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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 211

A BILL

To amend sections 109.572, 121.08, 2925.01, 1
4735.181, 4735.99, 4776.10, and 4776.20 and to 2
enact sections 4735.22, 4764.01 to 4764.21, and 3
4764.99 of the Revised Code to require the 4
licensure of home inspectors, to create the Ohio 5
Home Inspector Board to regulate the licensure 6
and performance of home inspectors, and to 7
require realtors who recommend home inspectors 8
to provide a list of home inspectors. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 121.08, 2925.01, 10
4735.181, 4735.99, 4776.10, and 4776.20 be amended and sections 11
4735.22, 4764.01, 4764.02, 4764.03, 4764.04, 4764.05, 4764.06, 12
4764.07, 4764.08, 4764.09, 4764.10, 4764.11, 4764.12, 4764.13, 13
4764.14, 4764.15, 4764.16, 4764.17, 4764.18, 4764.19, 4764.20, 14
4764.21, and 4764.99 of the Revised Code be enacted to read as 15
follows: 16

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 17
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 18
Code, a completed form prescribed pursuant to division (C) (1) of 19



this section, and a set of fingerprint impressions obtained in 20
the manner described in division (C) (2) of this section, the 21
superintendent of the bureau of criminal identification and 22
investigation shall conduct a criminal records check in the 23
manner described in division (B) of this section to determine 24
whether any information exists that indicates that the person 25
who is the subject of the request previously has been convicted 26
of or pleaded guilty to any of the following: 27

(a) A violation of section 2903.01, 2903.02, 2903.03, 28
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 29
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 30
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 31
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 32
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 33
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 34
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 35
sexual penetration in violation of former section 2907.12 of the 36
Revised Code, a violation of section 2905.04 of the Revised Code 37
as it existed prior to July 1, 1996, a violation of section 38
2919.23 of the Revised Code that would have been a violation of 39
section 2905.04 of the Revised Code as it existed prior to July 40
1, 1996, had the violation been committed prior to that date, or 41
a violation of section 2925.11 of the Revised Code that is not a 42
minor drug possession offense; 43

(b) A violation of an existing or former law of this 44
state, any other state, or the United States that is 45
substantially equivalent to any of the offenses listed in 46
division (A) (1) (a) of this section; 47

(c) If the request is made pursuant to section 3319.39 of 48
the Revised Code for an applicant who is a teacher, any offense 49

specified in section 3319.31 of the Revised Code. 50

(2) On receipt of a request pursuant to section 3712.09 or 51
3721.121 of the Revised Code, a completed form prescribed 52
pursuant to division (C)(1) of this section, and a set of 53
fingerprint impressions obtained in the manner described in 54
division (C)(2) of this section, the superintendent of the 55
bureau of criminal identification and investigation shall 56
conduct a criminal records check with respect to any person who 57
has applied for employment in a position for which a criminal 58
records check is required by those sections. The superintendent 59
shall conduct the criminal records check in the manner described 60
in division (B) of this section to determine whether any 61
information exists that indicates that the person who is the 62
subject of the request previously has been convicted of or 63
pleaded guilty to any of the following: 64

(a) A violation of section 2903.01, 2903.02, 2903.03, 65
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 66
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 67
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 68
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 69
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 70
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 71
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 72
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 73

(b) An existing or former law of this state, any other 74
state, or the United States that is substantially equivalent to 75
any of the offenses listed in division (A)(2)(a) of this 76
section. 77

(3) On receipt of a request pursuant to section 173.27, 78
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 79

5123.081, or 5123.169 of the Revised Code, a completed form 80
prescribed pursuant to division (C)(1) of this section, and a 81
set of fingerprint impressions obtained in the manner described 82
in division (C)(2) of this section, the superintendent of the 83
bureau of criminal identification and investigation shall 84
conduct a criminal records check of the person for whom the 85
request is made. The superintendent shall conduct the criminal 86
records check in the manner described in division (B) of this 87
section to determine whether any information exists that 88
indicates that the person who is the subject of the request 89
previously has been convicted of, has pleaded guilty to, or 90
(except in the case of a request pursuant to section 5164.34, 91
5164.341, or 5164.342 of the Revised Code) has been found 92
eligible for intervention in lieu of conviction for any of the 93
following, regardless of the date of the conviction, the date of 94
entry of the guilty plea, or (except in the case of a request 95
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96
Revised Code) the date the person was found eligible for 97
intervention in lieu of conviction: 98

(a) A violation of section 959.13, 959.131, 2903.01, 99
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 100
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 101
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 102
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 104
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 105
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 106
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 107
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 108
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 109
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 110

2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 111
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 112
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 113
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 114
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 115
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 116
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 117

(b) Felonious sexual penetration in violation of former 118
section 2907.12 of the Revised Code; 119

(c) A violation of section 2905.04 of the Revised Code as 120
it existed prior to July 1, 1996; 121

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 122
the Revised Code when the underlying offense that is the object 123
of the conspiracy, attempt, or complicity is one of the offenses 124
listed in divisions (A) (3) (a) to (c) of this section; 125

(e) A violation of an existing or former municipal 126
ordinance or law of this state, any other state, or the United 127
States that is substantially equivalent to any of the offenses 128
listed in divisions (A) (3) (a) to (d) of this section. 129

(4) On receipt of a request pursuant to section 2151.86 of 130
the Revised Code, a completed form prescribed pursuant to 131
division (C) (1) of this section, and a set of fingerprint 132
impressions obtained in the manner described in division (C) (2) 133
of this section, the superintendent of the bureau of criminal 134
identification and investigation shall conduct a criminal 135
records check in the manner described in division (B) of this 136
section to determine whether any information exists that 137
indicates that the person who is the subject of the request 138
previously has been convicted of or pleaded guilty to any of the 139

following: 140

(a) A violation of section 959.13, 2903.01, 2903.02, 141
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 142
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 143
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 144
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 145
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 146
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 147
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 148
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 149
2927.12, or 3716.11 of the Revised Code, a violation of section 150
2905.04 of the Revised Code as it existed prior to July 1, 1996, 151
a violation of section 2919.23 of the Revised Code that would 152
have been a violation of section 2905.04 of the Revised Code as 153
it existed prior to July 1, 1996, had the violation been 154
committed prior to that date, a violation of section 2925.11 of 155
the Revised Code that is not a minor drug possession offense, 156
two or more OVI or OVUAC violations committed within the three 157
years immediately preceding the submission of the application or 158
petition that is the basis of the request, or felonious sexual 159
penetration in violation of former section 2907.12 of the 160
Revised Code; 161

(b) A violation of an existing or former law of this 162
state, any other state, or the United States that is 163
substantially equivalent to any of the offenses listed in 164
division (A) (4) (a) of this section. 165

(5) Upon receipt of a request pursuant to section 5104.013 166
of the Revised Code, a completed form prescribed pursuant to 167
division (C) (1) of this section, and a set of fingerprint 168
impressions obtained in the manner described in division (C) (2) 169

of this section, the superintendent of the bureau of criminal 170
identification and investigation shall conduct a criminal 171
records check in the manner described in division (B) of this 172
section to determine whether any information exists that 173
indicates that the person who is the subject of the request has 174
been convicted of or pleaded guilty to any of the following: 175

(a) A violation of section 2151.421, 2903.01, 2903.02, 176
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 177
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 178
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 179
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 180
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 181
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 182
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 183
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 184
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 185
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 186
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 187
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 188
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 189
3716.11 of the Revised Code, felonious sexual penetration in 190
violation of former section 2907.12 of the Revised Code, a 191
violation of section 2905.04 of the Revised Code as it existed 192
prior to July 1, 1996, a violation of section 2919.23 of the 193
Revised Code that would have been a violation of section 2905.04 194
of the Revised Code as it existed prior to July 1, 1996, had the 195
violation been committed prior to that date, a violation of 196
section 2925.11 of the Revised Code that is not a minor drug 197
possession offense, a violation of section 2923.02 or 2923.03 of 198
the Revised Code that relates to a crime specified in this 199
division, or a second violation of section 4511.19 of the 200

Revised Code within five years of the date of application for 201
licensure or certification. 202

(b) A violation of an existing or former law of this 203
state, any other state, or the United States that is 204
substantially equivalent to any of the offenses or violations 205
described in division (A) (5) (a) of this section. 206

(6) Upon receipt of a request pursuant to section 5153.111 207
of the Revised Code, a completed form prescribed pursuant to 208
division (C) (1) of this section, and a set of fingerprint 209
impressions obtained in the manner described in division (C) (2) 210
of this section, the superintendent of the bureau of criminal 211
identification and investigation shall conduct a criminal 212
records check in the manner described in division (B) of this 213
section to determine whether any information exists that 214
indicates that the person who is the subject of the request 215
previously has been convicted of or pleaded guilty to any of the 216
following: 217

(a) A violation of section 2903.01, 2903.02, 2903.03, 218
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 219
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 220
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 221
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 222
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 223
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 224
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 225
Code, felonious sexual penetration in violation of former 226
section 2907.12 of the Revised Code, a violation of section 227
2905.04 of the Revised Code as it existed prior to July 1, 1996, 228
a violation of section 2919.23 of the Revised Code that would 229
have been a violation of section 2905.04 of the Revised Code as 230

it existed prior to July 1, 1996, had the violation been 231
committed prior to that date, or a violation of section 2925.11 232
of the Revised Code that is not a minor drug possession offense; 233

(b) A violation of an existing or former law of this 234
state, any other state, or the United States that is 235
substantially equivalent to any of the offenses listed in 236
division (A)(6)(a) of this section. 237

(7) On receipt of a request for a criminal records check 238
from an individual pursuant to section 4749.03 or 4749.06 of the 239
Revised Code, accompanied by a completed copy of the form 240
prescribed in division (C)(1) of this section and a set of 241
fingerprint impressions obtained in a manner described in 242
division (C)(2) of this section, the superintendent of the 243
bureau of criminal identification and investigation shall 244
conduct a criminal records check in the manner described in 245
division (B) of this section to determine whether any 246
information exists indicating that the person who is the subject 247
of the request has been convicted of or pleaded guilty to a 248
felony in this state or in any other state. If the individual 249
indicates that a firearm will be carried in the course of 250
business, the superintendent shall require information from the 251
federal bureau of investigation as described in division (B)(2) 252
of this section. Subject to division (F) of this section, the 253
superintendent shall report the findings of the criminal records 254
check and any information the federal bureau of investigation 255
provides to the director of public safety. 256

(8) On receipt of a request pursuant to section 1321.37, 257
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 258
Code, a completed form prescribed pursuant to division (C)(1) of 259
this section, and a set of fingerprint impressions obtained in 260

the manner described in division (C) (2) of this section, the 261
superintendent of the bureau of criminal identification and 262
investigation shall conduct a criminal records check with 263
respect to any person who has applied for a license, permit, or 264
certification from the department of commerce or a division in 265
the department. The superintendent shall conduct the criminal 266
records check in the manner described in division (B) of this 267
section to determine whether any information exists that 268
indicates that the person who is the subject of the request 269
previously has been convicted of or pleaded guilty to any of the 270
following: a violation of section 2913.02, 2913.11, 2913.31, 271
2913.51, or 2925.03 of the Revised Code; any other criminal 272
offense involving theft, receiving stolen property, 273
embezzlement, forgery, fraud, passing bad checks, money 274
laundering, or drug trafficking, or any criminal offense 275
involving money or securities, as set forth in Chapters 2909., 276
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 277
Code; or any existing or former law of this state, any other 278
state, or the United States that is substantially equivalent to 279
those offenses. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 4701.08, 4715.101, 283
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 284
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 287
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 288
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 289
Code, accompanied by a completed form prescribed under division 290
(C) (1) of this section and a set of fingerprint impressions 291

obtained in the manner described in division (C) (2) of this 292
section, the superintendent of the bureau of criminal 293
identification and investigation shall conduct a criminal 294
records check in the manner described in division (B) of this 295
section to determine whether any information exists that 296
indicates that the person who is the subject of the request has 297
been convicted of or pleaded guilty to any criminal offense in 298
this state or any other state. Subject to division (F) of this 299
section, the superintendent shall send the results of a check 300
requested under section 113.041 of the Revised Code to the 301
treasurer of state and shall send the results of a check 302
requested under any of the other listed sections to the 303
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 306
form prescribed pursuant to division (C) (1) of this section, and 307
a set of fingerprint impressions obtained in the manner 308
described in division (C) (2) of this section, the superintendent 309
of the bureau of criminal identification and investigation shall 310
conduct a criminal records check in the manner described in 311
division (B) of this section to determine whether any 312
information exists that indicates that the person who is the 313
subject of the request previously has been convicted of or 314
pleaded guilty to any criminal offense under any existing or 315
former law of this state, any other state, or the United States. 316

(11) On receipt of a request for a criminal records check 317
from an appointing or licensing authority under section 3772.07 318
of the Revised Code, a completed form prescribed under division 319
(C) (1) of this section, and a set of fingerprint impressions 320
obtained in the manner prescribed in division (C) (2) of this 321
section, the superintendent of the bureau of criminal 322

identification and investigation shall conduct a criminal 323
records check in the manner described in division (B) of this 324
section to determine whether any information exists that 325
indicates that the person who is the subject of the request 326
previously has been convicted of or pleaded guilty or no contest 327
to any offense under any existing or former law of this state, 328
any other state, or the United States that is a disqualifying 329
offense as defined in section 3772.07 of the Revised Code or 330
substantially equivalent to such an offense. 331

(12) On receipt of a request pursuant to section 2151.33 332
or 2151.412 of the Revised Code, a completed form prescribed 333
pursuant to division (C)(1) of this section, and a set of 334
fingerprint impressions obtained in the manner described in 335
division (C)(2) of this section, the superintendent of the 336
bureau of criminal identification and investigation shall 337
conduct a criminal records check with respect to any person for 338
whom a criminal records check is required under that section. 339
The superintendent shall conduct the criminal records check in 340
the manner described in division (B) of this section to 341
determine whether any information exists that indicates that the 342
person who is the subject of the request previously has been 343
convicted of or pleaded guilty to any of the following: 344

(a) A violation of section 2903.01, 2903.02, 2903.03, 345
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 353

(b) An existing or former law of this state, any other 354
state, or the United States that is substantially equivalent to 355
any of the offenses listed in division (A) (12) (a) of this 356
section. 357

(13) On receipt of a request pursuant to section 3796.12 358
of the Revised Code, a completed form prescribed pursuant to 359
division (C) (1) of this section, and a set of fingerprint 360
impressions obtained in a manner described in division (C) (2) of 361
this section, the superintendent of the bureau of criminal 362
identification and investigation shall conduct a criminal 363
records check in the manner described in division (B) of this 364
section to determine whether any information exists that 365
indicates that the person who is the subject of the request 366
previously has been convicted of or pleaded guilty to the 367
following: 368

(a) A disqualifying offense as specified in rules adopted 369
under division (B) (2) (b) of section 3796.03 of the Revised Code 370
if the person who is the subject of the request is an 371
administrator or other person responsible for the daily 372
operation of, or an owner or prospective owner, officer or 373
prospective officer, or board member or prospective board member 374
of, an entity seeking a license from the department of commerce 375
under Chapter 3796. of the Revised Code; 376

(b) A disqualifying offense as specified in rules adopted 377
under division (B) (2) (b) of section 3796.04 of the Revised Code 378
if the person who is the subject of the request is an 379
administrator or other person responsible for the daily 380
operation of, or an owner or prospective owner, officer or 381
prospective officer, or board member or prospective board member 382
of, an entity seeking a license from the state board of pharmacy 383

under Chapter 3796. of the Revised Code. 384

(14) On receipt of a request required by section 3796.13 385
of the Revised Code, a completed form prescribed pursuant to 386
division (C)(1) of this section, and a set of fingerprint 387
impressions obtained in a manner described in division (C)(2) of 388
this section, the superintendent of the bureau of criminal 389
identification and investigation shall conduct a criminal 390
records check in the manner described in division (B) of this 391
section to determine whether any information exists that 392
indicates that the person who is the subject of the request 393
previously has been convicted of or pleaded guilty to the 394
following: 395

(a) A disqualifying offense as specified in rules adopted 396
under division (B)(8)(a) of section 3796.03 of the Revised Code 397
if the person who is the subject of the request is seeking 398
employment with an entity licensed by the department of commerce 399
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401
under division (B)(14)(a) of section 3796.04 of the Revised Code 402
if the person who is the subject of the request is seeking 403
employment with an entity licensed by the state board of 404
pharmacy under Chapter 3796. of the Revised Code. 405

(15) On receipt of a request pursuant to division (B) of 406
section 4764.07 of the Revised Code, a completed form prescribed 407
under division (C)(1) of this section, and a set of fingerprint 408
impressions obtained in the manner described in division (C)(2) 409
of this section, the superintendent of the bureau of criminal 410
identification and investigation shall conduct a criminal 411
records check in the manner described in division (B) of this 412
section to determine whether any information exists indicating 413

that the person who is the subject of the request has been 414
convicted of or pleaded guilty to any crime of moral turpitude, 415
a felony, or an equivalent offense in any other state or the 416
United States. 417

(B) Subject to division (F) of this section, the 418
superintendent shall conduct any criminal records check to be 419
conducted under this section as follows: 420

(1) The superintendent shall review or cause to be 421
reviewed any relevant information gathered and compiled by the 422
bureau under division (A) of section 109.57 of the Revised Code 423
that relates to the person who is the subject of the criminal 424
records check, including, if the criminal records check was 425
requested under section 113.041, 121.08, 173.27, 173.38, 426
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 427
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 428
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 429
4749.06, 4763.05, 4764.07, 5104.013, 5164.34, 5164.341, 430
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 431
any relevant information contained in records that have been 432
sealed under section 2953.32 of the Revised Code; 433

(2) If the request received by the superintendent asks for 434
information from the federal bureau of investigation, the 435
superintendent shall request from the federal bureau of 436
investigation any information it has with respect to the person 437
who is the subject of the criminal records check, including 438
fingerprint-based checks of national crime information databases 439
as described in 42 U.S.C. 671 if the request is made pursuant to 440
section 2151.86 or 5104.013 of the Revised Code or if any other 441
Revised Code section requires fingerprint-based checks of that 442
nature, and shall review or cause to be reviewed any information 443

the superintendent receives from that bureau. If a request under 444
section 3319.39 of the Revised Code asks only for information 445
from the federal bureau of investigation, the superintendent 446
shall not conduct the review prescribed by division (B) (1) of 447
this section. 448

(3) The superintendent or the superintendent's designee 449
may request criminal history records from other states or the 450
federal government pursuant to the national crime prevention and 451
privacy compact set forth in section 109.571 of the Revised 452
Code. 453

(4) The superintendent shall include in the results of the 454
criminal records check a list or description of the offenses 455
listed or described in division (A) (1), (2), (3), (4), (5), (6), 456
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 457
section, whichever division requires the superintendent to 458
conduct the criminal records check. The superintendent shall 459
exclude from the results any information the dissemination of 460
which is prohibited by federal law. 461

(5) The superintendent shall send the results of the 462
criminal records check to the person to whom it is to be sent 463
not later than the following number of days after the date the 464
superintendent receives the request for the criminal records 465
check, the completed form prescribed under division (C) (1) of 466
this section, and the set of fingerprint impressions obtained in 467
the manner described in division (C) (2) of this section: 468

(a) If the superintendent is required by division (A) of 469
this section (other than division (A) (3) of this section) to 470
conduct the criminal records check, thirty; 471

(b) If the superintendent is required by division (A) (3) 472

of this section to conduct the criminal records check, sixty. 473

(C) (1) The superintendent shall prescribe a form to obtain 474
the information necessary to conduct a criminal records check 475
from any person for whom a criminal records check is to be 476
conducted under this section. The form that the superintendent 477
prescribes pursuant to this division may be in a tangible 478
format, in an electronic format, or in both tangible and 479
electronic formats. 480

(2) The superintendent shall prescribe standard impression 481
sheets to obtain the fingerprint impressions of any person for 482
whom a criminal records check is to be conducted under this 483
section. Any person for whom a records check is to be conducted 484
under this section shall obtain the fingerprint impressions at a 485
county sheriff's office, municipal police department, or any 486
other entity with the ability to make fingerprint impressions on 487
the standard impression sheets prescribed by the superintendent. 488
The office, department, or entity may charge the person a 489
reasonable fee for making the impressions. The standard 490
impression sheets the superintendent prescribes pursuant to this 491
division may be in a tangible format, in an electronic format, 492
or in both tangible and electronic formats. 493

(3) Subject to division (D) of this section, the 494
superintendent shall prescribe and charge a reasonable fee for 495
providing a criminal records check under this section. The 496
person requesting the criminal records check shall pay the fee 497
prescribed pursuant to this division. In the case of a request 498
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 499
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 500
fee shall be paid in the manner specified in that section. 501

(4) The superintendent of the bureau of criminal 502

identification and investigation may prescribe methods of 503
forwarding fingerprint impressions and information necessary to 504
conduct a criminal records check, which methods shall include, 505
but not be limited to, an electronic method. 506

(D) The results of a criminal records check conducted 507
under this section, other than a criminal records check 508
specified in division (A) (7) of this section, are valid for the 509
person who is the subject of the criminal records check for a 510
period of one year from the date upon which the superintendent 511
completes the criminal records check. If during that period the 512
superintendent receives another request for a criminal records 513
check to be conducted under this section for that person, the 514
superintendent shall provide the results from the previous 515
criminal records check of the person at a lower fee than the fee 516
prescribed for the initial criminal records check. 517

(E) When the superintendent receives a request for 518
information from a registered private provider, the 519
superintendent shall proceed as if the request was received from 520
a school district board of education under section 3319.39 of 521
the Revised Code. The superintendent shall apply division (A) (1) 522
(c) of this section to any such request for an applicant who is 523
a teacher. 524

(F) (1) Subject to division (F) (2) of this section, all 525
information regarding the results of a criminal records check 526
conducted under this section that the superintendent reports or 527
sends under division (A) (7) or (9) of this section to the 528
director of public safety, the treasurer of state, or the 529
person, board, or entity that made the request for the criminal 530
records check shall relate to the conviction of the subject 531
person, or the subject person's plea of guilty to, a criminal 532

offense. 533

(2) Division (F)(1) of this section does not limit, 534
restrict, or preclude the superintendent's release of 535
information that relates to the arrest of a person who is 536
eighteen years of age or older, to an adjudication of a child as 537
a delinquent child, or to a criminal conviction of a person 538
under eighteen years of age in circumstances in which a release 539
of that nature is authorized under division (E)(2), (3), or (4) 540
of section 109.57 of the Revised Code pursuant to a rule adopted 541
under division (E)(1) of that section. 542

(G) As used in this section: 543

(1) "Criminal records check" means any criminal records 544
check conducted by the superintendent of the bureau of criminal 545
identification and investigation in accordance with division (B) 546
of this section. 547

(2) "Minor drug possession offense" has the same meaning 548
as in section 2925.01 of the Revised Code. 549

(3) "OVI or OVUAC violation" means a violation of section 550
4511.19 of the Revised Code or a violation of an existing or 551
former law of this state, any other state, or the United States 552
that is substantially equivalent to section 4511.19 of the 553
Revised Code. 554

(4) "Registered private provider" means a nonpublic school 555
or entity registered with the superintendent of public 556
instruction under section 3310.41 of the Revised Code to 557
participate in the autism scholarship program or section 3310.58 558
of the Revised Code to participate in the Jon Peterson special 559
needs scholarship program. 560

Sec. 121.08. (A) There is hereby created in the department 561

of commerce the position of deputy director of administration. 562
This officer shall be appointed by the director of commerce, 563
serve under the director's direction, supervision, and control, 564
perform the duties the director prescribes, and hold office 565
during the director's pleasure. The director of commerce may 566
designate an assistant director of commerce to serve as the 567
deputy director of administration. The deputy director of 568
administration shall perform the duties prescribed by the 569
director of commerce in supervising the activities of the 570
division of administration of the department of commerce. 571

(B) Except as provided in section 121.07 of the Revised 572
Code, the department of commerce shall have all powers and 573
perform all duties vested in the deputy director of 574
administration, the state fire marshal, the superintendent of 575
financial institutions, the superintendent of real estate and 576
professional licensing, the superintendent of liquor control, 577
the superintendent of industrial compliance, the superintendent 578
of unclaimed funds, and the commissioner of securities, and 579
shall have all powers and perform all duties vested by law in 580
all officers, deputies, and employees of those offices. Except 581
as provided in section 121.07 of the Revised Code, wherever 582
powers are conferred or duties imposed upon any of those 583
officers, the powers and duties shall be construed as vested in 584
the department of commerce. 585

(C) (1) There is hereby created in the department of 586
commerce a division of financial institutions, which shall have 587
all powers and perform all duties vested by law in the 588
superintendent of financial institutions. Wherever powers are 589
conferred or duties imposed upon the superintendent of financial 590
institutions, those powers and duties shall be construed as 591
vested in the division of financial institutions. The division 592

of financial institutions shall be administered by the 593
superintendent of financial institutions. 594

(2) All provisions of law governing the superintendent of 595
financial institutions shall apply to and govern the 596
superintendent of financial institutions provided for in this 597
section; all authority vested by law in the superintendent of 598
financial institutions with respect to the management of the 599
division of financial institutions shall be construed as vested 600
in the superintendent of financial institutions created by this 601
section with respect to the division of financial institutions 602
provided for in this section; and all rights, privileges, and 603
emoluments conferred by law upon the superintendent of financial 604
institutions shall be construed as conferred upon the 605
superintendent of financial institutions as head of the division 606
of financial institutions. The director of commerce shall not 607
transfer from the division of financial institutions any of the 608
functions specified in division (C) (2) of this section. 609

(D) There is hereby created in the department of commerce 610
a division of liquor control, which shall have all powers and 611
perform all duties vested by law in the superintendent of liquor 612
control. Wherever powers are conferred or duties are imposed 613
upon the superintendent of liquor control, those powers and 614
duties shall be construed as vested in the division of liquor 615
control. The division of liquor control shall be administered by 616
the superintendent of liquor control. 617

(E) The director of commerce shall not be interested, 618
directly or indirectly, in any firm or corporation which is a 619
dealer in securities as defined in sections 1707.01 and 1707.14 620
of the Revised Code, or in any firm or corporation licensed 621
under sections 1321.01 to 1321.19 of the Revised Code. 622

(F) The director of commerce shall not have any official 623
connection with a savings and loan association, a savings bank, 624
a bank, a bank holding company, a savings and loan association 625
holding company, a consumer finance company, or a credit union 626
that is under the supervision of the division of financial 627
institutions, or a subsidiary of any of the preceding entities, 628
or be interested in the business thereof. 629

(G) There is hereby created in the state treasury the 630
division of administration fund. The fund shall receive 631
assessments on the operating funds of the department of commerce 632
in accordance with procedures prescribed by the director of 633
commerce and approved by the director of budget and management. 634
All operating expenses of the division of administration shall 635
be paid from the division of administration fund. 636

(H) There is hereby created in the department of commerce 637
a division of real estate and professional licensing, which 638
shall be under the control and supervision of the director of 639
commerce. The division of real estate and professional licensing 640
shall be administered by the superintendent of real estate and 641
professional licensing. The superintendent of real estate and 642
professional licensing shall exercise the powers and perform the 643
functions and duties delegated to the superintendent under 644
Chapters 4735., 4763., 4764., and 4767. of the Revised Code. 645

(I) There is hereby created in the department of commerce 646
a division of industrial compliance, which shall have all powers 647
and perform all duties vested by law in the superintendent of 648
industrial compliance. Wherever powers are conferred or duties 649
imposed upon the superintendent of industrial compliance, those 650
powers and duties shall be construed as vested in the division 651
of industrial compliance. The division of industrial compliance 652

shall be under the control and supervision of the director of 653
commerce and be administered by the superintendent of industrial 654
compliance. 655

(J) There is hereby created in the department of commerce 656
a division of unclaimed funds, which shall have all powers and 657
perform all duties delegated to or vested by law in the 658
superintendent of unclaimed funds. Wherever powers are conferred 659
or duties imposed upon the superintendent of unclaimed funds, 660
those powers and duties shall be construed as vested in the 661
division of unclaimed funds. The division of unclaimed funds 662
shall be under the control and supervision of the director of 663
commerce and shall be administered by the superintendent of 664
unclaimed funds. The superintendent of unclaimed funds shall 665
exercise the powers and perform the functions and duties 666
delegated to the superintendent by the director of commerce 667
under section 121.07 and Chapter 169. of the Revised Code, and 668
as may otherwise be provided by law. 669

(K) The department of commerce or a division of the 670
department created by the Revised Code that is acting with 671
authorization on the department's behalf may request from the 672
bureau of criminal identification and investigation pursuant to 673
section 109.572 of the Revised Code, or coordinate with 674
appropriate federal, state, and local government agencies to 675
accomplish, criminal records checks for the persons whose 676
identities are required to be disclosed by an applicant for the 677
issuance or transfer of a permit, license, certificate of 678
registration, or certification issued or transferred by the 679
department or division. At or before the time of making a 680
request for a criminal records check, the department or division 681
may require any person whose identity is required to be 682
disclosed by an applicant for the issuance or transfer of such a 683

license, permit, certificate of registration, or certification 684
to submit to the department or division valid fingerprint 685
impressions in a format and by any media or means acceptable to 686
the bureau of criminal identification and investigation and, 687
when applicable, the federal bureau of investigation. The 688
department or division may cause the bureau of criminal 689
identification and investigation to conduct a criminal records 690
check through the federal bureau of investigation only if the 691
person for whom the criminal records check would be conducted 692
resides or works outside of this state or has resided or worked 693
outside of this state during the preceding five years, or if a 694
criminal records check conducted by the bureau of criminal 695
identification and investigation within this state indicates 696
that the person may have a criminal record outside of this 697
state. 698

In the case of a criminal records check under section 699
109.572 of the Revised Code, the department or division shall 700
forward to the bureau of criminal identification and 701
investigation the requisite form, fingerprint impressions, and 702
fee described in division (C) of that section. When requested by 703
the department or division in accordance with this section, the 704
bureau of criminal identification and investigation shall 705
request from the federal bureau of investigation any information 706
it has with respect to the person who is the subject of the 707
requested criminal records check and shall forward the requisite 708
fingerprint impressions and information to the federal bureau of 709
investigation for that criminal records check. After conducting 710
a criminal records check or receiving the results of a criminal 711
records check from the federal bureau of investigation, the 712
bureau of criminal identification and investigation shall 713
provide the results to the department or division. 714

The department or division may require any person about 715
whom a criminal records check is requested to pay to the 716
department or division the amount necessary to cover the fee 717
charged to the department or division by the bureau of criminal 718
identification and investigation under division (C) (3) of 719
section 109.572 of the Revised Code, including, when applicable, 720
any fee for a criminal records check conducted by the federal 721
bureau of investigation. 722

(L) The director of commerce, or the director's designee, 723
may adopt rules to enhance compliance with statutes pertaining 724
to, and rules adopted by, divisions under the direction, 725
supervision, and control of the department or director by 726
offering incentive-based programs that ensure safety and 727
soundness while promoting growth and prosperity in the state. 728

Sec. 2925.01. As used in this chapter: 729

(A) "Administer," "controlled substance," "controlled 730
substance analog," "dispense," "distribute," "hypodermic," 731
"manufacturer," "official written order," "person," 732
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 733
"schedule III," "schedule IV," "schedule V," and "wholesaler" 734
have the same meanings as in section 3719.01 of the Revised 735
Code. 736

(B) "Drug dependent person" and "drug of abuse" have the 737
same meanings as in section 3719.011 of the Revised Code. 738

(C) "Drug," "dangerous drug," "licensed health 739
professional authorized to prescribe drugs," and "prescription" 740
have the same meanings as in section 4729.01 of the Revised 741
Code. 742

(D) "Bulk amount" of a controlled substance means any of 743

the following: 744

(1) For any compound, mixture, preparation, or substance 745
included in schedule I, schedule II, or schedule III, with the 746
exception of controlled substance analogs, marihuana, cocaine, 747
L.S.D., heroin, and hashish and except as provided in division 748
(D) (2) or (5) of this section, whichever of the following is 749
applicable: 750

(a) An amount equal to or exceeding ten grams or twenty- 751
five unit doses of a compound, mixture, preparation, or 752
substance that is or contains any amount of a schedule I opiate 753
or opium derivative; 754

(b) An amount equal to or exceeding ten grams of a 755
compound, mixture, preparation, or substance that is or contains 756
any amount of raw or gum opium; 757

(c) An amount equal to or exceeding thirty grams or ten 758
unit doses of a compound, mixture, preparation, or substance 759
that is or contains any amount of a schedule I hallucinogen 760
other than tetrahydrocannabinol or lysergic acid amide, or a 761
schedule I stimulant or depressant; 762

(d) An amount equal to or exceeding twenty grams or five 763
times the maximum daily dose in the usual dose range specified 764
in a standard pharmaceutical reference manual of a compound, 765
mixture, preparation, or substance that is or contains any 766
amount of a schedule II opiate or opium derivative; 767

(e) An amount equal to or exceeding five grams or ten unit 768
doses of a compound, mixture, preparation, or substance that is 769
or contains any amount of phencyclidine; 770

(f) An amount equal to or exceeding one hundred twenty 771
grams or thirty times the maximum daily dose in the usual dose 772

range specified in a standard pharmaceutical reference manual of 773
a compound, mixture, preparation, or substance that is or 774
contains any amount of a schedule II stimulant that is in a 775
final dosage form manufactured by a person authorized by the 776
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 777
U.S.C.A. 301, as amended, and the federal drug abuse control 778
laws, as defined in section 3719.01 of the Revised Code, that is 779
or contains any amount of a schedule II depressant substance or 780
a schedule II hallucinogenic substance; 781

(g) An amount equal to or exceeding three grams of a 782
compound, mixture, preparation, or substance that is or contains 783
any amount of a schedule II stimulant, or any of its salts or 784
isomers, that is not in a final dosage form manufactured by a 785
person authorized by the Federal Food, Drug, and Cosmetic Act 786
and the federal drug abuse control laws. 787

(2) An amount equal to or exceeding one hundred twenty 788
grams or thirty times the maximum daily dose in the usual dose 789
range specified in a standard pharmaceutical reference manual of 790
a compound, mixture, preparation, or substance that is or 791
contains any amount of a schedule III or IV substance other than 792
an anabolic steroid or a schedule III opiate or opium 793
derivative; 794

(3) An amount equal to or exceeding twenty grams or five 795
times the maximum daily dose in the usual dose range specified 796
in a standard pharmaceutical reference manual of a compound, 797
mixture, preparation, or substance that is or contains any 798
amount of a schedule III opiate or opium derivative; 799

(4) An amount equal to or exceeding two hundred fifty 800
milliliters or two hundred fifty grams of a compound, mixture, 801
preparation, or substance that is or contains any amount of a 802

schedule V substance; 803

(5) An amount equal to or exceeding two hundred solid 804
dosage units, sixteen grams, or sixteen milliliters of a 805
compound, mixture, preparation, or substance that is or contains 806
any amount of a schedule III anabolic steroid. 807

(E) "Unit dose" means an amount or unit of a compound, 808
mixture, or preparation containing a controlled substance that 809
is separately identifiable and in a form that indicates that it 810
is the amount or unit by which the controlled substance is 811
separately administered to or taken by an individual. 812

(F) "Cultivate" includes planting, watering, fertilizing, 813
or tilling. 814

(G) "Drug abuse offense" means any of the following: 815

(1) A violation of division (A) of section 2913.02 that 816
constitutes theft of drugs, or a violation of section 2925.02, 817
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 818
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 819
or 2925.37 of the Revised Code; 820

(2) A violation of an existing or former law of this or 821
any other state or of the United States that is substantially 822
equivalent to any section listed in division (G)(1) of this 823
section; 824

(3) An offense under an existing or former law of this or 825
any other state, or of the United States, of which planting, 826
cultivating, harvesting, processing, making, manufacturing, 827
producing, shipping, transporting, delivering, acquiring, 828
possessing, storing, distributing, dispensing, selling, inducing 829
another to use, administering to another, using, or otherwise 830
dealing with a controlled substance is an element; 831

(4) A conspiracy to commit, attempt to commit, or 832
complicity in committing or attempting to commit any offense 833
under division (G) (1), (2), or (3) of this section. 834

(H) "Felony drug abuse offense" means any drug abuse 835
offense that would constitute a felony under the laws of this 836
state, any other state, or the United States. 837

(I) "Harmful intoxicant" does not include beer or 838
intoxicating liquor but means any of the following: 839

(1) Any compound, mixture, preparation, or substance the 840
gas, fumes, or vapor of which when inhaled can induce 841
intoxication, excitement, giddiness, irrational behavior, 842
depression, stupefaction, paralysis, unconsciousness, 843
asphyxiation, or other harmful physiological effects, and 844
includes, but is not limited to, any of the following: 845

(a) Any volatile organic solvent, plastic cement, model 846
cement, fingernail polish remover, lacquer thinner, cleaning 847
fluid, gasoline, or other preparation containing a volatile 848
organic solvent; 849

(b) Any aerosol propellant; 850

(c) Any fluorocarbon refrigerant; 851

(d) Any anesthetic gas. 852

(2) Gamma Butyrolactone; 853

(3) 1,4 Butanediol. 854

(J) "Manufacture" means to plant, cultivate, harvest, 855
process, make, prepare, or otherwise engage in any part of the 856
production of a drug, by propagation, extraction, chemical 857
synthesis, or compounding, or any combination of the same, and 858

includes packaging, repackaging, labeling, and other activities 859
incident to production. 860

(K) "Possess" or "possession" means having control over a 861
thing or substance, but may not be inferred solely from mere 862
access to the thing or substance through ownership or occupation 863
of the premises upon which the thing or substance is found. 864

(L) "Sample drug" means a drug or pharmaceutical 865
preparation that would be hazardous to health or safety if used 866
without the supervision of a licensed health professional 867
authorized to prescribe drugs, or a drug of abuse, and that, at 868
one time, had been placed in a container plainly marked as a 869
sample by a manufacturer. 870

(M) "Standard pharmaceutical reference manual" means the 871
current edition, with cumulative changes if any, of references 872
that are approved by the state board of pharmacy. 873

(N) "Juvenile" means a person under eighteen years of age. 874

(O) "Counterfeit controlled substance" means any of the 875
following: 876

(1) Any drug that bears, or whose container or label 877
bears, a trademark, trade name, or other identifying mark used 878
without authorization of the owner of rights to that trademark, 879
trade name, or identifying mark; 880

(2) Any unmarked or unlabeled substance that is 881
represented to be a controlled substance manufactured, 882
processed, packed, or distributed by a person other than the 883
person that manufactured, processed, packed, or distributed it; 884

(3) Any substance that is represented to be a controlled 885
substance but is not a controlled substance or is a different 886

controlled substance; 887

(4) Any substance other than a controlled substance that a 888
reasonable person would believe to be a controlled substance 889
because of its similarity in shape, size, and color, or its 890
markings, labeling, packaging, distribution, or the price for 891
which it is sold or offered for sale. 892

(P) An offense is "committed in the vicinity of a school" 893
if the offender commits the offense on school premises, in a 894
school building, or within one thousand feet of the boundaries 895
of any school premises, regardless of whether the offender knows 896
the offense is being committed on school premises, in a school 897
building, or within one thousand feet of the boundaries of any 898
school premises. 899

(Q) "School" means any school operated by a board of 900
education, any community school established under Chapter 3314. 901
of the Revised Code, or any nonpublic school for which the state 902
board of education prescribes minimum standards under section 903
3301.07 of the Revised Code, whether or not any instruction, 904
extracurricular activities, or training provided by the school 905
is being conducted at the time a criminal offense is committed. 906

(R) "School premises" means either of the following: 907

(1) The parcel of real property on which any school is 908
situated, whether or not any instruction, extracurricular 909
activities, or training provided by the school is being 910
conducted on the premises at the time a criminal offense is 911
committed; 912

(2) Any other parcel of real property that is owned or 913
leased by a board of education of a school, the governing 914
authority of a community school established under Chapter 3314. 915

of the Revised Code, or the governing body of a nonpublic school 916
for which the state board of education prescribes minimum 917
standards under section 3301.07 of the Revised Code and on which 918
some of the instruction, extracurricular activities, or training 919
of the school is conducted, whether or not any instruction, 920
extracurricular activities, or training provided by the school 921
is being conducted on the parcel of real property at the time a 922
criminal offense is committed. 923

(S) "School building" means any building in which any of 924
the instruction, extracurricular activities, or training 925
provided by a school is conducted, whether or not any 926
instruction, extracurricular activities, or training provided by 927
the school is being conducted in the school building at the time 928
a criminal offense is committed. 929

(T) "Disciplinary counsel" means the disciplinary counsel 930
appointed by the board of commissioners on grievances and 931
discipline of the supreme court under the Rules for the 932
Government of the Bar of Ohio. 933

(U) "Certified grievance committee" means a duly 934
constituted and organized committee of the Ohio state bar 935
association or of one or more local bar associations of the 936
state of Ohio that complies with the criteria set forth in Rule 937
V, section 6 of the Rules for the Government of the Bar of Ohio. 938

(V) "Professional license" means any license, permit, 939
certificate, registration, qualification, admission, temporary 940
license, temporary permit, temporary certificate, or temporary 941
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 942
of this section and that qualifies a person as a professionally 943
licensed person. 944

- (W) "Professionally licensed person" means any of the 945
following: 946
- (1) A person who has obtained a license as a manufacturer 947
of controlled substances or a wholesaler of controlled 948
substances under Chapter 3719. of the Revised Code; 949
- (2) A person who has received a certificate or temporary 950
certificate as a certified public accountant or who has 951
registered as a public accountant under Chapter 4701. of the 952
Revised Code and who holds an Ohio permit issued under that 953
chapter; 954
- (3) A person who holds a certificate of qualification to 955
practice architecture issued or renewed and registered under 956
Chapter 4703. of the Revised Code; 957
- (4) A person who is registered as a landscape architect 958
under Chapter 4703. of the Revised Code or who holds a permit as 959
a landscape architect issued under that chapter; 960
- (5) A person licensed under Chapter 4707. of the Revised 961
Code; 962
- (6) A person who has been issued a certificate of 963
registration as a registered barber under Chapter 4709. of the 964
Revised Code; 965
- (7) A person licensed and regulated to engage in the 966
business of a debt pooling company by a legislative authority, 967
under authority of Chapter 4710. of the Revised Code; 968
- (8) A person who has been issued a cosmetologist's 969
license, hair designer's license, manicurist's license, 970
esthetician's license, natural hair stylist's license, advanced 971
cosmetologist's license, advanced hair designer's license, 972

advanced manicurist's license, advanced esthetician's license,	973
advanced natural hair stylist's license, cosmetology	974
instructor's license, hair design instructor's license,	975
manicurist instructor's license, esthetics instructor's license,	976
natural hair style instructor's license, independent	977
contractor's license, or tanning facility permit under Chapter	978
4713. of the Revised Code;	979
(9) A person who has been issued a license to practice	980
dentistry, a general anesthesia permit, a conscious intravenous	981
sedation permit, a limited resident's license, a limited	982
teaching license, a dental hygienist's license, or a dental	983
hygienist's teacher's certificate under Chapter 4715. of the	984
Revised Code;	985
(10) A person who has been issued an embalmer's license, a	986
funeral director's license, a funeral home license, or a	987
crematory license, or who has been registered for an embalmer's	988
or funeral director's apprenticeship under Chapter 4717. of the	989
Revised Code;	990
(11) A person who has been licensed as a registered nurse	991
or practical nurse, or who has been issued a certificate for the	992
practice of nurse-midwifery under Chapter 4723. of the Revised	993
Code;	994
(12) A person who has been licensed to practice optometry	995
or to engage in optical dispensing under Chapter 4725. of the	996
Revised Code;	997
(13) A person licensed to act as a pawnbroker under	998
Chapter 4727. of the Revised Code;	999
(14) A person licensed to act as a precious metals dealer	1000
under Chapter 4728. of the Revised Code;	1001

(15) A person licensed as a pharmacist, a pharmacy intern,	1002
a wholesale distributor of dangerous drugs, or a terminal	1003
distributor of dangerous drugs under Chapter 4729. of the	1004
Revised Code;	1005
(16) A person who is authorized to practice as a physician	1006
assistant under Chapter 4730. of the Revised Code;	1007
(17) A person who has been issued a license to practice	1008
medicine and surgery, osteopathic medicine and surgery, or	1009
podiatric medicine and surgery under Chapter 4731. of the	1010
Revised Code or has been issued a certificate to practice a	1011
limited branch of medicine under that chapter;	1012
(18) A person licensed as a psychologist or school	1013
psychologist under Chapter 4732. of the Revised Code;	1014
(19) A person registered to practice the profession of	1015
engineering or surveying under Chapter 4733. of the Revised	1016
Code;	1017
(20) A person who has been issued a license to practice	1018
chiropractic under Chapter 4734. of the Revised Code;	1019
(21) A person licensed to act as a real estate broker or	1020
real estate salesperson under Chapter 4735. of the Revised Code;	1021
(22) A person registered as a registered sanitarian under	1022
Chapter 4736. of the Revised Code;	1023
(23) A person licensed to operate or maintain a junkyard	1024
under Chapter 4737. of the Revised Code;	1025
(24) A person who has been issued a motor vehicle salvage	1026
dealer's license under Chapter 4738. of the Revised Code;	1027
(25) A person who has been licensed to act as a steam	1028

engineer under Chapter 4739. of the Revised Code;	1029
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1030 1031 1032 1033
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1034 1035 1036
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1037 1038 1039
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1040 1041 1042
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1043 1044 1045
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1046 1047 1048
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1049 1050 1051 1052 1053 1054
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1055 1056

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 1084
3719.01 of the Revised Code, except that it does not include 1085
hashish. 1086

(BB) An offense is "committed in the vicinity of a 1087
juvenile" if the offender commits the offense within one hundred 1088
feet of a juvenile or within the view of a juvenile, regardless 1089
of whether the offender knows the age of the juvenile, whether 1090
the offender knows the offense is being committed within one 1091
hundred feet of or within view of the juvenile, or whether the 1092
juvenile actually views the commission of the offense. 1093

(CC) "Presumption for a prison term" or "presumption that 1094
a prison term shall be imposed" means a presumption, as 1095
described in division (D) of section 2929.13 of the Revised 1096
Code, that a prison term is a necessary sanction for a felony in 1097
order to comply with the purposes and principles of sentencing 1098
under section 2929.11 of the Revised Code. 1099

(DD) "Major drug offender" has the same meaning as in 1100
section 2929.01 of the Revised Code. 1101

(EE) "Minor drug possession offense" means either of the 1102
following: 1103

(1) A violation of section 2925.11 of the Revised Code as 1104
it existed prior to July 1, 1996; 1105

(2) A violation of section 2925.11 of the Revised Code as 1106
it exists on and after July 1, 1996, that is a misdemeanor or a 1107
felony of the fifth degree. 1108

(FF) "Mandatory prison term" has the same meaning as in 1109
section 2929.01 of the Revised Code. 1110

(GG) "Adulterate" means to cause a drug to be adulterated 1111

as described in section 3715.63 of the Revised Code. 1112

(HH) "Public premises" means any hotel, restaurant, 1113
tavern, store, arena, hall, or other place of public 1114
accommodation, business, amusement, or resort. 1115

(II) "Methamphetamine" means methamphetamine, any salt, 1116
isomer, or salt of an isomer of methamphetamine, or any 1117
compound, mixture, preparation, or substance containing 1118
methamphetamine or any salt, isomer, or salt of an isomer of 1119
methamphetamine. 1120

(JJ) "Lawful prescription" means a prescription that is 1121
issued for a legitimate medical purpose by a licensed health 1122
professional authorized to prescribe drugs, that is not altered 1123
or forged, and that was not obtained by means of deception or by 1124
the commission of any theft offense. 1125

(KK) "Deception" and "theft offense" have the same 1126
meanings as in section 2913.01 of the Revised Code. 1127

Sec. 4735.181. (A) No real estate broker or salesperson 1128
licensed pursuant to this chapter shall fail to comply with 1129
divisions (B) ~~or~~ and (D) of section 4735.13, division (D) of 1130
section 4735.14, or sections 4735.22, 4735.55, 4735.56, and 1131
4735.58 of the Revised Code or any rules adopted under those 1132
divisions or sections. 1133

(B) When the superintendent determines that a licensee has 1134
violated division (A) of this section, the superintendent may do 1135
either of the following: 1136

(1) Initiate disciplinary action under section 4735.051 of 1137
the Revised Code, in accordance with Chapter 119. of the Revised 1138
Code; 1139

(2) Personally, or by certified mail, serve a citation and 1140
impose sanctions in accordance with this section upon the 1141
licensee. 1142

(C) Every citation served under this section shall give 1143
notice to the licensee of the alleged violation or violations 1144
charged and inform the licensee of the opportunity to request a 1145
hearing in accordance with Chapter 119. of the Revised Code. The 1146
citation also shall contain a statement of a fine of up to two 1147
hundred dollars per violation. All fines collected pursuant to 1148
this section shall be credited to the real estate recovery fund, 1149
created in the state treasury under section 4735.12 of the 1150
Revised Code. 1151

(D) If any licensee is cited three times under this 1152
section within twelve consecutive months, the superintendent 1153
shall initiate disciplinary action pursuant to section 4735.051 1154
of the Revised Code for any subsequent violation that occurs 1155
within the same twelve-month period. 1156

If a licensee fails to request a hearing within thirty 1157
days after the date of service of the citation, or the licensee 1158
and the superintendent fail to reach an alternative agreement, 1159
the citation shall become final. 1160

(E) Unless otherwise indicated, the licensee named in a 1161
final citation under this section must meet all requirements 1162
contained in the final citation within thirty days after the 1163
effective date of that citation. 1164

(F) The superintendent shall suspend automatically a 1165
licensee's license if the licensee fails to comply with division 1166
(E) of this section. 1167

Sec. 4735.22. (A) Except as provided in division (B) of 1168

this section, a real estate broker or real estate salesperson 1169
who recommends a home inspector to a person in connection with a 1170
real estate transaction shall provide the person with a list of 1171
not fewer than three home inspectors licensed under Chapter 1172
4764. of the Revised Code who operate within twenty miles of the 1173
real estate that is the subject of the transaction. 1174

(B) Division (A) of this section does not apply to a real 1175
estate transaction in which fewer than three licensed home 1176
inspectors operate within twenty miles of the real estate that 1177
is the subject of the transaction. 1178

(C) This section does not require a real estate broker or 1179
real estate salesperson to recommend a home inspector. 1180

Sec. 4735.99. (A) Whoever violates section 4735.02~~7~~ or 1181
4735.021~~7~~ or 4735.22 of the Revised Code is guilty of a 1182
misdemeanor of the first degree. 1183

(B) Whoever violates section 4735.25 or 4735.30 of the 1184
Revised Code is guilty of a felony of the fifth degree, and the 1185
court may impose upon the offender an additional fine of not 1186
more than two thousand five hundred dollars. 1187

Sec. 4764.01. As used in this chapter: 1188

(A) "Client" means a person who enters into a written 1189
contract with a home inspector to retain for compensation or 1190
other valuable consideration the services of that home inspector 1191
to conduct a home inspection and to provide a written report on 1192
the condition of a residential building. 1193

(B) "Crime of moral turpitude" has the same meaning as in 1194
section 4776.10 of the Revised Code. 1195

(C) "Home inspection" means the process by which a home 1196

inspector conducts a visual examination of the readily 1197
accessible components of a residential building for a client. 1198
"Home inspection" does not include pest inspections; 1199
environmental testing; inspection of any property or structure 1200
conducted by an employee or representative of an insurer 1201
licensed to transact business in this state under Title XXXIX of 1202
the Revised Code for purposes related to the business of 1203
insurance; or determination of compliance with applicable 1204
statutes, rules, resolutions, or ordinances, including, without 1205
limitation, building, zoning, or historic codes. 1206

(D) "Home inspection report" means a written report 1207
prepared by a licensed home inspector for compensation and 1208
issued after an on-site inspection of a residential property. A 1209
report shall include all of the following: 1210

(1) Information on any system or component inspected that, 1211
in the professional opinion of the inspector, is deficient to 1212
the degree that it is deficient; 1213

(2) The inspector's recommendation to repair or monitor 1214
deficiencies reported under division (D)(1) of this section; 1215

(3) A list of any systems or components that were 1216
designated for inspection in the standards of practice adopted 1217
by the board under division (A)(10) of section 4764.05 of the 1218
Revised Code but that were not inspected; 1219

(4) The reason a system or component listed under division 1220
(D)(3) of this section was not inspected. 1221

(E) "Licensed home inspector" means a person who holds a 1222
valid license issued pursuant to section 4764.07 or 4764.10 of 1223
the Revised Code to conduct a home inspection for compensation 1224
or other valuable consideration. 1225

(F) "Parallel inspection" means a home inspection 1226
performed by an applicant for a home inspector license at which 1227
both of the following take place concurrently: 1228

(1) A licensed home inspector observes and evaluates the 1229
applicant during the inspection to verify the applicant's 1230
compliance with the standards of practice specified in rules 1231
adopted by the Ohio home inspector board pursuant to division 1232
(A) (10) of section 4764.05 of the Revised Code. 1233

(2) The inspection is an on-site inspection of a 1234
residential building for the licensed home inspector's client. 1235

(G) "Readily accessible" means available for visual 1236
inspection without requiring a person to move or dismantle 1237
personal property, take destructive measures, or take any other 1238
action that will involve risk to a person or to the property. 1239

(H) "Residential building" has the same meaning as in 1240
section 3781.06 of the Revised Code but also includes the 1241
individual dwelling units within an apartment or condominium 1242
complex containing four or more dwelling units. 1243

Sec. 4764.02. (A) No person shall knowingly conduct a home 1244
inspection or represent a qualification to conduct a home 1245
inspection for compensation or other valuable consideration 1246
unless that person is licensed pursuant to this chapter as a 1247
home inspector or performing a parallel inspection. 1248

(B) No person shall perform a home inspection unless it is 1249
performed pursuant to a written contract entered into between a 1250
licensed home inspector and a client. 1251

(C) No person shall perform a home inspection unless the 1252
home inspection conforms to requirements specified in rules 1253
adopted by the Ohio home inspector board pursuant to division 1254

(A) (10) of section 4764.05 of the Revised Code. 1255

(D) No person shall knowingly make or cause to be made any 1256
false representation concerning a material and relevant fact 1257
relating to the person's licensure as a home inspector. 1258

Sec. 4764.03. Section 4764.02 of the Revised Code does not 1259
apply to any person described as follows if the person is acting 1260
within the scope of practice of the person's respective 1261
profession: 1262

(A) A person who is employed by or whose services 1263
otherwise are retained by this state or a political subdivision 1264
of this state for the purpose of enforcing building codes; 1265

(B) A person holding a valid certificate to practice 1266
architecture issued under Chapter 4703. of the Revised Code; 1267

(C) A person registered as a professional engineer under 1268
Chapter 4733. of the Revised Code; 1269

(D) A heating, ventilating, and air conditioning 1270
contractor, refrigeration contractor, electrical contractor, 1271
plumbing contractor, or hydronics contractor who is licensed 1272
under Chapter 4740. or section 3781.102 of the Revised Code or 1273
who is licensed or registered under section 715.27 of the 1274
Revised Code; 1275

(E) A real estate broker, real estate salesperson, foreign 1276
real estate dealer, or foreign real estate salesperson who is 1277
licensed under Chapter 4735. of the Revised Code; 1278

(F) A real estate appraiser who is licensed under Chapter 1279
4763. of the Revised Code; 1280

(G) A public insurance adjuster who holds a valid 1281
certificate of authority issued under Chapter 3951. of the 1282

Revised Code or an employee or representative of an insurer 1283
licensed to transact business in this state under Title XXXIX of 1284
the Revised Code who conducts an inspection of any property or 1285
structure for purposes related to the business of insurance; 1286

(H) A commercial applicator of pesticide who is licensed 1287
under Chapter 921. of the Revised Code. 1288

Sec. 4764.04. There is hereby created the Ohio home 1289
inspector board consisting of seven members. The governor shall 1290
appoint five members who are licensed home inspectors. The 1291
president of the senate and the speaker of the house of 1292
representatives each shall appoint one member who represents the 1293
public and has no financial interest in the home inspection 1294
industry. Not more than four members of the board shall be 1295
members of the same political party. 1296

The governor, president of the senate, and speaker of the 1297
house of representatives shall make the initial appointments to 1298
the board not later than ninety days after the effective date of 1299
this section. Of the initial appointments to the board, the 1300
governor shall appoint one member to a term ending one year 1301
after the effective date of this section, two members to a term 1302
ending three years after that date, and two members to a term 1303
ending five years after that date. The president of the senate 1304
shall appoint one member to a term ending two years after that 1305
date, and the speaker of the house of representatives shall 1306
appoint one member to a term ending four years after that date. 1307
Thereafter, each term shall be for five years, ending on the 1308
same day of the same month as the term that it succeeds. Each 1309
member shall hold office from the date of appointment until the 1310
end of the term for which the member was appointed. Vacancies 1311
shall be filled in the manner provided for original 1312

appointments. A member appointed to fill a vacancy prior to the 1313
expiration of a term shall hold office for the remainder of that 1314
term. A member shall continue in office subsequent to the 1315
expiration of the term until the member's successor takes 1316
office. 1317

The members of the board shall not be compensated but 1318
shall be reimbursed for actual expenses reasonably incurred in 1319
the performance of their duties as members. 1320

The person who, or office that, appointed a member may 1321
remove that member for misconduct, neglect of duty, incapacity, 1322
or malfeasance. 1323

The Ohio home inspector board is a part of the department 1324
of commerce for administrative purposes. The director of 1325
commerce is ex officio the executive officer of the commission, 1326
or the director may designate the superintendent of real estate 1327
and professional licensing to act as executive officer of the 1328
commission. 1329

Sec. 4764.05. (A) The Ohio home inspector board shall 1330
adopt rules in accordance with Chapter 119. of the Revised Code 1331
to do all of the following: 1332

(1) Establish standards to govern the issuance, renewal, 1333
suspension, and revocation of licenses, other sanctions that may 1334
be imposed for violations of this chapter, the conduct of 1335
hearings related to these actions, and the process of 1336
reactivating a license; 1337

(2) Establish the amount of the following fees: 1338

(a) Establish the following fees in an amount that is 1339
sufficient to defray necessary expenses incurred in the 1340
administration of this chapter: 1341

(i) The fee, which shall not exceed two hundred fifty 1342
dollars, for applying for and receiving a license issued under 1343
section 4764.07 of the Revised Code; 1344

(ii) The fee for renewal of a license under section 1345
4764.09 of the Revised Code and the special assessment for the 1346
home inspection recovery fund created in section 4764.21 of the 1347
Revised Code, which together shall not exceed two hundred fifty 1348
dollars. 1349

(b) The renewal late fee described in division (B) (2) of 1350
section 4764.09 of the Revised Code; 1351

(c) The fee an entity described in division (A) (7) of this 1352
section shall pay to receive approval to offer continuing 1353
education courses and programs; 1354

(d) The fee an entity that is approved to offer continuing 1355
education courses and programs shall pay for each course or 1356
program that the entity wishes to have the superintendent 1357
approve pursuant to the rules adopted by the board under 1358
division (A) (8) of this section; 1359

(e) Any other fees as required by this chapter. 1360

(3) In accordance with division (C) of this section, 1361
specify methods and procedures the board shall use to approve a 1362
curriculum of education a person must successfully complete to 1363
obtain a license under this chapter; 1364

(4) In accordance with division (D) of this section, 1365
specify methods and procedures the board shall use to approve a 1366
curriculum of experience that a person may elect to complete the 1367
proof of experience requirement specified in division (D) (6) of 1368
section 4764.07 of the Revised Code; 1369

(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D) (6) of section 4764.07 of the Revised Code, as applicable; 1370
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(6) Establish a curriculum for continuing education that a licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices; 1375
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(7) Establish requirements an institution, organization, company, or person shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution, organization, company, or person that satisfies the requirements the board establishes; 1381
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(8) Establish procedures and standards that the superintendent shall use to approve courses and programs, including online courses and programs, offered by an entity that is approved by the superintendent to offer continuing education courses or programs pursuant to the rules adopted by the board under division (A) (7) of this section; 1390
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(9) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home inspector successfully completed the continuing education requirements specified in section 4764.08 of the Revised Code; 1396
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<u>(10) Establish requirements for conducting home</u>	1400
<u>inspections, standards of practice for home inspectors, and</u>	1401
<u>conflict of interest prohibitions to the extent that those</u>	1402
<u>provisions do not conflict with divisions (B) to (E) of section</u>	1403
<u>4764.14 of the Revised Code;</u>	1404
<u>(11) Specify requirements for settlement agreements</u>	1405
<u>entered into between the superintendent and a licensed home</u>	1406
<u>inspector under division (C) of section 4764.13 of the Revised</u>	1407
<u>Code;</u>	1408
<u>(12) Establish procedures for providing licensees with</u>	1409
<u>notice and applications for renewal under section 4764.09 of the</u>	1410
<u>Revised Code;</u>	1411
<u>(13) Establish a set of standards of practice and canons</u>	1412
<u>of ethics for the home inspection industry;</u>	1413
<u>(14) Establish directions for the superintendent of real</u>	1414
<u>estate and professional licensing to follow regarding the</u>	1415
<u>scheduling, instruction, and offerings of home inspection</u>	1416
<u>courses a person must successfully complete to obtain a license</u>	1417
<u>issued under this chapter.</u>	1418
<u>(B) The board shall do all of the following:</u>	1419
<u>(1) On appeal by any party affected, or on its own motion,</u>	1420
<u>review any order of or application determination made by the</u>	1421
<u>superintendent, and as the board determines necessary, reverse,</u>	1422
<u>vacate, modify, or sustain such an order or determination;</u>	1423
<u>(2) Hear appeals from orders of the superintendent</u>	1424
<u>regarding claims against the home inspection recovery fund</u>	1425
<u>created under section 4764.21 of this section;</u>	1426
<u>(3) Disseminate to licensees and the public information</u>	1427

relative to board activities and decisions; 1428

(4) Notify licensees of changes in state and federal laws 1429
pertaining to home inspections and relevant case law and inform 1430
licensees that they are subject to disciplinary action if they 1431
do not comply with the changes. 1432

(C) The board shall approve a curriculum of education a 1433
person must successfully complete to obtain a license issued 1434
under this chapter. The board shall approve a curriculum of 1435
education that satisfies all of the following requirements: 1436

(1) The curriculum is offered by an accredited public or 1437
private college, university, or other institution of higher 1438
education or a professional organization that has been approved 1439
by the board to offer a curriculum. 1440

(2) The curriculum includes a requirement that a person, 1441
in order to successfully complete the curriculum, complete at 1442
least forty hours of classroom instruction, including 1443
instruction about compliance with the requirements specified in 1444
this chapter, inspection safety, report writing, and any other 1445
administrative matters required by the board. 1446

(3) The curriculum includes a requirement that a person, 1447
in order to successfully complete the curriculum, complete at 1448
least eighty hours of prelicensing education. 1449

(4) The curriculum satisfies any other requirements the 1450
board established in rules it adopts. 1451

(D) The board shall determine the equivalency of field 1452
experience that a person may elect to complete to satisfy the 1453
proof of experience requirement specified in division (D)(6) of 1454
section 4764.07 of the Revised Code. The board shall approve 1455
only a curriculum of experience that includes a requirement that 1456

a person, in order to successfully complete the curriculum, must 1457
perform at least forty hours of work in the home inspection 1458
field that allows the person to obtain practical experience or 1459
training regarding home inspections. The board shall approve 1460
only a curriculum of experience that includes a requirement that 1461
a person, in order to successfully complete the curriculum, must 1462
complete a ride-along session with a licensed home inspector 1463
prior to getting approval for a license. The ride-along session 1464
may be used as part of the required eighty hours of prelicensing 1465
education. 1466

Sec. 4764.06. (A) The superintendent of real estate and 1467
professional licensing shall do all of the following: 1468

(1) Administer this chapter; 1469

(2) Provide the Ohio home inspector board with meeting 1470
space, staff services, and other technical assistance required 1471
by the board to carry out the duties of the board under this 1472
chapter; 1473

(3) Provide each applicant for a home inspector license 1474
with a copy of the requirements for home inspections specified 1475
in rules adopted by the board pursuant to division (A)(10) of 1476
section 4764.05 of the Revised Code, and make those requirements 1477
available to the public by posting them on the web site 1478
maintained by the department of commerce; 1479

(4) In accordance with division (B) of this section, issue 1480
a home inspector license to, or renew a home inspector license 1481
for, any person who satisfies the requirements specified in this 1482
chapter for such licensure or renewal, and make a list of those 1483
licensed home inspectors available to the public by posting the 1484
list on the web site maintained by the department of commerce; 1485

<u>(5) Administer the home inspector recovery fund created</u>	1486
<u>under section 4764.21 of the Revised Code;</u>	1487
<u>(6) Establish procedures, in accordance with division (K)</u>	1488
<u>of section 121.08 of the Revised Code, to have criminal records</u>	1489
<u>checks conducted by the bureau of criminal identification and</u>	1490
<u>investigation for all applicants for licensure;</u>	1491
<u>(7) In accordance with the procedures specified in rules</u>	1492
<u>adopted by the board in accordance with division (A)(7) of</u>	1493
<u>section 4764.05 of the Revised Code, approve an institution,</u>	1494
<u>organization, company, or person wishing to provide continuing</u>	1495
<u>education courses or programs if that institution, organization,</u>	1496
<u>company, or person satisfies the requirements specified in rules</u>	1497
<u>adopted by the board in accordance with that division and pays</u>	1498
<u>the fee established in rules adopted by the board pursuant to</u>	1499
<u>division (A)(2)(c) of that section;</u>	1500
<u>(8) In accordance with the procedures specified in rules</u>	1501
<u>adopted by the board in accordance with division (A)(8) of</u>	1502
<u>section 4764.05 of the Revised Code, approve a course or program</u>	1503
<u>that a licensed home inspector may complete to satisfy the</u>	1504
<u>continuing education requirements specified in section 4764.08</u>	1505
<u>of the Revised Code if all of the following are satisfied:</u>	1506
<u>(a) The course or program is offered by an entity approved</u>	1507
<u>by the superintendent pursuant to division (A)(7) of this</u>	1508
<u>section.</u>	1509
<u>(b) The course or program satisfies the standards</u>	1510
<u>established in rules adopted by the board pursuant to division</u>	1511
<u>(A)(8) of section 4764.05 of the Revised Code.</u>	1512
<u>(c) The entity pays the fee established in rules adopted</u>	1513
<u>by the board pursuant to division (A)(2)(d) of section 4764.05</u>	1514

of the Revised Code. 1515

(9) Issue all orders necessary to implement this chapter; 1516

(10) In accordance with section 4764.12 of the Revised 1517
Code, investigate complaints concerning an alleged violation of 1518
this chapter or the conduct of any licensee and subpoena 1519
witnesses in connection with those investigations, as provided 1520
in that section. The subpoena may contain a direction that the 1521
witness produce and bring any documents, work files, inspection 1522
reports, records, or papers mentioned in the subpoena. 1523

(11) Establish and maintain an investigation and audit 1524
section to investigate complaints and conduct inspections, 1525
audits, and other inquiries as in the judgment of the 1526
superintendent are appropriate to enforce this chapter. The 1527
superintendent shall utilize the investigators and auditors 1528
employed pursuant to division (B) (4) of section 4735.05 of the 1529
Revised Code to assist in performing the duties specified in 1530
division (A) (10) of this section. 1531

(12) Specify the information that must be provided on an 1532
application for licensure under this chapter; 1533

(13) Establish procedures for processing, approving, and 1534
denying applications for licensure under this chapter; 1535

(14) Specify the format and content of all affidavits and 1536
other documents required for the administration of this chapter; 1537

(15) Appoint a hearing officer for any proceeding 1538
involving a determination under section 3123.47 of the Revised 1539
Code, disciplinary action arising under section 4764.02 or 1540
division (F) of section 4764.14 of the Revised Code, or a 1541
proceeding under section 4764.16 of the Revised Code. 1542

(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 1543
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Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing: 1548
1549
1550

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides; 1551
1552

(2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A) (2) (a) of section 4764.05 of the Revised Code. 1553
1554
1555

(B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A) (15) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the 1556
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superintendent of real estate and professional licensing shall 1573
request that criminal record information from the federal bureau 1574
of investigation be obtained as part of the criminal records 1575
check. Any fee required under division (C) (3) of section 109.572 1576
of the Revised Code shall be paid by the applicant. 1577

(C) The superintendent shall issue a license to perform 1578
home inspections to applicants who satisfy the requirements set 1579
forth in this section, subject to section 4768.14 of the Revised 1580
Code. 1581

(D) Except as otherwise specified in division (E) of this 1582
section, the application shall include all of the following: 1583

(1) A pledge the applicant signs, agreeing to comply with 1584
the rules adopted by the board pursuant to division (A) (10) of 1585
section 4764.05 of the Revised Code; 1586

(2) A statement that the applicant understands the grounds 1587
for any disciplinary action that may be initiated under this 1588
chapter; 1589

(3) Proof of holding a comprehensive general liability 1590
insurance policy or a commercial general liability insurance 1591
policy in accordance with division (A) of section 4764.11 of the 1592
Revised Code; 1593

(4) Proof of successfully passing, within two years before 1594
the date of the application, the national home inspector 1595
examination; 1596

(5) Proof of successfully completing a curriculum of 1597
education approved by the board in accordance with rules the 1598
board adopts pursuant to division (A) (3) of section 4764.05 of 1599
the Revised Code; 1600

(6) Proof that the applicant has experience in the field 1601
of home inspections through either of the following: 1602

(a) Successful completion of a curriculum of experience 1603
approved by the board in accordance with rules the board adopts 1604
pursuant to division (A) (4) of section 4764.05 of the Revised 1605
Code; 1606

(b) Successful completion of ten parallel inspections or 1607
equivalent experience as determined by the board pursuant to 1608
divisions (A) (5) and (D) of section 4764.05 of the Revised Code; 1609

(7) Proof that the applicant is at least eighteen years of 1610
age; 1611

(8) Proof that the applicant has graduated from the 1612
twelfth grade, received a general educational development 1613
diploma, or satisfactorily completed a program that is the 1614
equivalent to graduating from the twelfth grade or receiving a 1615
general educational development diploma; 1616

(9) Any other information the board requires that the 1617
board determines is relevant to receiving a license to practice 1618
as a licensed home inspector. 1619

(E) The superintendent shall not require a person 1620
described in division (B) or (C) of section 4764.03 of the 1621
Revised Code who wishes to obtain a license to perform home 1622
inspections under this chapter to submit proof of education and 1623
experience as required under divisions (D) (5) and (6) of this 1624
section in the person's application in order for that person to 1625
receive a license. Such a person, however, shall satisfy all 1626
other requirements specified in divisions (A) and (D) of this 1627
section and provide proof of licensure in good standing 1628
described in division (B) or (C) of section 4764.03 of the 1629

Revised Code to receive a license. 1630

(F) The act of submitting an application to the 1631
superintendent does not create, shall not be construed as 1632
creating, and is not intended to indicate licensure as a home 1633
inspector. 1634

Sec. 4764.08. During each three-year period that a license 1635
is valid, a licensed home inspector shall successfully complete 1636
not less than fourteen hours of continuing education instruction 1637
annually in courses or programs directly applicable to the 1638
standards of practice and requirements specified in rules 1639
adopted by the Ohio home inspector board pursuant to division 1640
(A) (10) of section 4764.05 of the Revised Code. 1641

The superintendent of real estate and professional 1642
licensing shall accept only those courses and programs the 1643
superintendent approves in accordance with division (A) (8) of 1644
section 4764.06 of the Revised Code prior to the date the 1645
licensed home inspector completes the course or program. The 1646
superintendent shall not include parallel inspections completed 1647
by a person for credit toward satisfying the continuing 1648
education requirements specified in this section. 1649

Sec. 4764.09. (A) A home inspector license issued or 1650
renewed pursuant to this chapter expires three years after the 1651
date of issuance or renewal. 1652

(B) (1) To renew a home inspector license, a licensed home 1653
inspector shall file all of the following with the 1654
superintendent of real estate and professional licensing within 1655
the ninety-day period immediately preceding the date the license 1656
expires: 1657

(a) A renewal application pursuant to the procedures 1658

established by the Ohio home inspector board under section 1659
4764.05 of the Revised Code; 1660

(b) Proof of holding or being covered by a comprehensive 1661
general liability insurance policy or a commercial general 1662
liability insurance policy in accordance with division (A) of 1663
section 4764.11 of the Revised Code; 1664

(c) Proof of satisfying the continuing education 1665
requirements specified in section 4764.08 of the Revised Code. 1666

(2) A licensed home inspector who fails to renew a license 1667
before its expiration may, during the three months following the 1668
expiration, renew the license by following the procedures in 1669
division (B)(1) of this section and paying a late renewal fee in 1670
an amount the Ohio home inspector board establishes. A licensed 1671
home inspector who applies for a late renewal pursuant to this 1672
division shall not engage in any activities permitted under the 1673
license being renewed until the superintendent notifies the 1674
licensed home inspector that the licensed home inspector's 1675
license has been renewed. 1676

(C) A licensed home inspector who fails to renew a license 1677
prior to its expiration or during the three months following its 1678
expiration, or who fails to submit the proof required under 1679
division (B)(1)(b) or (c) of this section, may subsequently 1680
obtain a license by applying for a license pursuant to section 1681
4764.07 of the Revised Code. 1682

Sec. 4764.10. The superintendent of real estate and 1683
professional licensing may issue a home inspector license to an 1684
applicant who holds a license, registration, or certification as 1685
a home inspector in another jurisdiction if that applicant 1686
submits an application on a form the superintendent provides, 1687

pays the fee the Ohio home inspector board prescribes, and 1688
satisfies all of the following requirements: 1689

(A) The applicant is licensed, registered, or certified as 1690
a home inspector in a jurisdiction that the board determines 1691
grants the same privileges to persons licensed under this 1692
chapter as this state grants to persons in that jurisdiction. 1693

(B) That other jurisdiction has licensing, registration, 1694
or certification requirements that are substantially similar to, 1695
or exceed, those of this state. 1696

(C) The applicant attests that the applicant is familiar 1697
with and will abide by this chapter. 1698

(D) The applicant attests to all of the following in a 1699
written statement that the applicant submits to the 1700
superintendent: 1701

(1) To provide the superintendent the name and address of 1702
an agent to receive service of process in this state or that the 1703
applicant authorizes the superintendent to act as agent for that 1704
applicant; 1705

(2) That service of process in accordance with the Revised 1706
Code is proper and the applicant is subject to the jurisdiction 1707
of the courts of this state; 1708

(3) That any cause of action arising out of the conduct of 1709
the applicant's business in this state shall be filed in the 1710
county in which the events that gave rise to that cause of 1711
action occurred. 1712

Sec. 4764.11. (A) Every licensed home inspector shall 1713
maintain, or be covered by, a comprehensive general liability 1714
insurance policy or a commercial general liability insurance 1715

policy with coverage limits of not less than one hundred 1716
thousand dollars per occurrence and not less than a three- 1717
hundred-thousand-dollar aggregate limit. The insurance policy 1718
shall provide coverage against liability of the licensed home 1719
inspector for loss, damage, or expense as a result of an act 1720
that occurred while the licensed home inspector was on the 1721
premises performing a home inspection. If the employer of a 1722
licensed home inspector is not a licensed home inspector and 1723
maintains an insurance policy covering the licensed home 1724
inspector, the licensed home inspector is not required to 1725
maintain the licensed home inspector's own insurance policy. 1726

(B) Every licensed home inspector shall retain for a 1727
period of five years the original or a true copy of each written 1728
contract for the licensee's services relating to home inspection 1729
work, all home inspection reports, and all work file 1730
documentation and data assembled in preparing those reports. The 1731
retention period begins on the date the report is submitted to 1732
the client unless, prior to expiration of the retention period, 1733
the licensee is notified that the services or report is the 1734
subject of or is otherwise involved in pending investigation or 1735
litigation, in which case the retention period begins on the 1736
date of final disposition of the litigation. 1737

A licensee shall make available all records required to be 1738
maintained under this section for inspection and copying by the 1739
superintendent of real estate and professional licensing upon 1740
reasonable notice to the licensee. 1741

Sec. 4764.12. (A) The superintendent of real estate and 1742
professional licensing shall investigate complaints against 1743
licensed home inspectors on receipt of a complaint concerning 1744
any alleged violation of this chapter. Investigators and 1745

auditors employed by the superintendent may review and audit, 1746
during normal business hours, the licensed home inspector's 1747
business records that are directly related to complaints. The 1748
licensed home inspector shall permit such a review and audit. 1749

(B) Within five business days after a person files a 1750
complaint against a licensed home inspector with the 1751
superintendent, the superintendent shall provide to that person 1752
an acknowledgment of the receipt of the complaint and send a 1753
notice regarding that complaint to the licensee who is the 1754
subject of the complaint. The superintendent shall include in 1755
that notice a description of the activities in which the 1756
licensed home inspector allegedly engaged that violate this 1757
chapter. Within twenty days after the superintendent sends the 1758
notice to the complainant and the licensed home inspector who is 1759
the subject of the complainant's complaint, the complainant and 1760
the licensed home inspector may file with the superintendent a 1761
request to have an informal mediation hearing. 1762

If both the complainant and the licensed home inspector 1763
file such a request, the superintendent shall notify the 1764
complainant and the licensed home inspector of the date and time 1765
of the informal mediation hearing. A mediator employed by the 1766
superintendent shall conduct the informal mediation hearing. If 1767
the complainant and the licensed home inspector reach an 1768
accommodation during that informal mediation hearing, the 1769
mediator shall send a written report describing the 1770
accommodation to the superintendent, complainant, and licensee. 1771
Notwithstanding division (C) of this section, the written report 1772
describing the accommodation is confidential and is not a public 1773
record for purposes of section 149.43 of the Revised Code. The 1774
superintendent shall close the complaint upon satisfactory 1775
completion of the accommodation. 1776

If the licensee or the complainant fails to file a request 1777
for an informal mediation hearing, or if the parties fail to 1778
agree on an accommodation during that informal mediation 1779
hearing, the superintendent shall proceed with an investigation 1780
of the complaint. 1781

(C) This section does not prohibit the superintendent of 1782
real estate and professional licensing from releasing 1783
information relating to licensees to the superintendent of 1784
financial institutions for purposes relating to the 1785
administration of sections 1322.01 to 1322.12 of the Revised 1786
Code, to the superintendent of insurance for purposes relating 1787
to the administration of Chapter 3953. of the Revised Code, to 1788
the commissioner of the division of securities for purposes 1789
relating to the administration of Chapter 1707. of the Revised 1790
Code, to the attorney general, or to local law enforcement and 1791
appropriate prosecutorial authorities. Information released by 1792
the superintendent pursuant to this section remains 1793
confidential. 1794

(D) The Ohio home inspector board or the superintendent 1795
may compel, by order or subpoena, the attendance of witnesses to 1796
testify in relation to any matter over which the board or 1797
superintendent has jurisdiction and that is the subject of 1798
inquiry and investigation by the board or superintendent, and 1799
may require the production of any book, paper, or document 1800
pertaining to such a matter. For that purpose, the board or 1801
superintendent shall have the same power as judges of county 1802
courts to administer oaths, compel the attendance of witnesses, 1803
and punish them for refusal to testify. Service of the subpoena 1804
may be made by sheriffs or constables, or by certified mail, 1805
return receipt requested, and the subpoena shall be considered 1806
served on the date delivery is made or the date the person 1807

refused to accept delivery. A witness shall receive, after the 1808
witness's appearance before the board or superintendent, the 1809
fees and mileage allowed in civil actions in courts of common 1810
pleas. If two or more witnesses travel together in the same 1811
vehicle, the mileage fee shall be paid to only one of those 1812
witnesses, but the witnesses may agree to divide the fee among 1813
themselves in any manner. 1814

(E) If any person fails to file any statement or report, 1815
obey any subpoena, give testimony, answer questions, or produce 1816
any books, records, or papers as required by the board or 1817
superintendent under this chapter, the board or superintendent 1818
may apply to the court of common pleas of any county in the 1819
state setting forth the failure. 1820

The court may make an order awarding process of subpoena 1821
or subpoena duces tecum for the person to appear and testify 1822
before the board or superintendent. The court also may order any 1823
person to give testimony and answer questions, and to produce 1824
books, records, or papers, as required by the board or 1825
superintendent. 1826

Upon the filing of such order in the office of the clerk 1827
of the court of common pleas, the clerk, under the seal of the 1828
court, shall issue process of subpoena for the person to appear 1829
before the board or superintendent at a time and place named in 1830
the subpoena, and each day thereafter until the examination of 1831
such person is completed. The subpoena may contain a direction 1832
that the witness bring with the witness to the examination any 1833
books, records, or papers mentioned in the subpoena. The clerk 1834
shall also issue, under the seal of the court, such other 1835
orders, in reference to the examination, appearance, and 1836
production of books, records, or papers, as the court directs. 1837

If any person so summoned by subpoena fails to obey the 1838
subpoena, to give testimony, to answer questions as required, or 1839
to obey an order of the court, the court, on motion supported by 1840
proof, may order an attachment for contempt to be issued against 1841
the person charged with disobedience of any order or injunction 1842
issued by the court under this chapter. If the person is brought 1843
before the court by virtue of the attachment, and if upon a 1844
hearing the disobedience appears, the court may order the 1845
offender to be committed and kept in close custody. 1846

Sec. 4764.13. (A) If, upon examining the results of an 1847
investigation, the superintendent of real estate and 1848
professional licensing determines that reasonable evidence 1849
exists that a licensed home inspector has violated this chapter 1850
or engaged in an activity described in divisions (A) to (G) of 1851
section 4764.14 of the Revised Code, the superintendent shall 1852
proceed in accordance with the notice and hearing requirements 1853
prescribed in Chapter 119. of the Revised Code. After a hearing 1854
officer conducts a hearing and issues a report pursuant to 1855
division (D) of this section, the Ohio home inspector board 1856
shall review the report and shall order the disciplinary action 1857
the board considers appropriate, which may include any one or 1858
more of the following: 1859

(1) A reprimand; 1860

(2) A fine not exceeding one thousand dollars per 1861
violation; 1862

(3) Completion of hours of education in subjects related 1863
to the underlying cause of the violation in an amount determined 1864
by the board; 1865

(4) Suspension of the license until the licensed home 1866

inspector complies with conditions the board establishes; 1867

(5) Suspension of the license for a specific period of 1868
time; 1869

(6) Revocation of the license; 1870

(7) Surrender of the license in lieu of discipline. 1871

(B) The superintendent shall not credit any hours of 1872
education a licensed home inspector completes in accordance with 1873
division (A) (3) of this section toward satisfying the 1874
requirements for continuing education specified in section 1875
4764.08 of the Revised Code. 1876

(C) At any time after the superintendent notifies a 1877
licensee in accordance with division (A) of this section that a 1878
hearing will be held, the licensee may apply to the 1879
superintendent to enter into a settlement agreement regarding 1880
the alleged violation. The superintendent and the licensed home 1881
inspector shall comply with the requirements for settlement 1882
agreements established in rules adopted by the board pursuant to 1883
division (A) (11) of section 4764.05 of the Revised Code. If the 1884
parties enter into the settlement agreement and comply with all 1885
of the requirements set forth in that agreement, the 1886
investigation regarding that alleged violation is considered 1887
closed. Notwithstanding division (C) of section 4764.12 of the 1888
Revised Code, the settlement agreement is a public record for 1889
purposes of section 149.43 of the Revised Code. 1890

(D) The superintendent shall appoint a hearing officer to 1891
conduct adjudication hearings in accordance with Chapter 119. of 1892
the Revised Code. 1893

In accordance with section 119.09 of the Revised Code, 1894
after conducting a hearing, a hearing officer shall submit to 1895

the board a report of the hearing and a recommendation for the 1896
action to be taken against the licensed home inspector. All 1897
parties may file objections to the report and recommendations as 1898
permitted under that section, and the board shall issue an order 1899
in accordance with the procedures prescribed in that section. 1900

(E) If the board assesses a licensee a fine for a 1901
violation of section 4764.02 of the Revised Code and the person 1902
fails to pay that fine within the time period prescribed by the 1903
board, the superintendent shall forward to the attorney general 1904
the name of the person and the amount of the fine for the 1905
purpose of collecting that fine. In addition to the fine 1906
assessed pursuant to this section, the person also shall pay any 1907
fee assessed by the attorney general for collection of the fine. 1908

(F) The decision and order of the board is final, subject 1909
to review in the manner provided in Chapter 119. of the Revised 1910
Code and appeal to the court of common pleas of Franklin county. 1911

Sec. 4764.14. The superintendent of real estate and 1912
professional licensing may refuse to issue or renew a license if 1913
the applicant for the license or renewal has done any of the 1914
following: 1915

(A) Failed to establish to the satisfaction of the 1916
superintendent that the applicant is honest, truthful, and of 1917
good reputation; 1918

(B) Accepted compensation or other valuable consideration 1919
from more than one interested party for the same service without 1920
the written consent of all interested parties; 1921

(C) Accepted commissions, allowances, or other valuable 1922
consideration, directly or indirectly, from other parties who 1923
deal with a client in connection with the home inspection for 1924

which the home inspector is responsible, or from other parties 1925
who are involved in any part of the real estate transaction 1926
involving a residential building for which that home inspector 1927
conducted a home inspection; 1928

(D) Repaired, replaced, or upgraded, or solicited to 1929
repair, replace, or upgrade, for compensation or other valuable 1930
consideration, systems or components in a residential building 1931
after completing a home inspection of that residential building, 1932
but prior to the close of the real estate transaction associated 1933
with that home inspection and the resolution of all contingent 1934
issues involving that building and transaction; 1935

(E) Failed to disclose to a client in writing and before 1936
entering into a written contract with the client information 1937
about any business interest of the home inspector that may 1938
affect the client in connection with the home inspection; 1939

(F) Pleaded guilty to or been convicted of any crime of 1940
moral turpitude, a felony, or an equivalent offense under the 1941
laws of any other state or the United States, or was required to 1942
register under Chapter 2950. of the Revised Code; 1943

(G) Failed to maintain or provide copies of records to the 1944
superintendent as required by section 4764.11 of the Revised 1945
Code or failed to cooperate with an investigation conducted by 1946
the superintendent under section 4764.12 of the Revised Code. 1947
Failure of a licensee to comply with a subpoena issued under 1948
division (D) of section 4764.12 of the Revised Code is prima 1949
facie evidence of a violation of division (B) of section 4764.11 1950
of the Revised Code. 1951

(H) Failed to maintain, be covered by, or submit proof of 1952
a comprehensive general liability insurance policy or a 1953

commercial general liability insurance policy as required under 1954
division (A) of section 4764.11 of the Revised Code at any point 1955
during the term of a prior license; 1956

(I) Violated rules adopted under section 4764.05 of the 1957
Revised Code or is otherwise not in compliance with this 1958
chapter; 1959

(J) Failed to submit proof of satisfying the continuing 1960
education requirements specified in section 4764.08 of the 1961
Revised Code. 1962

Sec. 4764.15. The superintendent of real estate and 1963
professional licensing may apply to any court of common pleas to 1964
enjoin a violation of this chapter. Upon a showing by the 1965
superintendent that a person has violated or is violating this 1966
chapter, the court shall grant an injunction, restraining order, 1967
or other appropriate relief. 1968

Sec. 4764.16. (A) Upon receipt of a written complaint or 1969
upon the motion of the superintendent of real estate and 1970
professional licensing, the superintendent may investigate any 1971
person who is not a licensed home inspector who has allegedly 1972
violated section 4764.02 of the Revised Code. 1973

(B) The superintendent has the same powers to investigate 1974
an alleged violation of section 4764.02 of the Revised Code by a 1975
person who is not licensed as a home inspector as those powers 1976
are specified in section 4764.12 of the Revised Code. If, after 1977
an investigation pursuant to section 4764.12 of the Revised 1978
Code, the superintendent determines that reasonable evidence 1979
exists that an unlicensed person has violated section 4764.02 of 1980
the Revised Code, within seven days after that determination, 1981
the superintendent shall send a written notice to that person by 1982

regular mail and shall include in the notice the information 1983
specified in section 119.07 of the Revised Code for notices 1984
given to licensees, except that the notice shall specify that a 1985
hearing will be held and specify the date, time, and place of 1986
the hearing. 1987

(C) The Ohio home inspector board shall hold a hearing 1988
regarding the alleged violation in the same manner prescribed 1989
for an adjudication hearing under section 119.09 of the Revised 1990
Code. If the board, after the hearing, determines a violation 1991
has occurred, the board may impose a civil penalty on the 1992
person, not exceeding five hundred dollars per violation which 1993
is distinct from any criminal fine imposed pursuant to section 1994
4764.99 of the Revised Code. Each day a violation occurs or 1995
continues is a separate violation. The superintendent may 1996
approve a payment plan if the unlicensed person requests such. 1997
The board shall maintain a transcript of the proceedings of the 1998
hearing and issue a written order to all parties, citing its 1999
findings and grounds for any action taken. The board's 2000
determination regarding a violation of section 4764.02 of the 2001
Revised Code is an order that the person may appeal in 2002
accordance with section 119.12 of the Revised Code. 2003

(D) If the unlicensed person who allegedly committed a 2004
violation of section 4764.02 of the Revised Code fails to appear 2005
for a hearing, the board may request the court of common pleas 2006
of the county where the alleged violation occurred to compel the 2007
person to appear before the board for a hearing. 2008

(E) If the board assesses an unlicensed person a civil 2009
penalty for a violation of section 4764.02 of the Revised Code 2010
and the person fails to pay that civil penalty within the time 2011
period prescribed by the board, the superintendent shall forward 2012

to the attorney general the name of the person and the amount of 2013
the civil penalty for the purpose of collecting that civil 2014
penalty. In addition to the civil penalty assessed pursuant to 2015
this section, the person also shall pay any fee assessed by the 2016
attorney general for collection of the civil penalty. 2017

If the board finds, or an unlicensed person admits to the 2018
board, a violation of section 4764.02 of the Revised Code, the 2019
superintendent shall not issue to the person a home inspector 2020
license without prior board approval. 2021

Sec. 4764.17. (A) Except as provided in divisions (B) and 2022
(C) of this section, nothing in this chapter shall be construed 2023
to create or imply a private cause of action against a licensed 2024
home inspector for a violation of this chapter if that action is 2025
not otherwise maintainable under common law. 2026

(B) An action for damages that is based on professional 2027
services that were rendered or that should have been rendered by 2028
a licensed home inspector shall not be brought, commenced, or 2029
maintained unless the action is filed within one year after the 2030
date that the home inspection is performed. 2031

(C) Before bringing, commencing, or maintaining an action 2032
under division (B) of this section, a client shall notify the 2033
licensed home inspector of the alleged deficiencies and shall 2034
allow the licensed home inspector the opportunity to review and 2035
remedy the alleged deficiencies. The statute of limitations 2036
specified in division (B) of this section shall be tolled for 2037
the period that begins on the date the client notifies the 2038
licensed home inspector of the alleged deficiencies and that 2039
ends on the date that the licensed home inspector reviews, 2040
declines to review, remedies, or declines to remedy the alleged 2041
deficiencies, whichever comes later. 2042

(D) The remedies provided under sections 4764.12 to 2043
4764.15 of the Revised Code are the exclusive remedies for 2044
alleged violations of any conflict of interest prohibitions 2045
specified in the rules adopted by the Ohio home inspector board 2046
pursuant to division (A)(10) of section 4764.05 of the Revised 2047
Code. 2048

(E) Nothing in this section shall be construed to prohibit 2049
the superintendent of real estate and professional licensing 2050
from investigating, or to prohibit the board from taking action 2051
against a licensed home inspector for violations of this chapter 2052
if the investigation commences more than one year after the date 2053
that the licensed home inspector conducts the home inspection 2054
that is the subject of the investigation and action. 2055

Sec. 4764.18. Except as provided in section 4764.21 of the 2056
Revised Code, the superintendent of real estate and professional 2057
licensing shall deposit all money collected under this chapter 2058
in the state treasury to the credit of the home inspectors fund, 2059
which is hereby created. Money credited to the fund shall be 2060
used solely by the superintendent to pay costs associated with 2061
the administration and enforcement of this chapter. 2062

Sec. 4764.19. On receipt of a notice pursuant to section 2063
3123.43 of the Revised Code, the superintendent of real estate 2064
and professional licensing shall comply with sections 3123.41 to 2065
3123.50 of the Revised Code and any applicable rules adopted 2066
under section 3123.63 of the Revised Code with respect to a 2067
license issued pursuant to this chapter. 2068

Sec. 4764.20. The superintendent of real estate and 2069
professional licensing shall comply with section 4776.20 of the 2070
Revised Code. 2071

Sec. 4764.21. (A) The home inspection recovery fund is 2072
hereby created in the state treasury, to be administered by the 2073
superintendent of real estate and professional licensing. 2074
Amounts collected by the superintendent as prescribed in this 2075
section and interest earned on the assets of the fund shall be 2076
ascertained by the superintendent as of the first day of July 2077
each year. 2078

The Ohio home inspector board, in accordance with rules 2079
adopted under division (A)(2) of section 4764.05 of the Revised 2080
Code, shall impose a special assessment not to exceed five 2081
dollars per year for each year of a licensing period on each 2082
licensee filing a notice of renewal under section 4764.09 of the 2083
Revised Code if the amount available in the fund is less than 2084
two hundred and fifty thousand dollars on the first day of July 2085
preceding that filing. The board may impose a special assessment 2086
not to exceed three dollars per year for each year of a 2087
licensing period if the amount available is greater than five 2088
hundred thousand dollars, but less than one million dollars on 2089
the first day of July preceding that filing. The board shall not 2090
impose a special assessment if the amount available in the fund 2091
exceeds one million dollars on the first day of July preceding 2092
that filing. 2093

(B)(1) Any person who obtains a final judgment in any 2094
court of competent jurisdiction against any home inspector 2095
licensed under this chapter, on the grounds of conduct that is 2096
in violation of this chapter or the rules adopted under it, and 2097
that is associated with an act or transaction that only a 2098
licensed home inspector is authorized to perform as specified in 2099
section 4764.02 of the Revised Code, may file an application, as 2100
described in division (B)(3) of this section, in the court of 2101
common pleas of Franklin county for an order directing payment 2102

out of the home inspection recovery fund of the portion of the 2103
judgment that remains unpaid and that represents an actual and 2104
direct loss sustained by the applicant. 2105

(2) Punitive damages, attorney's fees, and interest on a 2106
judgment are not recoverable from the fund. The superintendent 2107
may allow court costs to be recovered from the fund, and, if the 2108
superintendent authorizes the recovery of court costs, the order 2109
of the court of common pleas then may direct their payment from 2110
the fund. 2111

(3) The applicant shall describe in the application the 2112
nature of the act or transaction on which the underlying 2113
judgment was based, the activities of the applicant in pursuit 2114
of remedies available under law for the collection of judgments, 2115
and the actual and direct losses, attorney's fees, and the court 2116
costs sustained or incurred by the applicant. The applicant 2117
shall attach to the application a copy of each pleading and 2118
order in the underlying court action. 2119

(4) The court shall order the superintendent to make 2120
payments out of the fund when the person seeking the order has 2121
shown all of the following: 2122

(a) The person has obtained a judgment, as provided in 2123
this division; 2124

(b) All appeals from the judgment have been exhausted and 2125
the person has given notice to the superintendent, as required 2126
by division (C) of this section; 2127

(c) The person is not a spouse of the judgment debtor, or 2128
the personal representative of the spouse; 2129

(d) The person has diligently pursued the person's 2130
remedies against all the judgment debtors and all other persons 2131

liable to the person in the transaction for which the person 2132
seeks recovery from the fund; 2133

(e) The person is applying not more than one year after 2134
termination of all proceedings, including appeals, in connection 2135
with the judgment. 2136

(5) Divisions (B) (1) to (4) of this section do not apply 2137
to any of the following: 2138

(a) Actions arising from home inspections conducted by an 2139
unlicensed individual; 2140

(b) A bonding company when it is not a principal in the 2141
real estate transaction; 2142

(c) A person in an action for the payment of a fee or 2143
other compensation for the performance of an act or transaction 2144
specified or comprehended in division (A) or (C) of section 2145
4764.02 of the Revised Code; 2146

(d) Losses incurred by investors in real estate if the 2147
applicant and the licensee are principals in the investment. 2148

(C) A person who applies to a court of common pleas for an 2149
order directing payment out of the fund shall file notice of the 2150
application with the superintendent. The superintendent may 2151
defend any action on behalf of the fund and shall have recourse 2152
to all appropriate means of defense and review, including 2153
examination of witnesses, verification of actual and direct 2154
losses, and challenges to the underlying judgment required in 2155
division (B) (4) (a) of this section to determine whether the 2156
underlying judgment is based on activity only a licensed home 2157
inspector is permitted to perform. The superintendent may move 2158
the court at any time to dismiss the application when it appears 2159
there are no triable issues and the application is without 2160

merit. The motion may be supported by affidavit of any person 2161
having knowledge of the facts and may be made on the basis that 2162
the application, including the judgment referred to in it, does 2163
not form the basis for a meritorious recovery claim; provided, 2164
that the superintendent shall give written notice to the 2165
applicant at least ten days before making the motion. The 2166
superintendent may, subject to court approval, compromise a 2167
claim based upon the application of an aggrieved party. The 2168
superintendent shall not be bound by any prior compromise or 2169
stipulation of the judgment debtor. 2170

(D) Notwithstanding any other provision of this section to 2171
the contrary, the liability of the fund shall not exceed forty 2172
thousand dollars for any one licensee. If a licensee's license 2173
is reactivated as provided in division (E) of this section, the 2174
liability of the fund for the licensee under this section shall 2175
again be forty thousand dollars, but only for transactions that 2176
occur subsequent to the time of reactivation. 2177

If the forty-thousand-dollar liability of the fund is 2178
insufficient to pay in full the valid claims of all aggrieved 2179
persons by whom claims have been filed against any one licensee, 2180
the forty thousand dollars shall be distributed among them in 2181
the ratio that their respective claims bear to the aggregate of 2182
valid claims or in any other manner as the court finds 2183
equitable. Distribution of moneys shall be among the persons 2184
entitled to share in it, without regard to the order of priority 2185
in which their respective judgments may have been obtained or 2186
their claims have been filed. Upon petition of the 2187
superintendent, the court may require all claimants and 2188
prospective claimants against one licensee to be joined in one 2189
action, to the end that the respective rights of all the 2190
claimants to the fund may be equitably adjudicated and settled. 2191

(E) If the superintendent pays from the fund any amount in 2192
settlement of a claim or toward satisfaction of a judgment 2193
against a licensed home inspector, the license of the home 2194
inspector shall be automatically suspended upon the date of 2195
payment from the fund. The superintendent shall not reactivate 2196
the suspended license of that home inspector until the home 2197
inspector has repaid in full, plus interest per annum at the 2198
rate specified in division (A) of section 1343.03 of the Revised 2199
Code, the amount paid from the fund on the home inspector's 2200
account. A discharge in bankruptcy does not relieve a person 2201
from the suspension and requirements for reactivation provided 2202
in this section unless the underlying judgment has been included 2203
in the discharge and has not been reaffirmed by the debtor. 2204

(F) If, at any time, the money deposited in the fund is 2205
insufficient to satisfy any duly authorized claim or portion of 2206
a claim, the superintendent shall, when sufficient money has 2207
been deposited in the fund, satisfy the unpaid claims or 2208
portions, in the order that the claims or portions were 2209
originally filed, plus accumulated interest per annum at the 2210
rate specified in division (A) of section 1343.03 of the Revised 2211
Code. 2212

(G) When, upon the order of the court, the superintendent 2213
has paid from the fund any sum to the judgment creditor, the 2214
superintendent shall be subrogated to all of the rights of the 2215
judgment creditor to the extent of the amount so paid, and the 2216
judgment creditor shall assign all the judgment creditor's 2217
right, title, and interest in the judgment to the superintendent 2218
to the extent of the amount so paid. Any amount and interest so 2219
recovered by the superintendent on the judgment shall be 2220
deposited in the fund. 2221

(H) Nothing contained in this section shall limit the 2222
authority of the superintendent to take disciplinary action 2223
against any licensee under other provisions of this chapter; nor 2224
shall the repayment in full of all obligations to the fund by 2225
any licensee nullify or modify the effect of any other 2226
disciplinary proceeding brought pursuant to this chapter. 2227

(I) The superintendent shall collect from the fund a 2228
service fee in an amount equivalent to the interest rate 2229
specified in division (A) of section 1343.03 of the Revised Code 2230
multiplied by the annual interest earned on the assets of the 2231
fund, to defray the expenses incurred in the administration of 2232
the fund. 2233

Sec. 4764.99. (A) Whoever violates division (A) of section 2234
4764.02 of the Revised Code is guilty of a misdemeanor of the 2235
first degree. 2236

(B) Whoever violates division (D) of section 4764.02 of 2237
the Revised Code is guilty of a felony of the fifth degree. 2238

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 2239
4747., ~~and~~ 4749., and 4764., and sections 4725.40 to 4725.59 of 2240
the Revised Code: 2241

(A) "Crime of moral turpitude" or "moral turpitude" means 2242
all of the following: 2243

(1) A violation of section 2903.01 or 2903.02 of the 2244
Revised Code; 2245

(2) A sexually oriented offense as defined in section 2246
2950.01 of the Revised Code; 2247

(3) An offense that is an offense of violence as defined 2248
in section 2901.01 of the Revised Code, if the offense is a 2249

felony of the first or second degree;	2250
(4) Complicity in committing an offense described in	2251
division (A)(1) of this section;	2252
(5) An attempt or conspiracy to commit or complicity in	2253
committing any offense described in division (A)(1), (2), (3),	2254
or (4) of this section if the attempt, conspiracy, or complicity	2255
is a felony of the first or second degree;	2256
(6) A violation of any former law of this state, any	2257
existing or former law applicable in a military court or in an	2258
Indian tribal court, or any existing or former law of any nation	2259
other than the United States that is or was substantially	2260
equivalent to any offense listed in division (A)(1), (2), (3),	2261
(4), or (5) of this section.	2262
(B) "Direct nexus" means that the nature of the offense	2263
for which the individual was convicted or to which the	2264
individual pleaded guilty has a direct bearing on the fitness or	2265
ability of the individual to perform one or more of the duties	2266
or responsibilities necessarily related to a particular	2267
occupation, profession, or trade.	2268
(C) "Disqualifying offense" means an offense that is a	2269
felony and that has a direct nexus to an individual's proposed	2270
or current field of licensure, certification, or employment.	2271
Sec. 4776.20. (A) As used in this section:	2272
(1) "Licensing agency" means, in addition to each board	2273
identified in division (C) of section 4776.01 of the Revised	2274
Code, the board or other government entity authorized to issue a	2275
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719.,	2276
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740.,	2277
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763.,	2278

4764., 4765., 4766., 4771., 4773., and 4781. of the Revised 2279
Code. "Licensing agency" includes an administrative officer that 2280
has authority to issue a license. 2281

(2) "Licensee" means, in addition to a licensee as 2282
described in division (B) of section 4776.01 of the Revised 2283
Code, the person to whom a license is issued by the board or 2284
other government entity authorized to issue a license under 2285
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2286
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2287
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2288
4766., 4771., 4773., and 4781. of the Revised Code. 2289

(3) "Prosecutor" has the same meaning as in section 2290
2935.01 of the Revised Code. 2291

(B) On a licensee's conviction of, plea of guilty to, 2292
judicial finding of guilt of, or judicial finding of guilt 2293
resulting from a plea of no contest to the offense of 2294
trafficking in persons in violation of section 2905.32 of the 2295
Revised Code, the prosecutor in the case shall promptly notify 2296
the licensing agency of the conviction, plea, or finding and 2297
provide the licensee's name and residential address. On receipt 2298
of this notification, the licensing agency shall immediately 2299
suspend the licensee's license. 2300

(C) If there is a conviction of, plea of guilty to, 2301
judicial finding of guilt of, or judicial finding of guilt 2302
resulting from a plea of no contest to the offense of 2303
trafficking in persons in violation of section 2905.32 of the 2304
Revised Code and all or part of the violation occurred on the 2305
premises of a facility that is licensed by a licensing agency, 2306
the prosecutor in the case shall promptly notify the licensing 2307
agency of the conviction, plea, or finding and provide the 2308

facility's name and address and the offender's name and 2309
residential address. On receipt of this notification, the 2310
licensing agency shall immediately suspend the facility's 2311
license. 2312

(D) Notwithstanding any provision of the Revised Code to 2313
the contrary, the suspension of a license under division (B) or 2314
(C) of this section shall be implemented by a licensing agency 2315
without a prior hearing. After the suspension, the licensing 2316
agency shall give written notice to the subject of the 2317
suspension of the right to request a hearing under Chapter 119. 2318
of the Revised Code. After a hearing is held, the licensing 2319
agency shall either revoke or permanently revoke the license of 2320
the subject of the suspension, unless it determines that the 2321
license holder has not been convicted of, pleaded guilty to, 2322
been found guilty of, or been found guilty based on a plea of no 2323
contest to the offense of trafficking in persons in violation of 2324
section 2905.32 of the Revised Code. 2325

Section 2. That existing sections 109.572, 121.08, 2326
2925.01, 4735.181, 4735.99, 4776.10, and 4776.20 of the Revised 2327
Code are hereby repealed. 2328

Section 3. Section 4764.02 of the Revised Code, as enacted 2329
by this act, takes effect two hundred ten days after the 2330
effective date of this act. 2331

Section 4. Notwithstanding section 4764.04 of the Revised 2332
Code, as enacted by this act, persons appointed to the Ohio Home 2333
Inspector Board during the first year after the effective date 2334
of this act need not be licensed as required under that section. 2335

Section 5. Not later than one hundred eighty days after 2336
the effective date of this act, the Ohio Home Inspector Board 2337

shall adopt the rules the Board is required to adopt under this 2338
act. 2339

Section 6. (A) Notwithstanding section 4764.07 of the 2340
Revised Code, as enacted by this act, and except as provided 2341
under section 4764.14 of the Revised Code, as enacted by this 2342
act, during the period of time beginning on the date the last 2343
initial member of the Ohio Home Inspector Board is appointed 2344
pursuant to section 4764.04 of the Revised Code, as enacted by 2345
this act, and ending one hundred twenty days after that date, 2346
the Superintendent of Real Estate and Professional Licensing 2347
shall issue a home inspector license if a person applies for a 2348
license on a form the Superintendent provides and pays the fee 2349
specified in section 4764.05 of the Revised Code, as enacted by 2350
this act, and if the applicant demonstrates all of the 2351
following: 2352

(1) Proof of maintaining or being covered by a 2353
comprehensive general liability insurance policy or a commercial 2354
general liability insurance policy in accordance with division 2355
(A) of section 4764.11 of the Revised Code, as enacted by this 2356
act; 2357

(2) Proof by direct documentation or signed affidavit 2358
attesting to having met any one of the following requirements to 2359
demonstrate participation in the home inspection field prior to 2360
the effective date of this act: 2361

(a) Having performed at least two hundred home inspections 2362
for clients for compensation or other valuable consideration; 2363

(b) Having successfully passed a home inspector 2364
examination specified in division (A) (4) of section 4764.06 of 2365
the Revised Code, as enacted by this act; 2366

(c) Having actively operated a home inspection business in 2367
this state for three years before the effective date of this act 2368
under a business name officially registered with the Secretary 2369
of State; 2370

(d) Having been employed as a home inspector for the 2371
consecutive thirty-six months before the effective date of this 2372
act by an inspection company or person whose owner or manager 2373
meets the license requirement specified in this section; 2374

(e) Having successfully completed eighty hours of 2375
instruction of the type that would qualify for continuing 2376
education credit under section 4764.05 of the Revised Code. 2377

(3) Proof of signing a pledge agreeing to comply with the 2378
requirements specified in rules adopted by the Board pursuant to 2379
division (A)(10) of section 4764.05 of the Revised Code, as 2380
enacted by this act; 2381

(4) In a written statement, acknowledgment that the person 2382
understands the grounds for any disciplinary action that may be 2383
initiated under Chapter 4764. of the Revised Code, as enacted by 2384
this act. 2385

If the Board determines necessary, the Board may request 2386
the Superintendent to have a criminal records check conducted 2387
pursuant to section 121.08 of the Revised Code and the rules 2388
adopted by the Board pursuant to division (A)(6) of section 2389
4764.06 of the Revised Code, as enacted by this act, on any 2390
applicant who applies for a license under this section. 2391

(B) Any license issued under this section shall expire 2392
three years after the date the license was issued. A licensed 2393
home inspector may renew the licensed home inspector's license 2394
in accordance with section 4764.09 of the Revised Code, as 2395

enacted by this act. 2396

(C) As used in this section, "home inspection" and 2397
"residential building" have the same meanings as in section 2398
4764.01 of the Revised Code, as enacted by this act. "Home 2399
inspector" means a person who conducts home inspections for 2400
compensation or other valuable consideration. 2401