiner from administering the test to an applicant trained by that examiner;
5. Establishes appropriate documentation and communication between the third party and DPS regarding who has attempted the skills test with the third party and whether the person successfully completed the test; and
6. Reserves to DPS the right to take prompt and appropriate remedial actions against the third party and its examiners if they fail to comply with the state standards or agreement.<sup>21</sup>

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<sup>19</sup> R.C. 4503.102; R.C. 4507.18, not in the act.

<sup>20</sup> R.C. 4501.025(B) and 4501.027.

<sup>21</sup> R.C. 4507.112.

Under prior law, only DPS (through the BMV, certain deputy registrars, and the state highway patrol) was authorized to administer the skills test for a standard driver's license.<sup>22</sup> Under continuing law, the Director also is authorized to allow third parties to administer the skills test for a CDL.<sup>23</sup>

## Abbreviated driver training

The act exempts an adult applicant for an initial driver's license who fails the skills test from the requirement to complete the adult abbreviated driving training course if, within the 12 months prior to application, the applicant has completed a driver training course. Continuing law generally exempts adult applicants from taking a driver training course. However, under prior law, if an adult failed the skills test on the first attempt, the adult always had to take an abbreviated driver training course.<sup>24</sup> In certain instances, an applicant completed the full driver training course while still a minor, but waited to attempt the skills test until he or she was 18. If that applicant failed the skills test, he or she was required to take the abbreviated course, despite having successfully completed the more extensive training.

## Reprints

The act authorizes any person with an Ohio credential issued after July 2, 2018, to apply online to obtain an exact reprint of that Ohio credential. A person may apply for the reprint if the person's current Ohio credential is lost, destroyed, or mutilated. An Ohio credential is a temporary instruction permit, driver's license, CDL, motorcycle operator's license, motorized bicycle license, or state identification card. A reprint is an exact copy of and expires on the same date as the replaced credential. A person may obtain one reprint between the time of issuance and renewal or between renewals of his or her current credential.<sup>25</sup>

The Registrar must make the reprint application process available through electronic means on the BMV website within 180 days of the act's April 12, 2021, effective date. Reprints will be available only through the online application.<sup>26</sup>

To apply for a reprint online, an applicant must certify that the current credential is lost, damaged, or mutilated, provide identifying information, and include a financial transaction device number to pay the fees. A reprint costs the same amount as a duplicate of the credential that it replaces would cost, along with a BMV \$5 service fee.<sup>27</sup> If a person claims to have to have

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<sup>22</sup> R.C. 4507.11.

<sup>23</sup> R.C. 4506.09, not in the act.

<sup>24</sup> R.C. 4507.21(C) and 4508.02(F).

<sup>25</sup> R.C. 4507.40(A) through (C).

<sup>26</sup> R.C. 4507.40(B).

<sup>27</sup> R.C. 4507.40(D); conforming changes in R.C. 4506.08, 4507.23, and 4507.52.

lost his or her credential in order to obtain a reprint for nefarious purposes, the offense is a first degree misdemeanor.<sup>28</sup>

Upon receipt of a completed application, the Registrar must issue the applicant a reprint, provided the person is eligible for it (e.g., the applicant was not previously issued a reprint and the applicant can sufficiently prove his or her identity). If the applicant does not qualify for a reprint, the Registrar must notify the applicant why the application was denied.<sup>29</sup>

Continuing law also allows a person whose Ohio credential is lost, destroyed, or mutilated to apply in person at a deputy registrar office for a replacement Ohio credential (known as a duplicate).<sup>30</sup>

## **Eight-year renewal cycle**

In Ohio, most driver's licenses (commercial and standard), motorcycle licenses, motorcycle operator's endorsements, motorized bicycle licenses, and identification cards are renewable every four years. That is, when issued, the license or card has an expiration date that is on the licensee's or cardholder's birthday, four years after the date of issuance. There are some exceptions to the rule, for instance: a license issued to a person under 21, a CDL with a hazmat endorsement, or an identification card issued to a person who is permanently and irreversibly disabled.<sup>31</sup>

The act creates the option for anyone between the ages of 21 and 65 to renew a CDL, a standard driver's license, a motorcycle license, a motorcycle operator's endorsement, or a motorized bicycle license on an eight-year renewal cycle. It does not require any person to use the eight-year cycle and allows an individual to still renew a license with a four-year cycle. However, it retains the requirement that persons over 65 apply for a license on a four-year renewal cycle.<sup>32</sup>

The act also creates an eight-year renewal option for state identification cards, regardless of age, as an alternative to the four-year cycle previously required for most cardholders.<sup>33</sup> Similar to driver's licenses, it does not require an eight-year cycle and allows an individual to renew an identification card with a four-year cycle.

The act maintains current law's initial expiration date (on the 21<sup>st</sup> birthday of the licensee) for license issued to someone under 21. Additionally, a person with a CDL with a

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<sup>28</sup> R.C. 4507.30.

<sup>29</sup> R.C. 4507.40(E).

<sup>30</sup> R.C. 4506.08, 4507.23, 4507.30, and 4507.52; R.C. 4506.07, 4507.06, and 4507.51, not in the act.

<sup>31</sup> R.C. 4506.14(A)(3) and (4), 4507.09(B), and 4507.52(A)(8)(b).

<sup>32</sup> R.C. 4506.14(A)(1) and (2), 4507.09(A), and 4511.521.

<sup>33</sup> R.C. 4507.52(A)(8)(a).

hazmat endorsement must continue to use the four-year or less renewal cycle because of the required five-year federal renewal period for the endorsement.<sup>34</sup>

A driver's license or identification card with an eight-year renewal cycle complies with the federal REAL ID requirements, which allow for up to eight years between renewals.<sup>35</sup> Indeed, many other states have a similar eight-year renewal option.<sup>36</sup>

### Costs and fees

The act retains the current cost of a four-year driver's license or identification card. The cost of an eight-year license or card is twice the amount of a four-year license or card, minus \$1. A cost comparison of the four-year to the eight-year option is provided in the table below:

Breakdown of the renewal costs and fees under S.B. 68						
Type of identification	Base Fee	BMV Fee	Deputy Registrar Fee <sup>37</sup>	Vision Screening Fee	Document Authentication Fee	Total
CDL (4-year) <sup>38</sup>	\$25	\$12	\$5	\$2.75	\$1.50	\$46.25
CDL (8-year) <sup>39</sup>	\$49.50	\$23.50	\$10	\$5.50	\$3	\$91.50
Driver's license (4-year) <sup>40</sup>	\$6	\$12	\$6.25 <sup>41</sup>		\$1.50	\$25.75

<sup>34</sup> R.C. 4506.14(A)(and 4507.09(B)).

<sup>35</sup> Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005 § 202, 49 U.S.C. 30301 (2018).

<sup>36</sup> For examples of other states' expiration dates, see <https://www.iihs.org/topics/older-drivers/license-renewal-laws-table>.

<sup>37</sup> R.C. 4503.038, not in the act.

<sup>38</sup> R.C. 4506.08(A)(3)(b), (B)(1), and (C)(1)(c).

<sup>39</sup> R.C. 4506.08(A)(3)(c), (B)(2), and (C)(1)(f).

<sup>40</sup> R.C. 4507.23(C)(1), (F)(3), and (G)(3) and 4507.24(A)(1). A motorcycle license and an initial motorcycle operator's endorsement are on the same fee schedule as a driver's license. Subsequent renewal of an endorsement is linked to the renewal of the driver's license and the BMV does not charge an additional fee for the endorsement.

<sup>41</sup> The deputy registrar fee and vision screening fee are combined in the statute with a presumed \$3.50 deputy registrar fee and a \$2.75 vision screening fee. R.C. 4507.24(A)(1).

Breakdown of the renewal costs and fees under S.B. 68						
Type of identification	Base Fee	BMV Fee	Deputy Registrar Fee <sup>37</sup>	Vision Screening Fee	Document Authentication Fee	Total
Driver's license (8-year) <sup>42</sup>	\$11.50	\$23.50	\$12.50 <sup>43</sup>		\$3	\$50.50
Motorized bicycle license (4-year) <sup>44</sup>	\$2.50	\$12	\$5	N/A	\$1.50	\$21
Motorized bicycle license (8-year) <sup>45</sup>	\$4.50	\$23.50	\$10	N/A	\$3	\$41
Identification card (4-year) <sup>46</sup>	\$3.50	N/A	\$5	N/A	\$1.50	\$10
Identification card (8-year) <sup>47</sup>	\$6	N/A	\$10	N/A	\$3.00	\$19

### Availability of the program

The act makes the eight-year renewal option available beginning July 1, 2021.<sup>48</sup>

### Orthotics and prosthetics licensure for unique qualifications

The act permits the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to issue an orthotics, prosthetics, or orthotics and prosthetics license to an applicant with

<sup>42</sup> R.C. 4507.23(C)(1), (F)(4), and (G)(4) and 4507.24(A)(2).

<sup>43</sup> The 4-year fees were doubled for the 8-year license. R.C. 4507.24(A)(2).

<sup>44</sup> R.C. 4507.23(D), (F)(3), and (G)(3) and 4507.24(A)(3).

<sup>45</sup> R.C. 4507.23(D), (F)(4), and (G)(4) and 4507.24(A)(4).

<sup>46</sup> R.C. 4507.50(B)(1).

<sup>47</sup> R.C. 4507.50(B)(1).

<sup>48</sup> Section 3.

unique and exceptional qualifications if the applicant meets requirements established by the Board. Under continuing law, an applicant is eligible for a license if the applicant meets specified education and experience requirements.<sup>49</sup>

Under the act, the Orthotics, Prosthetics, and Pedorthics Advisory Council must issue recommendations to the Board on the requirements to issue a license to an applicant with unique and exceptional qualifications. The Board must adopt rules based on the recommendations that establish the eligibility requirements for a license based on the applicant's unique and exceptional qualifications. The rules must include standards for satisfactory evidence that demonstrate the applicant's qualifications through the applicant's education, experience, or training.<sup>50</sup>

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## HISTORY

Action	Date
Introduced	02-26-19
Reported, S. Local Gov't, Public Safety & Veterans Affairs	05-23-19
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Reported, H. Criminal Justice	12-17-20
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Senate concurred in House amendments (28-3)	12-22-20

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20-SB68-133/ts

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<sup>49</sup> R.C. 4779.10, 4779.11, and 4779.12, with conforming changes in R.C. 4779.17 and 4779.18.

<sup>50</sup> R.C. 4779.08 and 4779.35.