

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 373

Representative Ginter

A BILL

To amend sections 4707.01, 4707.02, 4707.021, 1
4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 2
4707.08, 4707.091, 4707.10, 4707.11, 4707.12, 3
4707.14, 4707.15, 4707.151, 4707.16, 4707.171, 4
4707.18, 4707.19, 4707.20, 4707.21, 4707.22, and 5
4707.25 and to repeal sections 4707.071 and 6
4707.09 of the Revised Code to eliminate the 7
apprentice auctioneer and special auctioneer's 8
license and to make other revisions to the law 9
governing auctions. 10

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

Section 1. That sections 4707.01, 4707.02, 4707.021, 11
4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 4707.091, 12
4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 13
4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, and 14
4707.25 of the Revised Code be amended to read as follows: 15

Sec. 4707.01. As used in this chapter: 16

~~(A)~~—"Auction" means a method of sale of real or personal 17
property, goods, or chattels, at a predetermined date and time, 18
by means of a verbal exchange, regular mail, telecommunications, 19

the internet, an electronic transmission, or a physical gesture 20
between an auctioneer ~~or apprentice auctioneer~~ and members of 21
the audience or prospective purchasers, the exchanges and 22
gestures consisting of a series of invitations for offers made 23
by the auctioneer and offers by members of the audience or 24
prospective purchasers, with the right to acceptance of offers 25
with the auctioneer ~~or apprentice auctioneer~~. "Auction" includes 26
a sale of real or personal property, goods, or chattels in which 27
there has been a solicitation or invitation by advertisement to 28
the public for an advance in bidding using sealed bidding, 29
provided that the bids are opened and there is a call for an 30
advancement of the bids. 31

~~(B)~~ "Auctioneer" means any person who engages, or who by 32
advertising or otherwise holds the person out as being able to 33
engage, in the calling for, recognition of, and the acceptance 34
of, offers for the purchase of real or personal property, goods, 35
or chattels at auction either directly or through the use of 36
other licensed auctioneers ~~or apprentice auctioneers~~. 37

~~(C)~~ "Apprentice auctioneer" means any individual who is 38
~~sponsored by an auctioneer to deal or engage in any activities~~ 39
~~mentioned in division (A) of this section.~~ 40

~~(D)~~ "Special auctioneer" means any person who currently is 41
~~subject to section 4707.071 of the Revised Code.~~ 42

~~(E)~~ "Absolute auction" means an auction of real or 43
personal property to which all of the following apply: 44

(1) The property is sold to the highest bidder without 45
reserve. 46

(2) The auction does not require a minimum bid. 47

(3) The auction does not require competing bids of any 48

type by the seller or an agent of the seller. 49

(4) The seller of the property cannot withdraw the 50
property from auction after the auction is opened and there is 51
public solicitation or calling for bids. 52

~~(F)~~—"Reserve auction" means an auction in which the seller 53
or an agent of the seller reserves the right to establish a 54
stated minimum bid, the right to reject or accept any or all 55
bids, or the right to withdraw the real or personal property at 56
any time prior to the completion of the auction by the 57
auctioneer. 58

~~(G)~~—"Auction mediation company" means a company that 59
provides a forum through the internet for a person to sell the 60
person's real or personal property via the submission of silent 61
bids using a computer or other electronic device. 62

~~(H)~~—"Public authority" means any board or commission of 63
the state or any officer of such a board or commission, or any 64
political subdivision of the state. 65

~~(I)~~—"Estate auction" means the auction of real or personal 66
property of a deceased person. 67

~~(J)~~—"Absentee bidding" means a method by which a potential 68
purchaser authorizes a proxy to place on behalf of the potential 69
purchaser a written or oral bid to an auctioneer or auction firm 70
or an agent of an auctioneer or auction firm. 71

~~(K)~~—"Person" means an individual, sole proprietor, 72
corporation, limited liability company, association, or 73
partnership. 74

~~(L)~~—"Auction firm" means a person who provides auction 75
services for online or live auctions. 76

~~(M)~~—"Auction services" means arranging, managing, and 77
sponsoring a personal property auction. "Auction services" 78
includes the taking and advertising of personal property on 79
consignment to be sold at an online or live auction by a 80
licensed auctioneer for a fee or other consideration. 81

~~(N)~~—"Consignee" means a person or auction firm that, in 82
the regular course of business, takes personal property on 83
consignment to be sold at an online or live auction by a 84
licensed auctioneer. 85

~~(O)~~—"Firm manager" means the individual designated by an 86
auction firm who is responsible for ensuring that the auction 87
firm complies with this chapter. 88

~~(P)~~—"Sealed bidding" means a method of submitting a bid in 89
writing by one or more persons following which the bids are 90
opened at an advertised, predetermined time and place, and, 91
after a review of all the bids received, the real or personal 92
property is awarded to the highest and most responsive bidder. 93

~~(Q)~~—"Multi-parcel auction" means any auction of real or 94
personal property in which multiple parcels or lots are offered 95
for sale in various amalgamations, including as individual 96
parcels or lots, combinations of parcels or lots, and all 97
parcels or lots as a whole. 98

"Live auction" means an auction that is hosted by an 99
auctioneer in real time when the auctioneer and the audience of 100
bidders are in the same physical location. 101

Sec. 4707.02. (A) No person shall act as an auction firm, ~~7~~ 102
~~or auctioneer, apprentice auctioneer, or special auctioneer~~ 103
within this state without a license issued by the department of 104
agriculture. No auction shall be conducted in this state except 105

by an auctioneer licensed by the department. 106

The department shall not issue or renew a license if the 107
applicant or licensee has been convicted of a felony or crime 108
involving fraud or theft in this or another state at any time 109
during the ten years immediately preceding application or 110
renewal. 111

(B) Division (A) of this section does not apply to any of 112
the following: 113

(1) Sales at auction that either are required by law to be 114
at auction, other than sales pursuant to a judicial order or 115
decree, or are conducted by or under the direction of a public 116
authority; 117

(2) The owner of any real or personal property desiring to 118
sell the property at auction, provided that the property was not 119
acquired for the purpose of resale; 120

(3) An auction mediation company; 121

(4) An auction that is conducted in a course of study for 122
auctioneers that is approved by the state auctioneers commission 123
created under section 4707.03 of the Revised Code for purposes 124
of student training and is supervised by a licensed auctioneer; 125

(5) (a) An auction that is sponsored by a nonprofit or 126
charitable organization that is registered in this state under 127
Chapter 1702. or Chapter 1716. of the Revised Code, 128
respectively, if the auction only involves the property of the 129
members of the organization and the auction is part of a fair 130
that is organized by an agricultural society under Chapter 1711. 131
of the Revised Code or by the Ohio expositions commission under 132
Chapter 991. of the Revised Code at which an auctioneer who is 133
licensed under this chapter physically conducts the auction; 134

(b) Sales at an auction sponsored by a charitable, 135
religious, or civic organization that is tax exempt under 136
subsection 501(c)(3) of the Internal Revenue Code, or by a 137
public school, chartered nonpublic school, or community school, 138
if no person in the business of organizing, arranging, or 139
conducting an auction for compensation and no consignor of 140
consigned items sold at the auction, except such organization or 141
school, receives compensation from the proceeds of the auction. 142
As used in division (B)(5)(b) of this section, "compensation" 143
means money, a thing of value other than participation in a 144
charitable event, or a financial benefit. 145

(c) Sales at an auction sponsored by an organization that 146
is tax exempt under subsection 501(c)(6) of the Internal Revenue 147
Code and that is a part of a national, regional, or state 148
convention or conference that advances or promotes the auction 149
profession in this state when the property to be sold is donated 150
to or is the property of the organization and the proceeds 151
remain within the organization or are donated to a charitable 152
organization that is tax exempt under subsection 501(c)(3) of 153
the Internal Revenue Code. 154

(6) A person licensed as a livestock dealer under Chapter 155
943. of the Revised Code who exclusively sells livestock and 156
uses an auctioneer who is licensed under this chapter to conduct 157
the auction; 158

(7) A person licensed as a motor vehicle auction owner 159
under Chapter 4517. of the Revised Code who exclusively sells 160
motor vehicles to a person licensed under Chapter 4517. of the 161
Revised Code and who uses an auctioneer who is licensed under 162
this chapter to conduct the auction; 163

~~(8) Sales of real or personal property conducted by means-~~ 164

~~of the internet, provided that they are not conducted in- 165
conjunction with a live auction; 166~~

~~(9)~~ A bid calling contest that is approved by the 167
commission and that is conducted for the purposes of the 168
advancement or promotion of the auction profession in this 169
state; 170

~~(10)~~ (9) An auction at which the champion of a national or 171
international bid calling contest appears, provided that both of 172
the following apply: 173

(a) The champion is not paid a commission. 174

(b) The auction is conducted under the direct supervision 175
of an auctioneer licensed under this chapter in order to ensure 176
that the champion complies with this chapter and rules adopted 177
under it. 178

(C) (1) No person shall advertise or hold oneself out as an 179
auction firm, or auctioneer, ~~apprentice auctioneer, or special-~~ 180
~~auctioneer~~ without a license issued by the department of 181
agriculture. 182

(2) Division (C) (1) of this section does not apply to an 183
individual who is the subject of an advertisement regarding an 184
auction conducted under division (B) (5) (b) of this section. 185

Sec. 4707.021. Only an auctioneer who is licensed under 186
this chapter and who is licensed as a real estate broker or a 187
real estate salesperson under Chapter 4735. of the Revised Code 188
shall sign an auction contract for the sale of real property at 189
auction. A real estate broker who is licensed under Chapter 190
4735. of the Revised Code, but who is not licensed as an 191
auctioneer under this chapter shall not sign an auction contract 192
or conduct an auction, but may contract for the sale of real 193

property at auction only if either of the following applies:	194
(A) The auctioneer who signs the auction contract and who	195
conducts the auction is a salesperson licensed under Chapter	196
4735. of the Revised Code and is associated with the real estate	197
broker who contracts for the sale of real property.	198
(B) The real estate broker enters into a cooperative	199
agreement with another real estate broker licensed under Chapter	200
4735. of the Revised Code with whom an auctioneer licensed under	201
this chapter is associated and the auctioneer is solely	202
responsible for signing the auction contract and conducting the	203
auction.	204
An apprentice auctioneer who is licensed as a real estate	205
broker or real estate salesperson under Chapter 4735. of the	206
Revised Code may act as a bid caller in the sale of real	207
property at auction if the sponsoring auctioneer is licensed	208
under this chapter and is licensed as a real estate broker or	209
real estate salesperson under Chapter 4735. of the Revised Code.	210
Nothing in this section shall be construed to permit a	211
business to contract for the sale of real property at auction	212
through an individual who is not licensed under this chapter and	213
Chapter 4735. of the Revised Code.	214
Sec. 4707.04. (A) The state auctioneers commission shall,	215
upon qualification of the member or members appointed in each	216
year, select from its members a chairperson, and shall serve in	217
an advisory capacity to the department of agriculture for the	218
purpose of carrying out this chapter. The commission shall meet	219
not less than four times annually.	220
(B) The commission shall establish requirements and	221
standards for courses of study in auctioneering. The commission	222

triennially shall review courses of study in auctioneering that 223
are offered at institutions in order to determine whether the 224
courses comply with those requirements and standards. The 225
commission shall approve institutions that offer courses that 226
comply with the requirements and standards. If an institution is 227
not approved, the institution may reapply for approval within a 228
year of the disapproval. If at that time the commission approves 229
the institution, the institution shall be approved for the 230
remainder of the triennial period. The commission, prior to the 231
triennial review, may place on probationary status or revoke the 232
approval of any institution that provides a course of study in 233
auctioneering if the institution fails to comply with the 234
requirements and standards established under this division. 235

~~(C) Members of the commission who are licensed auctioneers~~ 236
~~under this chapter shall administer the oral licensing~~ 237
~~examination required under section 4707.08 of the Revised Code.~~ 238

~~(D)~~ Each commissioner shall receive the commissioner's 239
actual and necessary expenses incurred in the discharge of the 240
commissioner's duties. Each commissioner also shall receive a 241
per diem salary from the auctioneers fund created in section 242
4707.05 of the Revised Code for each meeting attended. The 243
director of agriculture shall adopt rules in accordance with 244
Chapter 119. of the Revised Code establishing the per diem 245
salary. 246

~~(E)~~ (D) The commission may form subcommittees for purposes 247
of research, education, and promotion of the auctioneering 248
profession. If a majority of the members of the commission 249
approves, the members of a subcommittee may be reimbursed from 250
the auction education fund created in section 4707.171 of the 251
Revised Code for the actual and necessary expenses incurred in 252

the discharge of their duties.	253
(F) <u>(E)</u> Serving as a member of the commission does not	254
constitute holding a public office or position of employment	255
under the laws of this state and does not constitute grounds for	256
removal of public officers or employees from their offices or	257
positions of employment.	258
(G) <u>(F)</u> The commission may advise the director on actions	259
of the director as required under this chapter.	260
Sec. 4707.05. Except as otherwise provided in section	261
4707.25 of the Revised Code, all fees and charges collected by	262
the department of agriculture pursuant to this chapter shall be	263
paid into the state treasury to the credit of the auctioneers	264
fund, which is hereby created. All expenses incurred by the	265
department in administering this chapter shall be paid out of	266
the fund. The total expenses incurred by the department in the	267
administration of this chapter shall not exceed the total fees,	268
charges, fines, and penalties imposed under sections 4707.08,	269
4707.10, and 4707.99 of the Revised Code and paid to the	270
treasurer of state. The department may conduct education	271
programs for the enlightenment and benefit of all auctioneers	272
who have paid fees pursuant to sections 4707.08 and 4707.10 of	273
the Revised Code.	274
At the end of each fiscal year, if the balance of the fund	275
is greater than three hundred thousand dollars, the director of	276
agriculture shall request the director of budget and management	277
to, and the director of budget and management shall, transfer	278
twenty five per cent of the balance that is in excess of three	279
hundred thousand dollars to the auction recovery fund created in	280
section 4707.25 of the Revised Code.	281

Sec. 4707.06. The department of agriculture shall maintain 282
a record of the names and addresses of all auction firms, and 283
~~auctioneers, apprentice auctioneers, and special auctioneers~~ 284
licensed by the department. This record shall also include a 285
list of all persons whose licenses have been suspended or 286
revoked as well as any other information relative to the 287
enforcement of this chapter that the department considers of 288
interest to the public. 289

Sec. 4707.07. (A) The department of agriculture may grant 290
~~auctioneers' licenses to those individuals who are an~~ 291
auctioneer's license to an individual who is determined to be 292
qualified by the department. Each individual who applies for an 293
auctioneer's license shall furnish to the department, on forms 294
provided by the department, satisfactory proof that the 295
applicant: 296

(1) Has a good reputation; 297

(2) Is of trustworthy character; 298

(3) Has attained the age of at least eighteen years; 299

(4) ~~Has done one of the following:~~ 300

~~(a) Met the apprenticeship requirements set forth in~~ 301
~~section 4707.09 of the Revised Code;~~ 302

~~(b) Met the requirements of section 4707.12 of the Revised~~ 303
Code successfully completed a course of study in auctioneering 304
at an institution that is approved by the state auctioneers 305
commission. 306

(5) Has a general knowledge of the following: 307

(a) The requirements of the Revised Code relative to 308
auctioneers; 309

(b) The auction profession;	310
(c) The principles involved in conducting an auction;	311
(d) Any local and federal laws regarding the profession of auctioneering.	312 313
(6) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	314 315 316
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code <u>If</u> <u>the department determines that an application is incomplete, the</u> <u>department shall notify the applicant that the application is</u> <u>incomplete and inform the applicant of the information that is</u> <u>missing from the application. An applicant shall submit the</u> <u>additional information within ninety days after being notified</u> <u>by the department that the application is incomplete. If an</u> <u>applicant fails to submit the required information within that</u> <u>ninety-day period, the department shall deny the application and</u> <u>the applicant shall forfeit the application fee to the</u> <u>department.</u>	317 318 319 320 321 322 323 324 325 326 327 328 329 330
(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an	331 332 333 334 335 336 337 338

applicant applies to the department to do business under three 339
names, the department may charge a fee of ten dollars for the 340
third name. 341

~~(D) The department, in its discretion, may waive the 342
schooling and apprenticeship requirements for a resident of this- 343
state, provided that the resident holds a valid auctioneer- 344
license that was issued by a state with which the department has- 345
entered into a reciprocal licensing agreement and the resident- 346
is in good standing with that state. The applicant shall provide 347
proof that is satisfactory to the department that the applicant- 348
has had two years of experience as an auctioneer immediately 349
preceding the date of application that includes at a minimum 350
twelve auctions in which the applicant was a bid caller in the 351
reciprocal state. 352~~

Sec. 4707.073. (A) No corporation, limited liability 353
company, general or limited partnership, or unincorporated 354
association shall act or hold itself out as an auctioneer 355
without a valid auctioneer's license issued under this section. 356
~~This section does not apply to a person who is issued a license- 357
under section 4707.071 of the Revised Code. 358~~

(B) The department of agriculture may grant an 359
auctioneer's license to a corporation, limited liability 360
company, general or limited partnership, or unincorporated 361
association that is determined to be qualified by the 362
department. Every applicant for a license under this section 363
shall furnish to the department, on forms provided by the 364
department, satisfactory proof that the applicant: 365

(1) Is in good standing with the secretary of state if the 366
applicant is a corporation; 367

(2) Is of trustworthy character;	368
(3) Has provided proof of financial responsibility as required in section 4707.11 of the Revised Code;	369 370
(4) Is registered with the secretary of state or a local authority, as applicable, to do business in this state;	371 372
(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code.	373 374 375
(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the Revised Code.	376 377 378 379 380
(D) The department shall not issue a license under this section unless one of the following applies, as applicable:	381 382
(1) If the applicant is a limited liability company or a general or limited partnership, not less than fifty per cent of the members or general partners have a current license issued under section 4707.07 of the Revised Code.	383 384 385 386
(2) If the applicant is a corporation, not less than fifty per cent of the directors and the president or chief executive have a current license issued under section 4707.07 of the Revised Code.	387 388 389 390
(3) If the applicant is an unincorporated association, not less than fifty per cent of the members have a current license issued under section 4707.07 of the Revised Code.	391 392 393
Failure of a corporation, limited liability company, partnership, or unincorporated association to maintain the	394 395

applicable requirements of this division after the issuance of a 396
license under this section may be sufficient cause for the 397
revocation of the license under section 4707.15 of the Revised 398
Code. 399

(E) Upon the issuance of a license under this section, a 400
corporation, limited liability company, partnership, or 401
unincorporated association shall designate an individual from 402
among its directors, partners, or members who is licensed under 403
section 4707.07 of the Revised Code as its agent for purposes of 404
communication with the department. If that individual ceases to 405
be the agent, the corporation, limited liability company, 406
partnership, or unincorporated association shall notify the 407
department not later than ten days after the day on which the 408
individual ceases to be the agent. Upon notification to the 409
department, the license of the corporation, limited liability 410
company, partnership, or unincorporated association, as 411
applicable, immediately shall terminate. If the corporation, 412
limited liability company, partnership, or unincorporated 413
association notifies the department of the designation of a new 414
agent in accordance with the requirements of this division and 415
pays a fee in the amount of ten dollars, the department shall 416
issue the corporation, limited liability company, partnership, 417
or unincorporated association a new license. 418

(F) This section does not preclude a corporation, limited 419
liability company, partnership, or unincorporated association 420
from selling real property at auction, provided that the 421
requirements of this section and section 4707.021 and Chapter 422
4735. of the Revised Code are satisfied. 423

(G) A person licensed as a real estate broker under 424
Chapter 4735. of the Revised Code shall not be required to 425

obtain a license under this section if the person complies with 426
sections 4707.021 and 4707.22 of the Revised Code. 427

Sec. 4707.08. (A) The department of agriculture shall hold 428
written examinations ~~four times each year for the purpose of~~ 429
~~testing the qualifications required for obtaining a license~~ 430
~~under section 4707.07 of the Revised Code and twelve times each~~ 431
year for obtaining a license under section ~~4707.09~~ 4707.07 of 432
the Revised Code and for unlicensed auction firm managers as 433
required under division (D) of section 4707.074 of the Revised 434
Code. The written examination shall be held at the department or 435
at an alternative location determined by the department. ~~In~~ 436
~~addition to the written examination, auctioneer license~~ 437
~~applicants shall pass an oral examination administered by the~~ 438
~~state auctioneers commission on the same date and at the same~~ 439
~~location as the written examination.~~ An examination shall not be 440
required for the renewal of any license unless the license has 441
been revoked, ~~suspended,~~ or allowed to expire without renewal, 442
in which case the applicant shall take and pass the appropriate 443
~~examinations~~ examination offered by the department. 444

An examination fee of twenty-five dollars shall be 445
collected from each person taking the auctioneer examination and 446
fifteen dollars from each person taking ~~either the apprentice~~ 447
~~auctioneer examination or the auction firm manager examination~~ 448
to defray expenses of holding the examinations. 449

(B) All applications and proofs shall be filed by each 450
applicant before the scheduled date of examination, and shall be 451
accompanied by proof of financial responsibility and a license 452
fee. In order to be seated for an examination held under this 453
section, an applicant shall have a complete application on file 454
with the department not later than fourteen days prior to the 455

examination date. 456

(C) If a court of competent jurisdiction or the 457
department, at an administrative hearing, has found that an 458
applicant conducted an auction, provided auction services, or 459
acted as an auctioneer without a license issued under this 460
chapter, the department may refuse to allow the applicant to 461
take an examination under this section or may deny the issuance 462
of a license to the applicant for a period of two years. 463

(D) (1) If an applicant for a license fails to pass the 464
examination, the applicant may take the examination on the next 465
scheduled date for the examination. If an applicant fails to 466
pass the examination on the second consecutive attempt, the 467
applicant shall not take the examination on the next scheduled 468
date for the examination. 469

(2) If an applicant for a license fails to pass the 470
examination on the third attempt, the applicant shall attend 471
auction school a second time before the applicant may take the 472
examination. If an applicant for a license fails to pass the 473
examination on the fourth attempt, the applicant shall not take 474
the examination for at least one year from the date of the last 475
failed attempt. 476

(3) If an individual who is taking the examination for an 477
auction firm manager fails to pass the examination on the third 478
attempt, the individual shall not take the examination for one 479
year from the date of the last failed attempt. 480

Sec. 4707.091. (A) Prior to the expiration of an 481
auctioneer's ~~or apprentice auctioneer's~~ license, an auctioneer 482
~~or apprentice auctioneer~~ may submit an application to the 483
department of agriculture, on forms provided by the department, 484

to place the license on deposit with the department for a period 485
not to exceed two years. Not later than fourteen days after 486
receipt of an application under this section, the department 487
shall accept or deny the application. 488

(B) If the department accepts the application, an 489
auctioneer ~~or apprentice auctioneer~~ who has a license on deposit 490
with the department under this section shall not act as an 491
auctioneer ~~or apprentice auctioneer~~ while the license is on 492
deposit. In addition, such an auctioneer shall not be required 493
to pay an assessment under section 4707.25 of the Revised Code. 494

(C) An auctioneer ~~or apprentice auctioneer~~ may reacquire a 495
license on deposit from the department if the auctioneer ~~or~~ 496
~~apprentice auctioneer~~ does all of the following prior to 497
reacquisition: 498

(1) Submits a written request to the department that 499
contains the business address and telephone number of the 500
auctioneer ~~or apprentice auctioneer, as applicable;~~ 501

(2) Pays a reactivation fee for the license in the 502
following amount, ~~as applicable:~~ 503

(a) ~~In the case of an apprentice auctioneer, one hundred-~~ 504
~~dollars;~~ 505

~~(b)~~ In the case of an auctioneer whose license is 506
reacquired during the first half of the biennium according to 507
the biennial schedule established in division (B) of section 508
4707.10 of the Revised Code, two hundred dollars; 509

~~(e)~~ (b) In the case of an auctioneer whose license is 510
reacquired during the second half of the biennium according to 511
that biennial schedule, one hundred dollars. 512

(3) Pays the assessment that is levied under section 513
4707.25 of the Revised Code for the current year, if applicable; 514

(4) Provides proof of financial responsibility as required 515
in section 4707.11 of the Revised Code, if applicable; 516

(5) Complies with any other requirement established in 517
rules adopted by the director under section 4707.19 of the 518
Revised Code. 519

(D) If an auctioneer ~~or apprentice auctioneer~~, at the time 520
of placing the auctioneer's ~~or apprentice auctioneer's~~ license 521
on deposit, ~~as applicable~~, has not maintained proof of financial 522
responsibility for the entire period of time required under 523
section 4707.11 of the Revised Code, the auctioneer ~~or~~ 524
~~apprentice auctioneer~~, beginning at the time of reacquisition, 525
shall maintain proof of financial responsibility for the 526
remainder of the time required under that section. 527

Sec. 4707.10. (A) The fee for each ~~apprentice auctioneer's~~ 528
~~or~~ auction firm license issued by the department of agriculture 529
is one hundred dollars, and the annual renewal fee for any such 530
license is one hundred dollars. All licenses expire annually on 531
the last day of June of each year and shall be renewed according 532
to the standard renewal procedures of Chapter 4745. of the 533
Revised Code, or the procedures of this section. Any licensee 534
under this chapter who wishes to renew the licensee's license, 535
but fails to do so before the first day of July shall reapply 536
for licensure in the same manner and pursuant to the same 537
requirements as for initial licensure, unless before the first 538
day of September of the year of expiration, the former licensee 539
pays to the department, in addition to the regular renewal fee, 540
a late renewal penalty of one hundred dollars. 541

(B) (1) Each person to whom the department issues an auctioneer's license ~~or special auctioneer's license~~ shall pay a licensure fee. ~~Those licenses are~~ The license is biennial and ~~expire~~ expires in accordance with the schedule established in division (B) (2) of this section. If such a license is issued during the first year of a biennium, the licensee shall pay a fee in the amount of two hundred dollars. If the license is issued during the second year of a biennium, the licensee shall pay a fee in the amount of one hundred dollars. ~~With respect to an auctioneer's license, the fees apply~~ The fee applies regardless of whether the license is issued to an individual under section 4707.07 of the Revised Code or to a corporation, limited liability company, partnership, or association under section 4707.073 of the Revised Code.

~~All auctioneer's licenses and special auctioneer's licenses expire~~ An auctioneer's license expires on the last day of June of the biennium. The ~~licenses~~ license shall be renewed in accordance with the standard renewal procedures of Chapter 4745. of the Revised Code or the procedures in this section and upon the licensee's payment to the department of a renewal fee of two hundred dollars. A licensee who wishes to renew the licensee's license, but who fails to do so before the first day of July following the license's expiration, shall reapply for licensure in the same manner and pursuant to the same requirements as for the initial licensure unless before the first day of September following the expiration, the former licensee pays to the department, in addition to the regular renewal fee, a late renewal penalty of one hundred dollars.

(2) The biennial expiration of an auctioneer's license ~~or special auctioneer's license~~ shall occur in accordance with the following schedule:

(a) The license shall expire in odd-numbered years if the 573
business name or last name, as applicable, of the licensee 574
begins with the letters "A" through "J" or with the letters "X" 575
through "Z." 576

(b) The license shall expire in even-numbered years if the 577
business name or last name, as applicable, of the licensee 578
begins with the letters "K" through "W." 579

(C) As a condition precedent to the renewal of an 580
auctioneer's license, a licensed auctioneer shall demonstrate, 581
to the satisfaction of the director of agriculture, that the 582
licensed auctioneer has completed eight hours of continuing 583
education during the two years immediately preceding renewal of 584
the licensed auctioneer's license. The licensee shall complete 585
the continuing education in accordance with rules adopted under 586
section 4707.19 of the Revised Code. 587

(D) Any person who fails to renew the person's license 588
before the first day of July is prohibited from engaging in any 589
activity specified or comprehended in section 4707.01 of the 590
Revised Code until such time as the person's license is renewed 591
or a new license is issued. Renewal of a license between the 592
first day of July and the first day of September does not 593
relieve any person from complying with this division. The 594
department may refuse to renew the license of or issue a new 595
license to any person who violates this division. 596

~~(D)~~ (E) The department shall prepare and deliver to each 597
licensee a permanent license certificate and an identification 598
card, the appropriate portion of which shall be carried on the 599
person of the licensee at all times when engaged in any type of 600
auction activity, and part of which shall be posted with the 601
permanent certificate in a conspicuous location at the 602

licensee's place of business. 603

~~(E)~~ (F) Notice in writing shall be given to the department 604
by each auctioneer ~~or apprentice auctioneer~~ licensee of any 605
change of principal business location or any change or addition 606
to the name or names under which business is conducted, 607
whereupon the department shall issue a new license for the 608
unexpired period. Any change of business location or change or 609
addition of names without notification to the department shall 610
automatically cancel any license previously issued. For each new 611
auctioneer's ~~or apprentice auctioneer's~~ license issued upon the 612
occasion of a change in business location or a change in or an 613
addition of names under which business is conducted, the 614
department may collect a fee of ten dollars for each change in 615
location, or name or each added name unless the notification of 616
the change occurs concurrently with the renewal application or 617
unless otherwise provided in section 4707.07 of the Revised 618
Code. 619

Sec. 4707.11. (A) Except as provided in division (B) of 620
this section, each application for a license issued under this 621
chapter shall be accompanied by proof of financial 622
responsibility in the form of either an irrevocable letter of 623
credit or a cash bond or a surety bond in the amount of twenty- 624
five thousand dollars. If the applicant gives a surety bond, the 625
bond shall be executed by a surety company authorized to do 626
business in this state. 627

A bond shall be made payable to the department of 628
agriculture and shall include a condition that requires the 629
applicant to comply with this chapter and rules adopted under 630
it, including a requirement that the person refrain from conduct 631
described in section 4707.15 of the Revised Code. All bonds 632

shall be on a form approved by the director of agriculture. 633

A licensee shall maintain proof of financial 634
responsibility for three years following the date of initial 635
licensure. After the three-year period, a licensee who has not 636
engaged in conduct described in section 4707.15 of the Revised 637
Code and has not otherwise violated this chapter or rules 638
adopted under it during that period shall no longer be required 639
to maintain proof of financial responsibility except as 640
otherwise provided in this section. 641

A licensee whose license expires without being renewed 642
under section 4707.10 of the Revised Code or is suspended under 643
section 4707.15 or 4707.30 of the Revised Code shall give proof 644
of financial responsibility in accordance with this section in 645
order to obtain reinstatement or reactivation of the license. 646

(B) Division (A) of this section does not apply to ~~any~~ 647
either of the following: 648

(1) A licensee whose license was issued prior to July 1, 649
2003, provided that the license continues to be renewed under 650
section 4707.10 of the Revised Code and is not suspended under 651
section 4707.15 or 4707.30 of the Revised Code; 652

~~(2) An apprentice auctioneer licensee whose license was 653
issued under section 4707.09 of the Revised Code prior to July 654
1, 2003, and who applies for an auctioneer's license under 655
section 4707.07 of the Revised Code on or after July 1, 2003, 656
provided that the apprentice auctioneer's license is not 657
suspended under section 4707.15 or 4707.30 of the Revised Code, 658
and, if necessary, continues to be renewed under section 4707.10 659
of the Revised Code, prior to the issuance of the auctioneer's 660
license to the applicant; 661~~

~~(3)~~An auction firm license that is issued under section 662
4707.074 of the Revised Code. 663

Sec. 4707.12. A nonresident may operate as an auctioneer,~~—~~ 664
~~apprentice auctioneer, or special auctioneer~~ within the state by 665
conforming to this chapter. 666

The department of agriculture may, within its discretion, 667
waive the testing and schooling requirements for a nonresident, 668
provided that the nonresident holds a valid auctioneer ~~or~~ 669
~~apprentice auctioneer~~ license issued by a state with which the 670
department has entered into a reciprocal licensing agreement. 671
Nonresidents wishing to so operate in this state shall make 672
application in writing to the department and furnish the 673
department with proof of their ability to conduct an auction, 674
proof of license and financial responsibility, as well as other 675
information that the department may request. ~~If a state with~~ 676
~~which the department has entered into a reciprocal licensing~~ 677
~~agreement does not require an apprenticeship, the applicant~~ 678
~~shall provide proof of license for a period of at least one year~~ 679
~~prior to receipt of the application.~~ 680

~~This section does not apply to~~ A nonresident auctioneer 681
~~who do not have a license~~ auctioneer from a state with which the 682
department has not entered into a reciprocal licensing agreement 683
shall not operate as an auctioneer in this state, unless that 684
nonresident auctioneer is issued a license under this chapter. 685

Sec. 4707.14. (A) Each person licensed under this chapter 686
shall have a definite place of business in this state. 687

(B) ~~Except as provided in division (C) of this section, if~~ 688
~~the~~ If a licensee is a nonresident, it is not necessary for the 689
licensee to maintain an active place of business within this 690

state if the licensee maintains such a place of business in the 691
state where the licensee is a resident. 692

~~(C) A nonresident who is licensed as a special auctioneer 693
under section 4707.071 of the Revised Code shall have a definite 694
place of business within the state and shall not conduct 695
auctions anywhere else in the state other than the licensee's 696
place of business. 697~~

Sec. 4707.15. The department of agriculture may deny, 698
refuse to renew, suspend, or revoke the license of any auction 699
firm, ~~or auctioneer, apprentice auctioneer, or special 700
auctioneer~~ for any of the following causes: 701

(A) Obtaining a license through false or fraudulent 702
representation; 703

(B) Making any substantial misrepresentation in an 704
application for a license; 705

(C) A continued course of misrepresentation or for making 706
false promises through agents, advertising, or otherwise; 707

(D) Specifying that an auction is a reserve auction, 708
absolute auction, multi-parcel auction, or estate auction, but 709
not conducting the auction as specified; 710

(E) Failing to account for or remit, within a reasonable 711
time, any money or property belonging to others that comes into 712
the licensee's possession, and for commingling funds of others 713
with the licensee's own, or failing to keep funds of others in 714
an escrow or trust account, except that in the case of a 715
transaction involving real estate, such funds shall be 716
maintained in accordance with division (A)(26) of section 717
4735.18 of the Revised Code; 718

(F) Paying valuable consideration to any person who has violated this chapter;	719 720
(G) Conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;	721 722 723 724
(H) Violation of this chapter or rules adopted under it;	725
(I) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;	726 727 728
(J) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	729 730 731
(K) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	732 733
(L) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;	734 735 736 737
(M) The use of any power of attorney to circumvent this chapter;	738 739
(N) Failure to display either of the following:	740
(1) The sign required under section 4707.22 of the Revised Code; or	741 742
(2) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction	743 744 745

process;	746
(O) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;	747 748 749
(P) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;	750 751
(Q) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;	752 753 754
(R) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;	755 756 757
(S) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;	758 759 760
(T) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;	761 762 763
(U) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.	764 765
Sec. 4707.151. (A) No person shall engage in bid rigging.	766
(B) As used in this section, "bid rigging" means a conspiracy between auctioneers, apprentice auctioneers, special auctioneers, any participants in an auction, or any other persons who agree not to bid against each other at an auction or who otherwise conspire to decrease or increase the number or amounts of bids offered at auction.	767 768 769 770 771 772

Sec. 4707.16. (A) The department of agriculture may, upon 773
its own motion, and shall, upon the verified written complaint 774
of any person, investigate the actions of any auction firm, or 775
auctioneer, ~~apprentice auctioneer, or special auctioneer~~, any 776
applicant for an auction firm's, or auctioneer's, ~~apprentice~~ 777
~~auctioneer's, or special auctioneer's~~ license, or any person who 778
assumes to act in that capacity, if the complaint, together with 779
other evidence presented in connection with it, makes out a 780
prima-facie case. 781

If the department determines that any such applicant is 782
not entitled to receive a license, a license shall not be 783
granted to the applicant, and if the department determines that 784
any licensee is guilty of a violation of section 4707.14 or 785
4707.15 of the Revised Code, the department may suspend or 786
revoke the license. Any auction firm, or auctioneer, ~~apprentice~~ 787
~~auctioneer, or special auctioneer~~ who has had the auction 788
firm's, or auctioneer's, ~~apprentice auctioneer's, or special~~ 789
~~auctioneer's~~ license revoked shall not be issued another such 790
license for a period of two years from the date of revocation. 791

(B) The department may investigate complaints concerning 792
the violation of sections 4707.02 and 4707.15 of the Revised 793
Code and may subpoena witnesses in connection with such 794
investigations as provided in this section. The department may 795
make application to the court of common pleas for an order 796
enjoining the violation of sections 4707.02 and 4707.15 of the 797
Revised Code, and upon a showing by the department that any 798
licensed auction firm, or auctioneer, ~~apprentice auctioneer, or~~ 799
~~special auctioneer~~ has violated or is about to violate section 800
4707.15 of the Revised Code, or any person has violated or is 801
about to violate section 4707.02 of the Revised Code, an 802
injunction, restraining order, or other order as may be 803

appropriate shall be granted by the court. 804

(C) The department may compel by subpoena the attendance 805
of witnesses to testify in relation to any matter over which it 806
has jurisdiction and that is the subject of inquiry and 807
investigation by it, and require the production of any book, 808
paper, or document pertaining to that matter. In case any person 809
fails to file any statement or report, obey any subpoena, give 810
testimony, or produce any books, records, or papers as required 811
by such a subpoena, the court of common pleas of any county in 812
the state, upon application made to it by the department, shall 813
compel obedience by attachment proceedings for contempt, as in 814
the case of disobedience of the requirements of a subpoena 815
issued from that court, or a refusal to testify therein. 816

(D) When the department determines that a person not 817
licensed under this chapter is engaged in or is believed to be 818
engaged in activities for which a license is required under this 819
chapter, the department may issue an order to that person 820
requiring the person to show cause as to why the person should 821
not be subject to licensing under this chapter. If the 822
department, after a hearing, determines that the activities in 823
which the person is engaged are subject to licensing under this 824
chapter, the department may issue a cease-and-desist order that 825
shall describe the person and activities that are subject to the 826
order. A cease-and-desist order issued under this section shall 827
be enforceable in and may be appealed to the common pleas courts 828
of this state under Chapter 119. of the Revised Code. 829

(E) In addition to the remedies provided under this 830
section and irrespective of whether an adequate remedy at law 831
exists, the department may apply to a court of common pleas for 832
a temporary or permanent injunction or other appropriate relief 833

for continued violations of this chapter. For purposes of this 834
division, the court of common pleas shall be the court of common 835
pleas of Licking county or the court of common pleas of the 836
county where the violation occurs. 837

(F) For purposes of this section, investigative costs 838
incurred by the department are recoverable either by the 839
issuance of an administrative order of the department or by an 840
order of a court of competent jurisdiction. 841

Sec. 4707.171. There is hereby created in the state 842
treasury the auction education fund. Seven dollars and fifty 843
cents of each fee collected for an initial or renewed auction 844
firm's ~~or apprentice auctioneer's~~ license shall be credited to 845
the auction education fund. In addition, seven dollars and fifty 846
cents out of each one hundred dollars that is collected as a fee 847
for an initial or renewed auctioneer's license ~~or for a renewed~~
~~special auctioneer's license~~ shall be credited to the fund. All 848
interest earned on moneys deposited in the state treasury to the 849
credit of the auction education fund shall be credited to the 850
fund. 851
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The state auctioneers commission shall use any moneys from 853
the auction education fund to advance and underwrite education 854
and research in the auction field for the benefit of those 855
licensed under this chapter and the auctioneering public and to 856
cooperate with associations of auctioneers and other groups for 857
the education of auctioneers and the advancement of the auction 858
profession in this state. 859

Sec. 4707.18. No person engaged in the business of, or 860
acting in the capacity of, an auction firm, or auctioneer, ~~or~~
~~special auctioneer~~ shall bring or maintain any action in the 861
courts of this state for the collection of compensation for any 862
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services performed as an auction firm or auctioneer without 864
first alleging and proving that the person was a duly licensed 865
auction firm, or auctioneer, ~~or special auctioneer~~ at the time 866
the alleged cause of action arose. 867

Sec. 4707.19. (A) The director of agriculture may adopt 868
reasonable rules necessary for the implementation of this 869
chapter in accordance with Chapter 119. of the Revised Code. In 870
addition, the director shall adopt rules in accordance with 871
Chapter 119. of the Revised Code that establish the portion of 872
license fees collected under this chapter that are to be 873
deposited into the auction recovery fund under section 4707.25 874
of the Revised Code. 875

No person shall fail to comply with a rule adopted under 876
this chapter. 877

(B) The director shall adopt rules that establish a 878
schedule of civil penalties for violations of this chapter, 879
rules adopted under it, or orders issued under it. The rules 880
shall provide that the civil penalty for the first violation of 881
this chapter, rule, or order shall not exceed five thousand 882
dollars and the civil penalty for each subsequent offense shall 883
not exceed ten thousand dollars. In addition, the director, in 884
establishing the schedule of civil penalties in the rules, shall 885
consider past violations of this chapter and rules adopted under 886
it, the severity of a violation, and the amount of actual or 887
potential damage to the public or the auction profession. 888

(C) (1) The director shall adopt rules requiring an 889
auctioneer to complete continuing education prior to renewal of 890
the auctioneer's license under section 4707.10 of the Revised 891
Code. The rules shall require eight hours of continuing 892
education to be completed as follows: 893

(a) Four hours during the first year of licensure and four hours during the second year of licensure; 894
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(b) Three of the hours consisting of course instruction in core areas, as determined by the director; 896
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(c) Five of the hours consisting of course instruction in elective areas. 898
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(2) The rules shall require an auctioneer to keep records regarding continuing education course instruction for three years after the auctioneer renews a license. An auctioneer shall allow the director to inspect the records during normal business hours. However, the director may inspect the continuing education records of not more than ten per cent of all licensees per biennium. 900
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(D) The department of agriculture may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director may administer oaths. The department may require other proof of the honesty, truthfulness, and good reputation of any person named in the application for an auction firm's, or auctioneer's, apprentice auctioneer's, or special auctioneer's license before admitting the applicant to an examination or issuing a license. 907
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Sec. 4707.20. (A) Except when conducting an auction under division (B) (5) (b) of section 4707.02 of the Revised Code, no person shall act as an auction firm, or auctioneer, or special auctioneer until the person has first entered into a written contract or agreement in duplicate with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction. The contracts or agreements shall, for a period 915
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of two years, be kept on file in the office of every person so 923
licensed. ~~No apprentice auctioneer shall be authorized to enter~~ 924
~~into such a contract or agreement without the written consent of~~ 925
~~the apprentice auctioneer's sponsoring auctioneer, and all~~ 926
~~contracts or agreements shall be made in the name of and on~~ 927
~~behalf of the sponsoring auctioneer. In addition, an apprentice~~ 928
~~auctioneer shall not enter into an auction contract for the sale~~ 929
~~of real property in the name of the sponsoring auctioneer~~ 930
~~regardless of whether the apprentice auctioneer is licensed as a~~ 931
~~real estate broker or salesperson.~~ 932

(B) On all contracts or agreements between an auction 933
firm, or auctioneer, ~~or special auctioneer~~ and the owner or 934
consignee, there shall appear a prominent statement indicating 935
that the auction firm, or auctioneer, ~~or special auctioneer~~ is 936
licensed by the department of agriculture, and either that the 937
licensee is bonded in favor of the state or that an aggrieved 938
person may initiate a claim against the auction recovery fund 939
created in section 4707.25 of the Revised Code as a result of 940
the licensee's actions, whichever is applicable. 941

(C) The auction firm, or auctioneer, ~~or special auctioneer~~ 942
who contracts with the owner is liable for the settlement of all 943
money received, including the payment of all expenses incurred 944
only by the licensee and the distribution of all funds, in 945
connection with an auction. 946

(D) For purposes of this section, a contract or agreement 947
shall specify all of the following: 948

(1) The owner of the property to be sold or the owner's 949
agent or the consignee; 950

(2) The date of the auction or a termination date of the 951

contract or agreement;	952
(3) The location of the auction;	953
(4) The terms and conditions of the auction;	954
(5) All of the fees to be charged by the auctioneer or the auction firm, which shall include commissions, rentals, advertising, and labor;	955 956 957
(6) An explanation of the settlement of the auction that includes the disbursement of interest money, if applicable;	958 959
(7) A statement establishing the responsibility for bad checks, debts, and unpaid auction items;	960 961
(8) A statement indicating whether the auction is a reserve auction or an absolute auction. In addition, the statement shall include the definition of reserve auction or absolute auction from section 4707.01 of the Revised Code, as applicable.	962 963 964 965 966
(9) A statement of the auctioneer's or auction firm's policy regarding absentee bidding;	967 968
(10) A brief description of the real or personal property to be sold;	969 970
(11) If the sale is of real or personal property at absolute auction, a statement affirming that the seller of the real or personal property has a bona fide intention to transfer ownership of the property to the highest bidder.	971 972 973 974
(12) If the sale is a multi-parcel auction, a statement between the owner or owners of the real or personal property and the auctioneer, or auction firm, or special auctioneer attesting that the type of auction will be a multi-parcel auction.	975 976 977 978

Sec. 4707.21. (A) No auction firm, or auctioneer, 979
apprentice auctioneer, or special auctioneer shall willfully do 980
any of the following: 981

(1) Willfully neglect or refuse to furnish the department 982
of agriculture statistics or other information in the auction 983
firm's, or auctioneer's, apprentice auctioneer's, or special 984
auctioneer's possession or under the auction firm's, or 985
auctioneer's, apprentice auctioneer's, or special auctioneer's 986
control that the auction firm, or auctioneer, apprentice 987
auctioneer, or special auctioneer is authorized to collect; nor 988
shall the auction firm, auctioneer, apprentice auctioneer, or 989
special auctioneer neglect 990

(2) Neglect or refuse, for more than thirty days, to 991
answer questions submitted on circulars; nor shall the auction 992
firm, auctioneer, apprentice auctioneer, or special auctioneer 993
knowingly 994

(3) Knowingly answer any such questions submitted on 995
circulars specified in division (A) (2) of this section falsely; 996
and nor shall the auction firm, auctioneer, apprentice 997
auctioneer, or special auctioneer refuse 998

(4) Refuse to obey subpoenas and give testimony. Licensees 999

(B) Licensees, as well as charitable, religious, or civic 1000
organizations and schools that sponsor an auction under division 1001
(B) (5) (b) of section 4707.02 of the Revised Code, shall keep 1002
records relative to any auction for at least two years from its 1003
date. These records shall include settlement sheets, written 1004
contracts, and copies of any advertising that lists the items 1005
for auction, as applicable. 1006

Sec. 4707.22. (A) Any person licensed under this chapter 1007

who advertises, by linear advertisements or otherwise, to hold 1008
or conduct an auction shall indicate in the advertisement the 1009
licensee's name or the name registered with the department of 1010
agriculture and that the licensee is an auctioneer ~~or apprentice-~~ 1011
~~auctioneer. Any apprentice auctioneer who advertises, as-~~ 1012
~~provided in this section, also shall indicate in the~~ 1013
~~apprentice's advertisement the name of the auctioneer under whom-~~ 1014
~~the apprentice is licensed. The name of the auctioneer shall be-~~ 1015
~~displayed in equal prominence with the name of the apprentice-~~ 1016
~~auctioneer in the advertisement.~~ Any such licensee who 1017
advertises in a manner other than as provided in this section is 1018
guilty of violating division (C) of section 4707.15 of the 1019
Revised Code. 1020

(B) An auction firm licensed under this chapter that 1021
advertises, by linear advertisements or otherwise, to solicit or 1022
receive consignments or to provide auction services shall 1023
indicate in the advertisement the name of the auction firm. In 1024
addition, an advertisement of an auction of consignments or an 1025
advertisement by an auction firm of an auction for which the 1026
auction firm will provide auction services shall comply with 1027
divisions (A) and (D) of this section. 1028

(C) If an auction to be advertised is an absolute auction, 1029
all advertisements for the auction shall unequivocally state 1030
that the auction is an absolute auction. 1031

(D) If an advertisement for an auction contains the words 1032
"estate auction," or words to that effect, the person licensed 1033
under this chapter who advertises shall do both of the 1034
following: 1035

(1) Enter into an agreement directly with the executor, 1036
administrator, or court appointed designee of the estate 1037

property; 1038

(2) List prominently in the advertisement the county in 1039
which the estate is located and the probate court case number of 1040
the estate. 1041

(E) All persons licensed under this chapter that conduct 1042
or are involved in an auction jointly are responsible for the 1043
posting of a sign at the auction. The sign shall contain all of 1044
the following: 1045

(1) The name of all licensed persons involved in the 1046
auction; 1047

(2) A statement that the persons are licensed by the 1048
department of agriculture; 1049

(3) The address of the department of agriculture. 1050

The sign shall be posted at the main entrance of the 1051
auction, at the place of registration for the auction, or by the 1052
cashier for the auction. The sign shall be of a size not smaller 1053
than eight and one-half inches by eleven inches. The letters and 1054
numbers on the sign shall be of adequate size to be readily seen 1055
by an individual with normal vision when viewing it. 1056

(F) An advertisement for the sale of real property at 1057
auction shall contain the name of the licensed auctioneer who is 1058
entering into the auction contract and the name of the real 1059
estate broker licensed under Chapter 4735. of the Revised Code 1060
who is involved in the sale. Compliance with this section shall 1061
not require a real estate broker licensed under Chapter 4735. of 1062
the Revised Code to obtain a license under section 4707.073 of 1063
the Revised Code. 1064

(G) If an auction to be advertised is a multi-parcel 1065

1066 auction, all advertisements for the auction, excluding road
1067 signs, shall state that the auction will be offered in various
1068 amalgamations, including as individual parcels or lots,
1069 combinations of parcels or lots, and all parcels or lots as a
1070 whole.

1071 **Sec. 4707.25.** (A) The auction recovery fund is hereby
1072 created in the state treasury. The fund shall be administered by
1073 the director of agriculture. The treasurer of state shall credit
1074 all of the following to the fund: ~~any moneys transferred to it~~
1075 ~~from the auctioneers fund created under section 4707.05 of the~~
1076 ~~Revised Code;~~ except as otherwise provided in this section, a
1077 portion, in an amount specified in rules adopted under section
1078 4707.19 of the Revised Code, of license fees collected under
1079 this chapter; any assessments levied under this section;
1080 repayments made to the auction recovery fund under section
1081 4707.30 of the Revised Code by persons licensed under this
1082 chapter; and interest earned on the assets of the fund.

1083 Moneys credited to the fund shall be used to make payments
1084 to persons in accordance with sections 4707.26 and 4707.31 of
1085 the Revised Code and to persons who obtain a final judgment in
1086 accordance with section 4707.261 and sections 4707.27 to 4707.30
1087 of the Revised Code in a court of competent jurisdiction against
1088 a person licensed under this chapter on the grounds of conduct
1089 by the licensee that is described in section 4707.15 of the
1090 Revised Code or that otherwise violates this chapter or rules
1091 adopted under it and that is associated with an act or
1092 transaction that only a licensee lawfully may perform. In the
1093 case of a final judgment, the amount of the payments shall be
1094 limited to any portion of the final judgment that remains
1095 unpaid. In all cases, the amount of the payments is subject to
1096 the dollar limitations established in section 4707.29 of the

Revised Code. 1097

(B) The director shall ascertain the balance of the fund 1098
on the first day of July each year. If the balance of the fund 1099
is greater than two million dollars, the director may utilize, 1100
during the fiscal year beginning on that first day of July, the 1101
portion of the fund that is greater than two million dollars to 1102
sponsor educational programs or to underwrite research that is 1103
beneficial to persons licensed under this chapter and to the 1104
public. If the balance of the fund is at least four million 1105
dollars, the portion of license fees collected under this 1106
chapter that otherwise would be credited to the fund under this 1107
section shall be credited to the auctioneers fund during the 1108
fiscal year beginning on that first day of July. 1109

If the balance of the fund is less than four hundred 1110
thousand dollars, the director shall levy an assessment against 1111
each person who holds a valid license issued under this chapter. 1112
The amount of the assessment shall be determined by subtracting 1113
the balance of the fund from five hundred thousand dollars and 1114
dividing the resulting total by the number of persons recorded 1115
under section 4707.06 of the Revised Code as holding a valid 1116
license issued under this chapter. All assessments that are 1117
collected shall be credited to the fund. 1118

(C) The director shall collect from the fund a service fee 1119
in an amount equal to the interest rate specified in division 1120
(A) of section 1343.03 of the Revised Code multiplied by the 1121
annual interest earned on the assets of the fund to defray the 1122
expenses incurred by the department of agriculture in the 1123
administration of the fund. 1124

Section 2. That existing sections 4707.01, 4707.02, 1125
4707.021, 4707.04, 4707.05, 4707.06, 4707.07, 4707.073, 4707.08, 1126

4707.091, 4707.10, 4707.11, 4707.12, 4707.14, 4707.15, 4707.151, 1127
4707.16, 4707.171, 4707.18, 4707.19, 4707.20, 4707.21, 4707.22, 1128
and 4707.25 of the Revised Code are hereby repealed. 1129

Section 3. That sections 4707.071 and 4707.09 of the 1130
Revised Code are hereby repealed. 1131

Section 4. A person that holds a valid special auctioneer 1132
license issued under section 4707.071 of the Revised Code, as 1133
that section existed prior to its repeal by H.B. ___ of the 1134
133rd General Assembly, may continue to operate under the 1135
special auctioneer license until an application for an auction 1136
firm license submitted to the Department of Agriculture is 1137
approved or until twelve months after the effective date of this 1138
section has expired, whichever is earliest. 1139

The Director of Agriculture shall adopt any necessary 1140
procedures or requirements for purposes of implementing this 1141
section. 1142

Section 5. A person that holds a valid apprentice 1143
auctioneer license issued under section 4707.09 of the Revised 1144
Code, as that section existed prior to its repeal by H.B. ___ of 1145
the 133rd General Assembly, may continue to operate under the 1146
apprentice auctioneer license until an application for an 1147
auctioneer license submitted to the Department of Agriculture is 1148
approved or until twelve months after the effective date of this 1149
section has expired, whichever is earliest. 1150

The Director of Agriculture shall adopt any necessary 1151
procedures or requirements for purposes of implementing this 1152
section. 1153

Section 6. Section 4707.02 of the Revised Code is 1154
presented in this act as a composite of the section as amended 1155

by both Am. Sub. H.B. 64 and Am. Sub. H.B. 131 of the 131st 1156
General Assembly. The General Assembly, applying the principle 1157
stated in division (B) of section 1.52 of the Revised Code that 1158
amendments are to be harmonized if reasonably capable of 1159
simultaneous operation, finds that the composite is the 1160
resulting version of the section in effect prior to the 1161
effective date of the section as presented in this act. 1162