

As Passed by the House

132nd General Assembly

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Am. Sub. S. B. No. 255

Senator McColley

Cosponsors: Senators Wilson, Jordan, Huffman, Terhar, LaRose, Coley, Hoagland, Lehner, Eklund, Beagle, Balderson, Hackett, Obhof, O'Brien, Peterson, Uecker Representatives Roegner, Becker, Merrin, Retherford, Young, Zeltwanger, Brenner, Dean, Faber, Green, Henne, Hood, Reineke, Riedel, Seitz, Thompson, Speaker Smith

A BILL

To amend sections 109.572, 121.08, 2925.01, 1
4713.01, 4713.69, 4735.181, 4735.99, 4776.10, 2
and 4776.20, to enact sections 9.78, 101.62, 3
101.63, 101.64, 101.65, 103.26, 103.27, 4735.22, 4
4764.01 to 4764.21, 4764.99, 4798.01, 4798.02, 5
and 4798.03, of the Revised Code to establish a 6
statewide policy on occupational regulation, to 7
allow an individual who has been convicted of a 8
criminal offense to request a licensing 9
authority to determine whether the individual is 10
disqualified from receiving or holding a 11
professional license based on conviction, to 12
require standing committees of the General 13
Assembly to periodically review occupational 14
licensing boards regarding their sunset, to 15
require the Legislative Service Commission to 16
issue reports of occupational licensing bills 17
and state regulation of occupations, to require 18
the licensure of home inspectors, to create the 19
Ohio Home Inspector Board to regulate the 20

licensure and performance of home inspectors, to 21
require realtors who recommend home inspectors 22
to provide a list of home inspectors, and to 23
regulate the practice of makeup artistry. 24

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

Section 1. That sections 109.572, 121.08, 2925.01, 25
4713.01, 4713.69, 4735.181, 4735.99, 4776.10, and 4776.20 be 26
amended and sections 9.78, 101.62, 101.63, 101.64, 101.65, 27
103.26, 103.27, 4735.22, 4764.01, 4764.02, 4764.03, 4764.04, 28
4764.05, 4764.06, 4764.07, 4764.08, 4764.09, 4764.10, 4764.11, 29
4764.12, 4764.13, 4764.14, 4764.15, 4764.16, 4764.17, 4764.18, 30
4764.19, 4764.20, 4764.21, 4764.99, 4798.01, 4798.02, and 31
4798.03 of the Revised Code be enacted to read as follows: 32

Sec. 9.78. (A) As used in this section: 33

(1) "License" means an authorization evidenced by a 34
license, certificate, registration, permit, card, or other 35
authority that is issued or conferred by a licensing authority 36
to an individual by which the individual has or claims the 37
privilege to engage in a profession, occupation, or occupational 38
activity over which the licensing authority has jurisdiction. 39

(2) "Licensing authority" means both of the following: 40

(a) A board, commission, or other entity that issues 41
licenses under Title XLVII or any other provision of the Revised 42
Code to practice an occupation or profession; 43

(b) A political subdivision that issues a license or that 44
charges a fee for an individual to practice an occupation or 45

profession in that political subdivision. 46

(B) An individual who has been convicted of any criminal 47
offense may request, at any time, that a licensing authority 48
determine whether the individual's criminal conviction 49
disqualifies the individual from obtaining a license issued or 50
conferred by the licensing authority. An individual making such 51
a request shall include details of the individual's criminal 52
conviction and any payment required by the licensing authority. 53
A licensing authority may charge a fee of not more than twenty- 54
five dollars for each request made under this section, to 55
reimburse the costs it incurs in making the determination. 56

Not later than thirty days after receiving a request under 57
this section, the licensing authority shall inform the 58
individual whether, based on the criminal record information 59
submitted, the individual is disqualified from receiving or 60
holding the license about which the individual inquired. A 61
licensing authority is not bound by a determination made under 62
this section, if, on further investigation, the licensing 63
authority determines that the individual's criminal convictions 64
differ from the information presented in the determination 65
request. 66

(C) A licensing authority shall make available to the 67
public on the licensing authority's internet web site a list of 68
all criminal offenses of which conviction of that offense shall 69
disqualify an individual from obtaining a license issued or 70
conferred by the licensing authority. 71

Sec. 101.62. (A) As used in sections 101.62 to 101.65 of 72
the Revised Code: 73

"Individual" means a natural person. 74

"Least restrictive regulation," "occupational license," 75
and "occupational licensing board" have the meanings defined in 76
section 4798.01 of the Revised Code. 77

(B) An occupational licensing board shall be triggered to 78
expire at the end of the thirty-first day of December of the 79
sixth year after it was created or last renewed, or on December 80
31, 2024, whichever is later, and shall expire at the end of the 81
thirtieth day of June of the following year after the board was 82
triggered to expire. The expiration of an occupational licensing 83
board under this section emancipates a person to lawfully engage 84
in the profession, occupation, or occupational activity, which 85
has been previously licensed by that board, without an 86
occupational license, notwithstanding any law of the state that 87
requires a person to possess a license to lawfully engage in 88
that profession, occupation, or occupational activity. 89

(C) The director of budget and management shall not 90
authorize the expenditure of any moneys for an occupational 91
licensing board on or after the date of its expiration. 92

(D) The occupational licensing board shall operate after 93
its expiration has been triggered, but not later than the end of 94
the thirtieth day of June of the following year, to provide for 95
the orderly, efficient, and expeditious conclusion of the 96
board's business and operation. The orders, licenses, contracts, 97
and other actions made, taken, granted, or performed by the 98
board continue in effect according to their terms 99
notwithstanding the board's abolition, unless the general 100
assembly provides otherwise by law. The general assembly may 101
provide by law for the temporary or permanent transfer of some 102
or all of an expired or abolished board's functions and 103
personnel to a successor agency, board, or officer. 104

The expiration or abolition of a board does not cause the 105
termination or dismissal of any claim pending against the board 106
by any person, or any claim pending against any person by the 107
board. Unless the general assembly provides otherwise by law for 108
the substitution of parties, the attorney general shall succeed 109
the board with reference to any pending claim. 110

(E) An occupational licensing board may be renewed by 111
enactment of a law that continues the statutes creating, 112
empowering, governing, or regulating the board. The amendment of 113
a statute creating, empowering, governing, or regulating a 114
board, between the time the board was last reviewed and the time 115
it is next scheduled to be reviewed does not change the next 116
scheduled review date of the board. The next scheduled review 117
date changes only if the amendment expressly so provides. 118

(F) When an occupational licensing board performs 119
functions other than licensing or regulating the licensing of an 120
occupational license that expires under this section, the 121
operation of sections 101.62 to 101.65 of the Revised Code shall 122
not cause the board, or the statutes creating, empowering, 123
governing, or regulating the board, to expire. The board and the 124
statutes shall continue to the extent the board and the statutes 125
apply to performing functions other than licensing or regulating 126
the licensing of an occupational license. 127

Sec. 101.63. (A) (1) Not later than the first day of March 128
in the odd-numbered year during which an occupational licensing 129
board is scheduled to be triggered to expire the following even- 130
numbered year under section 101.62 of the Revised Code, the 131
speaker of the house of representatives shall direct a standing 132
committee of the house of representatives to hold hearings to 133
receive the testimony of the public and of the chief executive 134

officer of the board, and otherwise to review, consider, and 135
evaluate the usefulness, performance, and effectiveness of the 136
board. Not later than the fifteenth day of November of that same 137
odd-numbered year, the standing committee shall prepare and 138
publish a report of its findings and recommendations in 139
accordance with section 101.65 of the Revised Code. If the 140
standing committee's report includes a bill, the house of 141
representatives shall consider that bill for passage by the 142
thirty-first day of December of that same odd-numbered year. 143

(2) Not later than the first day of March in the even- 144
numbered year during which an occupational licensing board is 145
scheduled to be triggered to expire under section 101.62 of the 146
Revised Code, the president of the senate shall direct a 147
standing committee of the senate to hold hearings to receive 148
testimony of the public and of the chief executive officer of 149
the board, and otherwise to review, consider, and evaluate the 150
usefulness, performance, and effectiveness of the board and any 151
bill considered by the house of representatives related to the 152
expiration of that board. Not later than the fifteenth day of 153
November of that same even-numbered year, the standing committee 154
shall prepare and publish a report of its findings and 155
recommendations in accordance with section 101.65 of the Revised 156
Code. If the standing committee's report includes a bill, the 157
senate shall consider that bill for passage by the thirty-first 158
day of December of that same even-numbered year. 159

(3) The president of the senate and the speaker of the 160
house of representatives may, in the same manner as described in 161
divisions (A) (1) and (2) of this section, direct a standing 162
committee to review an occupational licensing board for which 163
the director of the legislative service commission, under 164
section 103.27 of the Revised Code, has performed a review. 165

(4) The president of the senate and the speaker of the 166
house of representatives shall direct standing committees to 167
review approximately thirty-three per cent of the occupational 168
licensing boards each biennium. All occupational licensing 169
boards shall be reviewed over a six-year period including 170
calendar years 2019 through 2024, and also during each 171
subsequent six-year period. 172

(B) Each occupational licensing board that is scheduled to 173
be reviewed by a standing committee shall submit to the standing 174
committee a report that contains all of the following 175
information: 176

(1) The board's primary purpose and its various goals and 177
objectives; 178

(2) The board's past and anticipated workload, the number 179
of staff required to complete that workload, and the board's 180
total number of staff; 181

(3) The board's past and anticipated budgets and its 182
sources of funding; 183

(4) The number of members of its governing board or other 184
governing entity and their compensation, if any. 185

(C) Each board shall have the burden of demonstrating to 186
the standing committee a public need for its continued 187
existence. In determining whether a board has demonstrated that 188
need, the standing committee shall consider, as relevant, all of 189
the following: 190

(1) Whether or not continuation of the board is necessary 191
to protect the health, safety, or welfare of the public, and if 192
so, whether or not the board's authority is narrowly tailored to 193
protect against present, recognizable, and significant harms to 194

<u>the health, safety, or welfare of the public;</u>	195
<u>(2) Whether or not the public could be protected or served</u>	196
<u>in an alternate or less restrictive manner;</u>	197
<u>(3) Whether or not the board serves a specific private</u>	198
<u>interest;</u>	199
<u>(4) Whether or not rules adopted by the board are</u>	200
<u>consistent with the legislative mandate of the board as</u>	201
<u>expressed in the statutes that created and empowered the board;</u>	202
<u>(5) The extent to which the board's jurisdiction and</u>	203
<u>programs overlap or duplicate those of other boards, the extent</u>	204
<u>to which the board coordinates with those other boards, and the</u>	205
<u>extent to which the board's programs could be consolidated with</u>	206
<u>the programs of other state departments or boards;</u>	207
<u>(6) How many other states regulate the occupation, whether</u>	208
<u>a license is required to engage in the occupation in other</u>	209
<u>states, whether the initial licensing and license renewal</u>	210
<u>requirements for the occupation are substantially equivalent in</u>	211
<u>every state, and the amount of regulation exercised by the board</u>	212
<u>compared to the regulation, if any, in other states;</u>	213
<u>(7) The extent to which significant changes in the board's</u>	214
<u>rules could prevent an individual licensed in this state from</u>	215
<u>practicing, or allow an individual licensed in this state to</u>	216
<u>practice, the same occupation in another jurisdiction without</u>	217
<u>obtaining an occupational license for that occupation in that</u>	218
<u>other jurisdiction;</u>	219
<u>(8) Whether the board recognizes national uniform</u>	220
<u>licensure requirements for the occupation;</u>	221
<u>(9) Whether or not private contractors could be used, in</u>	222

an effective and efficient manner, either to assist the board in 223
the performance of its duties or to perform these duties instead 224
of the board; 225

(10) Whether or not the operation of the board has 226
inhibited economic growth, reduced efficiency, or increased the 227
cost of government; 228

(11) An assessment of the authority of the board regarding 229
fees, inspections, enforcement, and penalties; 230

(12) The extent to which the board has permitted qualified 231
applicants to serve the public; 232

(13) The extent to which the board has permitted 233
individuals to practice elements of the occupation without a 234
license; 235

(14) The cost-effectiveness of the board in terms of 236
number of employees, services rendered, and administrative costs 237
incurred, both past and present; 238

(15) Whether or not the board's operation has been impeded 239
or enhanced by existing statutes and procedures and by 240
budgetary, resource, and personnel practices; 241

(16) Whether the board has recommended statutory changes 242
to the general assembly that would benefit the public as opposed 243
to the persons regulated by the board, if any, and whether its 244
recommendations and other policies have been adopted and 245
implemented; 246

(17) Whether the board has required any persons it 247
regulates to report to it the impact of board rules and 248
decisions on the public as they affect service costs and service 249
delivery; 250

<u>(18) Whether persons regulated by the board, if any, have</u>	251
<u>been required to assess problems in their business operations</u>	252
<u>that affect the public;</u>	253
<u>(19) Whether the board has encouraged public participation</u>	254
<u>in its rule-making and decision-making;</u>	255
<u>(20) The efficiency with which formal public complaints</u>	256
<u>filed with the board have been processed to completion;</u>	257
<u>(21) Whether the purpose for which the board was created</u>	258
<u>has been fulfilled, has changed, or no longer exists;</u>	259
<u>(22) Whether federal law requires that the board be</u>	260
<u>renewed in some form;</u>	261
<u>(23) An assessment of the administrative hearing process</u>	262
<u>of a board if the board has an administrative hearing process,</u>	263
<u>and whether or not the hearing process is consistent with due</u>	264
<u>process rights;</u>	265
<u>(24) Whether the requirement for the occupational license</u>	266
<u>is consistent with the policies expressed in section 4798.02 of</u>	267
<u>the Revised Code, serves a meaningful, defined public interest,</u>	268
<u>and provides the least restrictive form of regulation that</u>	269
<u>adequately protects the public interest;</u>	270
<u>(25) The extent to which licensing ensures that</u>	271
<u>practitioners have occupational skill sets or competencies that</u>	272
<u>are substantially related to protecting consumers from present,</u>	273
<u>significant, and substantiated harms that threaten public</u>	274
<u>health, safety, or welfare, and the impact that those criteria</u>	275
<u>have on applicants for a license, particularly those with</u>	276
<u>moderate or low incomes, seeking to enter the occupation or</u>	277
<u>profession;</u>	278

(26) The extent to which the requirement for the 279
occupational license stimulates or restricts competition, 280
affects consumer choice, and affects the cost of services; 281

(27) An assessment of whether or not changes are needed in 282
the enabling laws of the board in order for it to comply with 283
the criteria suggested by the considerations listed in division 284
(C) of this section. 285

For division (C) of this section, a government regulatory 286
requirement protects or serves the public interest if it 287
provides protection from present, significant, and substantiated 288
harms to the health, safety, or welfare of the public. 289

(D) The legislative service commission shall provide staff 290
services to a standing committee performing its duties under 291
this section and section 101.65 of the Revised Code. 292

Sec. 101.64. The president of the senate and the speaker 293
of the house of representatives shall notify the chief of the 294
common sense initiative office, established under section 107.61 295
of the Revised Code, when a board is identified to be reviewed 296
by a standing committee under section 101.63 of the Revised 297
Code. The chief or the chief's designee shall appear and testify 298
before the standing committee, with respect to the board, and 299
shall testify on at least all of the following: 300

(A) Whether or not the common sense initiative office has, 301
within the previous six years, received commentary related to 302
the board through the comment system established under section 303
107.62 of the Revised Code; 304

(B) Whether or not the common sense initiative office has, 305
within the previous six years, received advice from the small 306
business advisory council with respect to rules of the board; 307

(C) Any other information the chief believes will 308
elucidate the effectiveness and efficiency of the board and in 309
particular the quality of customer service provided by the 310
board. 311

Sec. 101.65. (A) After the completion of the review of a 312
board under section 101.63 of the Revised Code, the standing 313
committee that conducted the review shall prepare and publish a 314
report of its findings and recommendations. A standing committee 315
may include in a single report its findings and recommendations 316
regarding more than one board. The committee shall furnish a 317
copy of the report to the president of the senate, the speaker 318
of the house of representatives, the governor, and each affected 319
board. Any published report shall be made available to the 320
public on the standing committee's internet web site, and in the 321
offices of the house of representatives and senate clerks during 322
reasonable hours. As part of a report, the standing committee 323
may present its recommendations to the general assembly in bill 324
form. 325

(B) Recommendations made by the standing committee shall 326
indicate how or whether their implementation will do each of the 327
following: 328

(1) Improve efficiency in the management of state 329
government; 330

(2) Improve services rendered to citizens of the state; 331

(3) Simplify and improve preparation of the state budget; 332

(4) Conserve the natural resources of the state; 333

(5) Promote the orderly growth of the state and its 334
government; 335

(6) Promote that occupational regulations shall be 336
construed and applied to increase economic opportunities, 337
promote competition, and encourage innovation; 338

(7) Provide for the least restrictive regulation by 339
repealing the current regulation and replacing it with a less 340
restrictive regulation that is consistent with the policies 341
expressed in section 4798.02 of the Revised Code; 342

(8) Improve the effectiveness of the services performed by 343
the service departments of the state; 344

(9) Avoid duplication of effort by state agencies or 345
boards; 346

(10) Improve the organization and coordination of the 347
state government in one or more of the ways listed in divisions 348
(B) (1) to (9) of this section. 349

Sec. 103.26. (A) As used in this section and section 350
103.27 of the Revised Code: 351

"Individual" means a natural person. 352

"Least restrictive regulation" has the meaning defined in 353
section 4798.01 of the Revised Code. 354

"Occupational regulation" means a statute or rule that 355
controls an individual's practice of a trade or profession. 356

(B) With respect to legislation that has been introduced 357
in the house of representatives or in the senate, which proposes 358
to substantially change or enact an occupational regulation, the 359
director of the legislative service commission shall issue a 360
report of the legislation. The director shall issue a report 361
that compares the regulatory scheme proposed in the legislation 362
with the policies expressed in section 4798.02 of the Revised 363

Code with respect to proposing the least restrictive regulation 364
to protect consumers from present, significant, and 365
substantiated harms that threaten public health, safety, or 366
welfare. The director shall issue this report to the general 367
assembly in a timely manner. 368

To the extent possible with readily available or 369
obtainable information, the director shall report on 370
consequences of the legislation with respect to: 371

(1) Opportunities for employment within the occupation; 372

(2) Consumer choices and costs; 373

(3) Market competition; 374

(4) Cost to government. 375

(C) The report issued under division (B) of this section 376
shall include all of the following: 377

(1) A comparison of the regulatory scheme put forth in the 378
legislation with the current regulatory scheme in other similar 379
states for the same occupation and a consideration of the extent 380
to which significant changes in the board's rules could prevent 381
an individual licensed in this state from practicing, or allow 382
an individual licensed in this state to practice, the same 383
occupation in another jurisdiction without obtaining an 384
occupational license for that occupation in that other 385
jurisdiction; 386

(2) A comparison of the regulatory scheme put forth in the 387
legislation with the policy of this state as set forth in the 388
sections of the Revised Code governing the occupation that is 389
the subject of the legislation, if those sections include such a 390
policy. 391

<u>(D) The sponsor of a bill, in order to assist the director</u>	392
<u>of the legislative service commission with the director's duties</u>	393
<u>under division (B) of this section, may submit to the director</u>	394
<u>any relevant information, including the following:</u>	395
<u>(1) Evidence of present, significant, and substantiated</u>	396
<u>harms to consumers in the state;</u>	397
<u>(2) An explanation of why existing civil or criminal laws</u>	398
<u>or procedures are inadequate to prevent or remedy any harm to</u>	399
<u>the public;</u>	400
<u>(3) An explanation of why a less restrictive regulation,</u>	401
<u>that is consistent with the policies expressed in section</u>	402
<u>4798.02 of the Revised Code, is not proposed;</u>	403
<u>(4) The names of associations, organizations, or other</u>	404
<u>groups representing the occupation seeking regulation and the</u>	405
<u>approximate number of members in each in this state;</u>	406
<u>(5) The functions typically performed by members of this</u>	407
<u>occupation and whether they are identical or similar to those</u>	408
<u>performed by another occupation;</u>	409
<u>(6) Whether specialized training, education, or experience</u>	410
<u>is required to engage in the occupation and, if so, how current</u>	411
<u>practitioners acquired that training, education, or experience;</u>	412
<u>(7) Whether or not the proposed regulation would change</u>	413
<u>the way practitioners of the occupation acquire any necessary</u>	414
<u>specialized training, education, or experience and, if so, why;</u>	415
<u>(8) Whether or not any current practitioners of the</u>	416
<u>occupation in this state lack whatever specialized training,</u>	417
<u>education, or experience might be required to engage in the</u>	418
<u>occupation and, if so, how the proposed regulation would address</u>	419

that deficiency; 420

(9) Whether or not new entrants into the occupation would 421
be required to provide evidence of any necessary training, 422
education, or experience, or to pass an examination, or both; 423

(10) Whether or not current practitioners would be 424
required to provide evidence of any necessary training, 425
education, or experience, or to pass an examination, and, if 426
not, why not; 427

(11) The expected impact of the proposed regulation on the 428
supply of practitioners of the occupation and on the cost of 429
services or goods provided by the occupation; 430

(12) Information from others knowledgeable about the 431
occupation, and the related economic factors. 432

(E) A bill which proposes to substantially change or enact 433
an occupational regulation shall not be favorably reported out 434
of committee until after the committee members have received and 435
considered the report provided under division (B) of this 436
section, unless two-thirds of the members of the committee vote 437
in the affirmative to favorably report the bill. 438

Sec. 103.27. Each biennium starting with an odd-numbered 439
year, beginning in 2019, the director of the legislative service 440
commission shall issue a report regarding approximately thirty- 441
three per cent of occupations subject to regulation by the 442
state. The report shall compare the current regulatory scheme 443
being utilized in this state with the policies expressed in 444
section 4798.02 of the Revised Code. 445

The director shall issue all reports performed during a 446
biennium, not later than the first day of December of the even- 447
numbered year of that biennium, to the general assembly and to 448

the attorney general. 449

The director may require that information be submitted by 450
any department or board that regulates the occupation. 451

The director shall, over a six-year period including 452
calendar years 2019 through 2024, issue reports regarding all 453
occupations subject to regulation by the state. The director's 454
report regarding an occupation may be scheduled to coincide 455
with, and be done in conjunction with, the review of an 456
occupational licensing board being done by a standing committee 457
of the general assembly under section 101.63 of the Revised 458
Code. 459

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 460
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 461
Code, a completed form prescribed pursuant to division (C) (1) of 462
this section, and a set of fingerprint impressions obtained in 463
the manner described in division (C) (2) of this section, the 464
superintendent of the bureau of criminal identification and 465
investigation shall conduct a criminal records check in the 466
manner described in division (B) of this section to determine 467
whether any information exists that indicates that the person 468
who is the subject of the request previously has been convicted 469
of or pleaded guilty to any of the following: 470

(a) A violation of section 2903.01, 2903.02, 2903.03, 471
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 472
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 473
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 474
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 475
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 476
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 477
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 478

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

(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 listed in division (A) (1) (a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 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 with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the 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, 509
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 510
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 511
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 512
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 513
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 514
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 515
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 516

(b) An existing or former law of this state, any other 517
state, or the United States that is substantially equivalent to 518
any of the offenses listed in division (A)(2)(a) of this 519
section. 520

(3) On receipt of a request pursuant to section 173.27, 521
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 522
5123.081, or 5123.169 of the Revised Code, a completed form 523
prescribed pursuant to division (C)(1) of this section, and a 524
set of fingerprint impressions obtained in the manner described 525
in division (C)(2) of this section, the superintendent of the 526
bureau of criminal identification and investigation shall 527
conduct a criminal records check of the person for whom the 528
request is made. The superintendent shall conduct the criminal 529
records check in the manner described in division (B) of this 530
section to determine whether any information exists that 531
indicates that the person who is the subject of the request 532
previously has been convicted of, has pleaded guilty to, or 533
(except in the case of a request pursuant to section 5164.34, 534
5164.341, or 5164.342 of the Revised Code) has been found 535
eligible for intervention in lieu of conviction for any of the 536
following, regardless of the date of the conviction, the date of 537
entry of the guilty plea, or (except in the case of a request 538
pursuant to section 5164.34, 5164.341, or 5164.342 of the 539

Revised Code) the date the person was found eligible for	540
intervention in lieu of conviction:	541
(a) A violation of section 959.13, 959.131, 2903.01,	542
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	543
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	544
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	545
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	546
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	547
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	548
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	549
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	550
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	551
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	552
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	553
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	554
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	555
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	556
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	557
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	558
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	559
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	560
(b) Felonious sexual penetration in violation of former	561
section 2907.12 of the Revised Code;	562
(c) A violation of section 2905.04 of the Revised Code as	563
it existed prior to July 1, 1996;	564
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	565
the Revised Code when the underlying offense that is the object	566
of the conspiracy, attempt, or complicity is one of the offenses	567
listed in divisions (A) (3) (a) to (c) of this section;	568

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

(4) On receipt of a request pursuant to section 2151.86 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 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 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, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 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 it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense,

two or more OVI or OVUAC violations committed within the three 600
years immediately preceding the submission of the application or 601
petition that is the basis of the request, or felonious sexual 602
penetration in violation of former section 2907.12 of the 603
Revised Code; 604

(b) A violation of an existing or former law of this 605
state, any other state, or the United States that is 606
substantially equivalent to any of the offenses listed in 607
division (A) (4) (a) of this section. 608

(5) Upon receipt of a request pursuant to section 5104.013 609
of the Revised Code, a completed form prescribed pursuant to 610
division (C) (1) of this section, and a set of fingerprint 611
impressions obtained in the manner described in division (C) (2) 612
of this section, the superintendent of the bureau of criminal 613
identification and investigation shall conduct a criminal 614
records check in the manner described in division (B) of this 615
section to determine whether any information exists that 616
indicates that the person who is the subject of the request has 617
been convicted of or pleaded guilty to any of the following: 618

(a) A violation of section 2151.421, 2903.01, 2903.02, 619
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 620
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 621
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 622
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 623
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 624
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 625
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 626
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 627
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 628
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 629

2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 630
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 631
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 632
3716.11 of the Revised Code, felonious sexual penetration in 633
violation of former section 2907.12 of the Revised Code, a 634
violation of section 2905.04 of the Revised Code as it existed 635
prior to July 1, 1996, a violation of section 2919.23 of the 636
Revised Code that would have been a violation of section 2905.04 637
of the Revised Code as it existed prior to July 1, 1996, had the 638
violation been committed prior to that date, a violation of 639
section 2925.11 of the Revised Code that is not a minor drug 640
possession offense, a violation of section 2923.02 or 2923.03 of 641
the Revised Code that relates to a crime specified in this 642
division, or a second violation of section 4511.19 of the 643
Revised Code within five years of the date of application for 644
licensure or certification. 645

(b) A violation of an existing or former law of this 646
state, any other state, or the United States that is 647
substantially equivalent to any of the offenses or violations 648
described in division (A) (5) (a) of this section. 649

(6) Upon receipt of a request pursuant to section 5153.111 650
of the Revised Code, a completed form prescribed pursuant to 651
division (C) (1) of this section, and a set of fingerprint 652
impressions obtained in the manner described in division (C) (2) 653
of this section, the superintendent of the bureau of criminal 654
identification and investigation shall conduct a criminal 655
records check in the manner described in division (B) of this 656
section to determine whether any information exists that 657
indicates that the person who is the subject of the request 658
previously has been convicted of or pleaded guilty to any of the 659
following: 660

(a) A violation of section 2903.01, 2903.02, 2903.03, 661
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 662
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 663
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 664
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 665
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 666
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 667
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 668
Code, felonious sexual penetration in violation of former 669
section 2907.12 of the Revised Code, a violation of section 670
2905.04 of the Revised Code as it existed prior to July 1, 1996, 671
a violation of section 2919.23 of the Revised Code that would 672
have been a violation of section 2905.04 of the Revised Code as 673
it existed prior to July 1, 1996, had the violation been 674
committed prior to that date, or a violation of section 2925.11 675
of the Revised Code that is not a minor drug possession offense; 676

(b) A violation of an existing or former law of this 677
state, any other state, or the United States that is 678
substantially equivalent to any of the offenses listed in 679
division (A) (6) (a) of this section. 680

(7) On receipt of a request for a criminal records check 681
from an individual pursuant to section 4749.03 or 4749.06 of the 682
Revised Code, accompanied by a completed copy of the form 683
prescribed in division (C) (1) of this section and a set of 684
fingerprint impressions obtained in a manner described in 685
division (C) (2) of this section, the superintendent of the 686
bureau of criminal identification and investigation shall 687
conduct a criminal records check in the manner described in 688
division (B) of this section to determine whether any 689
information exists indicating that the person who is the subject 690
of the request has been convicted of or pleaded guilty to a 691

felony in this state or in any other state. If the individual 692
indicates that a firearm will be carried in the course of 693
business, the superintendent shall require information from the 694
federal bureau of investigation as described in division (B) (2) 695
of this section. Subject to division (F) of this section, the 696
superintendent shall report the findings of the criminal records 697
check and any information the federal bureau of investigation 698
provides to the director of public safety. 699

(8) On receipt of a request pursuant to section 1321.37, 700
1321.53, or 4763.05 of the Revised Code, a completed form 701
prescribed pursuant to division (C) (1) of this section, and a 702
set of fingerprint impressions obtained in the manner described 703
in division (C) (2) of this section, the superintendent of the 704
bureau of criminal identification and investigation shall 705
conduct a criminal records check with respect to any person who 706
has applied for a license, permit, or certification from the 707
department of commerce or a division in the department. The 708
superintendent shall conduct the criminal records check in the 709
manner described in division (B) of this section to determine 710
whether any information exists that indicates that the person 711
who is the subject of the request previously has been convicted 712
of or pleaded guilty to any of the following: a violation of 713
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 714
Revised Code; any other criminal offense involving theft, 715
receiving stolen property, embezzlement, forgery, fraud, passing 716
bad checks, money laundering, or drug trafficking, or any 717
criminal offense involving money or securities, as set forth in 718
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 719
the Revised Code; or any existing or former law of this state, 720
any other state, or the United States that is substantially 721
equivalent to those offenses. 722

(9) On receipt of a request for a criminal records check 723
from the treasurer of state under section 113.041 of the Revised 724
Code or from an individual under section 4701.08, 4715.101, 725
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 726
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 727
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 728
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 729
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 730
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 731
Code, accompanied by a completed form prescribed under division 732
(C) (1) of this section and a set of fingerprint impressions 733
obtained in the manner described in division (C) (2) of this 734
section, the superintendent of the bureau of criminal 735
identification and investigation shall conduct a criminal 736
records check in the manner described in division (B) of this 737
section to determine whether any information exists that 738
indicates that the person who is the subject of the request has 739
been convicted of or pleaded guilty to any criminal offense in 740
this state or any other state. Subject to division (F) of this 741
section, the superintendent shall send the results of a check 742
requested under section 113.041 of the Revised Code to the 743
treasurer of state and shall send the results of a check 744
requested under any of the other listed sections to the 745
licensing board specified by the individual in the request. 746

(10) On receipt of a request pursuant to section 1121.23, 747
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 748
form prescribed pursuant to division (C) (1) of this section, and 749
a set of fingerprint impressions obtained in the manner 750
described in division (C) (2) of this section, the superintendent 751
of the bureau of criminal identification and investigation shall 752
conduct a criminal records check in the manner described in 753

division (B) of this section to determine whether any 754
information exists that indicates that the person who is the 755
subject of the request previously has been convicted of or 756
pleaded guilty to any criminal offense under any existing or 757
former law of this state, any other state, or the United States. 758

(11) On receipt of a request for a criminal records check 759
from an appointing or licensing authority under section 3772.07 760
of the Revised Code, a completed form prescribed under division 761
(C) (1) of this section, and a set of fingerprint impressions 762
obtained in the manner prescribed in division (C) (2) of this 763
section, the superintendent of the bureau of criminal 764
identification and investigation shall conduct a criminal 765
records check in the manner described in division (B) of this 766
section to determine whether any information exists that 767
indicates that the person who is the subject of the request 768
previously has been convicted of or pleaded guilty or no contest 769
to any offense under any existing or former law of this state, 770
any other state, or the United States that is a disqualifying 771
offense as defined in section 3772.07 of the Revised Code or 772
substantially equivalent to such an offense. 773

(12) On receipt of a request pursuant to section 2151.33 774
or 2151.412 of the Revised Code, a completed form prescribed 775
pursuant to division (C) (1) of this section, and a set of 776
fingerprint impressions obtained in the manner described in 777
division (C) (2) of this section, the superintendent of the 778
bureau of criminal identification and investigation shall 779
conduct a criminal records check with respect to any person for 780
whom a criminal records check is required under that section. 781
The superintendent shall conduct the criminal records check in 782
the manner described in division (B) of this section to 783
determine whether any information exists that indicates that the 784

person who is the subject of the request previously has been 785
convicted of or pleaded guilty to any of the following: 786

(a) A violation of section 2903.01, 2903.02, 2903.03, 787
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 788
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 789
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 790
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 791
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 792
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 793
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 794
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 795

(b) An existing or former law of this state, any other 796
state, or the United States that is substantially equivalent to 797
any of the offenses listed in division (A) (12) (a) of this 798
section. 799

(13) On receipt of a request pursuant to section 3796.12 800
of the Revised Code, a completed form prescribed pursuant to 801
division (C) (1) of this section, and a set of fingerprint 802
impressions obtained in a manner described in division (C) (2) of 803
this section, the superintendent of the bureau of criminal 804
identification and investigation shall conduct a criminal 805
records check in the manner described in division (B) of this 806
section to determine whether any information exists that 807
indicates that the person who is the subject of the request 808
previously has been convicted of or pleaded guilty to the 809
following: 810

(a) A disqualifying offense as specified in rules adopted 811
under division (B) (2) (b) of section 3796.03 of the Revised Code 812
if the person who is the subject of the request is an 813
administrator or other person responsible for the daily 814

operation of, or an owner or prospective owner, officer or 815
prospective officer, or board member or prospective board member 816
of, an entity seeking a license from the department of commerce 817
under Chapter 3796. of the Revised Code; 818

(b) A disqualifying offense as specified in rules adopted 819
under division (B) (2) (b) of section 3796.04 of the Revised Code 820
if the person who is the subject of the request is an 821
administrator or other person responsible for the daily 822
operation of, or an owner or prospective owner, officer or 823
prospective officer, or board member or prospective board member 824
of, an entity seeking a license from the state board of pharmacy 825
under Chapter 3796. of the Revised Code. 826

(14) On receipt of a request required by section 3796.13 827
of the Revised Code, a completed form prescribed pursuant to 828
division (C) (1) of this section, and a set of fingerprint 829
impressions obtained in a manner described in division (C) (2) of 830
this section, the superintendent of the bureau of criminal 831
identification and investigation shall conduct a criminal 832
records check in the manner described in division (B) of this 833
section to determine whether any information exists that 834
indicates that the person who is the subject of the request 835
previously has been convicted of or pleaded guilty to the 836
following: 837

(a) A disqualifying offense as specified in rules adopted 838
under division (B) (8) (a) of section 3796.03 of the Revised Code 839
if the person who is the subject of the request is seeking 840
employment with an entity licensed by the department of commerce 841
under Chapter 3796. of the Revised Code; 842

(b) A disqualifying offense as specified in rules adopted 843
under division (B) (14) (a) of section 3796.04 of the Revised Code 844

if the person who is the subject of the request is seeking 845
employment with an entity licensed by the state board of 846
pharmacy under Chapter 3796. of the Revised Code. 847

(15) On receipt of a request pursuant to section 4768.06 848
of the Revised Code, a completed form prescribed under division 849
(C) (1) of this section, and a set of fingerprint impressions 850
obtained in the manner described in division (C) (2) of this 851
section, the superintendent of the bureau of criminal 852
identification and investigation shall conduct a criminal 853
records check in the manner described in division (B) of this 854
section to determine whether any information exists indicating 855
that the person who is the subject of the request has been 856
convicted of or pleaded guilty to a felony in this state or in 857
any other state. 858

(16) On receipt of a request pursuant to division (B) of 859
section 4764.07 of the Revised Code, a completed form prescribed 860
under division (C) (1) of this section, and a set of fingerprint 861
impressions obtained in the manner described in division (C) (2) 862
of this section, the superintendent of the bureau of criminal 863
identification and investigation shall conduct a criminal 864
records check in the manner described in division (B) of this 865
section to determine whether any information exists indicating 866
that the person who is the subject of the request has been 867
convicted of or pleaded guilty to any crime of moral turpitude, 868
a felony, or an equivalent offense in any other state or the 869
United States. 870

(B) Subject to division (F) of this section, the 871
superintendent shall conduct any criminal records check to be 872
conducted under this section as follows: 873

(1) The superintendent shall review or cause to be 874

reviewed any relevant information gathered and compiled by the 875
bureau under division (A) of section 109.57 of the Revised Code 876
that relates to the person who is the subject of the criminal 877
records check, including, if the criminal records check was 878
requested under section 113.041, 121.08, 173.27, 173.38, 879
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 880
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 881
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 882
4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 883
5123.081, 5123.169, or 5153.111 of the Revised Code, any 884
relevant information contained in records that have been sealed 885
under section 2953.32 of the Revised Code; 886

(2) If the request received by the superintendent asks for 887
information from the federal bureau of investigation, the 888
superintendent shall request from the federal bureau of 889
investigation any information it has with respect to the person 890
who is the subject of the criminal records check, including 891
fingerprint-based checks of national crime information databases 892
as described in 42 U.S.C. 671 if the request is made pursuant to 893
section 2151.86 or 5104.013 of the Revised Code or if any other 894
Revised Code section requires fingerprint-based checks of that 895
nature, and shall review or cause to be reviewed any information 896
the superintendent receives from that bureau. If a request under 897
section 3319.39 of the Revised Code asks only for information 898
from the federal bureau of investigation, the superintendent 899
shall not conduct the review prescribed by division (B) (1) of 900
this section. 901

(3) The superintendent or the superintendent's designee 902
may request criminal history records from other states or the 903
federal government pursuant to the national crime prevention and 904
privacy compact set forth in section 109.571 of the Revised 905

Code. 906

(4) The superintendent shall include in the results of the 907
criminal records check a list or description of the offenses 908
listed or described in division (A) (1), (2), (3), (4), (5), (6), 909
(7), (8), (9), (10), (11), (12), (13), (14), ~~or~~ (15), or (16) of 910
this section, whichever division requires the superintendent to 911
conduct the criminal records check. The superintendent shall 912
exclude from the results any information the dissemination of 913
which is prohibited by federal law. 914

(5) The superintendent shall send the results of the 915
criminal records check to the person to whom it is to be sent 916
not later than the following number of days after the date the 917
superintendent receives the request for the criminal records 918
check, the completed form prescribed under division (C) (1) of 919
this section, and the set of fingerprint impressions obtained in 920
the manner described in division (C) (2) of this section: 921

(a) If the superintendent is required by division (A) of 922
this section (other than division (A) (3) of this section) to 923
conduct the criminal records check, thirty; 924

(b) If the superintendent is required by division (A) (3) 925
of this section to conduct the criminal records check, sixty. 926

(C) (1) The superintendent shall prescribe a form to obtain 927
the information necessary to conduct a criminal records check 928
from any person for whom a criminal records check is to be 929
conducted under this section. The form that the superintendent 930
prescribes pursuant to this division may be in a tangible 931
format, in an electronic format, or in both tangible and 932
electronic formats. 933

(2) The superintendent shall prescribe standard impression 934

935 sheets to obtain the fingerprint impressions of any person for
936 whom a criminal records check is to be conducted under this
937 section. Any person for whom a records check is to be conducted
938 under this section shall obtain the fingerprint impressions at a
939 county sheriff's office, municipal police department, or any
940 other entity with the ability to make fingerprint impressions on
941 the standard impression sheets prescribed by the superintendent.
942 The office, department, or entity may charge the person a
943 reasonable fee for making the impressions. The standard
944 impression sheets the superintendent prescribes pursuant to this
945 division may be in a tangible format, in an electronic format,
946 or in both tangible and electronic formats.

947 (3) Subject to division (D) of this section, the
948 superintendent shall prescribe and charge a reasonable fee for
949 providing a criminal records check under this section. The
950 person requesting the criminal records check shall pay the fee
951 prescribed pursuant to this division. In the case of a request
952 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,
953 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the
954 fee shall be paid in the manner specified in that section.

955 (4) The superintendent of the bureau of criminal
956 identification and investigation may prescribe methods of
957 forwarding fingerprint impressions and information necessary to
958 conduct a criminal records check, which methods shall include,
959 but not be limited to, an electronic method.

960 (D) The results of a criminal records check conducted
961 under this section, other than a criminal records check
962 specified in division (A) (7) of this section, are valid for the
963 person who is the subject of the criminal records check for a
964 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 965
superintendent receives another request for a criminal records 966
check to be conducted under this section for that person, the 967
superintendent shall provide the results from the previous 968
criminal records check of the person at a lower fee than the fee 969
prescribed for the initial criminal records check. 970

(E) When the superintendent receives a request for 971
information from a registered private provider, the 972
superintendent shall proceed as if the request was received from 973
a school district board of education under section 3319.39 of 974
the Revised Code. The superintendent shall apply division (A) (1) 975
(c) of this section to any such request for an applicant who is 976
a teacher. 977

(F) (1) Subject to division (F) (2) of this section, all 978
information regarding the results of a criminal records check 979
conducted under this section that the superintendent reports or 980
sends under division (A) (7) or (9) of this section to the 981
director of public safety, the treasurer of state, or the 982
person, board, or entity that made the request for the criminal 983
records check shall relate to the conviction of the subject 984
person, or the subject person's plea of guilty to, a criminal 985
offense. 986

(2) Division (F) (1) of this section does not limit, 987
restrict, or preclude the superintendent's release of 988
information that relates to the arrest of a person who is 989
eighteen years of age or older, to an adjudication of a child as 990
a delinquent child, or to a criminal conviction of a person 991
under eighteen years of age in circumstances in which a release 992
of that nature is authorized under division (E) (2), (3), or (4) 993
of section 109.57 of the Revised Code pursuant to a rule adopted 994

under division (E) (1) of that section.	995
(G) As used in this section:	996
(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.	997 998 999 1000
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1001 1002
(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.	1003 1004 1005 1006 1007
(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.	1008 1009 1010 1011 1012 1013
Sec. 121.08. (A) There is hereby created in the department of commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform the duties the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform the duties prescribed by the director of commerce in supervising the activities of the	1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

division of administration of the department of commerce. 1024

(B) Except as provided in section 121.07 of the Revised 1025
Code, the department of commerce shall have all powers and 1026
perform all duties vested in the deputy director of 1027
administration, the state fire marshal, the superintendent of 1028
financial institutions, the superintendent of real estate and 1029
professional licensing, the superintendent of liquor control, 1030
the superintendent of industrial compliance, the superintendent 1031
of unclaimed funds, and the commissioner of securities, and 1032
shall have all powers and perform all duties vested by law in 1033
all officers, deputies, and employees of those offices. Except 1034
as provided in section 121.07 of the Revised Code, wherever 1035
powers are conferred or duties imposed upon any of those 1036
officers, the powers and duties shall be construed as vested in 1037
the department of commerce. 1038

(C) (1) There is hereby created in the department of 1039
commerce a division of financial institutions, which shall have 1040
all powers and perform all duties vested by law in the 1041
superintendent of financial institutions. Wherever powers are 1042
conferred or duties imposed upon the superintendent of financial 1043
institutions, those powers and duties shall be construed as 1044
vested in the division of financial institutions. The division 1045
of financial institutions shall be administered by the 1046
superintendent of financial institutions. 1047

(2) All provisions of law governing the superintendent of 1048
financial institutions shall apply to and govern the 1049
superintendent of financial institutions provided for in this 1050
section; all authority vested by law in the superintendent of 1051
financial institutions with respect to the management of the 1052
division of financial institutions shall be construed as vested 1053

in the superintendent of financial institutions created by this 1054
section with respect to the division of financial institutions 1055
provided for in this section; and all rights, privileges, and 1056
emoluments conferred by law upon the superintendent of financial 1057
institutions shall be construed as conferred upon the 1058
superintendent of financial institutions as head of the division 1059
of financial institutions. The director of commerce shall not 1060
transfer from the division of financial institutions any of the 1061
functions specified in division (C) (2) of this section. 1062

(D) There is hereby created in the department of commerce 1063
a division of liquor control, which shall have all powers and 1064
perform all duties vested by law in the superintendent of liquor 1065
control. Wherever powers are conferred or duties are imposed 1066
upon the superintendent of liquor control, those powers and 1067
duties shall be construed as vested in the division of liquor 1068
control. The division of liquor control shall be administered by 1069
the superintendent of liquor control. 1070

(E) The director of commerce shall not be interested, 1071
directly or indirectly, in any firm or corporation which is a 1072
dealer in securities as defined in sections 1707.01 and 1707.14 1073
of the Revised Code, or in any firm or corporation licensed 1074
under sections 1321.01 to 1321.19 of the Revised Code. 1075

(F) The director of commerce shall not have any official 1076
connection with a savings and loan association, a savings bank, 1077
a bank, a bank holding company, a savings and loan association 1078
holding company, a consumer finance company, or a credit union 1079
that is under the supervision of the division of financial 1080
institutions, or a subsidiary of any of the preceding entities, 1081
or be interested in the business thereof. 1082

(G) There is hereby created in the state treasury the 1083

division of administration fund. The fund shall receive 1084
assessments on the operating funds of the department of commerce 1085
in accordance with procedures prescribed by the director of 1086
commerce and approved by the director of budget and management. 1087
All operating expenses of the division of administration shall 1088
be paid from the division of administration fund. 1089

(H) There is hereby created in the department of commerce 1090
a division of real estate and professional licensing, which 1091
shall be under the control and supervision of the director of 1092
commerce. The division of real estate and professional licensing 1093
shall be administered by the superintendent of real estate and 1094
professional licensing. The superintendent of real estate and 1095
professional licensing shall exercise the powers and perform the 1096
functions and duties delegated to the superintendent under 1097
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised 1098
Code. 1099

(I) There is hereby created in the department of commerce 1100
a division of industrial compliance, which shall have all powers 1101
and perform all duties vested by law in the superintendent of 1102
industrial compliance. Wherever powers are conferred or duties 1103
imposed upon the superintendent of industrial compliance, those 1104
powers and duties shall be construed as vested in the division 1105
of industrial compliance. The division of industrial compliance 1106
shall be under the control and supervision of the director of 1107
commerce and be administered by the superintendent of industrial 1108
compliance. 1109

(J) There is hereby created in the department of commerce 1110
a division of unclaimed funds, which shall have all powers and 1111
perform all duties delegated to or vested by law in the 1112
superintendent of unclaimed funds. Wherever powers are conferred 1113

or duties imposed upon the superintendent of unclaimed funds, 1114
those powers and duties shall be construed as vested in the 1115
division of unclaimed funds. The division of unclaimed funds 1116
shall be under the control and supervision of the director of 1117
commerce and shall be administered by the superintendent of 1118
unclaimed funds. The superintendent of unclaimed funds shall 1119
exercise the powers and perform the functions and duties 1120
delegated to the superintendent by the director of commerce 1121
under section 121.07 and Chapter 169. of the Revised Code, and 1122
as may otherwise be provided by law. 1123

(K) The department of commerce or a division of the 1124
department created by the Revised Code that is acting with 1125
authorization on the department's behalf may request from the 1126
bureau of criminal identification and investigation pursuant to 1127
section 109.572 of the Revised Code, or coordinate with 1128
appropriate federal, state, and local government agencies to 1129
accomplish, criminal records checks for the persons whose 1130
identities are required to be disclosed by an applicant for the 1131
issuance or transfer of a permit, license, certificate of 1132
registration, or certification issued or transferred by the 1133
department or division. At or before the time of making a 1134
request for a criminal records check, the department or division 1135
may require any person whose identity is required to be 1136
disclosed by an applicant for the issuance or transfer of such a 1137
license, permit, certificate of registration, or certification 1138
to submit to the department or division valid fingerprint 1139
impressions in a format and by any media or means acceptable to 1140
the bureau of criminal identification and investigation and, 1141
when applicable, the federal bureau of investigation. The 1142
department or division may cause the bureau of criminal 1143
identification and investigation to conduct a criminal records 1144

check through the federal bureau of investigation only if the 1145
person for whom the criminal records check would be conducted 1146
resides or works outside of this state or has resided or worked 1147
outside of this state during the preceding five years, or if a 1148
criminal records check conducted by the bureau of criminal 1149
identification and investigation within this state indicates 1150
that the person may have a criminal record outside of this 1151
state. 1152

In the case of a criminal records check under section 1153
109.572 of the Revised Code, the department or division shall 1154
forward to the bureau of criminal identification and 1155
investigation the requisite form, fingerprint impressions, and 1156
fee described in division (C) of that section. When requested by 1157
the department or division in accordance with this section, the 1158
bureau of criminal identification and investigation shall 1159
request from the federal bureau of investigation any information 1160
it has with respect to the person who is the subject of the 1161
requested criminal records check and shall forward the requisite 1162
fingerprint impressions and information to the federal bureau of 1163
investigation for that criminal records check. After conducting 1164
a criminal records check or receiving the results of a criminal 1165
records check from the federal bureau of investigation, the 1166
bureau of criminal identification and investigation shall 1167
provide the results to the department or division. 1168

The department or division may require any person about 1169
whom a criminal records check is requested to pay to the 1170
department or division the amount necessary to cover the fee 1171
charged to the department or division by the bureau of criminal 1172
identification and investigation under division (C) (3) of 1173
section 109.572 of the Revised Code, including, when applicable, 1174
any fee for a criminal records check conducted by the federal 1175

bureau of investigation. 1176

(L) The director of commerce, or the director's designee, 1177
may adopt rules to enhance compliance with statutes pertaining 1178
to, and rules adopted by, divisions under the direction, 1179
supervision, and control of the department or director by 1180
offering incentive-based programs that ensure safety and 1181
soundness while promoting growth and prosperity in the state. 1182

Sec. 2925.01. As used in this chapter: 1183

(A) "Administer," "controlled substance," "controlled 1184
substance analog," "dispense," "distribute," "hypodermic," 1185
"manufacturer," "official written order," "person," 1186
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1187
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1188
have the same meanings as in section 3719.01 of the Revised 1189
Code. 1190

(B) "Drug dependent person" and "drug of abuse" have the 1191
same meanings as in section 3719.011 of the Revised Code. 1192

(C) "Drug," "dangerous drug," "licensed health 1193
professional authorized to prescribe drugs," and "prescription" 1194
have the same meanings as in section 4729.01 of the Revised 1195
Code. 1196

(D) "Bulk amount" of a controlled substance means any of 1197
the following: 1198

(1) For any compound, mixture, preparation, or substance 1199
included in schedule I, schedule II, or schedule III, with the 1200
exception of any controlled substance analog, marihuana, 1201
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1202
hashish and except as provided in division (D)(2), (5), or (6) 1203
of this section, whichever of the following is applicable: 1204

- (a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 1205
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- (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 1209
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- (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 1212
1213
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1216
- (d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative; 1217
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- (e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine; 1222
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1224
- (f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is 1225
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or contains any amount of a schedule II depressant substance or 1234
a schedule II hallucinogenic substance; 1235

(g) An amount equal to or exceeding three grams of a 1236
compound, mixture, preparation, or substance that is or contains 1237
any amount of a schedule II stimulant, or any of its salts or 1238
isomers, that is not in a final dosage form manufactured by a 1239
person authorized by the Federal Food, Drug, and Cosmetic Act 1240
and the federal drug abuse control laws. 1241

(2) An amount equal to or exceeding one hundred twenty 1242
grams or thirty times the maximum daily dose in the usual dose 1243
range specified in a standard pharmaceutical reference manual of 1244
a compound, mixture, preparation, or substance that is or 1245
contains any amount of a schedule III or IV substance other than 1246
an anabolic steroid or a schedule III opiate or opium 1247
derivative; 1248

(3) An amount equal to or exceeding twenty grams or five 1249
times the maximum daily dose in the usual dose range specified 1250
in a standard pharmaceutical reference manual of a compound, 1251
mixture, preparation, or substance that is or contains any 1252
amount of a schedule III opiate or opium derivative; 1253

(4) An amount equal to or exceeding two hundred fifty 1254
milliliters or two hundred fifty grams of a compound, mixture, 1255
preparation, or substance that is or contains any amount of a 1256
schedule V substance; 1257

(5) An amount equal to or exceeding two hundred solid 1258
dosage units, sixteen grams, or sixteen milliliters of a 1259
compound, mixture, preparation, or substance that is or contains 1260
any amount of a schedule III anabolic steroid; 1261

(6) For any compound, mixture, preparation, or substance 1262

that is a combination of a fentanyl-related compound and any 1263
other compound, mixture, preparation, or substance included in 1264
schedule III, schedule IV, or schedule V, if the defendant is 1265
charged with a violation of section 2925.11 of the Revised Code 1266
and the sentencing provisions set forth in divisions (C) (10) (b) 1267
and (C) (11) of that section will not apply regarding the 1268
defendant and the violation, the bulk amount of the controlled 1269
substance for purposes of the violation is the amount specified 1270
in division (D) (1), (2), (3), (4), or (5) of this section for 1271
the other schedule III, IV, or V controlled substance that is 1272
combined with the fentanyl-related compound. 1273

(E) "Unit dose" means an amount or unit of a compound, 1274
mixture, or preparation containing a controlled substance that 1275
is separately identifiable and in a form that indicates that it 1276
is the amount or unit by which the controlled substance is 1277
separately administered to or taken by an individual. 1278

(F) "Cultivate" includes planting, watering, fertilizing, 1279
or tilling. 1280

(G) "Drug abuse offense" means any of the following: 1281

(1) A violation of division (A) of section 2913.02 that 1282
constitutes theft of drugs, or a violation of section 2925.02, 1283
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1284
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1285
or 2925.37 of the Revised Code; 1286

(2) A violation of an existing or former law of this or 1287
any other state or of the United States that is substantially 1288
equivalent to any section listed in division (G) (1) of this 1289
section; 1290

(3) An offense under an existing or former law of this or 1291

any other state, or of the United States, of which planting, 1292
cultivating, harvesting, processing, making, manufacturing, 1293
producing, shipping, transporting, delivering, acquiring, 1294
possessing, storing, distributing, dispensing, selling, inducing 1295
another to use, administering to another, using, or otherwise 1296
dealing with a controlled substance is an element; 1297

(4) A conspiracy to commit, attempt to commit, or 1298
complicity in committing or attempting to commit any offense 1299
under division (G) (1), (2), or (3) of this section. 1300

(H) "Felony drug abuse offense" means any drug abuse 1301
offense that would constitute a felony under the laws of this 1302
state, any other state, or the United States. 1303

(I) "Harmful intoxicant" does not include beer or 1304
intoxicating liquor but means any of the following: 1305

(1) Any compound, mixture, preparation, or substance the 1306
gas, fumes, or vapor of which when inhaled can induce 1307
intoxication, excitement, giddiness, irrational behavior, 1308
depression, stupefaction, paralysis, unconsciousness, 1309
asphyxiation, or other harmful physiological effects, and 1310
includes, but is not limited to, any of the following: 1311

(a) Any volatile organic solvent, plastic cement, model 1312
cement, fingernail polish remover, lacquer thinner, cleaning 1313
fluid, gasoline, or other preparation containing a volatile 1314
organic solvent; 1315

(b) Any aerosol propellant; 1316

(c) Any fluorocarbon refrigerant; 1317

(d) Any anesthetic gas. 1318

(2) Gamma Butyrolactone; 1319

(3) 1,4 Butanediol.	1320
(J) "Manufacture" means to plant, cultivate, harvest,	1321
process, make, prepare, or otherwise engage in any part of the	1322
production of a drug, by propagation, extraction, chemical	1323
synthesis, or compounding, or any combination of the same, and	1324
includes packaging, repackaging, labeling, and other activities	1325
incident to production.	1326
(K) "Possess" or "possession" means having control over a	1327
thing or substance, but may not be inferred solely from mere	1328
access to the thing or substance through ownership or occupation	1329
of the premises upon which the thing or substance is found.	1330
(L) "Sample drug" means a drug or pharmaceutical	1331
preparation that would be hazardous to health or safety if used	1332
without the supervision of a licensed health professional	1333
authorized to prescribe drugs, or a drug of abuse, and that, at	1334
one time, had been placed in a container plainly marked as a	1335
sample by a manufacturer.	1336
(M) "Standard pharmaceutical reference manual" means the	1337
current edition, with cumulative changes if any, of references	1338
that are approved by the state board of pharmacy.	1339
(N) "Juvenile" means a person under eighteen years of age.	1340
(O) "Counterfeit controlled substance" means any of the	1341
following:	1342
(1) Any drug that bears, or whose container or label	1343
bears, a trademark, trade name, or other identifying mark used	1344
without authorization of the owner of rights to that trademark,	1345
trade name, or identifying mark;	1346
(2) Any unmarked or unlabeled substance that is	1347

represented to be a controlled substance manufactured, 1348
processed, packed, or distributed by a person other than the 1349
person that manufactured, processed, packed, or distributed it; 1350

(3) Any substance that is represented to be a controlled 1351
substance but is not a controlled substance or is a different 1352
controlled substance; 1353

(4) Any substance other than a controlled substance that a 1354
reasonable person would believe to be a controlled substance 1355
because of its similarity in shape, size, and color, or its 1356
markings, labeling, packaging, distribution, or the price for 1357
which it is sold or offered for sale. 1358

(P) An offense is "committed in the vicinity of a school" 1359
if the offender commits the offense on school premises, in a 1360
school building, or within one thousand feet of the boundaries 1361
of any school premises, regardless of whether the offender knows 1362
the offense is being committed on school premises, in a school 1363
building, or within one thousand feet of the boundaries of any 1364
school premises. 1365

(Q) "School" means any school operated by a board of 1366
education, any community school established under Chapter 3314. 1367
of the Revised Code, or any nonpublic school for which the state 1368
board of education prescribes minimum standards under section 1369
3301.07 of the Revised Code, whether or not any instruction, 1370
extracurricular activities, or training provided by the school 1371
is being conducted at the time a criminal offense is committed. 1372

(R) "School premises" means either of the following: 1373

(1) The parcel of real property on which any school is 1374
situated, whether or not any instruction, extracurricular 1375
activities, or training provided by the school is being 1376

conducted on the premises at the time a criminal offense is 1377
committed; 1378

(2) Any other parcel of real property that is owned or 1379
leased by a board of education of a school, the governing 1380
authority of a community school established under Chapter 3314. 1381
of the Revised Code, or the governing body of a nonpublic school 1382
for which the state board of education prescribes minimum 1383
standards under section 3301.07 of the Revised Code and on which 1384
some of the instruction, extracurricular activities, or training 1385
of the school is conducted, whether or not any instruction, 1386
extracurricular activities, or training provided by the school 1387
is being conducted on the parcel of real property at the time a 1388
criminal offense is committed. 1389

(S) "School building" means any building in which any of 1390
the instruction, extracurricular activities, or training 1391
provided by a school is conducted, whether or not any 1392
instruction, extracurricular activities, or training provided by 1393
the school is being conducted in the school building at the time 1394
a criminal offense is committed. 1395

(T) "Disciplinary counsel" means the disciplinary counsel 1396
appointed by the board of commissioners on grievances and 1397
discipline of the supreme court under the Rules for the 1398
Government of the Bar of Ohio. 1399

(U) "Certified grievance committee" means a duly 1400
constituted and organized committee of the Ohio state bar 1401
association or of one or more local bar associations of the 1402
state of Ohio that complies with the criteria set forth in Rule 1403
V, section 6 of the Rules for the Government of the Bar of Ohio. 1404

(V) "Professional license" means any license, permit, 1405

certificate, registration, qualification, admission, temporary 1406
license, temporary permit, temporary certificate, or temporary 1407
registration that is described in divisions (W) (1) to ~~(36)~~ (37) 1408
of this section and that qualifies a person as a professionally 1409
licensed person. 1410

(W) "Professionally licensed person" means any of the 1411
following: 1412

(1) A person who has obtained a license as a manufacturer 1413
of controlled substances or a wholesaler of controlled 1414
substances under Chapter 3719. of the Revised Code; 1415

(2) A person who has received a certificate or temporary 1416
certificate as a certified public accountant or who has 1417
registered as a public accountant under Chapter 4701. of the 1418
Revised Code and who holds an Ohio permit issued under that 1419
chapter; 1420

(3) A person who holds a certificate of qualification to 1421
practice architecture issued or renewed and registered under 1422
Chapter 4703. of the Revised Code; 1423

(4) A person who is registered as a landscape architect 1424
under Chapter 4703. of the Revised Code or who holds a permit as 1425
a landscape architect issued under that chapter; 1426

(5) A person licensed under Chapter 4707. of the Revised 1427
Code; 1428

(6) A person who has been issued a certificate of 1429
registration as a registered barber under Chapter 4709. of the 1430
Revised Code; 1431

(7) A person licensed and regulated to engage in the 1432
business of a debt pooling company by a legislative authority, 1433

under authority of Chapter 4710. of the Revised Code;	1434
(8) A person who has been issued a cosmetologist's	1435
license, hair designer's license, manicurist's license,	1436
esthetician's license, natural hair stylist's license, advanced	1437
cosmetologist's license, advanced hair designer's license,	1438
advanced manicurist's license, advanced esthetician's license,	1439
advanced natural hair stylist's license, cosmetology	1440
instructor's license, hair design instructor's license,	1441
manicurist instructor's license, esthetics instructor's license,	1442
natural hair style instructor's license, independent	1443
contractor's license, or tanning facility permit under Chapter	1444
4713. of the Revised Code;	1445
(9) A person who has been issued a license to practice	1446
dentistry, a general anesthesia permit, a conscious intravenous	1447
sedation permit, a limited resident's license, a limited	1448
teaching license, a dental hygienist's license, or a dental	1449
hygienist's teacher's certificate under Chapter 4715. of the	1450
Revised Code;	1451
(10) A person who has been issued an embalmer's license, a	1452
funeral director's license, a funeral home license, or a	1453
crematory license, or who has been registered for an embalmer's	1454
or funeral director's apprenticeship under Chapter 4717. of the	1455
Revised Code;	1456
(11) A person who has been licensed as a registered nurse	1457
or practical nurse, or who has been issued a certificate for the	1458
practice of nurse-midwifery under Chapter 4723. of the Revised	1459
Code;	1460
(12) A person who has been licensed to practice optometry	1461
or to engage in optical dispensing under Chapter 4725. of the	1462

Revised Code;	1463
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1464 1465
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1466 1467
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	1468 1469 1470 1471
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1472 1473
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	1474 1475 1476 1477 1478
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1479 1480
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1481 1482 1483
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1484 1485
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1486 1487
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	1488 1489

(23) A person licensed to operate or maintain a junkyard	1490
under Chapter 4737. of the Revised Code;	1491
(24) A person who has been issued a motor vehicle salvage	1492
dealer's license under Chapter 4738. of the Revised Code;	1493
(25) A person who has been licensed to act as a steam	1494
engineer under Chapter 4739. of the Revised Code;	1495
(26) A person who has been issued a license or temporary	1496
permit to practice veterinary medicine or any of its branches,	1497
or who is registered as a graduate animal technician under	1498
Chapter 4741. of the Revised Code;	1499
(27) A person who has been issued a hearing aid dealer's	1500
or fitter's license or trainee permit under Chapter 4747. of the	1501
Revised Code;	1502
(28) A person who has been issued a class A, class B, or	1503
class C license or who has been registered as an investigator or	1504
security guard employee under Chapter 4749. of the Revised Code;	1505
(29) A person licensed and registered to practice as a	1506
nursing home administrator under Chapter 4751. of the Revised	1507
Code;	1508
(30) A person licensed to practice as a speech-language	1509
pathologist or audiologist under Chapter 4753. of the Revised	1510
Code;	1511
(31) A person issued a license as an occupational	1512
therapist or physical therapist under Chapter 4755. of the	1513
Revised Code;	1514
(32) A person who is licensed as a licensed professional	1515
clinical counselor, licensed professional counselor, social	1516
worker, independent social worker, independent marriage and	1517

family therapist, or marriage and family therapist, or 1518
registered as a social work assistant under Chapter 4757. of the 1519
Revised Code; 1520

(33) A person issued a license to practice dietetics under 1521
Chapter 4759. of the Revised Code; 1522

(34) A person who has been issued a license or limited 1523
permit to practice respiratory therapy under Chapter 4761. of 1524
the Revised Code; 1525

(35) A person who has been issued a real estate appraiser 1526
certificate under Chapter 4763. of the Revised Code; 1527

(36) A person who has been issued a home inspector license 1528
under Chapter 4764. of the Revised Code; 1529

(37) A person who has been admitted to the bar by order of 1530
the supreme court in compliance with its prescribed and 1531
published rules. 1532

(X) "Cocaine" means any of the following: 1533

(1) A cocaine salt, isomer, or derivative, a salt of a 1534
cocaine isomer or derivative, or the base form of cocaine; 1535

(2) Coca leaves or a salt, compound, derivative, or 1536
preparation of coca leaves, including ecgonine, a salt, isomer, 1537
or derivative of ecgonine, or a salt of an isomer or derivative 1538
of ecgonine; 1539

(3) A salt, compound, derivative, or preparation of a 1540
substance identified in division (X)(1) or (2) of this section 1541
that is chemically equivalent to or identical with any of those 1542
substances, except that the substances shall not include 1543
decocainized coca leaves or extraction of coca leaves if the 1544
extractions do not contain cocaine or ecgonine. 1545

(Y) "L.S.D." means lysergic acid diethylamide.	1546
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	1547 1548 1549
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	1550 1551 1552
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	1553 1554 1555 1556 1557 1558 1559
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	1560 1561 1562 1563 1564 1565
(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	1566 1567
(EE) "Minor drug possession offense" means either of the following:	1568 1569
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	1570 1571
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a	1572 1573

felony of the fifth degree. 1574

(FF) "Mandatory prison term" has the same meaning as in 1575
section 2929.01 of the Revised Code. 1576

(GG) "Adulterate" means to cause a drug to be adulterated 1577
as described in section 3715.63 of the Revised Code. 1578

(HH) "Public premises" means any hotel, restaurant, 1579
tavern, store, arena, hall, or other place of public 1580
accommodation, business, amusement, or resort. 1581

(II) "Methamphetamine" means methamphetamine, any salt, 1582
isomer, or salt of an isomer of methamphetamine, or any 1583
compound, mixture, preparation, or substance containing 1584
methamphetamine or any salt, isomer, or salt of an isomer of 1585
methamphetamine. 1586

(JJ) "Lawful prescription" means a prescription that is 1587
issued for a legitimate medical purpose by a licensed health 1588
professional authorized to prescribe drugs, that is not altered 1589
or forged, and that was not obtained by means of deception or by 1590
the commission of any theft offense. 1591

(KK) "Deception" and "theft offense" have the same 1592
meanings as in section 2913.01 of the Revised Code. 1593

(LL) "Fentanyl-related compound" means any of the 1594
following: 1595

(1) Fentanyl; 1596

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1597
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 1598
phenylethyl)-4-(N-propanilido) piperidine); 1599

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 1600

thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	1601
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	1602 1603
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1604 1605 1606
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	1607 1608
(7)3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	1609 1610
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	1611 1612
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	1613 1614
(10) Alfentanil;	1615
(11) Carfentanil;	1616
(12) Remifentanil;	1617
(13) Sufentanil;	1618
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1619 1620
(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	1621 1622 1623 1624 1625 1626

Sec. 4713.01. As used in this chapter:	1627
"Apprentice instructor" means an individual holding a	1628
practicing license issued by the state cosmetology and barber	1629
board who is engaged in learning or acquiring knowledge of the	1630
occupation of an instructor of a branch of cosmetology at a	1631
school of cosmetology.	1632
"Beauty salon" means a salon in which an individual is	1633
authorized to engage in all branches of cosmetology.	1634
"Biennial licensing period" means the two-year period	1635
beginning on the first day of February of an odd-numbered year	1636
and ending on the last day of January of the next odd-numbered	1637
year.	1638
"Boutique salon" means a salon in which an individual	1639
engages in boutique services and no other branch of cosmetology.	1640
"Boutique services" means braiding, threading, and	1641
shampooing, <u>and makeup artistry.</u>	1642
"Braiding" means intertwining the hair in a systematic	1643
motion to create patterns in a three-dimensional form, inverting	1644
the hair against the scalp along part of a straight or curved	1645
row of intertwined hair, or twisting the hair in a systematic	1646
motion, and includes extending the hair with natural or	1647
synthetic hair fibers.	1648
"Branch of cosmetology" means the practice of cosmetology,	1649
practice of esthetics, practice of hair design, practice of	1650
manicuring, practice of natural hair styling, or practice of	1651
boutique services.	1652
"Cosmetic therapy" has the same meaning as in section	1653
4731.15 of the Revised Code.	1654

"Cosmetologist" means an individual authorized to engage 1655
in all branches of cosmetology in a licensed facility. 1656

"Cosmetology" means the art or practice of embellishment, 1657
cleansing, beautification, and styling of hair, wigs, postiches, 1658
face, body, or nails. 1659

"Cosmetology instructor" means an individual authorized to 1660
teach the theory and practice of all branches of cosmetology at 1661
a school of cosmetology. 1662

"Esthetician" means an individual who engages in the 1663
practice of esthetics but no other branch of cosmetology in a 1664
licensed facility. 1665

"Esthetics instructor" means an individual who teaches the 1666
theory and practice of esthetics, but no other branch of 1667
cosmetology, at a school of cosmetology. 1668

"Esthetics salon" means a salon in which an individual 1669
engages in the practice of esthetics but no other branch of 1670
cosmetology. 1671

"Eye lash extensions" include temporary and semi-permanent 1672
enhancements designed to add length, thickness, and fullness to 1673
natural eyelashes. 1674

"Hair designer" means an individual who engages in the 1675
practice of hair design but no other branch of cosmetology in a 1676
licensed facility. 1677

"Hair design instructor" means an individual who teaches 1678
the theory and practice of hair design, but no other branch of 1679
cosmetology, at a school of cosmetology. 1680

"Hair design salon" means a salon in which an individual 1681
engages in the practice of hair design but no other branch of 1682

cosmetology.	1683
"Hair removal" includes tweezing, waxing, sugaring, and	1684
threading. "Hair removal" does not include electrolysis.	1685
"Independent contractor" means an individual who is not an	1686
employee of a salon but practices a branch of cosmetology within	1687
a salon in a licensed facility.	1688
"Instructor license" means a license to teach the theory	1689
and practice of a branch of cosmetology at a school of	1690
cosmetology.	1691
"Licensed facility" means any premises, building, or part	1692
of a building licensed under section 4713.41 of the Revised Code	1693
in which cosmetology services are authorized by the state	1694
cosmetology and barber board to be performed.	1695
"Advanced cosmetologist" means an individual authorized to	1696
work in a beauty salon and engage in all branches of	1697
cosmetology.	1698
"Advanced esthetician" means an individual authorized to	1699
work in an esthetics salon, but no other type of salon, and	1700
engage in the practice of esthetics, but no other branch of	1701
cosmetology.	1702
"Advanced hair designer" means an individual authorized to	1703
work in a hair design salon, but no other type of salon, and	1704
engage in the practice of hair design, but no other branch of	1705
cosmetology.	1706
"Advanced license" means a license to work in a salon and	1707
practice the branch of cosmetology practiced at the salon.	1708
"Advanced manicurist" means an individual authorized to	1709
work in a nail salon, but no other type of salon, and engage in	1710

the practice of manicuring, but no other branch of cosmetology. 1711

"Advanced natural hair stylist" means an individual 1712
authorized to work in a natural hair style salon, but no other 1713
type of salon, and engage in the practice of natural hair 1714
styling, but no other branch of cosmetology. 1715

"Makeup artistry" means the application of cosmetics for 1716
the purpose of skin beautification. "Makeup artistry" does not 1717
include any other services described in the practice of any 1718
other branch of cosmetology. 1719

"Manicurist" means an individual who engages in the 1720
practice of manicuring but no other branch of cosmetology in a 1721
licensed facility. 1722

"Manicurist instructor" means an individual who teaches 1723
the theory and practice of manicuring, but no other branch of 1724
cosmetology, at a school of cosmetology. 1725

"Nail salon" means a salon in which an individual engages 1726
in the practice of manicuring but no other branch of 1727
cosmetology. 1728

"Natural hair stylist" means an individual who engages in 1729
the practice of natural hair styling but no other branch of 1730
cosmetology in a licensed facility. 1731

"Natural hair style instructor" means an individual who 1732
teaches the theory and practice of natural hair styling, but no 1733
other branch of cosmetology, at a school of cosmetology. 1734

"Natural hair style salon" means a salon in which an 1735
individual engages in the practice of natural hair styling but 1736
no other branch of cosmetology. 1737

"Practice of braiding" means utilizing the technique of 1738

intertwining hair in a systematic motion to create patterns in a 1739
three-dimensional form, including patterns that are inverted, 1740
upright, or singled against the scalp that follow along straight 1741
or curved partings. It may include twisting or locking the hair 1742
while adding bulk or length with human hair, synthetic hair, or 1743
both and using simple devices such as clips, combs, and 1744
hairpins. "Practice of braiding" does not include application of 1745
weaving, bonding, and fusion of individual strands or wefts; 1746
application of dyes, reactive chemicals, or other preparations 1747
to alter the color or straighten, curl, or alter the structure 1748
of hair; embellishing or beautifying hair by cutting or 1749
singeing, except as needed to finish the ends of synthetic 1750
fibers used to add bulk to or lengthen hair. 1751

"Practice of cosmetology" means the practice of all 1752
branches of cosmetology. 1753

"Practice of esthetics" means the application of 1754
cosmetics, tonics, antiseptics, creams, lotions, or other 1755
preparations for the purpose of skin beautification and includes 1756
preparation of the skin by manual massage techniques or by use 1757
of electrical, mechanical, or other apparatus; enhancement of 1758
the skin by skin care, facials, body treatments, hair removal, 1759
and other treatments; and eye lash extension services. 1760

"Practice of hair design" means embellishing or 1761
beautifying hair, wigs, or hairpieces by arranging, dressing, 1762
pressing, curling, waving, permanent waving, cleansing, cutting, 1763
singeing, bleaching, coloring, braiding, weaving, or similar 1764
work. "Practice of hair design" includes utilizing techniques 1765
performed by hand that result in tension on hair roots such as 1766
twisting, wrapping, weaving, extending, locking, or braiding of 1767
the hair. 1768

"Practice of manicuring" means cleaning, trimming, shaping 1769
the free edge of, or applying polish to the nails of any 1770
individual; applying nail enhancements and embellishments to any 1771
individual; massaging the hands and lower arms up to the elbow 1772
of any individual; massaging the feet and lower legs up to the 1773
knee of any individual; using lotions or softeners on the hands 1774
and feet of any individual; or any combination of these types of 1775
services. 1776

"Practice of natural hair styling" means utilizing 1777
techniques performed by hand that result in tension on hair 1778
roots such as twisting, wrapping, weaving, extending, locking, 1779
or braiding of the hair. "Practice of natural hair styling" does 1780
not include the application of dyes, reactive chemicals, or 1781
other preparations to alter the color or to straighten, curl, or 1782
alter the structure of the hair. "Practice of natural hair 1783
styling" also does not include embellishing or beautifying hair 1784
by cutting or singeing, except as needed to finish off the end 1785
of a braid, or by dressing, pressing, curling, waving, permanent 1786
waving, or similar work. 1787

"Practicing license" means a license to practice a branch 1788
of cosmetology in a licensed facility. 1789

"Salon" means a licensed facility on any premises, 1790
building, or part of a building in which an individual engages 1791
in the practice of one or more branches of cosmetology. "Salon" 1792
does not include a barber shop licensed under Chapter 4709. of 1793
the Revised Code. "Salon" does not mean a tanning facility, 1794
although a tanning facility may be located in a salon. 1795

"School of cosmetology" means any premises, building, or 1796
part of a building in which students are instructed in the 1797
theories and practices of one or more branches of cosmetology. 1798

"Shampooing" means the act of cleansing and conditioning 1799
an individual's hair under the supervision of an individual 1800
licensed under this chapter and in preparation to immediately 1801
receive a service from a licensee. 1802

"Student" means an individual, other than an apprentice 1803
instructor, who is engaged in learning or acquiring knowledge of 1804
the practice of a branch of cosmetology at a school of 1805
cosmetology. 1806

"Tanning facility" means any premises, building, or part 1807
of a building that contains one or more rooms or booths with any 1808
of the following: 1809

(A) Equipment or beds used for tanning human skin by the 1810
use of fluorescent sun lamps using ultraviolet or other 1811
artificial radiation; 1812

(B) Equipment or booths that use chemicals applied to 1813
human skin, including chemical applications commonly referred to 1814
as spray-on, mist-on, or sunless tans; 1815

(C) Equipment or beds that use visible light for cosmetic 1816
purposes. 1817

"Threading" includes a service that results in the removal 1818
of hair from its follicle from around the eyebrows and from 1819
other parts of the face with the use of a single strand of 1820
thread and an astringent, if the service does not use chemicals 1821
of any kind, wax, or any implements, instruments, or tools to 1822
remove hair. 1823

Sec. 4713.69. (A) The state cosmetology and barber board 1824
shall issue a boutique services registration to an applicant who 1825
satisfies all of the following applicable conditions: 1826

(1) Is at least sixteen years of age;	1827
(2) Is of good moral character;	1828
(3) Has the equivalent of an Ohio public school tenth grade education;	1829 1830
(4) Has submitted a written application on a form prescribed by the board containing all of the following:	1831 1832
(a) The applicant's name and home address;	1833
(b) The applicant's home telephone number and cellular telephone number, if any;	1834 1835
(c) The applicant's electronic mail address, if any;	1836
(d) The applicant's date of birth;	1837
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	1838 1839 1840
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	1841 1842 1843 1844
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	1845 1846 1847
(h) An affidavit <u>or certificate</u> providing proof of formal training or apprenticeship under an individual providing such services.	1848 1849 1850
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in	1851 1852 1853

section 4713.41 of the Revised Code. 1854

(C) The board shall specify the manner by which boutique 1855
services registrants shall fulfill the continuing education 1856
requirements set forth in section 4713.09 of the Revised Code. 1857

Sec. 4735.181. (A) No real estate broker or salesperson 1858
licensed pursuant to this chapter shall fail to comply with 1859
divisions (B) ~~or~~ and (D) of section 4735.13, division (D) of 1860
section 4735.14, or sections 4735.22, 4735.55, 4735.56, and 1861
4735.58 of the Revised Code or any rules adopted under those 1862
divisions or sections. 1863

(B) When the superintendent determines that a licensee has 1864
violated division (A) of this section, the superintendent may do 1865
either of the following: 1866

(1) Initiate disciplinary action under section 4735.051 of 1867
the Revised Code, in accordance with Chapter 119. of the Revised 1868
Code; 1869

(2) Personally, or by certified mail, serve a citation and 1870
impose sanctions in accordance with this section upon the 1871
licensee. 1872

(C) Every citation served under this section shall give 1873
notice to the licensee of the alleged violation or violations 1874
charged and inform the licensee of the opportunity to request a 1875
hearing in accordance with Chapter 119. of the Revised Code. The 1876
citation also shall contain a statement of a fine of up to two 1877
hundred dollars per violation. All fines collected pursuant to 1878
this section shall be credited to the real estate recovery fund, 1879
created in the state treasury under section 4735.12 of the 1880
Revised Code. 1881

(D) If any licensee is cited three times under this 1882

section within twelve consecutive months, the superintendent 1883
shall initiate disciplinary action pursuant to section 4735.051 1884
of the Revised Code for any subsequent violation that occurs 1885
within the same twelve-month period. 1886

If a licensee fails to request a hearing within thirty 1887
days after the date of service of the citation, or the licensee 1888
and the superintendent fail to reach an alternative agreement, 1889
the citation shall become final. 1890

(E) Unless otherwise indicated, the licensee named in a 1891
final citation under this section must meet all requirements 1892
contained in the final citation within thirty days after the 1893
effective date of that citation. 1894

(F) The superintendent shall suspend automatically a 1895
licensee's license if the licensee fails to comply with division 1896
(E) of this section. 1897

Sec. 4735.22. If a real estate broker or real estate 1898
salesperson provides the name of a home inspector to a purchaser 1899
or seller of real estate, the broker or salesperson shall 1900
provide the buyer or seller with the names of at least three 1901
home inspectors. Any home inspector named shall be licensed 1902
under Chapter 4764. of the Revised Code. Providing a purchaser 1903
or seller of real estate with the names of licensed home 1904
inspectors does not constitute an endorsement or recommendation 1905
of those inspectors and does not obligate the broker or 1906
salesperson to satisfy any due diligence requirements with 1907
respect to the licensed home inspectors. This section does not 1908
require a broker or salesperson to provide purchasers or sellers 1909
of real estate with information on home inspection services or 1910
home inspectors. No cause of action shall arise against a broker 1911
or salesperson for providing or failing to provide the names of 1912

licensed home inspectors or information on home inspection 1913
services or for failing to recommend a licensed home inspector 1914
to a purchaser or seller. 1915

Sec. 4735.99. (A) Whoever violates section 4735.02~~7~~ or 1916
4735.021, ~~or~~ 4735.22 of the Revised Code is guilty of a 1917
misdemeanor of the first degree. 1918

(B) Whoever violates section 4735.25 or 4735.30 of the 1919
Revised Code is guilty of a felony of the fifth degree, and the 1920
court may impose upon the offender an additional fine of not 1921
more than two thousand five hundred dollars. 1922

Sec. 4764.01. As used in this chapter: 1923

(A) "Client" means a person who enters into a written 1924
contract with a home inspector to retain for compensation or 1925
other valuable consideration the services of that home inspector 1926
to conduct a home inspection and to provide a written report on 1927
the condition of a residential building. 1928

(B) "Crime of moral turpitude" has the same meaning as in 1929
section 4776.10 of the Revised Code. 1930

(C) "Home inspection" means the process by which a home 1931
inspector conducts a visual examination of the readily 1932
accessible components of a residential building for a client. 1933
"Home inspection" does not include pest inspections; 1934
environmental testing; inspection of any property or structure 1935
conducted by an employee or representative of an insurer 1936
licensed to transact business in this state under Title XXXIX of 1937
the Revised Code for purposes related to the business of 1938
insurance; or determination of compliance with applicable 1939
statutes, rules, resolutions, or ordinances, including, without 1940
limitation, building, zoning, or historic codes. 1941

(D) "Home inspection report" means a written report 1942
prepared by a licensed home inspector for compensation and 1943
issued after an on-site inspection of a residential property. A 1944
report shall include all of the following: 1945

(1) Information on any system or component inspected that, 1946
in the professional opinion of the inspector, is deficient to 1947
the degree that it is deficient; 1948

(2) The inspector's recommendation to repair or monitor 1949
deficiencies reported under division (D)(1) of this section; 1950

(3) A list of any systems or components that were 1951
designated for inspection in the standards of practice adopted 1952
by the board under division (A)(10) of section 4764.05 of the 1953
Revised Code but that were not inspected; 1954

(4) The reason a system or component listed under division 1955
(D)(3) of this section was not inspected. 1956

(E) "Licensed home inspector" means a person who holds a 1957
valid license issued pursuant to section 4764.07 or 4764.10 of 1958
the Revised Code to conduct a home inspection for compensation 1959
or other valuable consideration. 1960

(F) "Parallel inspection" means a home inspection 1961
performed by an applicant for a home inspector license at which 1962
both of the following take place concurrently: 1963

(1) A licensed home inspector observes and evaluates the 1964
applicant during the inspection to verify the applicant's 1965
compliance with the standards of practice specified in rules 1966
adopted by the Ohio home inspector board pursuant to division 1967
(A)(10) of section 4764.05 of the Revised Code. 1968

(2) The inspection is an on-site inspection of a 1969

residential building for the licensed home inspector's client. 1970

(G) "Readily accessible" means available for visual 1971
inspection without requiring a person to move or dismantle 1972
personal property, take destructive measures, or take any other 1973
action that will involve risk to a person or to the property. 1974

(H) "Residential building" has the same meaning as in 1975
section 3781.06 of the Revised Code but also includes the 1976
individual dwelling units within an apartment or condominium 1977
complex containing four or more dwelling units. 1978

(I) "Peer review session" means a practical exercise in 1979
which a prospective applicant for a home inspector license 1980
identifies and reports defects in a residential building that 1981
contains previously identified defects for the purpose of 1982
evaluating the prospective applicant's ability to conduct a home 1983
inspection and prepare a home inspection report. 1984

Sec. 4764.02. (A) No person shall knowingly conduct a home 1985
inspection or represent a qualification to conduct a home 1986
inspection for compensation or other valuable consideration 1987
unless that person is licensed pursuant to this chapter as a 1988
home inspector or performing a parallel inspection. 1989

(B) No person shall perform a home inspection unless it is 1990
performed pursuant to a written contract entered into between a 1991
licensed home inspector and a client. 1992

(C) No person shall perform a home inspection unless the 1993
home inspection conforms to requirements specified in rules 1994
adopted by the Ohio home inspector board pursuant to division 1995
(A) (10) of section 4764.05 of the Revised Code. 1996

(D) No person shall knowingly make or cause to be made any 1997
false representation concerning a material and relevant fact 1998

<u>relating to the person's licensure as a home inspector.</u>	1999
<u>Sec. 4764.03. Section 4764.02 of the Revised Code does not</u>	2000
<u>apply to any person described as follows if the person is acting</u>	2001
<u>within the scope of practice of the person's respective</u>	2002
<u>profession:</u>	2003
<u>(A) A person who is employed by or whose services</u>	2004
<u>otherwise are retained by this state or a political subdivision</u>	2005
<u>of this state for the purpose of enforcing building codes;</u>	2006
<u>(B) A person holding a valid certificate to practice</u>	2007
<u>architecture issued under Chapter 4703. of the Revised Code;</u>	2008
<u>(C) A person registered as a professional engineer under</u>	2009
<u>Chapter 4733. of the Revised Code;</u>	2010
<u>(D) A heating, ventilating, and air conditioning</u>	2011
<u>contractor, refrigeration contractor, electrical contractor,</u>	2012
<u>plumbing contractor, or hydronics contractor who is licensed</u>	2013
<u>under Chapter 4740. or section 3781.102 of the Revised Code or</u>	2014
<u>who is licensed or registered under section 715.27 of the</u>	2015
<u>Revised Code;</u>	2016
<u>(E) A real estate broker, real estate salesperson, foreign</u>	2017
<u>real estate dealer, or foreign real estate salesperson who is</u>	2018
<u>licensed under Chapter 4735. of the Revised Code;</u>	2019
<u>(F) A real estate appraiser who is licensed under Chapter</u>	2020
<u>4763. of the Revised Code;</u>	2021
<u>(G) A public insurance adjuster who holds a valid</u>	2022
<u>certificate of authority issued under Chapter 3951. of the</u>	2023
<u>Revised Code or an employee or representative of an insurer</u>	2024
<u>licensed to transact business in this state under Title XXXIX of</u>	2025
<u>the Revised Code who conducts an inspection of any property or</u>	2026

structure for purposes related to the business of insurance; 2027

(H) A commercial applicator of pesticide who is licensed 2028
under Chapter 921. of the Revised Code. 2029

Sec. 4764.04. There is hereby created the Ohio home 2030
inspector board consisting of seven members. The governor shall 2031
appoint five members who are licensed home inspectors. The 2032
president of the senate and the speaker of the house of 2033
representatives each shall appoint one member who represents the 2034
public and has no financial interest in the home inspection 2035
industry. Not more than four members of the board shall be 2036
members of the same political party. 2037

The governor, president of the senate, and speaker of the 2038
house of representatives shall make the initial appointments to 2039
the board not later than ninety days after the effective date of 2040
this section. Of the initial appointments to the board, the 2041
governor shall appoint one member to a term ending one year 2042
after the effective date of this section, two members to a term 2043
ending three years after that date, and two members to a term 2044
ending five years after that date. The president of the senate 2045
shall appoint one member to a term ending two years after that 2046
date, and the speaker of the house of representatives shall 2047
appoint one member to a term ending four years after that date. 2048
Thereafter, each term shall be for five years, ending on the 2049
same day of the same month as the term that it succeeds. Each 2050
member shall hold office from the date of appointment until the 2051
end of the term for which the member was appointed. Vacancies 2052
shall be filled in the manner provided for original 2053
appointments. A member appointed to fill a vacancy prior to the 2054
expiration of a term shall hold office for the remainder of that 2055
term. A member shall continue in office subsequent to the 2056

expiration of the term until the member's successor takes 2057
office. 2058

The members of the board shall not be compensated but 2059
shall be reimbursed for actual expenses reasonably incurred in 2060
the performance of their duties as members. 2061

The person who, or office that, appointed a member may 2062
remove that member for misconduct, neglect of duty, incapacity, 2063
or malfeasance. 2064

The Ohio home inspector board is a part of the department 2065
of commerce for administrative purposes. The director of 2066
commerce is ex officio the executive officer of the board, or 2067
the director may designate the superintendent of real estate and 2068
professional licensing to act as executive officer of the board. 2069

Sec. 4764.05. (A) The Ohio home inspector board shall 2070
adopt rules in accordance with Chapter 119. of the Revised Code 2071
to do all of the following: 2072

(1) Establish standards to govern the issuance, renewal, 2073
suspension, and revocation of licenses, other sanctions that may 2074
be imposed for violations of this chapter, the conduct of 2075
hearings related to these actions, and the process of 2076
reactivating a license; 2077

(2) Establish the amount of the following fees: 2078

(a) Establish the following fees in an amount that is 2079
sufficient to defray necessary expenses incurred in the 2080
administration of this chapter: 2081

(i) The fee for applying for and receiving a license 2082
issued under section 4764.07 of the Revised Code and the special 2083
assessment for the home inspection recovery fund created in 2084

section 4764.21 of the Revised Code, which together shall not 2085
exceed two hundred fifty dollars; 2086

(ii) The fee for renewal of a license under section 2087
4764.09 of the Revised Code and the special assessment for the 2088
home inspection recovery fund created in section 4764.21 of the 2089
Revised Code, which together shall not exceed two hundred fifty 2090
dollars. 2091

(b) The renewal late fee described in division (B) (2) of 2092
section 4764.09 of the Revised Code; 2093

(c) The fee an institution or organization described in 2094
division (A) (7) of this section shall pay to receive approval to 2095
offer continuing education courses and programs; 2096

(d) The fee an institution or organization that is 2097
approved to offer continuing education courses and programs 2098
shall pay for each course or program that the institution or 2099
organization wishes to have the superintendent approve pursuant 2100
to the rules adopted by the board under division (A) (8) of this 2101
section; 2102

(e) Any other fees as required by this chapter. 2103

(3) In accordance with division (C) of this section, 2104
specify methods and procedures the board shall use to approve a 2105
curriculum of education a person must successfully complete to 2106
obtain a license under this chapter; 2107

(4) In accordance with division (D) of this section, 2108
specify methods and procedures the board shall use to approve a 2109
curriculum of experience that a person may elect to complete the 2110
proof of experience requirement specified in division (D) (6) of 2111
section 4764.07 of the Revised Code; 2112

(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D) (6) of section 4764.07 of the Revised Code, as applicable; 2113
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(6) Establish a curriculum for continuing education that a licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices; 2118
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(7) Establish requirements an institution or organization shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution or organization that satisfies the requirements the board establishes; 2124
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(8) Establish procedures and standards that the superintendent shall use to approve courses and programs, including online courses and programs, offered by an institution or organization that is approved by the superintendent to offer continuing education courses or programs pursuant to the rules adopted by the board under division (A) (7) of this section; 2132
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(9) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home inspector successfully completed the continuing education requirements specified in section 4764.08 of the Revised Code; 2138
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<u>(10) Establish requirements for conducting home</u>	2142
<u>inspections, standards of practice for home inspectors, and</u>	2143
<u>conflict of interest prohibitions to the extent that those</u>	2144
<u>provisions do not conflict with divisions (B) to (E) of section</u>	2145
<u>4764.14 of the Revised Code;</u>	2146
<u>(11) Specify requirements for settlement agreements</u>	2147
<u>entered into between the superintendent and a licensed home</u>	2148
<u>inspector under division (C) of section 4764.13 of the Revised</u>	2149
<u>Code;</u>	2150
<u>(12) Establish procedures for providing licensees with</u>	2151
<u>notice and applications for renewal under section 4764.09 of the</u>	2152
<u>Revised Code;</u>	2153
<u>(13) Establish a set of standards of practice and canons</u>	2154
<u>of ethics for the home inspection industry;</u>	2155
<u>(14) Establish directions for the superintendent of real</u>	2156
<u>estate and professional licensing to follow regarding the</u>	2157
<u>scheduling, instruction, and offerings of home inspection</u>	2158
<u>courses a person must successfully complete to obtain a license</u>	2159
<u>issued under this chapter;</u>	2160
<u>(15) Establish requirements a licensed home inspector</u>	2161
<u>shall satisfy to obtain approval to prepare and conduct peer</u>	2162
<u>review sessions.</u>	2163
<u>(B) The board shall do all of the following:</u>	2164
<u>(1) On appeal by any party affected, or on its own motion,</u>	2165
<u>review any order of or application determination made by the</u>	2166
<u>superintendent, and as the board determines necessary, reverse,</u>	2167
<u>vacate, modify, or sustain such an order or determination;</u>	2168
<u>(2) Hear appeals from orders of the superintendent</u>	2169

regarding claims against the home inspection recovery fund 2170
created under section 4764.21 of this section; 2171

(3) Disseminate to licensees and the public information 2172
relative to board activities and decisions; 2173

(4) Notify licensees of changes in state and federal laws 2174
pertaining to home inspections and relevant case law and inform 2175
licensees that they are subject to disciplinary action if they 2176
do not comply with the changes. 2177

(C) The board shall approve a curriculum of education a 2178
person must successfully complete to obtain a license issued 2179
under this chapter. The board shall approve a curriculum of 2180
education that satisfies all of the following requirements: 2181

(1) The curriculum is offered by an accredited public or 2182
private institution of higher education or a professional 2183
organization that has been approved by the board to offer a 2184
curriculum. 2185

(2) The curriculum includes a requirement that a person, 2186
to successfully complete the curriculum, complete at least 2187
eighty hours of classroom or online prelicensing instruction, 2188
including instruction about compliance with the requirements 2189
specified in this chapter, inspection safety, report writing, 2190
and any other administrative matters required by the board. 2191

(3) The curriculum satisfies any other requirements the 2192
board established in rules it adopts. 2193

(D) The board shall determine the equivalency of field 2194
experience that a person may elect to complete to satisfy the 2195
proof of experience requirement specified in division (D)(6) of 2196
section 4764.07 of the Revised Code. The board shall approve 2197
only a curriculum of experience that includes a requirement that 2198

a person, to successfully complete the curriculum, must perform 2199
at least forty hours of work in the home inspection field that 2200
allows the person to obtain practical experience or training 2201
regarding home inspections. The board shall approve only a 2202
curriculum of experience that includes a requirement that a 2203
person, to successfully complete the curriculum, must complete a 2204
peer review session with a licensed home inspector approved by 2205
the board before applying for a license. The peer review session 2206
may be used as part of the required eighty hours of prelicensing 2207
education. 2208

Sec. 4764.06. (A) The superintendent of real estate and 2209
professional licensing shall do all of the following: 2210

(1) Administer this chapter; 2211

(2) Provide the Ohio home inspector board with meeting 2212
space, staff services, and other technical assistance required 2213
by the board to carry out the duties of the board under this 2214
chapter; 2215

(3) Provide each applicant for a home inspector license 2216
with a copy of the requirements for home inspections specified 2217
in rules adopted by the board pursuant to division (A)(10) of 2218
section 4764.05 of the Revised Code, and make those requirements 2219
available to the public by posting them on the web site 2220
maintained by the department of commerce; 2221

(4) In accordance with division (B) of this section, issue 2222
a home inspector license to, or renew a home inspector license 2223
for, any person who satisfies the requirements specified in this 2224
chapter for such licensure or renewal, and make a list of those 2225
licensed home inspectors available to the public by posting the 2226
list on the web site maintained by the department of commerce; 2227

- (5) Administer the home inspector recovery fund created 2228
under section 4764.21 of the Revised Code; 2229
- (6) Establish procedures, in accordance with division (K) 2230
of section 121.08 of the Revised Code, to have fingerprint-based 2231
criminal records checks conducted by the bureau of criminal 2232
identification and investigation for all applicants for 2233
licensure; 2234
- (7) In accordance with the procedures specified in rules 2235
adopted by the board in accordance with division (A) (7) of 2236
section 4764.05 of the Revised Code, approve an institution or 2237
organization wishing to provide continuing education courses or 2238
programs if that institution or organization satisfies the 2239
requirements specified in rules adopted by the board in 2240
accordance with that division and pays the fee established in 2241
rules adopted by the board pursuant to division (A) (2) (c) of 2242
that section; 2243
- (8) In accordance with the procedures specified in rules 2244
adopted by the board in accordance with division (A) (8) of 2245
section 4764.05 of the Revised Code, approve a course or program 2246
that a licensed home inspector may complete to satisfy the 2247
continuing education requirements specified in section 4764.08 2248
of the Revised Code if all of the following are satisfied: 2249
- (a) The course or program is offered by an institution or 2250
organization approved by the superintendent pursuant to division 2251
(A) (7) of this section. 2252
- (b) The course or program satisfies the standards 2253
established in rules adopted by the board pursuant to division 2254
(A) (8) of section 4764.05 of the Revised Code. 2255
- (c) The institution or organization pays the fee 2256

<u>established in rules adopted by the board pursuant to division</u>	2257
<u>(A) (2) (d) of section 4764.05 of the Revised Code.</u>	2258
<u>(9) Issue all orders necessary to implement this chapter;</u>	2259
<u>(10) In accordance with section 4764.12 of the Revised</u>	2260
<u>Code, investigate complaints concerning an alleged violation of</u>	2261
<u>this chapter or the conduct of any licensee and subpoena</u>	2262
<u>witnesses in connection with those investigations, as provided</u>	2263
<u>in that section. The subpoena may contain a direction that the</u>	2264
<u>witness produce and bring any documents, work files, inspection</u>	2265
<u>reports, records, or papers mentioned in the subpoena.</u>	2266
<u>(11) Establish and maintain an investigation and audit</u>	2267
<u>section to investigate complaints and conduct inspections,</u>	2268
<u>audits, and other inquiries as in the judgment of the</u>	2269
<u>superintendent are appropriate to enforce this chapter. The</u>	2270
<u>superintendent shall utilize the investigators and auditors</u>	2271
<u>employed pursuant to division (B) (4) of section 4735.05 of the</u>	2272
<u>Revised Code to assist in performing the duties specified in</u>	2273
<u>division (A) (10) of this section.</u>	2274
<u>(12) Specify the information that must be provided on an</u>	2275
<u>application for licensure under this chapter;</u>	2276
<u>(13) Establish procedures for processing, approving, and</u>	2277
<u>denying applications for licensure under this chapter;</u>	2278
<u>(14) Specify the format and content of all affidavits and</u>	2279
<u>other documents required for the administration of this chapter;</u>	2280
<u>(15) Appoint a hearing officer for any proceeding</u>	2281
<u>involving a determination under section 3123.47 of the Revised</u>	2282
<u>Code, disciplinary action arising under section 4764.02 or</u>	2283
<u>division (F) of section 4764.14 of the Revised Code, or a</u>	2284
<u>proceeding under section 4764.16 of the Revised Code.</u>	2285

(B) The superintendent shall not issue a license to a 2286
corporation, limited liability company, partnership, or 2287
association, although a licensed home inspector may sign a home 2288
inspection report in a representative capacity on behalf of any 2289
of those types of entities. 2290

Sec. 4764.07. (A) To obtain a license to perform home 2291
inspections, a person shall submit both of the following to the 2292
superintendent of real estate and professional licensing: 2293

(1) An application meeting the requirements of division 2294
(D) of this section on a form the superintendent provides; 2295

(2) The fee established in rules adopted by the Ohio home 2296
inspector board pursuant to division (A) (2) (a) of section 2297
4764.05 of the Revised Code. 2298

(B) Each person applying for a license shall submit one 2299
complete set of fingerprints directly to the superintendent of 2300
the bureau of criminal identification and investigation for the 2301
purpose of conducting a criminal records check. The person shall 2302
provide the fingerprints using a method the superintendent of 2303
the bureau of criminal identification and investigation 2304
prescribes pursuant to division (C) (2) of section 109.572 of the 2305
Revised Code and fill out the form the superintendent of the 2306
bureau of criminal identification and investigation prescribes 2307
pursuant to division (C) (1) of section 109.572 of the Revised 2308
Code. Upon receiving an application under this section, the 2309
superintendent of real estate and professional licensing shall 2310
request the superintendent of the bureau of criminal 2311
identification and investigation, or a vendor approved by the 2312
bureau, to conduct a criminal records check based on the 2313
applicant's fingerprint impressions in accordance with division 2314
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 2315

division (K) of section 121.08 of the Revised Code, the 2316
superintendent of real estate and professional licensing shall 2317
request that criminal record information based on the 2318
applicant's fingerprints be obtained from the federal bureau of 2319
investigation as part of the criminal records check. Any fee 2320
required under division (C)(3) of section 109.572 of the Revised 2321
Code shall be paid by the applicant. 2322

(C) The superintendent shall issue a license to perform 2323
home inspections to applicants who satisfy the requirements set 2324
forth in this section, subject to section 4768.14 of the Revised 2325
Code. 2326

(D) Except as otherwise specified in division (E) of this 2327
section, the application shall include all of the following: 2328

(1) A pledge the applicant signs, agreeing to comply with 2329
the rules adopted by the board pursuant to division (A)(10) of 2330
section 4764.05 of the Revised Code; 2331

(2) A statement that the applicant understands the grounds 2332
for any disciplinary action that may be initiated under this 2333
chapter; 2334

(3) Proof of holding a comprehensive general liability 2335
insurance policy or a commercial general liability insurance 2336
policy in accordance with division (A) of section 4764.11 of the 2337
Revised Code; 2338

(4) Proof of successfully passing, within two years before 2339
the date of the application, the national home inspector 2340
examination; 2341

(5) Proof of successfully completing a curriculum of 2342
education approved by the board in accordance with rules the 2343
board adopts pursuant to division (A)(3) of section 4764.05 of 2344

<u>the Revised Code;</u>	2345
<u>(6) Proof that the applicant has experience in the field</u>	2346
<u>of home inspections through either of the following:</u>	2347
<u>(a) Successful completion of a curriculum of experience</u>	2348
<u>approved by the board in accordance with rules the board adopts</u>	2349
<u>pursuant to divisions (A) (4) and (D) of section 4764.05 of the</u>	2350
<u>Revised Code;</u>	2351
<u>(b) Successful completion of ten parallel inspections or</u>	2352
<u>equivalent experience as determined by the board pursuant to</u>	2353
<u>division (A) (5) of section 4764.05 of the Revised Code;</u>	2354
<u>(7) Proof that the applicant is at least eighteen years of</u>	2355
<u>age;</u>	2356
<u>(8) Proof that the applicant has graduated from the</u>	2357
<u>twelfth grade, received a general educational development</u>	2358
<u>diploma, or satisfactorily completed a program that is the</u>	2359
<u>equivalent to graduating from the twelfth grade or receiving a</u>	2360
<u>general educational development diploma;</u>	2361
<u>(9) Any other information the board requires that the</u>	2362
<u>board determines is relevant to receiving a license to practice</u>	2363
<u>as a licensed home inspector.</u>	2364
<u>(E) The superintendent shall not require a person</u>	2365
<u>described in division (B) or (C) of section 4764.03 of the</u>	2366
<u>Revised Code who wishes to obtain a license to perform home</u>	2367
<u>inspections under this chapter to submit proof of education and</u>	2368
<u>experience as required under divisions (D) (5) and (6) of this</u>	2369
<u>section in the person's application in order for that person to</u>	2370
<u>receive a license. Such a person, however, shall satisfy all</u>	2371
<u>other requirements specified in divisions (A) and (D) of this</u>	2372
<u>section and provide proof of licensure in good standing</u>	2373

described in division (B) or (C) of section 4764.03 of the 2374
Revised Code to receive a license. 2375

(F) The act of submitting an application to the 2376
superintendent does not create, shall not be construed as 2377
creating, and is not intended to indicate licensure as a home 2378
inspector. 2379

Sec. 4764.08. During each three-year period that a license 2380
is valid, a licensed home inspector shall successfully complete 2381
not less than fourteen hours of continuing education instruction 2382
annually in courses or programs directly applicable to the 2383
standards of practice and requirements specified in rules 2384
adopted by the Ohio home inspector board pursuant to division 2385
(A) (10) of section 4764.05 of the Revised Code. 2386

The superintendent of real estate and professional 2387
licensing shall accept only those courses and programs the 2388
superintendent approves in accordance with division (A) (8) of 2389
section 4764.06 of the Revised Code prior to the date the 2390
licensed home inspector completes the course or program. The 2391
superintendent shall not include parallel inspections completed 2392
by a person for credit toward satisfying the continuing 2393
education requirements specified in this section. 2394

Sec. 4764.09. (A) A home inspector license issued or 2395
renewed pursuant to this chapter expires three years after the 2396
date of issuance or renewal. 2397

(B) (1) To renew a home inspector license, a licensed home 2398
inspector shall file all of the following with the 2399
superintendent of real estate and professional licensing within 2400
the ninety-day period immediately preceding the date the license 2401
expires: 2402

(a) A renewal application pursuant to the procedures 2403
established by the Ohio home inspector board under section 2404
4764.05 of the Revised Code; 2405

(b) Proof of holding or being covered by a comprehensive 2406
general liability insurance policy or a commercial general 2407
liability insurance policy in accordance with division (A) of 2408
section 4764.11 of the Revised Code; 2409

(c) Proof of satisfying the continuing education 2410
requirements specified in section 4764.08 of the Revised Code. 2411

(2) A licensed home inspector who fails to renew a license 2412
before its expiration may, during the three months following the 2413
expiration, renew the license by following the procedures in 2414
division (B) (1) of this section and paying a late renewal fee in 2415
an amount the Ohio home inspector board establishes. A licensed 2416
home inspector who applies for a late renewal pursuant to this 2417
division shall not engage in any activities permitted under the 2418
license being renewed until the superintendent notifies the 2419
licensed home inspector that the licensed home inspector's 2420
license has been renewed. 2421

(C) A licensed home inspector who fails to renew a license 2422
prior to its expiration or during the three months following its 2423
expiration, or who fails to submit the proof required under 2424
division (B) (1) (b) or (c) of this section, may subsequently 2425
obtain a license by applying for a license pursuant to section 2426
4764.07 of the Revised Code. 2427

Sec. 4764.10. The superintendent of real estate and 2428
professional licensing may issue a home inspector license to an 2429
applicant who holds a license, registration, or certification as 2430
a home inspector in another jurisdiction if that applicant 2431

submits an application on a form the superintendent provides, 2432
pays the fee the Ohio home inspector board prescribes, and 2433
satisfies all of the following requirements: 2434

(A) The applicant is licensed, registered, or certified as 2435
a home inspector in a jurisdiction that the board determines 2436
grants the same privileges to persons licensed under this 2437
chapter as this state grants to persons in that jurisdiction. 2438

(B) That other jurisdiction has licensing, registration, 2439
or certification requirements that are substantially similar to, 2440
or exceed, those of this state. 2441

(C) The applicant attests that the applicant is familiar 2442
with and will abide by this chapter. 2443

(D) The applicant attests to all of the following in a 2444
written statement that the applicant submits to the 2445
superintendent: 2446

(1) To provide the superintendent the name and address of 2447
an agent to receive service of process in this state or that the 2448
applicant authorizes the superintendent to act as agent for that 2449
applicant; 2450

(2) That service of process in accordance with the Revised 2451
Code is proper and the applicant is subject to the jurisdiction 2452
of the courts of this state; 2453

(3) That any cause of action arising out of the conduct of 2454
the applicant's business in this state shall be filed in the 2455
county in which the events that gave rise to that cause of 2456
action occurred. 2457

Sec. 4764.11. (A) Every licensed home inspector shall 2458
maintain, or be covered by, a comprehensive general liability 2459

insurance policy or a commercial general liability insurance 2460
policy with coverage limits of not less than one hundred 2461
thousand dollars per occurrence and not less than a three- 2462
hundred-thousand-dollar aggregate limit. The insurance policy 2463
shall provide coverage against liability of the licensed home 2464
inspector for loss, damage, or expense as a result of an act 2465
that occurred while the licensed home inspector was on the 2466
premises performing a home inspection. If the employer of a 2467
licensed home inspector is not a licensed home inspector and 2468
maintains an insurance policy covering the licensed home 2469
inspector, the licensed home inspector is not required to 2470
maintain the licensed home inspector's own insurance policy. 2471

(B) Every licensed home inspector shall retain for a 2472
period of five years the original or a true copy of each written 2473
contract for the licensee's services relating to home inspection 2474
work, all home inspection reports, and all work file 2475
documentation and data assembled in preparing those reports. The 2476
retention period begins on the date the report is submitted to 2477
the client unless, prior to expiration of the retention period, 2478
the licensee is notified that the services or report is the 2479
subject of or is otherwise involved in pending investigation or 2480
litigation, in which case the retention period begins on the 2481
date of final disposition of the litigation. 2482

A licensee shall make available all records required to be 2483
maintained under this section for inspection and copying by the 2484
superintendent of real estate and professional licensing upon 2485
reasonable notice to the licensee. 2486

Sec. 4764.12. (A) On receipt of a written complaint or on 2487
the superintendent's or the board's own motion, the 2488
superintendent of real estate and professional licensing may 2489

investigate licensed home inspectors concerning any alleged 2490
violation of this chapter. Investigators and auditors employed 2491
by the superintendent may review and audit, during normal 2492
business hours, the licensed home inspector's business records 2493
that are directly related to complaints. The licensed home 2494
inspector shall permit such a review and audit. 2495

(B) Within five business days after a person files a 2496
complaint against a licensed home inspector with the 2497
superintendent, the superintendent shall provide to that person 2498
an acknowledgment of the receipt of the complaint and send a 2499
notice regarding that complaint to the licensee who is the 2500
subject of the complaint. The superintendent shall include in 2501
that notice a description of the activities in which the 2502
licensed home inspector allegedly engaged that violate this 2503
chapter. Within twenty days after the superintendent sends the 2504
notice to the complainant and the licensed home inspector who is 2505
the subject of the complainant's complaint, the complainant and 2506
the licensed home inspector may file with the superintendent a 2507
request to have an informal mediation hearing. 2508

If both the complainant and the licensed home inspector 2509
file such a request, the superintendent shall notify the 2510
complainant and the licensed home inspector of the date and time 2511
of the informal mediation hearing. A mediator employed by the 2512
superintendent shall conduct the informal mediation hearing. If 2513
the complainant and the licensed home inspector reach an 2514
accommodation during that informal mediation hearing, the 2515
mediator shall send a written report describing the 2516
accommodation to the superintendent, complainant, and licensee. 2517
Notwithstanding division (C) of this section, the written report 2518
describing the accommodation is confidential and is not a public 2519
record for purposes of section 149.43 of the Revised Code. The 2520

superintendent shall close the complaint upon satisfactory 2521
completion of the accommodation. 2522

If the licensee or the complainant fails to file a request 2523
for an informal mediation hearing, or if the parties fail to 2524
agree on an accommodation during that informal mediation 2525
hearing, the superintendent shall proceed with an investigation 2526
of the complaint. 2527

(C) This section does not prohibit the superintendent of 2528
real estate and professional licensing from releasing 2529
information relating to licensees to the superintendent of 2530
financial institutions for purposes relating to the 2531
administration of sections 1322.01 to 1322.12 of the Revised 2532
Code, to the superintendent of insurance for purposes relating 2533
to the administration of Chapter 3953. of the Revised Code, to 2534
the commissioner of the division of securities for purposes 2535
relating to the administration of Chapter 1707. of the Revised 2536
Code, to the attorney general, or to local law enforcement and 2537
appropriate prosecutorial authorities. Information released by 2538
the superintendent pursuant to this section remains 2539
confidential. 2540

(D) The Ohio home inspector board or the superintendent 2541
may compel, by order or subpoena, the attendance of witnesses to 2542
testify in relation to any matter over which the board or 2543
superintendent has jurisdiction and that is the subject of 2544
inquiry and investigation by the board or superintendent, and 2545
may require the production of any book, paper, or document 2546
pertaining to such a matter. For that purpose, the board or 2547
superintendent shall have the same power as judges of county 2548
courts to administer oaths, compel the attendance of witnesses, 2549
and punish them for refusal to testify. Service of the subpoena 2550

may be made by sheriffs or constables, or by certified mail, 2551
return receipt requested, and the subpoena shall be considered 2552
served on the date delivery is made or the date the person 2553
refused to accept delivery. A witness shall receive, after the 2554
witness's appearance before the board or superintendent, the 2555
fees and mileage allowed in civil actions in courts of common 2556
pleas. If two or more witnesses travel together in the same 2557
vehicle, the mileage fee shall be paid to only one of those 2558
witnesses, but the witnesses may agree to divide the fee among 2559
themselves in any manner. 2560

(E) If any person fails to file any statement or report, 2561
obey any subpoena, give testimony, answer questions, or produce 2562
any books, records, or papers as required by the board or 2563
superintendent under this chapter, the board or superintendent 2564
may apply to the court of common pleas of any county in the 2565
state setting forth the failure. 2566

The court may make an order awarding process of subpoena 2567
or subpoena duces tecum for the person to appear and testify 2568
before the board or superintendent. The court also may order any 2569
person to give testimony and answer questions, and to produce 2570
books, records, or papers, as required by the board or 2571
superintendent. 2572

Upon the filing of such order in the office of the clerk 2573
of the court of common pleas, the clerk, under the seal of the 2574
court, shall issue process of subpoena for the person to appear 2575
before the board or superintendent at a time and place named in 2576
the subpoena, and each day thereafter until the examination of 2577
such person is completed. The subpoena may contain a direction 2578
that the witness bring with the witness to the examination any 2579
books, records, or papers mentioned in the subpoena. The clerk 2580

shall also issue, under the seal of the court, such other 2581
orders, in reference to the examination, appearance, and 2582
production of books, records, or papers, as the court directs. 2583

If any person so summoned by subpoena fails to obey the 2584
subpoena, to give testimony, to answer questions as required, or 2585
to obey an order of the court, the court, on motion supported by 2586
proof, may order an attachment for contempt to be issued against 2587
the person charged with disobedience of any order or injunction 2588
issued by the court under this chapter. If the person is brought 2589
before the court by virtue of the attachment, and if upon a 2590
hearing the disobedience appears, the court may order the 2591
offender to be committed and kept in close custody. 2592

Sec. 4764.13. (A) If, upon examining the results of an 2593
investigation, the superintendent of real estate and 2594
professional licensing determines that reasonable evidence 2595
exists that a licensed home inspector has violated this chapter 2596
or engaged in an activity described in divisions (A) to (G) of 2597
section 4764.14 of the Revised Code, the superintendent shall 2598
proceed in accordance with the notice and hearing requirements 2599
prescribed in Chapter 119. of the Revised Code. After a hearing 2600
officer conducts a hearing and issues a report pursuant to 2601
division (D) of this section, the Ohio home inspector board 2602
shall review the report and shall order the disciplinary action 2603
the board considers appropriate, which may include any one or 2604
more of the following: 2605

(1) A reprimand; 2606

(2) A fine not exceeding one thousand dollars per 2607
violation; 2608

(3) Completion of hours of education in subjects related 2609

to the underlying cause of the violation in an amount determined 2610
by the board; 2611

(4) Suspension of the license until the licensed home 2612
inspector complies with conditions the board establishes; 2613

(5) Suspension of the license for a specific period of 2614
time; 2615

(6) Revocation of the license; 2616

(7) Surrender of the license in lieu of discipline. 2617

(B) The superintendent shall not credit any hours of 2618
education a licensed home inspector completes in accordance with 2619
division (A) (3) of this section toward satisfying the 2620
requirements for continuing education specified in section 2621
4764.08 of the Revised Code. 2622

(C) At any time after the superintendent notifies a 2623
licensee in accordance with division (A) of this section that a 2624
hearing will be held, the licensee may apply to the 2625
superintendent to enter into a settlement agreement regarding 2626
the alleged violation. The superintendent and the licensed home 2627
inspector shall comply with the requirements for settlement 2628
agreements established in rules adopted by the board pursuant to 2629
division (A) (11) of section 4764.05 of the Revised Code. If the 2630
parties enter into the settlement agreement and comply with all 2631
of the requirements set forth in that agreement, the 2632
investigation regarding that alleged violation is considered 2633
closed. Notwithstanding division (C) of section 4764.12 of the 2634
Revised Code, the settlement agreement is a public record for 2635
purposes of section 149.43 of the Revised Code. 2636

(D) The superintendent shall appoint a hearing officer to 2637
conduct adjudication hearings in accordance with Chapter 119. of 2638

the Revised Code. 2639

In accordance with section 119.09 of the Revised Code, 2640
after conducting a hearing, a hearing officer shall submit to 2641
the board a report of the hearing and a recommendation for the 2642
action to be taken against the licensed home inspector. All 2643
parties may file objections to the report and recommendations as 2644
permitted under that section, and the board shall issue an order 2645
in accordance with the procedures prescribed in that section. 2646

(E) If the board assesses a licensee a fine for a 2647
violation of section 4764.02 of the Revised Code and the person 2648
fails to pay that fine within the time period prescribed by the 2649
board, the superintendent shall forward to the attorney general 2650
the name of the person and the amount of the fine for the 2651
purpose of collecting that fine. In addition to the fine 2652
assessed pursuant to this section, the person also shall pay any 2653
fee assessed by the attorney general for collection of the fine. 2654

(F) The decision and order of the board is final, subject 2655
to review in the manner provided in Chapter 119. of the Revised 2656
Code and appeal to the court of common pleas of Franklin county. 2657

Sec. 4764.14. The superintendent of real estate and 2658
professional licensing may refuse to issue or renew a license if 2659
the applicant for the license or renewal has done any of the 2660
following: 2661

(A) Failed to establish to the satisfaction of the 2662
superintendent that the applicant is honest, truthful, and of 2663
good reputation; 2664

(B) Accepted compensation or other valuable consideration 2665
from more than one interested party for the same service without 2666
the written consent of all interested parties; 2667

(C) Accepted commissions, allowances, or other valuable 2668
consideration, directly or indirectly, from other parties who 2669
deal with a client in connection with the home inspection for 2670
which the home inspector is responsible, or from other parties 2671
who are involved in any part of the real estate transaction 2672
involving a residential building for which that home inspector 2673
conducted a home inspection; 2674

(D) Repaired, replaced, or upgraded, or solicited to 2675
repair, replace, or upgrade, for compensation or other valuable 2676
consideration, systems or components in a residential building 2677
after completing a home inspection of that residential building, 2678
but prior to the close of the real estate transaction associated 2679
with that home inspection and the resolution of all contingent 2680
issues involving that building and transaction; 2681

(E) Failed to disclose to a client in writing and before 2682
entering into a written contract with the client information 2683
about any business interest of the home inspector that may 2684
affect the client in connection with the home inspection; 2685

(F) Pleaded guilty to or been convicted of any crime of 2686
moral turpitude, a felony, or an equivalent offense under the 2687
laws of any other state or the United States, or was required to 2688
register under Chapter 2950. of the Revised Code; 2689

(G) Failed to maintain or provide copies of records to the 2690
superintendent as required by section 4764.11 of the Revised 2691
Code or failed to cooperate with an investigation conducted by 2692
the superintendent under section 4764.12 of the Revised Code. 2693
Failure of a licensee to comply with a subpoena issued under 2694
division (D) of section 4764.12 of the Revised Code is prima 2695
facie evidence of a violation of division (B) of section 4764.11 2696
of the Revised Code. 2697

(H) Failed to maintain, be covered by, or submit proof of 2698
a comprehensive general liability insurance policy or a 2699
commercial general liability insurance policy as required under 2700
division (A) of section 4764.11 of the Revised Code at any point 2701
during the term of a prior license; 2702

(I) Violated rules adopted under section 4764.05 of the 2703
Revised Code or is otherwise not in compliance with this 2704
chapter; 2705

(J) Failed to submit proof of satisfying the continuing 2706
education requirements specified in section 4764.08 of the 2707
Revised Code. 2708

Sec. 4764.15. The superintendent of real estate and 2709
professional licensing may apply to any court of common pleas to 2710
enjoin a violation of this chapter. Upon a showing by the 2711
superintendent that a person has violated or is violating this 2712
chapter, the court shall grant an injunction, restraining order, 2713
or other appropriate relief. 2714

Sec. 4764.16. (A) Upon receipt of a written complaint or 2715
upon the motion of the superintendent of real estate and 2716
professional licensing, the superintendent may investigate any 2717
person who is not a licensed home inspector who has allegedly 2718
violated section 4764.02 of the Revised Code. 2719

(B) The superintendent has the same powers to investigate 2720
an alleged violation of section 4764.02 of the Revised Code by a 2721
person who is not licensed as a home inspector as those powers 2722
are specified in section 4764.12 of the Revised Code. If, after 2723
an investigation pursuant to section 4764.12 of the Revised 2724
Code, the superintendent determines that reasonable evidence 2725
exists that an unlicensed person has violated section 4764.02 of 2726

the Revised Code, within seven days after that determination, 2727
the superintendent shall send a written notice to that person by 2728
regular mail and shall include in the notice the information 2729
specified in section 119.07 of the Revised Code for notices 2730
given to licensees, except that the notice shall specify that a 2731
hearing will be held and specify the date, time, and place of 2732
the hearing. 2733

(C) The Ohio home inspector board shall hold a hearing 2734
regarding the alleged violation in the same manner prescribed 2735
for an adjudication hearing under section 119.09 of the Revised 2736
Code. If the board, after the hearing, determines a violation 2737
has occurred, the board may impose a civil penalty on the 2738
person, not exceeding five hundred dollars per violation which 2739
is distinct from any criminal fine imposed pursuant to section 2740
4764.99 of the Revised Code. Each day a violation occurs or 2741
continues is a separate violation. The superintendent may 2742
approve a payment plan if the unlicensed person requests such. 2743
The board shall maintain a transcript of the proceedings of the 2744
hearing and issue a written order to all parties, citing its 2745
findings and grounds for any action taken. The board's 2746
determination regarding a violation of section 4764.02 of the 2747
Revised Code is an order that the person may appeal in 2748
accordance with section 119.12 of the Revised Code. 2749

(D) If the unlicensed person who allegedly committed a 2750
violation of section 4764.02 of the Revised Code fails to appear 2751
for a hearing, the board may request the court of common pleas 2752
of the county where the alleged violation occurred to compel the 2753
person to appear before the board for a hearing. 2754

(E) If the board assesses an unlicensed person a civil 2755
penalty for a violation of section 4764.02 of the Revised Code 2756

and the person fails to pay that civil penalty within the time 2757
period prescribed by the board, the superintendent shall forward 2758
to the attorney general the name of the person and the amount of 2759
the civil penalty for the purpose of collecting that civil 2760
penalty. In addition to the civil penalty assessed pursuant to 2761
this section, the person also shall pay any fee assessed by the 2762
attorney general for collection of the civil penalty. 2763

If the board finds, or an unlicensed person admits to the 2764
board, a violation of section 4764.02 of the Revised Code, the 2765
superintendent shall not issue to the person a home inspector 2766
license without prior board approval. 2767

Sec. 4764.17. (A) Except as provided in divisions (B) and 2768
(C) of this section, nothing in this chapter shall be construed 2769
to create or imply a private cause of action against a licensed 2770
home inspector for a violation of this chapter if that action is 2771
not otherwise maintainable under common law. 2772

(B) An action for damages that is based on professional 2773
services that were rendered or that should have been rendered by 2774
a licensed home inspector shall not be brought, commenced, or 2775
maintained unless the action is filed within one year after the 2776
date that the home inspection is performed. 2777

(C) Before bringing, commencing, or maintaining an action 2778
under division (B) of this section, a client shall notify the 2779
licensed home inspector of the alleged deficiencies and shall 2780
allow the licensed home inspector the opportunity to review and 2781
remedy the alleged deficiencies. The statute of limitations 2782
specified in division (B) of this section shall be tolled for 2783
the period that begins on the date the client notifies the 2784
licensed home inspector of the alleged deficiencies and that 2785
ends on the date that the licensed home inspector reviews, 2786

declines to review, remedies, or declines to remedy the alleged 2787
deficiencies, whichever comes later. 2788

(D) The remedies provided under sections 4764.12 to 2789
4764.15 of the Revised Code are the exclusive remedies for 2790
alleged violations of any conflict of interest prohibitions 2791
specified in the rules adopted by the Ohio home inspector board 2792
pursuant to division (A)(10) of section 4764.05 of the Revised 2793
Code. 2794

(E) Nothing in this section shall be construed to prohibit 2795
the superintendent of real estate and professional licensing 2796
from investigating, or to prohibit the board from taking action 2797
against a licensed home inspector for violations of this chapter 2798
if the investigation commences more than one year after the date 2799
that the licensed home inspector conducts the home inspection 2800
that is the subject of the investigation and action. 2801

Sec. 4764.18. Except as provided in section 4764.21 of the 2802
Revised Code, the superintendent of real estate and professional 2803
licensing shall deposit all money collected under this chapter 2804
in the state treasury to the credit of the home inspectors fund, 2805
which is hereby created. Money credited to the fund shall be 2806
used solely by the superintendent to pay costs associated with 2807
the administration and enforcement of this chapter. 2808

Sec. 4764.19. On receipt of a notice pursuant to section 2809
3123.43 of the Revised Code, the superintendent of real estate 2810
and professional licensing shall comply with sections 3123.41 to 2811
3123.50 of the Revised Code and any applicable rules adopted 2812
under section 3123.63 of the Revised Code with respect to a 2813
license issued pursuant to this chapter. 2814

Sec. 4764.20. The superintendent of real estate and 2815

professional licensing shall comply with section 4776.20 of the 2816
Revised Code. 2817

Sec. 4764.21. (A) The home inspection recovery fund is 2818
hereby created in the state treasury, to be administered by the 2819
superintendent of real estate and professional licensing. 2820
Amounts collected by the superintendent as prescribed in this 2821
section and interest earned on the assets of the fund shall be 2822
ascertained by the superintendent as of the first day of July 2823
each year. 2824

The Ohio home inspector board, in accordance with rules 2825
adopted under division (A)(2) of section 4764.05 of the Revised 2826
Code, shall impose a special assessment not to exceed five 2827
dollars per year for each year of a licensing period on each 2828
person applying for a license under section 4764.07 of the 2829
Revised Code and on each licensee filing a notice of renewal 2830
under section 4764.09 of the Revised Code if the amount 2831
available in the fund is less than two hundred and fifty 2832
thousand dollars on the first day of July preceding that filing. 2833
The board may impose a special assessment not to exceed three 2834
dollars per year for each year of a licensing period if the 2835
amount available is greater than five hundred thousand dollars, 2836
but less than one million dollars on the first day of July 2837
preceding that filing. The board shall not impose a special 2838
assessment if the amount available in the fund exceeds one 2839
million dollars on the first day of July preceding that filing. 2840

(B)(1) Any person who obtains a final judgment in any 2841
court of competent jurisdiction against any home inspector 2842
licensed under this chapter, on the grounds of conduct that is 2843
in violation of this chapter or the rules adopted under it, and 2844
that is associated with an act or transaction that only a 2845

licensed home inspector is authorized to perform as specified in 2846
section 4764.02 of the Revised Code, may file an application, as 2847
described in division (B) (3) of this section, in the court of 2848
common pleas of Franklin county for an order directing payment 2849
out of the home inspection recovery fund of the portion of the 2850
judgment that remains unpaid and that represents an actual and 2851
direct loss sustained by the applicant. 2852

(2) Punitive damages, attorney's fees, and interest on a 2853
judgment are not recoverable from the fund. The superintendent 2854
may allow court costs to be recovered from the fund, and, if the 2855
superintendent authorizes the recovery of court costs, the order 2856
of the court of common pleas then may direct their payment from 2857
the fund. 2858

(3) The applicant shall describe in the application the 2859
nature of the act or transaction on which the underlying 2860
judgment was based, the activities of the applicant in pursuit 2861
of remedies available under law for the collection of judgments, 2862
and the actual and direct losses, attorney's fees, and the court 2863
costs sustained or incurred by the applicant. The applicant 2864
shall attach to the application a copy of each pleading and 2865
order in the underlying court action. 2866

(4) The court shall order the superintendent to make 2867
payments out of the fund when the person seeking the order has 2868
shown all of the following: 2869

(a) The person has obtained a judgment, as provided in 2870
this division; 2871

(b) All appeals from the judgment have been exhausted and 2872
the person has given notice to the superintendent, as required 2873
by division (C) of this section; 2874

(c) The person is not a spouse of the judgment debtor, or
the personal representative of the spouse; 2875
2876

(d) The person has diligently pursued the person's
remedies against all the judgment debtors and all other persons
liable to the person in the transaction for which the person
seeks recovery from the fund; 2877
2878
2879
2880

(e) The person is applying not more than one year after
termination of all proceedings, including appeals, in connection
with the judgment. 2881
2882
2883

(5) Divisions (B) (1) to (4) of this section do not apply
to any of the following: 2884
2885

(a) Actions arising from home inspections conducted by an
unlicensed individual; 2886
2887

(b) A bonding company when it is not a principal in the
real estate transaction; 2888
2889

(c) A person in an action for the payment of a fee or
other compensation for the performance of an act or transaction
specified or comprehended in division (A) or (C) of section
4764.02 of the Revised Code; 2890
2891
2892
2893

(d) Losses incurred by investors in real estate if the
applicant and the licensee are principals in the investment. 2894
2895

(C) A person who applies to a court of common pleas for an
order directing payment out of the fund shall file notice of the
application with the superintendent. The superintendent may
defend any action on behalf of the fund and shall have recourse
to all appropriate means of defense and review, including
examination of witnesses, verification of actual and direct
losses, and challenges to the underlying judgment required in 2896
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2902

division (B) (4) (a) of this section to determine whether the 2903
underlying judgment is based on activity only a licensed home 2904
inspector is permitted to perform. The superintendent may move 2905
the court at any time to dismiss the application when it appears 2906
there are no triable issues and the application is without 2907
merit. The motion may be supported by affidavit of any person 2908
having knowledge of the facts and may be made on the basis that 2909
the application, including the judgment referred to in it, does 2910
not form the basis for a meritorious recovery claim; provided, 2911
that the superintendent shall give written notice to the 2912
applicant at least ten days before making the motion. The 2913
superintendent may, subject to court approval, compromise a 2914
claim based upon the application of an aggrieved party. The 2915
superintendent shall not be bound by any prior compromise or 2916
stipulation of the judgment debtor. 2917

(D) Notwithstanding any other provision of this section to 2918
the contrary, the liability of the fund shall not exceed forty 2919
thousand dollars for any one licensee. If a licensee's license 2920
is reactivated as provided in division (E) of this section, the 2921
liability of the fund for the licensee under this section shall 2922
again be forty thousand dollars, but only for transactions that 2923
occur subsequent to the time of reactivation. 2924

If the forty-thousand-dollar liability of the fund is 2925
insufficient to pay in full the valid claims of all aggrieved 2926
persons by whom claims have been filed against any one licensee, 2927
the forty thousand dollars shall be distributed among them in 2928
the ratio that their respective claims bear to the aggregate of 2929
valid claims or in any other manner as the court finds 2930
equitable. Distribution of moneys shall be among the persons 2931
entitled to share in it, without regard to the order of priority 2932
in which their respective judgments may have been obtained or 2933

their claims have been filed. Upon petition of the 2934
superintendent, the court may require all claimants and 2935
prospective claimants against one licensee to be joined in one 2936
action, to the end that the respective rights of all the 2937
claimants to the fund may be equitably adjudicated and settled. 2938

(E) If the superintendent pays from the fund any amount in 2939
settlement of a claim or toward satisfaction of a judgment 2940
against a licensed home inspector, the superintendent may 2941
suspend the home inspector's license. The superintendent shall 2942
not reactivate the suspended license of that home inspector 2943
until the home inspector has repaid in full, plus interest per 2944
annum at the rate specified in division (A) of section 1343.03 2945
of the Revised Code, the amount paid from the fund on the home 2946
inspector's account. A discharge in bankruptcy does not relieve 2947
a person from the suspension and requirements for reactivation 2948
provided in this section unless the underlying judgment has been 2949
included in the discharge and has not been reaffirmed by the 2950
debtor. 2951

(F) If, at any time, the money deposited in the fund is 2952
insufficient to satisfy any duly authorized claim or portion of 2953
a claim, the superintendent shall, when sufficient money has 2954
been deposited in the fund, satisfy the unpaid claims or 2955
portions, in the order that the claims or portions were 2956
originally filed, plus accumulated interest per annum at the 2957
rate specified in division (A) of section 1343.03 of the Revised 2958
Code. 2959

(G) When, upon the order of the court, the superintendent 2960
has paid from the fund any sum to the judgment creditor, the 2961
superintendent shall be subrogated to all of the rights of the 2962
judgment creditor to the extent of the amount so paid, and the 2963

judgment creditor shall assign all the judgment creditor's 2964
right, title, and interest in the judgment to the superintendent 2965
to the extent of the amount so paid. Any amount and interest so 2966
recovered by the superintendent on the judgment shall be 2967
deposited in the fund. 2968

(H) Nothing contained in this section shall limit the 2969
authority of the superintendent to take disciplinary action 2970
against any licensee under other provisions of this chapter; nor 2971
shall the repayment in full of all obligations to the fund by 2972
any licensee nullify or modify the effect of any other 2973
disciplinary proceeding brought pursuant to this chapter. 2974

(I) The superintendent shall collect from the fund a 2975
service fee in an amount equivalent to the interest rate 2976
specified in division (A) of section 1343.03 of the Revised Code 2977
multiplied by the annual interest earned on the assets of the 2978
fund, to defray the expenses incurred in the administration of 2979
the fund. 2980

Sec. 4764.99. (A) Whoever violates division (A) of section 2981
4764.02 of the Revised Code is guilty of a misdemeanor of the 2982
first degree. 2983

(B) Whoever violates division (D) of section 4764.02 of 2984
the Revised Code is guilty of a felony of the fifth degree. 2985

Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 2986
4747., ~~and~~ 4749., and 4764., and sections 4725.40 to 4725.59 of 2987
the Revised Code: 2988

(A) "Crime of moral turpitude" or "moral turpitude" means 2989
all of the following: 2990

(1) A violation of section 2903.01 or 2903.02 of the 2991
Revised Code; 2992

(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code;	2993 2994
(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree;	2995 2996 2997
(4) Complicity in committing an offense described in division (A)(1) of this section;	2998 2999
(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree;	3000 3001 3002 3003
(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), or (5) of this section.	3004 3005 3006 3007 3008 3009
(B) "Direct nexus" means that the nature of the offense for which the individual was convicted or to which the individual pleaded guilty has a direct bearing on the fitness or ability of the individual to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade.	3010 3011 3012 3013 3014 3015
(C) "Disqualifying offense" means an offense that is a felony and that has a direct nexus to an individual's proposed or current field of licensure, certification, or employment.	3016 3017 3018
Sec. 4776.20. (A) As used in this section:	3019
(1) "Licensing agency" means, in addition to each board	3020

identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license.

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

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

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

(C) If there is a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of

trafficking in persons in violation of section 2905.32 of the Revised Code and all or part of the violation occurred on the premises of a facility that is licensed by a licensing agency, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the facility's name and address and the offender's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the facility's license.

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

Sec. 4798.01. (A) As used in this chapter:

"Certification" means a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or state law.

"Individual" means a natural person.

"Lawful occupation" means a course of conduct, pursuit, or

profession that includes the sale of goods or services that are 3080
not themselves illegal to sell irrespective of whether the 3081
individual selling the goods or services is subject to an 3082
occupational regulation. 3083

"Least restrictive regulation" means the public policy of 3084
relying on one of the following, listed from the least to the 3085
most restrictive, as a means of consumer protection: market 3086
competition; third-party or consumer-created ratings and 3087
reviews; private certification; specific private civil cause of 3088
action to remedy consumer harm; actions under Chapter 1345. of 3089
the Revised Code; regulation of the process of providing the 3090
specific goods or services to consumers; inspection; bonding or 3091
insurance; registration; government certification; specialty 3092
occupational license for medical reimbursement; and occupational 3093
license. 3094

"Occupational license" means nontransferable authorization 3095
in law that an individual must possess in order to perform a 3096
lawful occupation for compensation based on meeting personal 3097
qualifications established by statute, or by a rule authorized 3098
by statute. "Occupational license" does not include a commercial 3099
or other driver's license issued under the Revised Code. 3100

"Occupational licensing board" means any board, 3101
commission, committee, or council, or any other similar state 3102
public body, and any administrative department enumerated under 3103
section 121.02 of the Revised Code, and any agency, division, or 3104
office of state government, that issues an occupational license. 3105

"Occupational regulation" means a statute, policy, rule, 3106
adjudication order, practice, or other state law requiring an 3107
individual to possess certain personal qualifications to use an 3108
occupational title or work in a lawful occupation. "Occupational 3109

regulation" includes registration, certification, and 3110
occupational license. "Occupational regulation" excludes a 3111
business license, facility license, building permit, or zoning 3112
and land use regulation, except to the extent those laws 3113
regulate an individual's personal qualifications to perform a 3114
lawful occupation, and excludes sections of the Revised Code 3115
related to commercial or other driver's license. 3116

"Personal qualifications" mean criteria related to an 3117
individual's personal background and characteristics including 3118
completion of an approved educational program, satisfactory 3119
performance on an examination, work experience, other evidence 3120
of attainment of requisite skills or knowledge, moral standing, 3121
criminal history, and completion of continuing education. 3122

"Registration" means a requirement to give notice to the 3123
government that may include the individual's name and address, 3124
the individual's agent for service of process, the location of 3125
the activity to be performed, and a description of the service 3126
the individual provides. "Registration" does not include 3127
personal qualifications but may require a bond or insurance. 3128

"Specialty occupational license for medical reimbursement" 3129
is a nontransferable authorization in law for an individual to 3130
qualify for payment or reimbursement from a government agency, 3131
for providing identified medical services, based on meeting 3132
personal qualifications established in law, which may be 3133
recognized by a private company. 3134

(B) For purposes of this chapter: 3135

(1) The terms "certification" and "registration" are not 3136
synonymous with "occupational license." 3137

(2) The use of the words "certification" and "certified" 3138

in other statutes to mean requiring an individual to meet 3139
certain personal qualifications to work legally shall be 3140
interpreted for the purposes of this chapter as requiring an 3141
individual to meet the requirements of an "occupational 3142
license." 3143

(3) The use of the words "registration" and "registered" 3144
in other statutes to mean requiring an individual to meet 3145
certain personal qualifications to work legally shall be 3146
interpreted for the purposes of this chapter as requiring an 3147
individual to meet the requirements of an "occupational 3148
license." 3149

Sec. 4798.02. With respect to occupational regulation of 3150
individuals, all of the following are the policy of the state: 3151

(A) Occupational regulations shall be construed and 3152
applied to increase economic opportunities, promote competition, 3153
and encourage innovation. 3154

(B) Where the state finds it is necessary to displace 3155
competition, the state will use the least restrictive regulation 3156
to protect consumers from present, significant, and 3157
substantiated harms that threaten public health, safety, or 3158
welfare. The policy of employing the least restrictive 3159
regulation shall presume that market competition and private 3160
remedies are sufficient to protect consumers. Where needed, 3161
regulations shall be tailored to meet the predominate identified 3162
need to protect consumers, as follows: 3163

(1) If regulations are intended to protect consumers 3164
against fraud, the appropriate state action shall be to 3165
strengthen powers under deceptive trade practices acts. 3166

(2) If regulations are intended to protect consumers 3167

against unsanitary facilities and general health, safety, or 3168
welfare concerns, the appropriate state action shall be to 3169
require periodic inspections. 3170

(3) If regulations are intended to protect consumers 3171
against potential damages to third parties who are not party to 3172
a contract between the seller and buyer, and other types of 3173
externalities, the appropriate state action shall be to require 3174
bonding or insurance. 3175

(4) If regulations are intended to protect consumers 3176
against potential damages by transient providers, the 3177
appropriate state action shall be to require registration with 3178
the secretary of state. 3179

(5) If regulations are intended to protect consumers 3180
against asymmetrical information between the seller and buyer, 3181
the appropriate state action shall be to offer voluntary 3182
certification, unless suitable, privately offered voluntary 3183
certification for the relevant occupation is available. 3184

As used in this division, "suitable" means widely 3185
recognized as reflecting established standards of competency, 3186
skill, or knowledge in the field. 3187

(6) If regulations are intended to facilitate governmental 3188
reimbursement for providing medical services for an emerging 3189
medical specialty, the appropriate state action shall be to 3190
require a specialty occupational license for medical 3191
reimbursement. 3192

(7) If regulations are required to perform services 3193
regulated by both federal laws and laws of this state, require 3194
the state to recognize an individual's occupational license from 3195
another United States state or territory to allow that 3196

individual to practice in this state, and are based on uniform 3197
national laws, practices, and examinations that have been 3198
adopted by at least fifty United States states and territories, 3199
the appropriate state action shall be to require an occupational 3200
license. 3201

For purposes of this division, a uniform national law is 3202
one that has been adopted in a substantially equivalent manner 3203
in at least fifty United States states and territories. 3204

(C) An occupational regulation may be enforced against an 3205
individual only to the extent the individual sells goods and 3206
services that are included explicitly in the statute that 3207
defines the occupation's scope of practice. 3208

(D) Nothing in this chapter is intended to restrict an 3209
occupational licensing board from requiring, as a condition of 3210
licensure or renewal of licensure, that an individual's personal 3211
qualifications include obtaining or maintaining certification 3212
from a private organization that credentials individuals in the 3213
relevant occupation. 3214

By establishing and executing the policies in this 3215
section, in concert with section 107.56 of the Revised Code, the 3216
state intends to ensure that occupational licensing boards and 3217
board members will avoid liability under federal antitrust laws. 3218

Sec. 4798.03. This chapter preempts any ordinance or other 3219
local law or regulation, which conflicts with or is inconsistent 3220
with any policy of the state expressed in this chapter, by any 3221
political subdivision that regulates an occupation that is also 3222
regulated by the state. 3223

Section 2. That existing sections 109.572, 121.08, 3224
2925.01, 4713.01, 4713.69, 4735.181, 4735.99, 4776.10, and 3225

4776.20, and of the Revised Code are hereby repealed. 3226

Section 3. Nothing in this act shall be construed to apply 3227
to any rules prescribed under Section 5 of Article IV, Ohio 3228
Constitution. 3229

Section 4. It is the intention of this act that for the 3230
first biennium, starting in year 2019, the Legislative Service 3231
Commission's review of approximately thirty-three per cent of 3232
the occupations listed under section 103.27 of the Revised Code 3233
shall not consist of a review of the same occupations that will 3234
be reviewed by the General Assembly under section 101.63 of the 3235
Revised Code. This will permit the General Assembly to review 3236
the same occupations beginning in the biennium starting in 2021, 3237
and every biennium thereafter, that had just been reviewed by 3238
the Legislative Service Commission in the previous biennium. 3239

Section 5. Section 4764.02 of the Revised Code, as enacted 3240
by this act, takes effect two hundred ten days after the 3241
effective date of this act. 3242

Section 6. Notwithstanding section 4764.04 of the Revised 3243
Code, as enacted by this act, persons appointed to the Ohio Home 3244
Inspector Board during the first year after the effective date 3245
of this act need not be licensed as required under that section. 3246

Section 7. Not later than one hundred eighty days after 3247
the effective date of this act, the Ohio Home Inspector Board 3248
shall adopt the rules the Board is required to adopt under this 3249
act. 3250

Section 8. (A) Notwithstanding section 4764.07 of the 3251
Revised Code, as enacted by this act, and except as provided 3252
under section 4764.14 of the Revised Code, as enacted by this 3253
act, during the period of time beginning on the date the last 3254

initial member of the Ohio Home Inspector Board is appointed 3255
pursuant to section 4764.04 of the Revised Code, as enacted by 3256
this act, and ending one hundred twenty days after that date, 3257
the Superintendent of Real Estate and Professional Licensing 3258
shall issue a home inspector license if a person applies for a 3259
license on a form the Superintendent provides and pays the fee 3260
specified in section 4764.05 of the Revised Code, as enacted by 3261
this act, and if the applicant demonstrates all of the 3262
following: 3263

(1) Proof of maintaining or being covered by a 3264
comprehensive general liability insurance policy or a commercial 3265
general liability insurance policy in accordance with division 3266
(A) of section 4764.11 of the Revised Code, as enacted by this 3267
act; 3268

(2) Proof by direct documentation or signed affidavit 3269
attesting to having met any three of the following requirements 3270
to demonstrate participation in the home inspection field prior 3271
to the effective date of this act: 3272

(a) Having performed at least two hundred home inspections 3273
for clients for compensation or other valuable consideration; 3274

(b) Having successfully passed a home inspector 3275
examination specified in division (D)(4) of section 4764.07 of 3276
the Revised Code, as enacted by this act; 3277

(c) Having actively operated a home inspection business in 3278
this state for three years before the effective date of this act 3279
under a business name officially registered with the Secretary 3280
of State; 3281

(d) Having been employed as a home inspector for the 3282
consecutive thirty-six months before the effective date of this 3283

act by an inspection company or person whose owner or manager 3284
meets the license requirement specified in this section; 3285

(e) Having successfully completed eighty hours of 3286
instruction of the type that would qualify for continuing 3287
education credit under section 4764.08 of the Revised Code, as 3288
enacted by this act; 3289

(f) Having a license, registration, or certification in 3290
good standing to perform the duties of a home inspector in 3291
another jurisdiction that has requirements for licensure, 3292
registration, or certification that are substantially similar to 3293
Chapter 4764. of the Revised Code, as enacted by this act; 3294

(g) Having prepared at least five home inspection reports 3295
that have been verified as being in compliance with standards 3296
adopted by a national organization that consists of and 3297
represents home inspectors; 3298

(h) Having completed, not more than one year before the 3299
effective date of this act, at least one peer review session 3300
conducted by a national organization that consists of and 3301
represents home inspectors. 3302

(3) Proof of signing an attestation that the applicant 3303
agrees to comply with the requirements specified in rules 3304
adopted by the Board pursuant to division (A) (10) of section 3305
4764.05 of the Revised Code, as enacted by this act; 3306

(4) In a written statement, acknowledgment that the person 3307
understands the grounds for any disciplinary action that may be 3308
initiated under Chapter 4764. of the Revised Code, as enacted by 3309
this act. 3310

The Superintendent shall have a fingerprint-based criminal 3311
records check conducted pursuant to section 121.08 of the 3312

Revised Code and the rules adopted by the Superintendent 3313
pursuant to division (A) (6) of section 4764.06 of the Revised 3314
Code, as enacted by this act, on any applicant who applies for a 3315
license under this section. 3316

(B) Any license issued under this section shall expire 3317
three years after the date the license was issued. A licensed 3318
home inspector may renew the licensed home inspector's license 3319
in accordance with section 4764.09 of the Revised Code, as 3320
enacted by this act. 3321

(C) As used in this section, "home inspection," "peer 3322
review session," and "residential building" have the same 3323
meanings as in section 4764.01 of the Revised Code, as enacted 3324
by this act. "Home inspector" means a person who conducts home 3325
inspections for compensation or other valuable consideration. 3326

Section 9. The General Assembly, applying the principle 3327
stated in division (B) of section 1.52 of the Revised Code that 3328
amendments are to be harmonized if reasonably capable of 3329
simultaneous operation, finds that the following sections, 3330
presented in this act as composites of the sections as amended 3331
by the acts indicated, are the resulting versions of the 3332
sections in effect prior to the effective date of the sections 3333
as presented in this act: 3334

Section 109.572 of the Revised Code as amended by Am. Sub. 3335
H.B. 49, Sub. H.B. 199, and Sub. H.B. 213, all of the 132nd 3336
General Assembly. 3337

Section 2925.01 of the Revised Code as amended by both Am. 3338
Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly. 3339