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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Hall

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SUMMARY

Department of Commerce

Division of Liquor Control

- Specifies that, if the initial required certified notice of unpaid permit fees to a liquor permit applicant is returned because of failure or refusal of delivery, the Division of Liquor Control must send a second notice by regular mail.

Environmental Protection Agency

- Authorizes the Director to provide notice of a hearing on the Environmental Protection Agency's website in circumstances where current law requires public notice by newspaper publication.
- Authorizes the Director to deliver documents or notice by any method capable of documenting the intended recipient's receipt of the document or notice rather than requiring a document or public notice be provided by certified mail.

Department of Public Safety

- Eliminates the 30-day time frame by which the Registrar of Motor Vehicles must hold a requested administrative hearing regarding a person's failure to provide proof of financial responsibility (e.g. auto insurance).
- Allows the hearing to be held remotely.

Department of Taxation

Electronic delivery of tax notices and orders

- Removes a requirement that taxpayers must consent to electronic delivery before receiving certain tax orders and notices electronically.

Department of Transportation

- Makes advertising for bids for Ohio Department of Transportation (ODOT) contracts in a newspaper of general circulation optional rather than required.
- Requires, rather than authorizes, the ODOT Director to publish notice for bids in other publications as the Director considers advisable.

Notice and submission requirements

- Makes changes throughout the Revised Code related to:
 - Notice requirements related to certain events or services; and
 - Electronic submission to receive certain public services.

Electronic meetings for public entities

- Makes changes throughout the Revised Code to permit certain public entities to meet via electronic means.

DETAILED ANALYSIS

Department of Commerce

Division of Liquor Control

Payment of liquor application fees

The bill specifies that, if the initial required certified notice of unpaid permit fees to a liquor permit applicant is returned because of failure or refusal of delivery, the Division of Liquor Control must send a second notice by regular mail. It retains the requirement that the Division cancel the permit application if the permit applicant does not remit the unpaid permit fees to the Division within 30 days of the first notice.¹

Environmental Protection Agency

General authorizations

The bill provides general authorization to the Director of the Ohio Environmental Protection Agency (OEPA) as follows:

- Authorizes the Director to provide public notice of a hearing on the OEPA website in circumstances in which the Director currently must provide notice by newspaper publication;
- Authorizes the Director to deliver documents or notice by any method capable of documenting the intended recipient's receipt of the document or notice in circumstances

¹ R.C. 4303.24.

in which the Director currently must provide the document or public notice by certified mail.²

It is unclear why, given these broad authorizations, the bill also amends other notice provisions that provide for newspaper publication or certified mail.³

Department of Public Safety

Noncompliance hearings regarding proof of insurance

The bill eliminates the 30-day time frame by which the Registrar of Motor Vehicles must hold a requested administrative hearing regarding a person's failure to provide proof of financial responsibility (e.g. auto insurance). The bill also permits the hearing to be held remotely. Under current law retained by the bill, a person adversely affected by an administrative driver's license suspension associated with this offense may request a hearing within 10 days of the issuance of the order imposing the suspension.⁴

Department of Taxation

Electronic delivery of tax notices and orders

Current law generally allows the Department of Taxation to serve tax notices or orders electronically, but only with the taxpayer's prior consent. The bill removes this consent requirement. It further adds that electronic notification can be made to a taxpayer's authorized representative, and specifies that the notification can be made by any electronic means, including email and text message.⁵

Department of Transportation

The bill makes advertising for bids for Ohio Department of Transportation (ODOT) contracts in a newspaper of general circulation optional and requires the ODOT Director to publish notice for bids in other publications, as the Director considers advisable. Current law specifies the opposite – it requires newspaper publication and makes other publications optional.⁶

Changes to notice requirements

The bill also modifies the type of communication media through which public entities or others may make required notice of events or services. The table below describes the type of notice and the change made to the permitted form of communication. The table indicates these changes as follows:

² R.C. 3745.019.

³ See for example, R.C. 3704.03, 3734.02, and 3734.021.

⁴ R.C. 4509.101. See "Table 2" infra.

⁵ R.C. 5703.37.

⁶ R.C. 5525.01.

Type of notice	Mail	Email/ electronic	In-person	R.C. citation
Notice to General Assembly members regarding changes to capital appropriations	C	A		127.15
ODM, Department of Health, and nursing facilities – written notice regarding nursing facility certification and survey orders	C		C	5165.86 ⁷
ODM – notice to hospital of preliminary amount of Hospital Care Assurance Program assessment	R			5168.08
ODM – notice to hospital of preliminary amount of hospital assessment	R			5168.22 and 5168.23
Notices related to coal mining reclamation services	C	A		1513.08

Authority for public entities to meet via electronic means

The bill permits certain public entities to meet via electronic means, instead of in-person meetings, provided that the meetings still allow for interactive public attendance.

Table 2: Public entities authorized to meet via electronic means		
Public entity	Description	R.C. citation
Ohio Advisory Council for the Aging	Permits the council to form a quorum and take votes at meetings conducted electronically, if arrangements are made for interactive public attendance at those meetings	173.03

⁷ The bill expands this current authority by also permitting the notice to be provided by other means reasonably calculated to provide prompt actual notice.

Table 2: Public entities authorized to meet via electronic means

Public entity	Description	R.C. citation
Department of Public Safety – Registrar of Motor Vehicles	Authorizes an administrative hearing on the suspension or impoundment of a driver’s license or license plates for a failure to provide proof of motor vehicle insurance to be held remotely	4509.101

Electronic submission to receive certain public services

The bill permits or requires public entities to establish electronic means of submission for such services as licensure, approvals, and other services. The table below provides an overview of these changes.

Table 3: Services permitting or requiring electronic submission

Public entity	Description	R.C. citation
Department of Natural Resources – Division of Oil and Gas Resources Management	May require electronic submission of various documents; permits the Division Chief to establish a procedure to exempt a participant from electronic submission	1509.031
Every court of record	When a person forfeits bail for a traffic or equipment offense, requires a county court judge, mayor of a mayor’s court, or clerk to submit to the Bureau of Motor Vehicles, in a secure electronic format, an abstract of the court record (current law does not specify the method of submission)	4510.03

HISTORY

Action	Date
Introduced	12-22-21

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