

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 148

Representative Patmon

Cosponsor: Representative Young

A BILL

To amend sections 109.572, 715.27, 3781.102, 1
4740.01, 4776.01, and 4776.20 and to enact 2
sections 4785.01, 4785.02, 4785.021, 4785.03, 3
4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4
4785.09, 4785.11, 4785.12, 4785.13, 4785.14, 5
4785.15, 4785.16, 4785.17, 4785.18, 4785.19, 6
4785.20, 4785.21, and 4785.99 of the Revised 7
Code to require statewide registration of home 8
improvement contractors, to create the Home 9
Improvement Board, and to make an appropriation. 10

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

Section 1. That sections 109.572, 715.27, 3781.102, 11
4740.01, 4776.01, and 4776.20 be amended and sections 4785.01, 12
4785.02, 4785.021, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 13
4785.08, 4785.09, 4785.11, 4785.12, 4785.13, 4785.14, 4785.15, 14
4785.16, 4785.17, 4785.18, 4785.19, 4785.20, 4785.21, and 15
4785.99 of the Revised Code be enacted to read as 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 Revised Code within five years of the date of application for licensure or certification.

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

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

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

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
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 287
4762.031, 4762.06, 4776.021, 4779.091, ~~or~~ 4783.04, or 4785.07 of 288
the Revised Code, accompanied by a completed form prescribed 289
under division (C) (1) of this section and a set of fingerprint 290

impressions obtained in the manner described in division (C) (2) 291
of this section, the superintendent of the bureau of criminal 292
identification and investigation shall conduct a criminal 293
records check in the manner described in division (B) of this 294
section to determine whether any information exists that 295
indicates that the person who is the subject of the request has 296
been convicted of or pleaded guilty to any criminal offense in 297
this state or any other state. Subject to division (F) of this 298
section, the superintendent shall send the results of a check 299
requested under section 113.041 of the Revised Code to the 300
treasurer of state and shall send the results of a check 301
requested under any of the other listed sections to the 302
licensing board specified by the individual in the request. 303

(10) On receipt of a request pursuant to section 1121.23, 304
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 305
Code, a completed form prescribed pursuant to division (C) (1) of 306
this section, and a set of fingerprint impressions obtained in 307
the manner described in division (C) (2) of this section, the 308
superintendent of the bureau of criminal identification and 309
investigation shall conduct a criminal records check in the 310
manner described in division (B) of this section to determine 311
whether any information exists that indicates that the person 312
who is the subject of the request previously has been convicted 313
of or pleaded guilty to any criminal offense under any existing 314
or former law of this state, any other state, or the United 315
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

(B) Subject to division (F) of this section, the 406
superintendent shall conduct any criminal records check to be 407
conducted under this section as follows: 408

(1) The superintendent shall review or cause to be 409
reviewed any relevant information gathered and compiled by the 410
bureau under division (A) of section 109.57 of the Revised Code 411

that relates to the person who is the subject of the criminal 412
records check, including, if the criminal records check was 413
requested under section 113.041, 121.08, 173.27, 173.38, 414
173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 415
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 416
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 417
3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 418
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, 419
any relevant information contained in records that have been 420
sealed under section 2953.32 of the Revised Code; 421

(2) If the request received by the superintendent asks for 422
information from the federal bureau of investigation, the 423
superintendent shall request from the federal bureau of 424
investigation any information it has with respect to the person 425
who is the subject of the criminal records check, including 426
fingerprint-based checks of national crime information databases 427
as described in 42 U.S.C. 671 if the request is made pursuant to 428
section 2151.86 or 5104.013 of the Revised Code or if any other 429
Revised Code section requires fingerprint-based checks of that 430
nature, and shall review or cause to be reviewed any information 431
the superintendent receives from that bureau. If a request under 432
section 3319.39 of the Revised Code asks only for information 433
from the federal bureau of investigation, the superintendent 434
shall not conduct the review prescribed by division (B)(1) of 435
this section. 436

(3) The superintendent or the superintendent's designee 437
may request criminal history records from other states or the 438
federal government pursuant to the national crime prevention and 439
privacy compact set forth in section 109.571 of the Revised 440
Code. 441

(4) The superintendent shall include in the results of the 442
criminal records check a list or description of the offenses 443
listed or described in division (A) (1), (2), (3), (4), (5), (6), 444
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 445
whichever division requires the superintendent to conduct the 446
criminal records check. The superintendent shall exclude from 447
the results any information the dissemination of which is 448
prohibited by federal law. 449

(5) The superintendent shall send the results of the 450
criminal records check to the person to whom it is to be sent 451
not later than the following number of days after the date the 452
superintendent receives the request for the criminal records 453
check, the completed form prescribed under division (C) (1) of 454
this section, and the set of fingerprint impressions obtained in 455
the manner described in division (C) (2) of this section: 456

(a) If the superintendent is required by division (A) of 457
this section (other than division (A) (3) of this section) to 458
conduct the criminal records check, thirty; 459

(b) If the superintendent is required by division (A) (3) 460
of this section to conduct the criminal records check, sixty. 461

(C) (1) The superintendent shall prescribe a form to obtain 462
the information necessary to conduct a criminal records check 463
from any person for whom a criminal records check is to be 464
conducted under this section. The form that the superintendent 465
prescribes pursuant to this division may be in a tangible 466
format, in an electronic format, or in both tangible and 467
electronic formats. 468

(2) The superintendent shall prescribe standard impression 469
sheets to obtain the fingerprint impressions of any person for 470

whom a criminal records check is to be conducted under this 471
section. Any person for whom a records check is to be conducted 472
under this section shall obtain the fingerprint impressions at a 473
county sheriff's office, municipal police department, or any 474
other entity with the ability to make fingerprint impressions on 475
the standard impression sheets prescribed by the superintendent. 476
The office, department, or entity may charge the person a 477
reasonable fee for making the impressions. The standard 478
impression sheets the superintendent prescribes pursuant to this 479
division may be in a tangible format, in an electronic format, 480
or in both tangible and electronic formats. 481

(3) Subject to division (D) of this section, the 482
superintendent shall prescribe and charge a reasonable fee for 483
providing a criminal records check under this section. The 484
person requesting the criminal records check shall pay the fee 485
prescribed pursuant to this division. In the case of a request 486
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 487
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 488
fee shall be paid in the manner specified in that section. 489

(4) The superintendent of the bureau of criminal 490
identification and investigation may prescribe methods of 491
forwarding fingerprint impressions and information necessary to 492
conduct a criminal records check, which methods shall include, 493
but not be limited to, an electronic method. 494

(D) The results of a criminal records check conducted 495
under this section, other than a criminal records check 496
specified in division (A) (7) of this section, are valid for the 497
person who is the subject of the criminal records check for a 498
period of one year from the date upon which the superintendent 499
completes the criminal records check. If during that period the 500

superintendent receives another request for a criminal records 501
check to be conducted under this section for that person, the 502
superintendent shall provide the results from the previous 503
criminal records check of the person at a lower fee than the fee 504
prescribed for the initial criminal records check. 505

(E) When the superintendent receives a request for 506
information from a registered private provider, the 507
superintendent shall proceed as if the request was received from 508
a school district board of education under section 3319.39 of 509
the Revised Code. The superintendent shall apply division (A) (1) 510
(c) of this section to any such request for an applicant who is 511
a teacher. 512

(F) (1) Subject to division (F) (2) of this section, all 513
information regarding the results of a criminal records check 514
conducted under this section that the superintendent reports or 515
sends under division (A) (7) or (9) of this section to the 516
director of public safety, the treasurer of state, or the 517
person, board, or entity that made the request for the criminal 518
records check shall relate to the conviction of the subject 519
person, or the subject person's plea of guilty to, a criminal 520
offense. 521

(2) Division (F) (1) of this section does not limit, 522
restrict, or preclude the superintendent's release of 523
information that relates to the arrest of a person who is 524
eighteen years of age or older, to an adjudication of a child as 525
a delinquent child, or to a criminal conviction of a person 526
under eighteen years of age in circumstances in which a release 527
of that nature is authorized under division (E) (2), (3), or (4) 528
of section 109.57 of the Revised Code pursuant to a rule adopted 529
under division (E) (1) of that section. 530

(G) As used in this section:	531
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	532 533 534 535
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	536 537
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	538 539 540 541 542
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	543 544 545 546 547 548
Sec. 715.27. (A) Any municipal corporation may:	549
(1) Regulate the erection of fences, billboards, signs, and other structures, within the municipal corporation, and provide for the removal and repair of insecure billboards, signs, and other structures;	550 551 552 553
(2) Regulate the construction and repair of wires, poles, plants, and all equipment to be used for the generation and application of electricity;	554 555 556
(3) Provide for the licensing of house movers; plumbers; sewer tappers; vault cleaners; and specialty contractors who are	557 558

not required to hold a valid license issued pursuant to Chapter 559
4740. or 4785. of the Revised Code; 560

(4) Require all specialty contractors other than those who 561
hold a valid license issued pursuant to Chapter 4740. of the 562
Revised Code, to successfully complete an examination, test, or 563
demonstration of technical skills, and may impose a fee and 564
additional requirements for a license or registration to engage 565
in their respective occupations within the jurisdiction of the 566
municipal corporation. 567

(B) No municipal corporation shall require any specialty 568
contractor who holds a valid license issued pursuant to Chapter 569
4740. of the Revised Code to complete an examination, test, or 570
demonstration of technical skills to engage in the type of 571
contracting for which the license is held, within the municipal 572
corporation. 573

(C) A municipal corporation may require a specialty 574
contractor who holds a valid license issued pursuant to Chapter 575
4740. of the Revised Code to register with the municipal 576
corporation and pay any fee the municipal corporation imposes 577
before that specialty contractor may engage within the municipal 578
corporation in the type of contracting for which the license is 579
held. Any fee shall be the same for all specialty contractors 580
who engage in the same type of contracting. A municipal 581
corporation may require a bond and proof of all of the 582
following: 583

(1) Insurance pursuant to division (B) (4) of section 584
4740.06 of the Revised Code; 585

(2) Compliance with Chapters 4121. and 4123. of the 586
Revised Code; 587

(3) Registration with the tax department of the municipal corporation. 588
589

If a municipal corporation requires registration, imposes 590
such a fee, or requires a bond or proof of the items listed in 591
divisions (C) (1), (2), and (3) of this section, the municipal 592
corporation immediately shall permit a contractor who presents 593
proof of holding a valid license issued pursuant to Chapter 594
4740. of the Revised Code, who registers, pays the fee, obtains 595
a bond, and submits the proof described under divisions (C) (1), 596
(2), and (3) of this section, as required, to engage in the type 597
of contracting for which the license is held, within the 598
municipal corporation. 599

(D) A municipal corporation may revoke the registration of 600
a contractor registered with that municipal corporation for good 601
cause shown. Good cause shown includes the failure of a 602
contractor to maintain a bond or the items listed in divisions 603
(C) (1), (2), and (3) of this section, if the municipal 604
corporation requires those. 605

(E) A municipal corporation that licenses specialty 606
contractors pursuant to division (A) (3) of this section may 607
accept, for purposes of satisfying its licensing requirements, a 608
valid license issued pursuant to Chapter 4740. of the Revised 609
Code that a specialty contractor holds, for the construction, 610
replacement, maintenance, or repair of one-family, two-family, 611
or three-family dwelling houses or accessory structures 612
incidental to those dwelling houses. 613

(F) A municipal corporation shall not register a specialty 614
contractor who is required to hold a license under Chapter 4740. 615
of the Revised Code but does not hold a valid license issued 616
under that chapter. 617

(G) As used in this section, "specialty contractor" means 618
a heating, ventilating, and air conditioning contractor, 619
refrigeration contractor, electrical contractor, plumbing 620
contractor, or hydronics contractor, as those contractors are 621
described in Chapter 4740. of the Revised Code. 622

(H) A municipal corporation shall not impose additional 623
requirements on persons engaged in home improvements as 624
regulated by Chapter 4785. of the Revised Code. 625

Sec. 3781.102. (A) Any county or municipal building 626
department certified pursuant to division (E) of section 3781.10 627
of the Revised Code as of September 14, 1970, and that, as of 628
that date, was inspecting single-family, two-family, and three- 629
family residences, and any township building department 630
certified pursuant to division (E) of section 3781.10 of the 631
Revised Code, is hereby declared to be certified to inspect 632
single-family, two-family, and three-family residences 633
containing industrialized units, and shall inspect the buildings 634
or classes of buildings subject to division (E) of section 635
3781.10 of the Revised Code. 636

(B) Each board of county commissioners may adopt, by 637
resolution, rules establishing standards and providing for the 638
licensing of electrical and heating, ventilating, and air 639
conditioning contractors who are not required to hold a valid 640
and unexpired license or registration pursuant to Chapter 4740. 641
or 4785. of the Revised Code. 642

Rules adopted by a board of county commissioners pursuant 643
to this division may be enforced within the unincorporated areas 644
of the county and within any municipal corporation where the 645
legislative authority of the municipal corporation has 646
contracted with the board for the enforcement of the county 647

rules within the municipal corporation pursuant to section 648
307.15 of the Revised Code. The rules shall not conflict with 649
rules adopted by the board of building standards pursuant to 650
section 3781.10 of the Revised Code or by the department of 651
commerce pursuant to Chapter 3703. of the Revised Code. This 652
division does not impair or restrict the power of municipal 653
corporations under Section 3 of Article XVIII, Ohio 654
Constitution, to adopt rules concerning the erection, 655
construction, repair, alteration, and maintenance of buildings 656
and structures or of establishing standards and providing for 657
the licensing of specialty contractors pursuant to section 658
715.27 of the Revised Code. 659

A board of county commissioners, pursuant to this 660
division, may require all electrical contractors and heating, 661
ventilating, and air conditioning contractors, other than those 662
who hold a valid and unexpired license issued pursuant to 663
Chapter 4740. of the Revised Code, to successfully complete an 664
examination, test, or demonstration of technical skills, and may 665
impose a fee and additional requirements for a license to engage 666
in their respective occupations within the jurisdiction of the 667
board's rules under this division. 668

A board of county commissioners shall not impose 669
additional requirements on persons engaged in home improvements 670
as regulated by Chapter 4785. of the Revised Code. 671

(C) No board of county commissioners shall require any 672
specialty contractor who holds a valid and unexpired license 673
issued pursuant to Chapter 4740. of the Revised Code to 674
successfully complete an examination, test, or demonstration of 675
technical skills in order to engage in the type of contracting 676
for which the license is held, within the unincorporated areas 677

of the county and within any municipal corporation whose 678
legislative authority has contracted with the board for the 679
enforcement of county regulations within the municipal 680
corporation, pursuant to section 307.15 of the Revised Code. 681

(D) A board may impose a fee for registration of a 682
specialty contractor who holds a valid and unexpired license 683
issued pursuant to Chapter 4740. of the Revised Code before that 684
specialty contractor may engage in the type of contracting for 685
which the license is held within the unincorporated areas of the 686
county and within any municipal corporation whose legislative 687
authority has contracted with the board for the enforcement of 688
county regulations within the municipal corporation, pursuant to 689
section 307.15 of the Revised Code, provided that the fee is the 690
same for all specialty contractors who wish to engage in that 691
type of contracting. If a board imposes such a fee, the board 692
immediately shall permit a specialty contractor who presents 693
proof of holding a valid and unexpired license and pays the 694
required fee to engage in the type of contracting for which the 695
license is held within the unincorporated areas of the county 696
and within any municipal corporation whose legislative authority 697
has contracted with the board for the enforcement of county 698
regulations within the municipal corporation, pursuant to 699
section 307.15 of the Revised Code. 700

(E) The political subdivision associated with each 701
municipal, township, and county building department the board of 702
building standards certifies pursuant to division (E) of section 703
3781.10 of the Revised Code may prescribe fees to be paid by 704
persons, political subdivisions, or any department, agency, 705
board, commission, or institution of the state, for the 706
acceptance and approval of plans and specifications, and for the 707
making of inspections, pursuant to sections 3781.03 and 3791.04 708

of the Revised Code. 709

(F) Each political subdivision that prescribes fees 710
pursuant to division (E) of this section shall collect, on 711
behalf of the board of building standards, fees equal to the 712
following: 713

(1) Three per cent of the fees the political subdivision 714
collects in connection with nonresidential buildings; 715

(2) One per cent of the fees the political subdivision 716
collects in connection with residential buildings. 717

(G) (1) The board shall adopt rules, in accordance with 718
Chapter 119. of the Revised Code, specifying the manner in which 719
the fee assessed pursuant to division (F) of this section shall 720
be collected and remitted monthly to the board. The board shall 721
pay the fees into the state treasury to the credit of the 722
industrial compliance operating fund created in section 121.084 723
of the Revised Code. 724

(2) All money credited to the industrial compliance 725
operating fund under this division shall be used exclusively for 726
the following: 727

(a) Operating costs of the board; 728

(b) Providing services, including educational programs, 729
for the building departments that are certified by the board 730
pursuant to division (E) of section 3781.10 of the Revised Code; 731

(c) Paying the expenses of the residential construction 732
advisory committee, including the expenses of committee members 733
as provided in section 4740.14 of the Revised Code. 734

(H) A board of county commissioners that adopts rules 735
providing for the licensing of electrical and heating, 736

ventilating, and air conditioning contractors, pursuant to 737
division (B) of this section, may accept, for purposes of 738
satisfying the requirements of rules adopted under that 739
division, a valid and unexpired license issued pursuant to 740
Chapter 4740. of the Revised Code that is held by an electrical 741
or heating, ventilating, and air conditioning contractor, for 742
the construction, replacement, maintenance, or repair of one- 743
family, two-family, or three-family dwelling houses or accessory 744
structures incidental to those dwelling houses. 745

(I) A board of county commissioners shall not register a 746
specialty contractor who is required to hold a license under 747
Chapter 4740. of the Revised Code but does not hold a valid 748
license issued under that chapter. 749

(J) As used in this section, "specialty contractor" means 750
a heating, ventilating, and air conditioning contractor, 751
refrigeration contractor, electrical contractor, plumbing 752
contractor, or hydronics contractor, as those contractors are 753
described in Chapter 4740. of the Revised Code. 754

Sec. 4740.01. As used in this chapter: 755

(A) "License" means a license the Ohio construction 756
industry licensing board issues to an individual as a heating, 757
ventilating, and air conditioning contractor, refrigeration 758
contractor, electrical contractor, plumbing contractor, or 759
hydronics contractor. 760

(B) "Contractor" means any individual or contracting 761
company that satisfies both of the following: 762

(1) Has responsibility for the means, method, and manner 763
of construction, improvement, renovation, repair, or maintenance 764
on a construction project with respect to one or more trades and 765

who offers, identifies, advertises, or otherwise holds out or 766
represents that the individual or contracting company is 767
permitted or qualified to perform or have responsibility for the 768
means, method, and manner of construction, improvement, 769
renovation, repair, or maintenance with respect to one or more 770
trades on a construction project; 771

(2) Does either of the following: 772

(a) Performs construction, improvement, or renovation on a 773
construction project with respect to the individual's or 774
contracting company's trade; 775

(b) Employs tradespersons who perform construction, 776
improvement, or renovation on a construction project with 777
respect to the individual's or contracting company's trades. 778

(C) "Contracting company" means a company in the 779
construction industry working on construction projects. 780

(D) "Licensed trade" means a trade performed by a heating, 781
ventilating, and air conditioning contractor, a refrigeration 782
contractor, an electrical contractor, a plumbing contractor, or 783
a hydronics contractor. 784

(E) "Tradesperson" means any individual who is employed by 785
a contractor and who engages in construction, improvement, 786
renovation, repair, or maintenance of buildings or structures 787
without assuming responsibility for the means, method, or manner 788
of that construction, improvement, renovation, repair, or 789
maintenance. 790

(F) "Construction project" means a construction project 791
involving a building or structure subject to Chapter 3781. of 792
the Revised Code and the rules adopted under that chapter, ~~but~~ 793
"Construction project" includes a residential building as 794

defined in section 3781.06 of the Revised Code if the 795
residential building is occupied by the owner of the residential 796
building. "Construction project" does not include an 797
industrialized unit ~~or a residential building~~ as defined in 798
section 3781.06 of the Revised Code. 799

(G) "Training agency" means an entity approved by the 800
administrative section of the board to provide continuing 801
education courses. 802

Sec. 4776.01. As used in this chapter: 803

(A) "License" means an authorization evidenced by a 804
license, certificate, registration, permit, card, or other 805
authority that is issued or conferred by a licensing agency to a 806
licensee or to an applicant for an initial license by which the 807
licensee or initial license applicant has or claims the 808
privilege to engage in a profession, occupation, or occupational 809
activity, or, except in the case of the state dental board, to 810
have control of and operate certain specific equipment, 811
machinery, or premises, over which the licensing agency has 812
jurisdiction. 813

(B) Except as provided in section 4776.20 of the Revised 814
Code, "licensee" means the person to whom the license is issued 815
by a licensing agency. 816

(C) Except as provided in section 4776.20 of the Revised 817
Code, "licensing agency" means any of the following: 818

(1) The board authorized by Chapters 4701., 4717., 4725., 819
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 820
4759., 4760., 4761., 4762., 4779., ~~and 4783.~~, and 4785. of the 821
Revised Code to issue a license to engage in a specific 822
profession, occupation, or occupational activity, or to have 823

charge of and operate certain specified equipment, machinery, or 824
premises. 825

(2) The state dental board, relative to its authority to 826
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 827
or 4715.27 of the Revised Code. 828

(D) "Applicant for an initial license" includes persons 829
seeking a license for the first time and persons seeking a 830
license by reciprocity, endorsement, or similar manner of a 831
license issued in another state. 832

(E) "Applicant for a restored license" includes persons 833
seeking restoration of a certificate under section 4730.14, 834
4731.281, 4760.06, or 4762.06 of the Revised Code. 835

(F) "Criminal records check" has the same meaning as in 836
section 109.572 of the Revised Code. 837

Sec. 4776.20. (A) As used in this section: 838

(1) "Licensing agency" means, in addition to each board 839
identified in division (C) of section 4776.01 of the Revised 840
Code, the board or other government entity authorized to issue a 841
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 842
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 843
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 844
4765., 4766., 4771., 4773., 4774., 4778., ~~and 4781.,~~ and 4785. 845
of the Revised Code. "Licensing agency" includes an 846
administrative officer that has authority to issue a license. 847

(2) "Licensee" means, in addition to a licensee as 848
described in division (B) of section 4776.01 of the Revised 849
Code, the person to whom a license is issued by the board or 850
other government entity authorized to issue a license under 851
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 852

4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 853
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 854
4771., 4773., 4774., 4778., ~~and 4781.~~ and 4785. of the Revised 855
Code. 856

(3) "Prosecutor" has the same meaning as in section 857
2935.01 of the Revised Code. 858

(B) On a licensee's conviction of, plea of guilty to, 859
judicial finding of guilt of, or judicial finding of guilt 860
resulting from a plea of no contest to the offense of 861
trafficking in persons in violation of section 2905.32 of the 862
Revised Code, the prosecutor in the case shall promptly notify 863
the licensing agency of the conviction, plea, or finding and 864
provide the licensee's name and residential address. On receipt 865
of this notification, the licensing agency shall immediately 866
suspend the licensee's license. 867

(C) If there is a conviction of, plea of guilty to, 868
judicial finding of guilt of, or judicial finding of guilt 869
resulting from a plea of no contest to the offense of 870
trafficking in persons in violation of section 2905.32 of the 871
Revised Code and all or part of the violation occurred on the 872
premises of a facility that is licensed by a licensing agency, 873
the prosecutor in the case shall promptly notify the licensing 874
agency of the conviction, plea, or finding and provide the 875
facility's name and address and the offender's name and 876
residential address. On receipt of this notification, the 877
licensing agency shall immediately suspend the facility's 878
license. 879

(D) Notwithstanding any provision of the Revised Code to 880
the contrary, the suspension of a license under division (B) or 881
(C) of this section shall be implemented by a licensing agency 882

without a prior hearing. After the suspension, the licensing 883
agency shall give written notice to the subject of the 884
suspension of the right to request a hearing under Chapter 119. 885
of the Revised Code. After a hearing is held, the licensing 886
agency shall either revoke or permanently revoke the ~~licence~~ 887
license of the subject of the suspension, unless it determines 888
that the license holder has not been convicted of, pleaded 889
guilty to, been found guilty of, or been found guilty based on a 890
plea of no contest to the offense of trafficking in persons in 891
violation of section 2905.32 of the Revised Code. 892

Sec. 4785.01. (A) (1) "Home improvement" includes any of 893
the following if the cost to an owner exceeds five hundred 894
dollars but does not exceed twenty-five thousand dollars: 895

(a) The repair, replacement, remodeling, alteration, 896
conversion, modernization, improvement, rehabilitation, or 897
sandblasting of, or the addition to, any residential building or 898
structure adjacent to a residential building; 899

(b) The construction of any structure adjacent to a 900
residential building, such as a garage, deck, shed, or gazebo; 901

(c) Any addition or improvement to land not included in 902
the definition of "landscape architecture" as that term is 903
defined in division (B) of section 4703.30 of the Revised Code. 904

(2) "Home improvement" does not include any of the 905
following: 906

(a) The construction of a new residential building; 907

(b) The sale of appliances such as stoves, refrigerators, 908
freezers, room air conditioners, and other appliances that are 909
designed for installation in, and are easily removable from, a 910
residential building without material alteration of the 911

<u>residential building;</u>	912
<u>(c) Any work performed without compensation.</u>	913
<u>(B) "Home improvement contractor" means any individual who</u>	914
<u>undertakes, offers to undertake, or agrees to perform any home</u>	915
<u>improvement for an owner. "Home improvement contractor" does not</u>	916
<u>include a home improvement retailer.</u>	917
<u>(C) "Home improvement retailer" means a retailer who does</u>	918
<u>both of the following:</u>	919
<u>(1) Sells materials for use in a home improvement;</u>	920
<u>(2) Does not perform any home improvement but contracts to</u>	921
<u>have a subcontractor or independent contractor perform a home</u>	922
<u>improvement for the retailer's customer.</u>	923
<u>(D) "Owner" means the person who contracts with a home</u>	924
<u>improvement contractor for a home improvement. "Owner" includes</u>	925
<u>the owner of a residential building or a person the owner</u>	926
<u>authorizes to act on the owner's behalf to contract for a home</u>	927
<u>improvement.</u>	928
<u>(E) "Residential building" has the same meaning as in</u>	929
<u>section 3781.06 of the Revised Code.</u>	930
<u>(F) "Workmanlike manner" means the home improvement</u>	931
<u>contractor has engaged in construction that meets or exceeds the</u>	932
<u>minimum quantifiable standards promulgated by the Ohio home</u>	933
<u>builders association.</u>	934
<u>Sec. 4785.02. (A) Except as otherwise provided in division</u>	935
<u>(D) of this section, no person shall knowingly act as a home</u>	936
<u>improvement contractor unless the person is registered as a home</u>	937
<u>improvement contractor under this chapter.</u>	938

(B) Except as otherwise provided in division (D) of this section, no person shall knowingly advertise or otherwise hold the person out as a home improvement contractor unless the person is registered as a home improvement contractor under this chapter. 939
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(C) Upon the request of the home improvement board, the attorney general may bring a civil action for appropriate relief, including a temporary restraining order or permanent injunction, in the court of common pleas of the county where the unregistered person resides or is acting as or claiming to be a registered home improvement contractor. 944
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(D) This section does not apply to any person who acts as or holds the person out as a home improvement contractor if the person is licensed under Chapter 4740. of the Revised Code and the home improvement performed or offered is covered by the person's license under Chapter 4740. of the Revised Code. 950
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Sec. 4785.021. A home improvement retailer shall do both of the following: 955
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(A) Ensure that a subcontractor or independent contractor performing a home improvement for the retailer's customer is registered as a home improvement contractor under this chapter; 957
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(B) Provide the name and registration number of the subcontractor or independent contractor to the retailer's customer before performance of the home improvement may begin. 960
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Sec. 4785.03. There is hereby created within the department of commerce the home improvement board, consisting of five members, one of whom is certified under section 3781.10 of the Revised Code to inspect residential buildings, two of whom are home improvement contractors registered under this chapter, 963
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and two of whom are representatives of an association that 968
represents the interests of home improvement contractors. The 969
director of commerce shall appoint all members of the board. The 970
board is responsible for the registration of home improvement 971
contractors under this chapter. 972

The director shall appoint the initial members of the 973
board not later than ninety days after the effective date of 974
this section. Of the initial appointments to the board, two 975
shall be for terms ending July 31, 2018, two shall be for terms 976
ending July 31, 2019, and one shall be for a term ending July 977
31, 2020. Thereafter, the terms of office of all appointed 978
members of the board are for three years, each term ending on 979
the same day of the same month of the year as did the term that 980
it succeeds. Each member shall hold office from the date of 981
appointment until the end of the term for which the member was 982
appointed. Members may be reappointed. Vacancies shall be filled 983
in the manner provided for original appointments. Any member 984
appointed to fill a vacancy occurring prior to the expiration of 985
the term for which the member's predecessor was appointed shall 986
hold office as a member for the remainder of that term. A member 987
shall continue in office subsequent to the expiration of a term 988
until a successor takes office or until a period of sixty days 989
has elapsed, whichever occurs first. 990

Before entering upon the discharge of official duties, 991
each member shall take the oath of office required by Section 7 992
of Article XV, Ohio Constitution. 993

Each member shall receive a per diem amount fixed pursuant 994
to section 124.15 of the Revised Code when actually attending to 995
matters of the board and for the time spent in necessary travel, 996
and all actual and necessary expenses incurred in the discharge 997

of official duties. 998

The director may remove any member of the board the 999
director appoints for malfeasance, misfeasance, or nonfeasance. 1000

Membership on the board and holding any office of the 1001
board does not constitute holding a public office or employment 1002
within the meaning of any section of the Revised Code, or an 1003
interest, either direct or indirect, in a contract or 1004
expenditure of money by the state or any municipal corporation, 1005
township, special district, school district, county, or other 1006
political subdivision. No member or officer of the board is 1007
disqualified from holding any public office or employment nor 1008
shall the officer or member forfeit any public office or 1009
employment by reason of holding a position as an officer or 1010
member of the board. 1011

The board shall meet only after adequate advance notice of 1012
the meeting has been given to each member of the board. 1013

Sec. 4785.04. (A) The home improvement board annually 1014
shall elect from among its members a chairperson and other 1015
officers as the board, by rule, designates. The chairperson 1016
shall preside over meetings of the board or designate another 1017
member to preside in the chairperson's absence. The board shall 1018
hold at least two regular meetings each year, but may meet at 1019
additional times as specified by rule, at the call of the 1020
chairperson, or upon the request of two or more members. A 1021
majority of the members of the board constitutes a quorum for 1022
the transaction of all business. The board may not take any 1023
action without the concurrence of at least three of its members. 1024

(B) (1) The board shall employ a secretary, who is not a 1025
member of the board, to serve at the pleasure of the board, and 1026

shall fix the compensation of the secretary. The secretary shall 1027
be in the unclassified civil service of the state. 1028

(2) The secretary shall do all of the following: 1029

(a) Keep or set standards for and delegate to another 1030
individual the keeping of the minutes, books, and other records 1031
and files of the board; 1032

(b) Issue all registrations in the name of the board; 1033

(c) Send out all notices, including advance notices of 1034
meetings of the board, and attend to all correspondence of the 1035
board, under the direction of the board; 1036

(d) Perform all other duties incidental to the office of 1037
the secretary or properly assigned to the secretary by the 1038
board. 1039

(3) Before entering upon the discharge of the duties of 1040
the secretary, the secretary shall file with the treasurer of 1041
state a bond in the sum of five thousand dollars, payable to the 1042
state, to ensure the faithful performance of the secretary's 1043
duties. The board shall pay the premium of the bond in the same 1044
manner as it pays other expenditures of the board. 1045

(C) Upon the request of the board, the director of 1046
commerce shall supply the board with personnel, office space, 1047
and supplies, as the director determines appropriate. The board 1048
shall employ any additional staff it considers necessary and 1049
appropriate. 1050

(D) The chairperson of the board or the secretary, or 1051
both, as authorized by the board, shall approve all vouchers of 1052
the board. 1053

Sec. 4785.05. The home improvement board is responsible 1054

for the administration of this chapter and shall do all of the 1055
following: 1056

(A) Issue and renew registrations as follows: 1057

(1) Issue a registration to any individual whom the board 1058
determines is qualified pursuant to section 4785.06 of the 1059
Revised Code to hold a registration; 1060

(2) Include in each registration the contractor's name, 1061
registration number, expiration date, and the name of the 1062
business entity associated with the individual, as applicable; 1063

(3) Renew registrations for individuals who meet the 1064
renewal requirements specified in section 4785.06 of the Revised 1065
Code. 1066

(B) Make an annual written report to the director of 1067
commerce on proceedings had by or before the board for the 1068
previous year and make an annual statement of all money received 1069
and expended by the board during the year; 1070

(C) Keep a record of every individual issued a 1071
registration pursuant to this chapter, including the 1072
individual's name, address, the date on which the registration 1073
was issued, and the individual's registration number; 1074

(D) Regulate the use and display of a registration issued 1075
pursuant to this chapter and of any information contained in 1076
that registration; 1077

(E) Adopt rules in accordance with Chapter 119. of the 1078
Revised Code as necessary to properly discharge the board's 1079
duties under this chapter. The rules shall include, but not be 1080
limited to, the following: 1081

(1) Application procedures; 1082

<u>(2) Criteria for the board to use in deciding whether to</u>	1083
<u>suspend, revoke, or refuse to issue or renew a registration;</u>	1084
<u>(3) Specifications for continuing education requirements</u>	1085
<u>for registration renewal that address all of the following:</u>	1086
<u>(a) A requirement that an individual who holds a valid and</u>	1087
<u>unexpired registration accrue a total of ten hours of continuing</u>	1088
<u>education courses per year;</u>	1089
<u>(b) Requirements for the reporting of continuing education</u>	1090
<u>hours;</u>	1091
<u>(c) Procedures and requirements for the approval of</u>	1092
<u>continuing education courses.</u>	1093
<u>(4) A list of disqualifying offenses pursuant to sections</u>	1094
<u>4785.06, 4785.12, and 4776.10 of the Revised Code.</u>	1095
<u>(F) Investigate allegations in reference to violations of</u>	1096
<u>this chapter and the rules adopted pursuant to it and determine</u>	1097
<u>by rule a procedure to conduct investigations and hearings on</u>	1098
<u>these allegations;</u>	1099
<u>(G) Keep a record of its proceedings and do all things</u>	1100
<u>necessary to carry out this chapter.</u>	1101
Sec. 4785.06. <u>(A) An individual seeking registration as a</u>	1102
<u>home improvement contractor shall submit an application to the</u>	1103
<u>home improvement board on a form prescribed by the board. The</u>	1104
<u>board shall issue a registration as a home improvement</u>	1105
<u>contractor to an applicant who meets all of the following</u>	1106
<u>requirements:</u>	1107
<u>(1) Is at least eighteen years of age;</u>	1108
<u>(2) Pays the board any required fee determined pursuant to</u>	1109

section 4785.18 of the Revised Code; 1110

(3) Has a permanent place of business in this state and 1111
submits to the board the address of the permanent place of 1112
business; 1113

(4) Has liability insurance or a surety bond in an amount 1114
of at least two hundred fifty thousand dollars; 1115

(5) Is determined eligible for registration by the board 1116
pursuant to section 4785.07 of the Revised Code. 1117

(B) Each registration shall include the home improvement 1118
contractor's name, registration number, the expiration date of 1119
the registration, and the name of the business entity with whom 1120
the contractor is employed, as applicable. 1121

(C) A registration issued under this section expires 1122
annually and may be renewed. The board shall renew a 1123
registration if the applicant submits an application for renewal 1124
to the board on a form prescribed by the board and does all of 1125
the following: 1126

(1) Meets the requirements of division (A) of this 1127
section; 1128

(2) Completes at least ten hours of continuing education 1129
courses per year; 1130

(3) Demonstrates compliance with this chapter and the 1131
rules adopted under it. 1132

Sec. 4785.07. In addition to any other eligibility 1133
requirement set forth in this chapter, each applicant for an 1134
initial registration shall comply with sections 4776.01 to 1135
4776.04 of the Revised Code. The home improvement board shall 1136
not grant a registration to an applicant for a registration 1137

unless the applicant complies with sections 4776.01 to 4776.04 1138
of the Revised Code and the board, in its discretion, decides 1139
that the results of the criminal records check do not make the 1140
applicant ineligible for a registration issued pursuant to 1141
section 4785.06 of the Revised Code. 1142

Sec. 4785.08. (A) Except as otherwise provided in this 1143
section, the home improvement board shall issue and renew all 1144
registrations under this chapter in the name of the individual 1145
who meets the requirements of section 4785.06 of the Revised 1146
Code. 1147

(B) (1) In the case of an individual who is employed by a 1148
business entity and is applying for registration as a home 1149
improvement contractor, the individual shall request at the time 1150
of applying for a registration that the individual's 1151
registration be assigned to the business entity with whom the 1152
individual is employed. 1153

(2) If the individual is issued a registration and meets 1154
the requirements of this section for the assignment of the 1155
registration to a business entity, the board shall assign the 1156
registration to and issue a registration in the name of the 1157
business entity. The registration assigned and issued to a 1158
business entity under this division shall state the name and 1159
position of the individual who assigned the registration to the 1160
business entity. 1161

(C) During the period a business entity holds a 1162
registration issued under division (B) of this section, the 1163
board shall not issue another registration to the individual who 1164
assigned the registration to the business entity. 1165

(D) (1) If a contractor who assigned a registration to a 1166

business entity under division (B) of this section ceases to be 1167
associated with the business entity for any reason, including 1168
the death of the contractor, the contractor or business entity 1169
immediately shall notify the board of the date on which the 1170
contractor ceased to be associated with the business entity. 1171
Such a registration assignation is invalid according to the 1172
following, as applicable: 1173

(a) Ninety calendar days after the death of the 1174
contractor; 1175

(b) Ninety calendar days after the contractor completes a 1176
change of business entity form; 1177

(c) At an earlier time to which the business entity and 1178
the contractor agree. 1179

(2) If a registration assigned to a business entity 1180
becomes invalid pursuant to division (D)(1) of this section and 1181
another individual has assigned a registration to the business 1182
entity, the business entity may continue to operate under the 1183
other assigned registration. 1184

(E) Any work a business entity conducts under the 1185
registration assigned under this section or displayed under 1186
division (D) of section 4785.05 of the Revised Code is deemed to 1187
be conducted under the personal supervision of the individual 1188
named in the registration and any violation of any term of the 1189
registration is deemed to have been committed by the individual 1190
named in the registration. 1191

(F) No individual who assigns a registration to a business 1192
entity shall assign a registration to another business entity 1193
until the original registration assignation is invalid pursuant 1194
to division (D) of this section. 1195

(G) Any individual who assigns a registration to a 1196
business entity under this section shall be actively engaged in 1197
business as a home improvement contractor and be readily 1198
available for consultation with the business entity to which the 1199
registration is assigned. 1200

(H) No registration assigned under this section shall be 1201
assigned to more than one business entity at a time. 1202

Sec. 4785.09. A holder of a registration under this 1203
chapter shall present a copy of the registration to a consumer 1204
before performing or offering to perform any home improvement 1205
services for the consumer. 1206

Sec. 4785.11. (A) No holder of a registration under this 1207
chapter shall perform any home improvement unless the holder of 1208
the registration enters into a written home improvement services 1209
contract with the owner. The contract shall include all 1210
agreements and conditions related to the home improvement, 1211
including all of the following: 1212

(1) The registration holder's name, physical business 1213
address, business telephone number, and taxpayer identification 1214
number; 1215

(2) The owner's name, address, and telephone number; 1216

(3) The address or location of the property where the home 1217
improvement is to be performed; 1218

(4) A general description of the home improvement, 1219
including the goods and services to be furnished as part of the 1220
improvement; 1221

(5) The anticipated date or time period the home 1222
improvement is to begin and the anticipated date or time period 1223

it is to be completed; 1224

(6) The total estimated cost of the home improvement; 1225

(7) Any cost of installation, delivery, or other cost that 1226
the total estimated cost does not cover; 1227

(8) A copy of the registration holder's certificate of 1228
insurance or surety bond showing general liability coverage in 1229
an amount of not less than two hundred fifty thousand dollars; 1230

(9) The dated signatures of the owner and the registration 1231
holder. 1232

(B) (1) If the total amount of reasonably unforeseen, but 1233
necessary, excess costs of a home improvement at any time 1234
exceeds five thousand dollars over the course of the entire home 1235
improvement contract, before performing the work related to the 1236
excess costs, the registration holder shall provide an owner 1237
with a notice that contains a written or oral estimate, 1238
depending on which type the owner has designated in the 1239
contract. 1240

(2) To determine the type of notice an owner requires when 1241
the costs of a home improvement exceed the estimate provided in 1242
the contract, the contract shall include a statement in 1243
substantially the following language: 1244

"EXCESS COSTS 1245

IF AT ANY TIME A HOME IMPROVEMENT REQUIRES EXTRA COSTS 1246
ABOVE THE COST SPECIFIED OR ESTIMATED IN THE CONTRACT THAT WERE 1247
REASONABLY UNFORESEEN, BUT NECESSARY, AND THE TOTAL OF ALL EXTRA 1248
COSTS TO DATE EXCEEDS FIVE THOUSAND DOLLARS OVER THE COURSE OF 1249
THE ENTIRE HOME IMPROVEMENT CONTRACT, YOU HAVE A RIGHT TO AN 1250
ESTIMATE OF THOSE EXCESS COSTS BEFORE THE HOME IMPROVEMENT 1251

<u>CONTRACTOR BEGINS WORK RELATED TO THOSE COSTS. INITIAL YOUR</u>	1252
<u>CHOICE OF THE TYPE OF ESTIMATE YOU REQUIRE:</u>	1253
<u>.... written estimate oral estimate"</u>	1254
<u>(3) If the contract stipulates that the specified cost of</u>	1255
<u>the home improvement is a firm price and the home improvement</u>	1256
<u>contractor will not charge the owner with any excess costs, the</u>	1257
<u>registration holder need not comply with the notice requirements</u>	1258
<u>of this division.</u>	1259
<u>Sec. 4785.12. (A) Except as otherwise provided in division</u>	1260
<u>(C) of this section, the home improvement board may impose any</u>	1261
<u>of the following, or any combination of the following,</u>	1262
<u>disciplinary actions against an applicant for or the holder of a</u>	1263
<u>registration issued under this chapter for committing an act</u>	1264
<u>listed in division (B) of this section:</u>	1265
<u>(1) Suspend, revoke, or refuse to issue any registration;</u>	1266
<u>(2) Issue a fine.</u>	1267
<u>(B) (1) An applicant for or the holder of a registration is</u>	1268
<u>subject to disciplinary action as prescribed under division (A)</u>	1269
<u>of this section for any of the following:</u>	1270
<u>(a) Having been convicted of or pleading guilty to a crime</u>	1271
<u>of moral turpitude or disqualifying offense as those terms are</u>	1272
<u>defined in section 4776.10 of the Revised Code;</u>	1273
<u>(b) Violating any provision of this chapter;</u>	1274
<u>(c) Violating any rule adopted pursuant to this chapter;</u>	1275
<u>(d) Obtaining or attempting to obtain a registration or a</u>	1276
<u>renewal of a registration pursuant to this chapter by means of</u>	1277
<u>fraud, deception, or misrepresentation;</u>	1278

<u>(e) Obtaining an order, ruling, or authorization from the</u>	1279
<u>board by means of fraud or misrepresentation;</u>	1280
<u>(f) Engaging in fraud, misrepresentation, or deception in</u>	1281
<u>the conduct of business;</u>	1282
<u>(g) Transferring the holder's registration to another</u>	1283
<u>individual or entity without the approval of the board;</u>	1284
<u>(h) (i) Allowing the holder's registration to be used by an</u>	1285
<u>unregistered individual or entity;</u>	1286
<u>(ii) Division (B) (1) (h) (i) of this section does not apply</u>	1287
<u>to a business entity that has been assigned a registration under</u>	1288
<u>section 4785.08 of the Revised Code.</u>	1289
<u>(i) Failing to comply with a disciplinary action imposed</u>	1290
<u>by the board.</u>	1291
<u>(2) The board may take disciplinary action against an</u>	1292
<u>applicant or registration holder as prescribed under division</u>	1293
<u>(A) of this section upon receiving notice that a municipal</u>	1294
<u>corporation or any other governmental agency has suspended or</u>	1295
<u>revoked the local home improvement contracting license or</u>	1296
<u>registration of an individual or business entity that also holds</u>	1297
<u>a registration pursuant to this chapter.</u>	1298
<u>(C) A holder of a registration is subject to disciplinary</u>	1299
<u>action as prescribed under division (D) and (E) of this section</u>	1300
<u>for any of the following:</u>	1301
<u>(1) Violating sections 4785.09 or 4785.11 of the Revised</u>	1302
<u>Code;</u>	1303
<u>(2) Failing to maintain liability insurance or a surety</u>	1304
<u>bond in an amount of at least two hundred fifty thousand</u>	1305
<u>dollars;</u>	1306

<u>(3) Failing to complete at least ten hours of continuing</u>	1307
<u>education courses per year;</u>	1308
<u>(4) Failing to perform a home improvement in a workmanlike</u>	1309
<u>manner.</u>	1310
<u>(D) The home improvement board shall impose the following</u>	1311
<u>disciplinary actions against a holder of a registration issued</u>	1312
<u>under this chapter for committing an act listed in division (C)</u>	1313
<u>of this section:</u>	1314
<u>(1) Issue a fine in the amount of one hundred dollars;</u>	1315
<u>(2) If a holder of a registration commits a second act</u>	1316
<u>listed in division (C) of this section within the same calendar</u>	1317
<u>year as a prior offense, issue a fine of four hundred dollars;</u>	1318
<u>(3) Except when a holder of a registration commits three</u>	1319
<u>offenses of failing to perform a home improvement in a</u>	1320
<u>workmanlike manner, if a holder of a registration commits a</u>	1321
<u>third act listed in division (C) of this section within the same</u>	1322
<u>calendar year as two prior offenses, suspend a registration for</u>	1323
<u>a two-month period and issue a fine of five hundred dollars;</u>	1324
<u>(4) If a holder of a registration commits three offenses</u>	1325
<u>of failing to perform a home improvement in a workmanlike manner</u>	1326
<u>within the same calendar year, suspend a registration for a</u>	1327
<u>period of six months and issue a fine of one thousand dollars.</u>	1328
<u>(E) A holder of a registration has thirty days after the</u>	1329
<u>date the board notifies the holder of the board's intent to</u>	1330
<u>impose a disciplinary action against the holder of the</u>	1331
<u>registration to correct a failure to perform a home improvement</u>	1332
<u>in a workmanlike manner before the board may issue disciplinary</u>	1333
<u>action against the holder of the registration for that act.</u>	1334

(F) If an individual fails to request a hearing within 1335
thirty days after the date the board, in accordance with section 1336
119.07 of the Revised Code, notifies the individual of the 1337
board's intent to impose a disciplinary action against the 1338
individual under this section, the board, by a majority vote of 1339
a quorum of the board members, may impose the action against the 1340
individual without holding an adjudication hearing. 1341

Sec. 4785.13. If a check or other draft instrument used to 1342
pay any fee required by this chapter is returned as unpaid for 1343
insufficient funds or any other reason, the secretary of the 1344
home improvement board shall notify the holder of a registration 1345
that the check or other draft instrument was returned and that 1346
the holder's registration will be canceled unless the holder, 1347
within fifteen days after the mailing of the notice, submits the 1348
fee and a penalty in an amount the board establishes by rules it 1349
adopts pursuant to Chapter 119. of the Revised Code. If the 1350
holder does not submit the fee and the penalty within the time 1351
specified, or if any check or other draft instrument used to pay 1352
either the fee or the penalty is returned to the secretary for 1353
insufficient funds or any other reason, the registration shall 1354
be canceled immediately without a hearing and the holder of the 1355
registration shall cease activity as a registration holder under 1356
this chapter until both the fee and the penalty have been paid. 1357

Sec. 4785.14. The home improvement board shall comply with 1358
section 4776.20 of the Revised Code. 1359

Sec. 4785.15. On receipt of a notice pursuant to section 1360
3123.43 of the Revised Code, the board shall comply with 1361
sections 3123.41 to 3123.50 of the Revised Code and any 1362
applicable rules adopted under section 3123.63 of the Revised 1363
Code with respect to a registration issued pursuant to this 1364

chapter. 1365

Sec. 4785.16. (A) An investigator appointed by the 1366
director of commerce, on behalf of the home improvement board, 1367
may investigate any person who allegedly has violated section 1368
4785.02 or 4785.021 of the Revised Code. If, after an 1369
investigation pursuant to section 4785.05 of the Revised Code, 1370
the board determines that reasonable evidence exists that a 1371
person has violated section 4785.02 or 4705.021 of the Revised 1372
Code, the board shall send a written notice to that person in 1373
the same manner as prescribed in section 119.07 of the Revised 1374
Code for holders of a registration. 1375

(B) The board shall hold a hearing regarding the alleged 1376
violation in the same manner prescribed for an adjudication 1377
hearing under section 119.09 of the Revised Code. 1378

(1) If the board, after the hearing, determines a 1379
violation of section 4785.02 of the Revised Code has occurred, 1380
the board, upon an affirmative vote of a majority of its 1381
members, may impose a fine on the person, not exceeding one 1382
thousand dollars per violation per day and may file a complaint 1383
against the person with the appropriate local prosecutor for 1384
criminal prosecution. 1385

(2) If the board, after the hearing, determines a 1386
violation of section 4785.021 of the Revised Code has occurred, 1387
the board, upon an affirmative vote of a majority of its 1388
members, shall impose a fine on the person in the amount of one 1389
hundred dollars. For a second violation of section 4785.021 of 1390
the Revised Code within the same calendar year as a prior 1391
violation, the board shall impose a fine of four hundred 1392
dollars. For a third violation of section 4785.021 of the 1393
Revised Code within the same calendar year as two prior 1394

violations, the board shall impose a fine of five hundred 1395
dollars. 1396

(C) The board's determination is an order that the person 1397
may appeal in accordance with section 119.12 of the Revised 1398
Code. 1399

(D) If the board assesses a person a civil penalty for a 1400
violation of section 4785.02 or 4785.021 of the Revised Code and 1401
the person fails to pay that civil penalty within the time 1402
period prescribed by the board, the board shall forward to the 1403
attorney general the name of the person and the amount of the 1404
civil penalty for the purpose of collecting that civil penalty. 1405
In addition to the civil penalty assessed pursuant to this 1406
section, the person also shall pay any fee assessed by the 1407
attorney general for collection of the civil penalty. 1408

(E) If a person fails to request a hearing within thirty 1409
days after the date the board, in accordance with section 119.07 1410
of the Revised Code, notifies the person of the board's intent 1411
to act against the person under division (A) of this section, 1412
the board, by majority vote of a quorum of the members, may take 1413
the action against a person without holding an adjudication 1414
hearing. 1415

Sec. 4785.17. Nothing in section 4785.06 or 4785.09 of the 1416
Revised Code shall create a basis for any claim or cause of 1417
action against the state, the home improvement board, or the 1418
board's employees regarding the relationship between a consumer 1419
and a home improvement contractor registered under this chapter. 1420

Sec. 4785.18. The fees for registrations and their 1421
renewal, including late fees, subject to the approval of the 1422
controlling board, shall be determined by the home improvement 1423

board. The home improvement board may increase these fees, 1424
provided that no increase exceeds fifty per cent of the lowest 1425
fee determined by the board during the three-year period 1426
immediately preceding an increase, and further provided that no 1427
increase is made more than once a year. 1428

Sec. 4785.19. The home improvement board shall deposit all 1429
receipts and fines collected under this chapter into the state 1430
treasury to the credit of the industrial compliance operating 1431
fund created in section 121.084 of the Revised Code. 1432

Sec. 4785.20. The department of commerce shall implement a 1433
statewide public campaign to inform consumers of the requirement 1434
established by section 4785.09 of the Revised Code by utilizing 1435
print and television public service announcements and by posting 1436
information on the web site maintained by the department. 1437

Sec. 4785.21. The home improvement board has exclusive 1438
authority to regulate home improvement contractors subject to 1439
this chapter in this state. No political subdivision shall adopt 1440
ordinances or resolutions imposing additional requirements on 1441
improvement contractors as regulated by this chapter. Nothing in 1442
this section shall limit the enforcement of any local law 1443
regulating building, zoning, health, safety, or other similar 1444
codes or laws. 1445

Sec. 4785.99. Whoever violates division (A) or (B) of 1446
section 4785.02 of the Revised Code is guilty of a misdemeanor 1447
of the first degree. 1448

Section 2. That existing sections 109.572, 715.27, 1449
3781.102, 4740.01, 4776.01, and 4776.20 of the Revised Code are 1450
hereby repealed. 1451

Section 3. All items in this section are hereby 1452

appropriated as designated out of any moneys in the state 1453
treasury to the credit of the designated fund. For all 1454
appropriations made in this act, those in the first column are 1455
for fiscal year 2016 and those in the second column are for 1456
fiscal year 2017. The appropriations made in this act are in 1457
addition to any other appropriations made for the FY 2016-FY 1458
2017 biennium. 1459

COM DEPARTMENT OF COMMERCE 1460

General Revenue Fund Group 1461

GRF 800502 Home Improvement Public Awareness \$0 \$1,000,000 1462

Campaign 1463

TOTAL GRF General Revenue Fund \$0 \$1,000,000 1464

TOTAL ALL BUDGET FUND GROUPS \$0 \$1,000,000 1465

HOME IMPROVEMENT PUBLIC AWARENESS CAMPAIGN 1466

The foregoing appropriation item 800502, Home Improvement 1467
Public Awareness Campaign, shall be used for the statewide 1468
public campaign described in section 4785.20 of the Revised 1469
Code. 1470

Section 4. Within the limits set forth in this act, the 1471
Director of Budget and Management shall establish accounts 1472
indicating the source and amount of funds for each appropriation 1473
made in this act, and shall determine the form and manner in 1474
which appropriation accounts shall be maintained. Expenditures 1475
from appropriations contained in this act shall be accounted for 1476
as though made in Am. Sub. H.B. 64 of the 131st General 1477
Assembly. 1478

The appropriations made in this act are subject to all 1479

provisions of Am. Sub. H.B. 64 of the 131st General Assembly	1480
that are generally applicable to such appropriations.	1481
Section 5. Divisions (A) and (B) of section 4785.02 of the Revised Code, as enacted by this act, take effect one year after the effective date of this section.	1482
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Section 6. Divisions (A) and (B) of section 4785.02 of the Revised Code, as enacted by this act, do not apply to the first terms of the home improvement contractors who are initially appointed to the Home Improvement Board.	1485
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Section 7. (A) As used in this section, "contractor" and "construction project" have the same meanings as in section 4740.01 of the Revised Code, as amended by this act.	1489
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(B) Notwithstanding section 4740.13 of the Revised Code, no person who wishes to act or claim to be a contractor for a construction project in a residential building as defined in section 3781.06 of the Revised Code that is occupied by the owner of the residential building shall be required to obtain a license under Chapter 4740. of the Revised Code until one year after the effective date of this act.	1492
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(C) Any contractor who holds a license issued under Chapter 4740. of the Revised Code on the effective date of this act may act or claim to be a contractor for a construction project in a residential building as defined in section 3781.06 of the Revised Code that is occupied by the owner of the residential building. Division (D) of section 4785.02 of the Revised Code, as enacted by this act, applies to any person licensed under Chapter 4740. of the Revised Code on the effective date of this act.	1499
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Section 8. Section 109.572 of the Revised Code is	1508

presented in this act as a composite of the section as amended 1509
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General 1510
Assembly. The General Assembly, applying the principle stated in 1511
division (B) of section 1.52 of the Revised Code that amendments 1512
are to be harmonized if reasonably capable of simultaneous 1513
operation, finds that the composite is the resulting version of 1514
the section in effect prior to the effective date of the section 1515
as presented in this act. 1516