

As Re-reported by the Senate Judiciary Committee

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Representative Butler

**Cosponsors: Representatives Adams, R., Beck, Grossman, Henne, Huffman,
Letson, Murray, Stebelton, Slaby, Bubp, Amstutz, Anielski, Antonio, Blair,
Blessing, Boose, Carey, Clyde, Combs, Conditt, Damschroder, Duffey, Foley,
Garland, Hackett, Hagan, C., Hall, Hayes, Hill, Lundy, Martin, Milkovich,
Newbold, O'Brien, Pelanda, Peterson, Phillips, Rosenberger, Ruhl, Schuring,
Sears, Sprague, Szollosi, Thompson, Weddington, Winburn**

Speaker Batchelder

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A B I L L

To amend sections 181.25, 341.27, 1337.28, 1705.081,	1
2111.121, 2151.85, 2501.03, 2501.14, 2501.15,	2
2503.33, 2947.23, 2949.091, 2953.08, 4713.64,	3
4715.101, 4717.04, 4717.14, 4725.19, 4755.06,	4
4755.11, 4755.411, 4755.47, 4757.10, 4757.36,	5
4776.01, 5322.01, 5322.02, 5322.03, and 5809.031	6
and to enact sections 1901.263, 1905.38, 1907.25,	7
1925.151, 2101.165, 2151.542, 2303.23, 2501.161,	8
2503.18, 4701.30, 4703.53, 4707.33, 4709.27,	9
4712.15, 4713.68, 4715.41, 4717.39, 4719.22,	10
4723.92, 4725.61, 4727.22, 4728.15, 4729.87,	11
4730.54, 4731.95, 4732.32, 4733.28, 4734.57,	12
4735.76, 4736.18, 4737.14, 4738.20, 4740.17,	13
4741.48, 4742.07, 4747.17, 4749.15, 4751.13,	14
4752.20, 4753.16, 4755.71, 4757.45, 4758.72,	15
4759.12, 4760.22, 4761.18, 4762.23, 4763.20,	16
4765.58, 4766.23, 4771.23, 4773.09, 4774.22,	17

4776.20, 4778.25, 4779.34, and 4781.55 of the 18
Revised Code to authorize certain licensing boards 19
to require corrective action courses as a form of 20
discipline for license holders, to establish 21
professional licensing sanctions regarding the 22
crime of human trafficking, to authorize a court 23
to cancel claims for uncollectible amounts due the 24
court, to authorize a sentencing court to waive, 25
suspend, or modify payment of the costs of 26
prosecution, to define "case" in connection with 27
the imposition of costs in a criminal case, to 28
abolish the Felony Sentence Appeal Cost Oversight 29
Committee, to rename the "Chief Justice of the 30
Court of Appeals" the "Chief Judge of the Court of 31
Appeals," to modify the requirements for when the 32
Ohio Supreme Court meets, to make changes to the 33
law in relation to the sale of personal property 34
on which there has been placed a lien by an owner 35
of a self-service storage facility, to provide 36
that a principal in a power of attorney may 37
nominate a guardian of the principal's incompetent 38
adult children, to remove the requirement that the 39
operating agreement of a limited liability company 40
may identify types or categories of activities 41
that do not violate the duty of loyalty only if 42
not manifestly unreasonable, to specify that the 43
operating agreement of a limited liability company 44
may not eliminate the duty of care but may 45
prescribe the standards by which the duty is to be 46
measured, to modify the restrictions on the 47
operating agreement of a limited liability company 48
with respect to the obligation of good faith and 49
the duties of a manager, to make other clarifying 50

changes to provisions contained in Sub. H.B. 48 51
and Sub. S.B. 117 of the 129th General Assembly, 52
to expressly authorize a county to establish a 53
program for prisoners in the county's correctional 54
facility to work outside the facility, to make a 55
conforming change related to Am. H.B. 63 of the 56
129th General Assembly, and to clarify the entity 57
that prescribes forms under R.C. 2151.85. 58

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

Section 1. That sections 181.25, 341.27, 1337.28, 1705.081, 59
2111.121, 2151.85, 2501.03, 2501.14, 2501.15, 2503.33, 2947.23, 60
2949.091, 2953.08, 4713.64, 4715.101, 4717.04, 4717.14, 4725.19, 61
4755.06, 4755.11, 4755.411, 4755.47, 4757.10, 4757.36, 4776.01, 62
5322.01, 5322.02, 5322.03, and 5809.031 be amended and sections 63
1901.263, 1905.38, 1907.25, 1925.151, 2101.165, 2151.542, 2303.23, 64
2501.161, 2503.18, 4701.30, 4703.53, 4707.33, 4709.27, 4712.15, 65
4713.68, 4715.41, 4717.39, 4719.22, 4723.92, 4725.61, 4727.22, 66
4728.15, 4729.87, 4730.54, 4731.95, 4732.32, 4733.28, 4734.57, 67
4735.76, 4736.18, 4737.14, 4738.20, 4740.17, 4741.48, 4742.07, 68
4747.17, 4749.15, 4751.13, 4752.20, 4753.16, 4755.71, 4757.45, 69
4758.72, 4759.12, 4760.22, 4761.18, 4762.23, 4763.20, 4765.58, 70
4766.23, 4771.23, 4773.09, 4774.22, 4776.20, 4778.25, 4779.34, and 71
4781.55 of the Revised Code be enacted to read as follows: 72

Sec. 181.25. (A) If the comprehensive criminal sentencing 73
structure that it recommends to the general assembly pursuant to 74
section 181.24 of the Revised Code or any aspects of that 75
sentencing structure are enacted into law, the state criminal 76
sentencing commission shall do all of the following: 77

(1) Assist the general assembly in the implementation of 78
those aspects of the sentencing structure that are enacted into 79

law; 80

(2) Monitor the operation of the aspects of the sentencing 81
structure that are enacted into law and report to the general 82
assembly no later than January 1, 1997, and biennially thereafter, 83
on all of the following matters: 84

(a) The impact of the sentencing structure in effect on and 85
after July 1, 1996, on political subdivisions and other relevant 86
aspects of local government in this state, including all of the 87
following information: 88

(i) The number and type of offenders who were being 89
imprisoned in a state correctional institution under the law in 90
effect prior to July 1, 1996, but who are being punished under a 91
community control sanction, as defined in section 2929.01 of the 92
Revised Code, under the law in effect on and after July 1, 1996; 93

(ii) The fiscal and other impact of the law in effect on and 94
after July 1, 1996, on political subdivisions and other relevant 95
aspects of local government in this state, including law 96
enforcement agencies, the court system, prosecutors, as defined in 97
section 2935.01 of the Revised Code, the public defender and 98
assigned counsel system, jails and workhouses, probation 99
departments, the drug and alcohol abuse intervention and treatment 100
system, and the mental health intervention and treatment system. 101

(b) The impact of the sentencing structure in effect on and 102
after July 1, 1996, on the population of state correctional 103
institutions, including information regarding the number and types 104
of offenders who are being imprisoned under the law in effect on 105
and after July 1, 1996, and the amount of space in state 106
correctional institutions that is necessary to house those 107
offenders; 108

(c) The impact of the sentencing structure and the sentence 109
appeal provisions in effect on and after July 1, 1996, on the 110

appellate courts of this state, including information regarding 111
the number of sentence-based appeals, the cost of reviewing 112
appeals of that nature, whether a special court should be created 113
to review sentences, and whether changes should be made to ensure 114
that sentence-based appeals are conducted expeditiously. 115

(3) Review all bills that are introduced in the general 116
assembly that provide for new criminal offenses or that change the 117
penalty for any criminal offense, determine if those bills are 118
consistent with the sentencing policy adopted under division (B) 119
of section 181.23 of the Revised Code, determine the impact of 120
those bills upon the correctional resources of the state, and 121
recommend to the general assembly any necessary amendments to 122
those bills. When the commission recommends any amendment for a 123
bill before the general assembly, it shall do so in a manner that 124
is consistent with the requirements of section 181.24 of the 125
Revised Code. 126

(4) Study criminal sentencing structures in this state, other 127
states, and the federal government, recommend necessary changes to 128
the sentencing structure of the state, and determine the costs and 129
effects of any proposed changes in the sentencing structure of the 130
state; 131

(5) Collect and maintain data that pertains to the cost to 132
counties of the felony sentence appeal provisions set forth in 133
section 2953.08 of the Revised Code, of the postconviction relief 134
proceeding provisions set forth in division (A)(2) of section 135
2953.21 of the Revised Code, and of appeals from judgments entered 136
in such postconviction relief proceedings. The data so collected 137
and maintained shall include, but shall not be limited to, the 138
increase in expenses that counties experience as a result of those 139
provisions and those appeals and the number of felony sentence 140
appeals made, postconviction relief proceedings filed, and appeals 141
of postconviction relief proceeding judgments made in each county 142

under those provisions. ~~The commission periodically shall provide~~ 143
~~to the felony sentence appeal cost oversight committee, in~~ 144
~~accordance with division (I) of section 2953.08 of the Revised~~ 145
~~Code, all data the commission collects pursuant to this division.~~ 146

(B) In addition to its duties set forth in section 181.24 of 147
the Revised Code and division (A) of this section, the state 148
criminal sentencing commission shall review all forfeiture 149
statutes in Titles XXIX and XLV of the Revised Code and, not later 150
than July 1, 2002, recommend to the general assembly any necessary 151
changes to those statutes. 152

Sec. 341.27. (A) As used in this section: 153

(1) "County correctional facility" has the same meaning as in 154
section 341.42 of the Revised Code. 155

(2) "County correctional officer" has the same meaning as in 156
section 341.41 of the Revised Code. 157

(B) The sheriff and board of county commissioners of any 158
county jointly may establish in writing a prisoner work program 159
pursuant to which prisoners and adult offenders confined in a 160
county correctional facility under control of the county work 161
outside of the facility in a work detail administered by the 162
facility. A program established under this division shall be 163
separate from and independent of any program or camp established 164
under section 341.31, 5147.28, or 5147.30 of the Revised Code or 165
under any other provision of the Revised Code. A sheriff and board 166
of county commissioners that jointly establish a program under 167
this division shall specify rules for the operation of the 168
program. The rules shall include, but are not limited to, rules 169
that provide the following: 170

(1) That no prisoner or adult offender confined in the 171
facility under a charge of, or a sentence imposed for, an offense 172

of violence may be assigned to a work detail under the program; 173

(2) That no prisoner or adult offender may be assigned to a 174
work detail under the program unless the prisoner or adult 175
offender volunteers for the work detail; 176

(3) That no prisoner or adult offender under supervisory 177
authority of the adult parole authority may be assigned to a work 178
detail under the program. 179

(C) If all the prisoners or adult offenders working on a work 180
detail administered by a county correctional facility and outside 181
the facility have volunteered for the work detail and are 182
imprisoned or reside in that facility for an offense other than a 183
felony of the first or second degree and if the applicable county 184
correctional officer complies with division ~~(C)~~(D) of this 185
section, both of the following apply: 186

(1) No sheriff, deputy sheriff, or county correctional 187
officer is liable for civil damages for injury, death, or loss to 188
person or property caused or suffered by a prisoner or adult 189
offender working on the work detail unless the injury, death, or 190
loss results from malice or wanton or reckless misconduct of the 191
sheriff, deputy sheriff, or county correctional officer. 192

(2) The county in which the prisoners or adult offenders work 193
on the work detail and that employs the sheriff, deputy sheriff, 194
or county correctional officer is not liable for civil damages for 195
injury, death, or loss to person or property caused or suffered by 196
a prisoner or adult offender working on the work detail unless the 197
injury, death, or loss results from malice or wanton or reckless 198
misconduct of the sheriff or any deputy sheriff or county 199
correctional officer. 200

~~(C)~~(D) To qualify for the immunity described in division 201
~~(B)~~(C)(1) of this section regarding a work detail, a county 202
correctional officer, prior to having the prisoners or adult 203

offenders of the county correctional facility, work outside the 204
facility on the work detail, shall inform each prisoner or adult 205
offender on the work detail of the provisions of this section, 206
including notifying the prisoner or adult offender that, by 207
volunteering for the work detail, the prisoner or adult offender 208
cannot hold the sheriff, deputy sheriff, or county correctional 209
officer or the county liable for civil damages for injury, death, 210
or loss to person or property unless the injury, death, or loss 211
results from malice or wanton or reckless misconduct of the 212
sheriff, deputy sheriff, or county correctional officer. 213

Sec. 1337.28. (A) In a power of attorney, a principal may 214
nominate a guardian of the principal's person, estate, or both and 215
may nominate a guardian of the person, the estate, or both of one 216
or more of the principal's minor children or incompetent adult 217
children, whether born at the time of the execution of the power 218
of attorney or afterward. The nomination is for consideration by a 219
court if proceedings for the appointment of a guardian for the 220
principal's person, estate, or both or if proceedings for the 221
appointment of a guardian of the person, the estate, or both of 222
one or more of the principal's minor children or incompetent adult 223
children are commenced at a later time. The principal may 224
authorize the person nominated as guardian or the agent to 225
nominate a successor guardian for consideration by a court. Except 226
for good cause shown or disqualification, the court shall make its 227
appointment in accordance with the principal's most recent 228
nomination. Nomination of a person as a guardian or successor 229
guardian of the person, the estate, or both of one or more of the 230
principal's minor children or incompetent adult children under 231
this division, and any subsequent appointment of the guardian or 232
successor guardian as guardian under section 2111.02 of the 233
Revised Code, does not vacate the jurisdiction of any other court 234
that previously may have exercised jurisdiction over the person of 235

the minor or incompetent adult child. 236

(B) The principal may direct that bond be waived for a person 237
nominated as guardian or as a successor guardian. 238

(C) If, after a principal executes a power of attorney, a 239
court appoints a guardian of the principal's estate or other 240
fiduciary charged with the management of some or all of the 241
principal's property, the agent is accountable to the fiduciary as 242
well as to the principal. The power of attorney is not terminated 243
and the agent's authority continues unless limited, suspended, or 244
terminated by the court after notice to the agent and upon a 245
finding that the limitation, suspension, or termination would be 246
in the best interest of the principal. 247

(D) A power of attorney that contains the nomination of a 248
person to be the guardian of the person, the estate, or both of 249
one or more of the principal's minor children or incompetent adult 250
children under this division may be filed with the probate court 251
for safekeeping, and the probate court shall designate the 252
nomination as the nomination of a standby guardian. 253

(E) As used in this section, "incompetent" has the same 254
meaning as in section 2111.01 of the Revised Code. 255

Sec. 1705.081. (A) Except as otherwise provided in division 256
(B) of this section, an operating agreement governs relations 257
among members and between members, any managers, and the limited 258
liability company. A limited liability company is bound by the 259
operating agreement of its member or members whether or not the 260
limited liability company executes the operating agreement. To the 261
extent the operating agreement does not otherwise provide, this 262
chapter governs relations among the members and between the 263
members, any managers, and the limited liability company. 264

(B) The operating agreement may not do any of the following: 265

(1) Vary the rights and duties under section 1705.04 of the Revised Code; 266
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(2) Unreasonably restrict the right of access to books and records under section 1705.22 of the Revised Code; 268
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(3) Eliminate the duty of loyalty under division (C) of section 1705.161 of the Revised Code or division (B) of section 1705.281 of the Revised Code, but the operating agreement may identify ~~specific types or categories of~~ activities that do not violate the duty of loyalty ~~if not manifestly unreasonable~~, and all of the members or a number or percentage of members specified in the operating agreement may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty; 270
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(4) ~~Unreasonably reduce~~ Eliminate the duty of care under division (C) of section 1705.161 of the Revised Code or division (C) of section 1705.281 of the Revised Code, but the operating agreement may prescribe the standards by which the duty is to be measured; 279
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(5) Eliminate the obligation of good faith and fair dealing under division (D) of section 1705.281 of the Revised Code, but the operating agreement may prescribe the standards by which the performance of the obligation is to be measured ~~if the standards are not manifestly unreasonable~~; 284
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(6) Eliminate the duties of a manager under division (B) of section 1705.29 of the Revised Code, but the operating agreement may prescribe in writing the standards by which performance is to be measured or ~~specify types or categories of~~ identify activities that do not violate the manager's duties ~~in each case if not manifestly unreasonable~~; 289
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(7) Vary the requirement to wind up the limited liability company's business in cases specified in division (A) or (B) of 295
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section 1705.47 of the Revised Code; 297

(8) Restrict the rights of third parties under this chapter. 298

Sec. 1901.263. If at any time the court finds that an amount 299
owing to the court is due and uncollectible, in whole or in part, 300
the court may direct the clerk of the court to cancel all or part 301
of the claim. The clerk shall then effect the cancellation. 302

Sec. 1905.38. If at any time the court finds that an amount 303
owing to the court is due and uncollectible, in whole or in part, 304
the court may direct the clerk of the court to cancel all or part 305
of the claim. The clerk shall then effect the cancellation. 306

Sec. 1907.25. If at any time the court finds that an amount 307
owing to the court is due and uncollectible, in whole or in part, 308
the court may direct the clerk of the court to cancel all or part 309
of the claim. The clerk shall then effect the cancellation. 310

Sec. 1925.151. If at any time the court finds that an amount 311
owing to the court is due and uncollectible, in whole or in part, 312
the court may direct the clerk of the court to cancel all or part 313
of the claim. The clerk shall then effect the cancellation. 314

Sec. 2101.165. If at any time the court finds that an amount 315
owing to the court is due and uncollectible, in whole or in part, 316
the court may direct the clerk of the court to cancel all or part 317
of the claim. The clerk shall then effect the cancellation. 318

Sec. 2111.121. (A) A person may nominate in a writing, as 319
described in this division, another person to be the guardian of 320
the nominator's person, estate, or both or the guardian of the 321
person, the estate, or both, of one or more of the nominator's 322
minor or incompetent adult children, whether born at the time of 323

the execution of the writing or afterward, subject to notice and a
hearing pursuant to section 2111.02 of the Revised Code. The
nomination is for consideration by a court if proceedings for the
appointment of a guardian of the person, the estate, or both, for
the person making the nomination or if proceedings for the
appointment of a guardian as the guardian of the person, the
estate, or both of one or more of the nominator's minor or
incompetent adult children are commenced at a later time. The
person may authorize, in a writing of that nature, the person
nominated as guardian to nominate a successor guardian for
consideration by a court. The person also may direct, in a writing
of that nature, that bond be waived for a person nominated as
guardian in it or nominated as a successor guardian in accordance
with an authorization in it.

To be effective as a nomination, the writing shall be signed
by the person making the nomination in the presence of two
witnesses; signed by the witnesses; and contain, immediately prior
to their signatures, an attestation of the witnesses that the
person making the nomination signed the writing in their presence;
~~and~~ or be acknowledged by the person making the nomination before
a notary public.

(B) If a person has nominated, in a writing as described in
division (A) of this section ~~or in a durable power of attorney~~
~~under section 1337.24 of the Revised Code~~, another person to be
the guardian of the nominator's person, estate, or both, and
proceedings for the appointment of a guardian for the person are
commenced at a later time, the court involved shall appoint the
person nominated as guardian in the writing ~~or durable power of~~
~~attorney~~ most recently executed if the person nominated is
competent, suitable, and willing to accept the appointment. If the
writing ~~or durable power of attorney~~ contains a waiver of bond,
the court shall waive bond of the person nominated as guardian

unless it is of the opinion that the interest of the trust demands 356
it. 357

(C) Nomination of a person as a guardian or successor 358
guardian of the person, the estate, or both of one or more of the 359
nominator's minor or incompetent adult children under division (A) 360
of this section, and any subsequent appointment of the guardian or 361
successor guardian as guardian under section 2111.02 of the 362
Revised Code, does not vacate the jurisdiction of any other court 363
that previously may have exercised jurisdiction over the person of 364
the minor or incompetent adult child. 365

(D) The writing containing the nomination of a person to be 366
the guardian of the person, the estate, or both of one or more of 367
the nominator's minor or incompetent adult children under division 368
(A) of this section may be filed with the probate court for 369
safekeeping, and the probate court shall designate the nomination 370
as the nomination of a standby guardian. 371

Sec. 2151.542. If at any time the court finds that an amount 372
owing to the court is due and uncollectible, in whole or in part, 373
the court may direct the clerk of the court to cancel all or part 374
of the claim. The clerk shall then effect the cancellation. 375

Sec. 2151.85. (A) A woman who is pregnant, unmarried, under 376
eighteen years of age, and unemancipated and who wishes to have an 377
abortion without the notification of her parents, guardian, or 378
custodian may file a complaint in the juvenile court of the county 379
in which she has a residence or legal settlement, or in the 380
juvenile court of any county that borders to any extent the county 381
in which she has a residence or legal settlement, ~~or in the~~ 382
~~juvenile court of the county in which the hospital, clinic, or~~ 383
~~other facility in which the abortion would be performed or induced~~ 384
~~is located,~~ requesting the issuance of an order authorizing her to 385

consent to the performance or inducement of an abortion without 386
the notification of her parents, guardian, or custodian. 387

The complaint shall be made under oath and shall include all 388
of the following: 389

(1) A statement that the complainant is pregnant; 390

(2) A statement that the complainant is unmarried, under 391
eighteen years of age, and unemancipated; 392

(3) A statement that the complainant wishes to have an 393
abortion without the notification of her parents, guardian, or 394
custodian; 395

(4) An allegation of either or both of the following: 396

(a) That the complainant is sufficiently mature and well 397
enough informed to intelligently decide whether to have an 398
abortion without the notification of her parents, guardian, or 399
custodian; 400

(b) That one or both of her parents, her guardian, or her 401
custodian was engaged in a pattern of physical, sexual, or 402
emotional abuse against her, or that the notification of her 403
parents, guardian, or custodian otherwise is not in her best 404
interest. 405

(5) A statement as to whether the complainant has retained an 406
attorney and, if she has retained an attorney, the name, address, 407
and telephone number of her attorney. 408

(B)(1) The court shall fix a time for a hearing on any 409
complaint filed pursuant to division (A) of this section and shall 410
keep a record of all testimony and other oral proceedings in the 411
action. The court shall hear and determine the action and shall 412
not refer any portion of it to a referee. The hearing shall be 413
held at the earliest possible time, but not later than the fifth 414
business day after the day that the complaint is filed. The court 415

shall enter judgment on the complaint immediately after the 416
hearing is concluded. If the hearing required by this division is 417
not held by the fifth business day after the complaint is filed, 418
the failure to hold the hearing shall be considered to be a 419
constructive order of the court authorizing the complainant to 420
consent to the performance or inducement of an abortion without 421
the notification of her parent, guardian, or custodian, and the 422
complainant and any other person may rely on the constructive 423
order to the same extent as if the court actually had issued an 424
order under this section authorizing the complainant to consent to 425
the performance or inducement of an abortion without such 426
notification. 427

(2) The court shall appoint a guardian ad litem to protect 428
the interests of the complainant at the hearing that is held 429
pursuant to this section. If the complainant has not retained an 430
attorney, the court shall appoint an attorney to represent her. If 431
the guardian ad litem is an attorney admitted to the practice of 432
law in this state, the court also may appoint ~~him~~ the guardian ad 433
litem to serve as the complainant's attorney. 434

(C)(1) If the complainant makes only the allegation set forth 435
in division (A)(4)(a) of this section and if the court finds, by 436
clear and convincing evidence, that the complainant is 437
sufficiently mature and well enough informed to decide 438
intelligently whether to have an abortion, the court shall issue 439
an order authorizing the complainant to consent to the performance 440
or inducement of an abortion without the notification of her 441
parents, guardian, or custodian. If the court does not make the 442
finding specified in this division, it shall dismiss the 443
complaint. 444

(2) If the complainant makes only the allegation set forth in 445
division (A)(4)(b) of this section and if the court finds, by 446
clear and convincing evidence, that there is evidence of a pattern 447

of physical, sexual, or emotional abuse of the complainant by one 448
or both of her parents, her guardian, or her custodian, or that 449
the notification of the parents, guardian, or custodian of the 450
complainant otherwise is not in the best interest of the 451
complainant, the court shall issue an order authorizing the 452
complainant to consent to the performance or inducement of an 453
abortion without the notification of her parents, guardian, or 454
custodian. If the court does not make the finding specified in 455
this division, it shall dismiss the complaint. 456

(3) If the complainant makes both of the allegations set 457
forth in divisions (A)(4)(a) and (b) of this section, the court 458
shall proceed as follows: 459

(a) The court first shall determine whether it can make the 460
finding specified in division (C)(1) of this section and, if so, 461
shall issue an order pursuant to that division. If the court 462
issues such an order, it shall not proceed pursuant to division 463
(C)(3)(b) of this section. If the court does not make the finding 464
specified in division (C)(1) of this section, it shall proceed 465
pursuant to division (C)(3)(b) of this section. 466

(b) If the court pursuant to division (C)(3)(a) of this 467
section does not make the finding specified in division (C)(1) of 468
this section, it shall proceed to determine whether it can make 469
the finding specified in division (C)(2) of this section and, if 470
so, shall issue an order pursuant to that division. If the court 471
does not make the finding specified in division (C)(2) of this 472
section, it shall dismiss the complaint. 473

(D) The court shall not notify the parents, guardian, or 474
custodian of the complainant that she is pregnant or that she 475
wants to have an abortion. 476

(E) If the court dismisses the complaint, it immediately 477
shall notify the complainant that she has a right to appeal under 478

section 2505.073 of the Revised Code. 479

(F) Each hearing under this section shall be conducted in a 480
manner that will preserve the anonymity of the complainant. The 481
complaint and all other papers and records that pertain to an 482
action commenced under this section shall be kept confidential and 483
are not public records under section 149.43 of the Revised Code. 484

(G) The ~~clerk of the~~ supreme court shall prescribe complaint 485
and notice of appeal forms that shall be used by a complainant 486
filing a complaint under this section and by an appellant filing 487
an appeal under section 2505.073 of the Revised Code. The clerk of 488
each juvenile court shall furnish blank copies of the forms, 489
without charge, to any person who requests them. 490

(H) No filing fee shall be required of, and no court costs 491
shall be assessed against, a complainant filing a complaint under 492
this section or an appellant filing an appeal under section 493
2505.073 of the Revised Code. 494

(I) As used in this section, "unemancipated" means that a 495
woman who is unmarried and under eighteen years of age has not 496
entered the armed services of the United States, has not become 497
employed and self-subsisting, or has not otherwise become 498
independent from the care and control of her parent, guardian, or 499
custodian. 500

Sec. 2303.23. If at any time the court finds that an amount 501
owing to the court is due and uncollectible, in whole or in part, 502
the court may direct the clerk of the court to cancel all or part 503
of the claim. The clerk shall then effect the cancellation. 504

Sec. 2501.03. The judges of the court of appeals shall meet 505
annually at such time and place within the state as may be set by 506
the chief ~~justice~~ judge of the court of appeals to organize and to 507
choose one of their members as chief ~~justice~~ judge and one as 508

secretary for the next judicial year, which shall commence on the 509
first day of January. The judges may adopt rules to govern their 510
organization, the purpose of which is the implementation of the 511
goals of the Ohio judicial conference as set forth in section 512
105.91 of the Revised Code. 513

The judges of the court of appeals, or committees composed of 514
those judges, may meet at such other times and places within this 515
state as may be designated by the chief ~~justice~~ judge to carry out 516
the purposes of the organization. Annual dues in a reasonable 517
amount may be assessed each member of the organization. Annual 518
dues and the actual and necessary expenses incurred by each judge 519
in attending meetings of the organization shall be reimbursed by 520
the state in the same manner as provided in section 141.10 of the 521
Revised Code. 522

Sec. 2501.14. When the presiding judge of a district requests 523
that judges of the court of appeals be assigned to hold court with 524
the judges of such district or to hold an additional court in such 525
district, the chief ~~justice~~ judge of the court of appeals, upon 526
being satisfied that the business of such district requires it, 527
shall assign such judges, as in ~~his~~ the chief judge's opinion can 528
be assigned without impairing the business of the district from 529
which such assigned judges are selected, to hold court in such 530
district. 531

Sec. 2501.15. A judge assigned under section 2501.14 of the 532
Revised Code shall be paid ~~his~~ the judge's actual expenses for 533
each day ~~he~~ the judge performs judicial duties, including the time 534
necessarily devoted to going to, and returning from, such 535
assignment, and to the examination and decision of cases heard by 536
~~him~~ the judge while ~~he is~~ engaged outside the district for which 537
~~he~~ the judge was elected. Such expenses shall be paid from 538
appropriations made for this purpose pursuant to the certificate 539

of the chief ~~justice~~ judge of the court of appeals, or the judge 540
making the assignment. 541

Sec. 2501.161. If at any time the court finds that an amount 542
owing to the court is due and uncollectible, in whole or in part, 543
the court may direct the clerk of the court to cancel all or part 544
of the claim. The clerk shall then effect the cancellation. 545

Sec. 2503.18. If at any time the court finds that an amount 546
owing to the court is due and uncollectible, in whole or in part, 547
the court may direct the clerk of the court to cancel all or part 548
of the claim. The clerk shall then effect the cancellation. 549

Sec. 2503.33. The chief justice and the judges of the supreme 550
court shall meet at Columbus ~~on the first Tuesday after the first~~ 551
~~Monday of~~ in January of each year ~~to hold a term of~~ and at 552
~~subsequent times throughout the year as determined by the court.~~ 553
554

Sec. 2947.23. (A)(1)(a) In all criminal cases, including 555
violations of ordinances, the judge or magistrate shall include in 556
the sentence the costs of prosecution, including any costs under 557
section 2947.231 of the Revised Code, and render a judgment 558
against the defendant for such costs. ~~At the time~~ If the judge or 559
magistrate imposes ~~sentence~~ a community control sanction or other 560
nonresidential sanction, the judge or magistrate, when imposing 561
the sanction, shall notify the defendant of both of the following: 562

(i) If the defendant fails to pay that judgment or fails to 563
timely make payments towards that judgment under a payment 564
schedule approved by the court, the court may order the defendant 565
to perform community service in an amount of not more than forty 566
hours per month until the judgment is paid or until the court is 567
satisfied that the defendant is in compliance with the approved 568

payment schedule. 569

(ii) If the court orders the defendant to perform the 570
community service, the defendant will receive credit upon the 571
judgment at the specified hourly credit rate per hour of community 572
service performed, and each hour of community service performed 573
will reduce the judgment by that amount. 574

(b) The failure of a judge or magistrate to notify the 575
defendant pursuant to division (A)(1)(a) of this section does not 576
negate or limit the authority of the court to order the defendant 577
to perform community service if the defendant fails to pay the 578
judgment described in that division or to timely make payments 579
toward that judgment under an approved payment plan. 580

(2) The following shall apply in all criminal cases: 581

(a) If a jury has been sworn at the trial of a case, the fees 582
of the jurors shall be included in the costs, which shall be paid 583
to the public treasury from which the jurors were paid. 584

(b) If a jury has not been sworn at the trial of a case 585
because of a defendant's failure to appear without good cause or 586
because the defendant entered a plea of guilty or no contest less 587
than twenty-four hours before the scheduled commencement of the 588
trial, the costs incurred in summoning jurors for that particular 589
trial may be included in the costs of prosecution. If the costs 590
incurred in summoning jurors are assessed against the defendant, 591
those costs shall be paid to the public treasury from which the 592
jurors were paid. 593

(B) If a judge or magistrate has reason to believe that a 594
defendant has failed to pay the judgment described in division (A) 595
of this section or has failed to timely make payments towards that 596
judgment under a payment schedule approved by the judge or 597
magistrate, the judge or magistrate shall hold a hearing to 598
determine whether to order the offender to perform community 599

service for that failure. The judge or magistrate shall notify 600
both the defendant and the prosecuting attorney of the place, 601
time, and date of the hearing and shall give each an opportunity 602
to present evidence. If, after the hearing, the judge or 603
magistrate determines that the defendant has failed to pay the 604
judgment or to timely make payments under the payment schedule and 605
that imposition of community service for the failure is 606
appropriate, the judge or magistrate may order the offender to 607
perform community service in an amount of not more than forty 608
hours per month until the judgment is paid or until the judge or 609
magistrate is satisfied that the offender is in compliance with 610
the approved payment schedule. If the judge or magistrate orders 611
the defendant to perform community service under this division, 612
the defendant shall receive credit upon the judgment at the 613
specified hourly credit rate per hour of community service 614
performed, and each hour of community service performed shall 615
reduce the judgment by that amount. Except for the credit and 616
reduction provided in this division, ordering an offender to 617
perform community service under this division does not lessen the 618
amount of the judgment and does not preclude the state from taking 619
any other action to execute the judgment. 620

(C) The court retains jurisdiction to waive, suspend, or 621
modify the payment of the costs of prosecution, including any 622
costs under section 2947.231 of the Revised Code, at the time of 623
sentencing or at any time thereafter. 624

(D) As used in this section, ~~"specified:~~ 625

(1) "Case" means a prosecution of all of the charges that 626
result from the same act, transaction, or series of acts or 627
transactions and that are given the same case type designator and 628
case number under Rule 43 of the Rules of Superintendence for the 629
Courts of Ohio or any successor to that rule. 630

(2) "Specified hourly credit rate" means the wage rate that 631

is specified in 26 U.S.C.A. 206(a)(1) under the federal Fair Labor 632
Standards Act of 1938, that then is in effect, and that an 633
employer subject to that provision must pay per hour to each of 634
the employer's employees who is subject to that provision. 635

Sec. 2949.091. (A)(1)(a) The court in which any person is 636
convicted of or pleads guilty to any offense shall impose one of 637
the following sums as costs in the case in addition to any other 638
court costs that the court is required by law to impose upon the 639
offender: 640

(i) Thirty dollars if the offense is a felony; 641

(ii) Twenty dollars if the offense is a misdemeanor other 642
than a traffic offense that is not a moving violation; 643

(iii) Ten dollars if the offense is a traffic offense that is 644
not a moving violation, excluding parking violations. 645

(b) All moneys collected pursuant to division (A)(1)(a) of 646
this section during a month shall be transmitted on or before the 647
twentieth day of the following month by the clerk of the court to 648
the treasurer of state and deposited by the treasurer of state to 649
the credit of the indigent defense support fund established under 650
section 120.08 of the Revised Code. The court shall not waive the 651
payment of the additional thirty-, twenty-, or ten-dollar court 652
costs, unless the court determines that the offender is indigent 653
and waives the payment of all court costs imposed upon the 654
indigent offender. 655

(2)(a) The juvenile court in which a child is found to be a 656
delinquent child or a juvenile traffic offender for an act that, 657
if committed by an adult, would be an offense, shall impose one of 658
the following sums as costs in the case in addition to any other 659
court costs that the court is required or permitted by law to 660
impose upon the delinquent child or juvenile traffic offender: 661

(i) Thirty dollars if the offense is a felony; 662

(ii) Twenty dollars if the offense is a misdemeanor other 663
than a traffic offense that is not a moving violation; 664

(iii) Ten dollars if the offense is a traffic offense that is 665
not a moving violation, excluding parking violations. 666

(b) All moneys collected pursuant to division (A)(2)(a) of 667
this section during a month shall be transmitted on or before the 668
twentieth day of the following month by the clerk of the court to 669
the treasurer of state and deposited by the treasurer of state to 670
the credit of the indigent defense support fund established under 671
section 120.08 of the Revised Code. The thirty-, twenty-, or 672
ten-dollar court costs shall be collected in all cases unless the 673
court determines the juvenile is indigent and waives the payment 674
of all court costs, or enters an order on its journal stating that 675
it has determined that the juvenile is indigent, that no other 676
court costs are to be taxed in the case, and that the payment of 677
the thirty-, twenty-, or ten-dollar court costs is waived. 678

(B) Whenever a person is charged with any offense described 679
in division (A)(1) of this section, the court shall add to the 680
amount of the bail the thirty, twenty, or ten dollars required to 681
be paid by division (A)(1) of this section. The thirty, twenty, or 682
ten dollars shall be retained by the clerk of the court until the 683
person is convicted, pleads guilty, forfeits bail, is found not 684
guilty, or has the charges dismissed. If the person is convicted, 685
pleads guilty, or forfeits bail, the clerk shall transmit the 686
thirty, twenty, or ten dollars on or before the twentieth day of 687
the month following the month in which the person was convicted, 688
pleaded guilty, or forfeited bail to the treasurer of state, who 689
shall deposit it to the credit of the indigent defense support 690
fund established under section 120.08 of the Revised Code. If the 691
person is found not guilty or the charges are dismissed, the clerk 692
shall return the thirty, twenty, or ten dollars to the person. 693

(C) No person shall be placed or held in a detention facility 694
for failing to pay the additional thirty-, twenty-, or ten-dollar 695
court costs or bail that are required to be paid by this section. 696

(D) As used in this section: 697

(1) "Moving violation" and "bail" have the same meanings as 698
in section 2743.70 of the Revised Code. 699

(2) "Detention facility" has the same meaning as in section 700
2921.01 of the Revised Code. 701

(3) "Case" has the same meaning as in section 2947.23 of the 702
Revised Code. 703

Sec. 2953.08. (A) In addition to any other right to appeal 704
and except as provided in division (D) of this section, a 705
defendant who is convicted of or pleads guilty to a felony may 706
appeal as a matter of right the sentence imposed upon the 707
defendant on one of the following grounds: 708

(1) The sentence consisted of or included the maximum prison 709
term allowed for the offense by division (A) of section 2929.14 or 710
section 2929.142 of the Revised Code, the maximum prison term was 711
not required for the offense pursuant to Chapter 2925. or any 712
other provision of the Revised Code, and the court imposed the 713
sentence under one of the following circumstances: 714

(a) The sentence was imposed for only one offense. 715

(b) The sentence was imposed for two or more offenses arising 716
out of a single incident, and the court imposed the maximum prison 717
term for the offense of the highest degree. 718

(2) The sentence consisted of or included a prison term, the 719
offense for which it was imposed is a felony of the fourth or 720
fifth degree or is a felony drug offense that is a violation of a 721
provision of Chapter 2925. of the Revised Code and that is 722
specified as being subject to division (B) of section 2929.13 of 723

the Revised Code for purposes of sentencing, and the court did not
specify at sentencing that it found one or more factors specified
in divisions (B)(2)(a) to (i) of section 2929.13 of the Revised
Code to apply relative to the defendant. If the court specifies
that it found one or more of those factors to apply relative to
the defendant, the defendant is not entitled under this division
to appeal as a matter of right the sentence imposed upon the
offender.

(3) The person was convicted of or pleaded guilty to a
violent sex offense or a designated homicide, assault, or
kidnapping offense, was adjudicated a sexually violent predator in
relation to that offense, and was sentenced pursuant to division
(A)(3) of section 2971.03 of the Revised Code, if the minimum term
of the indefinite term imposed pursuant to division (A)(3) of
section 2971.03 of the Revised Code is the longest term available
for the offense from among the range of terms listed in section
2929.14 of the Revised Code. As used in this division, "designated
homicide, assault, or kidnapping offense" and "violent sex
offense" have the same meanings as in section 2971.01 of the
Revised Code. As used in this division, "adjudicated a sexually
violent predator" has the same meaning as in section 2929.01 of
the Revised Code, and a person is "adjudicated a sexually violent
predator" in the same manner and the same circumstances as are
described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of
ten years imposed pursuant to division (B)(2)(a) of section
2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as
provided in division (D) of this section, a prosecuting attorney,
a city director of law, village solicitor, or similar chief legal
officer of a municipal corporation, or the attorney general, if

one of those persons prosecuted the case, may appeal as a matter 756
of right a sentence imposed upon a defendant who is convicted of 757
or pleads guilty to a felony or, in the circumstances described in 758
division (B)(3) of this section the modification of a sentence 759
imposed upon such a defendant, on any of the following grounds: 760

(1) The sentence did not include a prison term despite a 761
presumption favoring a prison term for the offense for which it 762
was imposed, as set forth in section 2929.13 or Chapter 2925. of 763
the Revised Code. 764

(2) The sentence is contrary to law. 765

(3) The sentence is a modification under section 2929.20 of 766
the Revised Code of a sentence that was imposed for a felony of 767
the first or second degree. 768

(C)(1) In addition to the right to appeal a sentence granted 769
under division (A) or (B) of this section, a defendant who is 770
convicted of or pleads guilty to a felony may seek leave to appeal 771
a sentence imposed upon the defendant on the basis that the 772
sentencing judge has imposed consecutive sentences under division 773
(C)(3) of section 2929.14 of the Revised Code and that the 774
consecutive sentences exceed the maximum prison term allowed by 775
division (A) of that section for the most serious offense of which 776
the defendant was convicted. Upon the filing of a motion under 777
this division, the court of appeals may grant leave to appeal the 778
sentence if the court determines that the allegation included as 779
the basis of the motion is true. 780

(2) A defendant may seek leave to appeal an additional 781
sentence imposed upon the defendant pursuant to division (B)(2)(a) 782
or (b) of section 2929.14 of the Revised Code if the additional 783
sentence is for a definite prison term that is longer than five 784
years. 785

(D)(1) A sentence imposed upon a defendant is not subject to 786

review under this section if the sentence is authorized by law, 787
has been recommended jointly by the defendant and the prosecution 788
in the case, and is imposed by a sentencing judge. 789

(2) Except as provided in division (C)(2) of this section, a 790
sentence imposed upon a defendant is not subject to review under 791
this section if the sentence is imposed pursuant to division 792
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 793
otherwise provided in this division, a defendant retains all 794
rights to appeal as provided under this chapter or any other 795
provision of the Revised Code. A defendant has the right to appeal 796
under this chapter or any other provision of the Revised Code the 797
court's application of division (B)(2)(c) of section 2929.14 of 798
the Revised Code. 799

(3) A sentence imposed for aggravated murder or murder 800
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 801
subject to review under this section. 802

(E) A defendant, prosecuting attorney, city director of law, 803
village solicitor, or chief municipal legal officer shall file an 804
appeal of a sentence under this section to a court of appeals 805
within the time limits specified in Rule 4(B) of the Rules of 806
Appellate Procedure, provided that if the appeal is pursuant to 807
division (B)(3) of this section, the time limits specified in that 808
rule shall not commence running until the court grants the motion 809
that makes the sentence modification in question. A sentence 810
appeal under this section shall be consolidated with any other 811
appeal in the case. If no other appeal is filed, the court of 812
appeals may review only the portions of the trial record that 813
pertain to sentencing. 814

(F) On the appeal of a sentence under this section, the 815
record to be reviewed shall include all of the following, as 816
applicable: 817

(1) Any presentence, psychiatric, or other investigative 818
report that was submitted to the court in writing before the 819
sentence was imposed. An appellate court that reviews a 820
presentence investigation report prepared pursuant to section 821
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 822
connection with the appeal of a sentence under this section shall 823
comply with division (D)(3) of section 2951.03 of the Revised Code 824
when the appellate court is not using the presentence 825
investigation report, and the appellate court's use of a 826
presentence investigation report of that nature in connection with 827
the appeal of a sentence under this section does not affect the 828
otherwise confidential character of the contents of that report as 829
described in division (D)(1) of section 2951.03 of the Revised 830
Code and does not cause that report to become a public record, as 831
defined in section 149.43 of the Revised Code, following the 832
appellate court's use of the report. 833

(2) The trial record in the case in which the sentence was 834
imposed; 835

(3) Any oral or written statements made to or by the court at 836
the sentencing hearing at which the sentence was imposed; 837

(4) Any written findings that the court was required to make 838
in connection with the modification of the sentence pursuant to a 839
judicial release under division (I) of section 2929.20 of the 840
Revised Code. 841

(G)(1) If the sentencing court was required to make the 842
findings required by division (B) or (D) of section 2929.13 or 843
division (I) of section 2929.20 of the Revised Code, or to state 844
the findings of the trier of fact required by division (B)(2)(e) 845
of section 2929.14 of the Revised Code, relative to the imposition 846
or modification of the sentence, and if the sentencing court 847
failed to state the required findings on the record, the court 848
hearing an appeal under division (A), (B), or (C) of this section 849

shall remand the case to the sentencing court and instruct the 850
sentencing court to state, on the record, the required findings. 851

(2) The court hearing an appeal under division (A), (B), or 852
(C) of this section shall review the record, including the 853
findings underlying the sentence or modification given by the 854
sentencing court. 855

The appellate court may increase, reduce, or otherwise modify 856
a sentence that is appealed under this section or may vacate the 857
sentence and remand the matter to the sentencing court for 858
resentencing. The appellate court's standard for review is not 859
whether the sentencing court abused its discretion. The appellate 860
court may take any action authorized by this division if it 861
clearly and convincingly finds either of the following: 862

(a) That the record does not support the sentencing court's 863
findings under division (B) or (D) of section 2929.13, division 864
(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 865
2929.20 of the Revised Code, whichever, if any, is relevant; 866

(b) That the sentence is otherwise contrary to law. 867

(H) A judgment or final order of a court of appeals under 868
this section may be appealed, by leave of court, to the supreme 869
court. 870

~~(I)(1) There is hereby established the felony sentence appeal 871
cost oversight committee, consisting of eight members. One member 872
shall be the chief justice of the supreme court or a 873
representative of the court designated by the chief justice, one 874
member shall be a member of the senate appointed by the president 875
of the senate, one member shall be a member of the house of 876
representatives appointed by the speaker of the house of 877
representatives, one member shall be the director of budget and 878
management or a representative of the office of budget and 879
management designated by the director, one member shall be a judge 880~~

~~of a court of appeals, court of common pleas, municipal court, or 881
county court appointed by the chief justice of the supreme court, 882
one member shall be the state public defender or a representative 883
of the office of the state public defender designated by the state 884
public defender, one member shall be a prosecuting attorney 885
appointed by the Ohio prosecuting attorneys association, and one 886
member shall be a county commissioner appointed by the county 887
commissioners association of Ohio. No more than three of the 888
appointed members of the committee may be members of the same 889
political party. 890~~

~~The president of the senate, the speaker of the house of 891
representatives, the chief justice of the supreme court, the Ohio 892
prosecuting attorneys association, and the county commissioners 893
association of Ohio shall make the initial appointments to the 894
committee of the appointed members no later than ninety days after 895
July 1, 1996. Of those initial appointments to the committee, the 896
members appointed by the speaker of the house of representatives 897
and the Ohio prosecuting attorneys association shall serve a term 898
ending two years after July 1, 1996, the member appointed by the 899
chief justice of the supreme court shall serve a term ending three 900
years after July 1, 1996, and the members appointed by the 901
president of the senate and the county commissioners association 902
of Ohio shall serve terms ending four years after July 1, 1996. 903
Thereafter, terms of office of the appointed members shall be for 904
four years, with each term ending on the same day of the same 905
month as did the term that it succeeds. Members may be 906
reappointed. Vacancies shall be filled in the same manner provided 907
for original appointments. A member appointed to fill a vacancy 908
occurring prior to the expiration of the term for which that 909
member's predecessor was appointed shall hold office as a member 910
for the remainder of the predecessor's term. An appointed member 911
shall continue in office subsequent to the expiration date of that 912
member's term until that member's successor takes office or until 913~~

~~a period of sixty days has elapsed, whichever occurs first.~~ 914

~~If the chief justice of the supreme court, the director of 915
the office of budget and management, or the state public defender 916
serves as a member of the committee, that person's term of office 917
as a member shall continue for as long as that person holds office 918
as chief justice, director of the office of budget and management, 919
or state public defender. If the chief justice of the supreme 920
court designates a representative of the court to serve as a 921
member, the director of budget and management designates a 922
representative of the office of budget and management to serve as 923
a member, or the state public defender designates a representative 924
of the office of the state public defender to serve as a member, 925
the person so designated shall serve as a member of the commission 926
for as long as the official who made the designation holds office 927
as chief justice, director of the office of budget and management, 928
or state public defender or until that official revokes the 929
designation. 930~~

~~The chief justice of the supreme court or the representative 931
of the supreme court appointed by the chief justice shall serve as 932
chairperson of the committee. The committee shall meet within two 933
weeks after all appointed members have been appointed and shall 934
organize as necessary. Thereafter, the committee shall meet at 935
least once every six months or more often upon the call of the 936
chairperson or the written request of three or more members, 937
provided that the committee shall not meet unless moneys have been 938
appropriated to the judiciary budget administered by the supreme 939
court specifically for the purpose of providing financial 940
assistance to counties under division (I)(2) of this section and 941
the moneys so appropriated then are available for that purpose. 942~~

~~The members of the committee shall serve without 943
compensation, but, if moneys have been appropriated to the 944
judiciary budget administered by the supreme court specifically 945~~

~~for the purpose of providing financial assistance to counties 946~~
~~under division (I)(2) of this section, each member shall be 947~~
~~reimbursed out of the moneys so appropriated that then are 948~~
~~available for actual and necessary expenses incurred in the 949~~
~~performance of official duties as a committee member. 950~~

~~(2) The state criminal sentencing commission periodically 951~~
~~shall provide to the felony sentence appeal cost oversight 952~~
~~committee all data the commission collects pursuant to division 953~~
~~(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 954~~
~~data from the state criminal sentencing commission, the felony 955~~
~~sentence appeal cost oversight committee periodically shall review 956~~
~~the data; determine whether any money has been appropriated to the 957~~
~~judiciary budget administered by the supreme court specifically 958~~
~~for the purpose of providing state financial assistance to 959~~
~~counties in accordance with this division for the increase in 960~~
~~expenses the counties experience as a result of the felony 961~~
~~sentence appeal provisions set forth in this section or as a 962~~
~~result of a postconviction relief proceeding brought under 963~~
~~division (A)(2) of section 2953.21 of the Revised Code or an 964~~
~~appeal of a judgment in that proceeding; if it determines that any 965~~
~~money has been so appropriated, determine the total amount of 966~~
~~moneys that have been so appropriated specifically for that 967~~
~~purpose and that then are available for that purpose; and develop 968~~
~~a recommended method of distributing those moneys to the counties. 969~~
~~The committee shall send a copy of its recommendation to the 970~~
~~supreme court. Upon receipt of the committee's recommendation, the 971~~
~~supreme court shall distribute to the counties, based upon that 972~~
~~recommendation, the moneys that have been so appropriated 973~~
~~specifically for the purpose of providing state financial 974~~
~~assistance to counties under this division and that then are 975~~
~~available for that purpose. 976~~

Sec. 4701.30. The accountancy board shall comply with section 977

4776.20 of the Revised Code. 978

Sec. 4703.53. The architects board and the state board of 979
landscape architect examiners shall comply with section 4776.20 of 980
the Revised Code. 981

Sec. 4707.33. The department of agriculture shall comply with 982
section 4776.20 of the Revised Code. 983

Sec. 4709.27. The barber board shall comply with section 984
4776.20 of the Revised Code. 985

Sec. 4712.15. The superintendent of financial institutions 986
shall comply with section 4776.20 of the Revised Code. 987

Sec. 4713.64. (A) In accordance with Chapter 119. of the 988
Revised Code, the The state board of cosmetology may deny, revoke, 989
or suspend a license or permit issued by the board or impose a 990
fine take disciplinary action for any of the following: 991

(1) Failure to comply with the requirements of this chapter 992
or rules adopted under it; 993

(2) Continued practice by a person knowingly having an 994
infectious or contagious disease; 995

(3) Habitual drunkenness or addiction to any habit-forming 996
drug; 997

(4) Willful false and fraudulent or deceptive advertising; 998

(5) Falsification of any record or application required to be 999
filed with the board; 1000

(6) Failure to pay a fine or abide by a suspension order 1001
issued by the board. 1002

(B) On determining that there is cause for disciplinary 1003

action, the board may do one or more of the following: 1004

(1) Deny, revoke, or suspend a license or permit issued by 1005
the board; 1006

(2) Impose a fine; 1007

(3) Require the holder of a license or permit to take 1008
corrective action courses. 1009

(C) The amount and content of corrective action courses and 1010
other relevant criteria shall be established by the board in rules 1011
adopted under section 4713.08 of the Revised Code. 1012

(D) The board may impose a separate fine for each offense 1013
listed in division (A) of this section. The amount of a fine shall 1014
be not more than five hundred dollars if the violator has not 1015
previously been fined for that offense. The fine shall be not more 1016
than one thousand dollars if the violator has been fined for the 1017
same offense once before. The fine shall be not more than one 1018
thousand five hundred dollars if the violator has been fined for 1019
the same offense two or more times before. 1020

~~(C)~~(E) If a person fails to request a hearing within thirty 1021
days of the date the board, in accordance with section 119.07 of 1022
the Revised Code, notifies the person of the board's intent to act 1023
against the person under division (A) of this section, the board 1024
by a majority vote of a quorum of the board members may take the 1025
action against the person without holding an adjudication hearing. 1026

~~(D)~~(F) The board, after a hearing in accordance with Chapter 1027
119. of the Revised Code, may suspend a tanning facility permit if 1028
the owner or operator fails to correct an unsafe condition that 1029
exists in violation of the board's rules or fails to cooperate in 1030
an inspection of the tanning facility. If a violation has resulted 1031
in a condition reasonably believed by an inspector to create an 1032
immediate danger to the health and safety of any person using the 1033
tanning facility, the inspector may suspend the permit without a 1034

prior hearing until the condition is corrected or until a hearing 1035
in accordance with Chapter 119. of the Revised Code is held and 1036
the board either upholds the suspension or reinstates the permit. 1037

Sec. 4713.68. The state board of cosmetology shall comply 1038
with section 4776.20 of the Revised Code. 1039

Sec. 4715.101. (A) As used in this section+ 1040

~~(1), "License license" has the same meaning as in division 1041~~
~~(A)(2) of section 4776.01 of the Revised Code. 1042~~

~~(2) and "Applicant applicant for an initial license" has have 1043~~
the same meaning meanings as in division (D) of section 4776.01 of 1044
the Revised Code. 1045

(B) In addition to any other eligibility requirement set 1046
forth in this chapter, each applicant for an initial license 1047
issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 1048
of the Revised Code shall comply with sections 4776.01 to 4776.04 1049
of the Revised Code. The state dental board shall not grant a 1050
license to an applicant for an initial license issued pursuant to 1051
section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code 1052
unless the applicant complies with sections 4776.01 to 4776.04 of 1053
the Revised Code and the board, in its discretion, decides that 1054
the results of the criminal records check do not make the 1055
applicant ineligible for a license issued pursuant to section 1056
4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code. 1057

Sec. 4715.41. The state dental board shall comply with 1058
section 4776.20 of the Revised Code. 1059

Sec. 4717.04. (A) The board of embalmers and funeral 1060
directors shall adopt rules in accordance with Chapter 119. of the 1061
Revised Code for the government, transaction of the business, and 1062

the management of the affairs of the board of embalmers and 1063
funeral directors and the crematory review board, and for the 1064
administration and enforcement of this chapter. These rules shall 1065
include all of the following: 1066

(1) The nature, scope, content, and form of the application 1067
that must be completed and license examination that must be passed 1068
in order to receive an embalmer's license or a funeral director's 1069
license under section 4717.05 of the Revised Code. The rules shall 1070
ensure both of the following: 1071

(a) That the embalmer's license examination tests the 1072
applicant's knowledge through at least a comprehensive section and 1073
an Ohio laws section; 1074

(b) That the funeral director's license examination tests the 1075
applicant's knowledge through at least a comprehensive section, an 1076
Ohio laws section, and a sanitation section. 1077

(2) The minimum license examination score necessary to be 1078
licensed under section 4717.05 of the Revised Code as an embalmer 1079
or as a funeral director; 1080

(3) Procedures for determining the dates of the embalmer's 1081
and funeral director's license examinations, which shall be 1082
administered at least once each year, the time and place of each 1083
examination, and the supervision required for each examination; 1084

(4) Procedures for determining whether the board shall accept 1085
an applicant's compliance with the licensure, registration, or 1086
certification requirements of another state as grounds for 1087
granting the applicant a license under this chapter; 1088

(5) A determination of whether completion of a nationally 1089
recognized embalmer's or funeral director's examination 1090
sufficiently meets the license requirements for the comprehensive 1091
section of either the embalmer's or the funeral director's license 1092
examination administered under this chapter; 1093

(6) Continuing education requirements for licensed embalmers and funeral directors;	1094 1095
(7) Requirements for the licensing and operation of funeral homes;	1096 1097
(8) Requirements for the licensing and operation of embalming facilities;	1098 1099
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	1100 1101 1102 1103
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	1104 1105 1106
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	1107 1108 1109 1110 1111 1112
(c) Committing unprofessional conduct;	1113
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	1114 1115 1116 1117
(e) Refusing to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body;	1118 1119 1120
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without	1121 1122 1123

notifying the board; 1124

(g) Misleading the public using false or deceptive 1125
advertising. 1126

Each instance of the commission of any of the types of 1127
conduct described in divisions (A)(9)(a), (b), (c), (d), (e), (f), 1128
and (g) of this section is a separate violation. The rules adopted 1129
under division (A)(9) of this section shall establish the amount 1130
of the forfeiture for a violation of each of those divisions. The 1131
forfeiture for a first violation shall not exceed five thousand 1132
dollars, and the forfeiture for a second or subsequent violation 1133
shall not exceed ten thousand dollars. The amount of the 1134
forfeiture may differ among the types of violations according to 1135
what the board considers the seriousness of each violation. 1136

(10) Requirements for the licensing and operation of 1137
crematory facilities; 1138

(11) Procedures for the issuance of duplicate licenses; 1139

(12) Requirements for criminal records checks of applicants 1140
under section 4776.03 of the Revised Code; 1141

(13) The amount and content of corrective action courses 1142
required by the board under section 4717.14 of the Revised Code. 1143

(B) The board may adopt rules governing the educational 1144
standards for licensure as an embalmer or funeral director and the 1145
standards of service and practice to be followed in embalming and 1146
funeral directing and in the operation of funeral homes, embalming 1147
facilities, and crematory facilities in this state. 1148

(C) Nothing in this chapter authorizes the board of embalmers 1149
and funeral directors to regulate cemeteries, except that the 1150
board shall license and regulate crematories located at cemeteries 1151
in accordance with this chapter. 1152

Sec. 4717.14. (A) The board of embalmers and funeral 1153

directors may refuse to grant or renew, or may suspend or revoke, 1154
any license issued under this chapter or may require the holder of 1155
a license to take corrective action courses for any of the 1156
following reasons: 1157

(1) The license was obtained by fraud or misrepresentation 1158
either in the application or in passing the examination. 1159

(2) The applicant or licensee has been convicted of or has 1160
pleaded guilty to a felony or of any crime involving moral 1161
turpitude. 1162

(3) The applicant or licensee has purposely violated any 1163
provision of sections 4717.01 to 4717.15 or a rule adopted under 1164
any of those sections; division (A) or (B) of section 4717.23; 1165
division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), 1166
or divisions (H) to (K) of section 4717.26; division (D)(1) of 1167
section 4717.27; or divisions (A) to (C) of section 4717.28 of the 1168
Revised Code; any rule or order of the department of health or a 1169
board of health of a health district governing the disposition of 1170
dead human bodies; or any other rule or order applicable to the 1171
applicant or licensee. 1172

(4) The applicant or licensee has committed immoral or 1173
unprofessional conduct. 1174

(5) The applicant or licensee knowingly permitted an 1175
unlicensed person, other than a person serving an apprenticeship, 1176
to engage in the profession or business of embalming or funeral 1177
directing under the applicant's or licensee's supervision. 1178

(6) The applicant or licensee has been habitually 1179
intoxicated, or is addicted to the use of morphine, cocaine, or 1180
other habit-forming or illegal drugs. 1181

(7) The applicant or licensee has refused to promptly submit 1182
the custody of a dead human body upon the express order of the 1183
person legally entitled to the body. 1184

(8) The licensee loaned the licensee's own license, or the
applicant or licensee borrowed or used the license of another
person, or knowingly aided or abetted the granting of an improper
license.

(9) The applicant or licensee transferred a license to
operate a funeral home, embalming facility, or crematory from one
owner or operator to another, or from one location to another,
without notifying the board.

(10) The applicant or licensee ~~mislead~~ misled the public by
using false or deceptive advertising.

(B)(1) The board of embalmers and funeral directors shall
refuse to grant or renew, or shall suspend or revoke, an
embalmer's, funeral director's, funeral home, or embalming
facility license only in accordance with Chapter 119. of the
Revised Code.

(2) The board shall send to the crematory review board
written notice that it proposes to refuse to issue or renew, or
proposes to suspend or revoke, a license to operate a crematory
facility. If, after the conclusion of the adjudicatory hearing on
the matter conducted under division (E) of section 4717.03 of the
Revised Code, the board of embalmers and funeral directors finds
that any of the circumstances described in divisions (A)(1) to
(10) of this section apply to the person named in its proposed
action, the board may issue a final order under division (E) of
section 4717.03 of the Revised Code refusing to issue or renew, or
suspending or revoking, the person's license to operate a
crematory facility.

(C) If the board of embalmers and funeral directors
determines that there is clear and convincing evidence that any of
the circumstances described in divisions (A)(1) to (10) of this
section apply to the holder of a license issued under this chapter

and that the licensee's continued practice presents a danger of 1216
immediate and serious harm to the public, the board may suspend 1217
the licensee's license without a prior adjudicatory hearing. The 1218
executive director of the board shall prepare written allegations 1219
for consideration by the board. 1220

The board, after reviewing the written allegations, may 1221
suspend a license without a prior hearing. 1222

The board shall issue a written order of suspension by 1223
~~certified mail~~ a delivery system or in person in accordance with 1224
section 119.07 of the Revised Code. Such an order is not subject 1225
to suspension by the court during the pendency of any appeal filed 1226
under section 119.12 of the Revised Code. If the holder of an 1227
embalmer's, funeral director's, funeral home, or embalming 1228
facility license requests an adjudicatory hearing by the board, 1229
the date set for the hearing shall be within fifteen days, but not 1230
earlier than seven days, after the licensee has requested a 1231
hearing, unless the board and the licensee agree to a different 1232
time for holding the hearing. 1233

Upon issuing a written order of suspension to the holder of a 1234
license to operate a crematory facility, the board of embalmers 1235
and funeral directors shall send written notice of the issuance of 1236
the order to the crematory review board. The crematory review 1237
board shall hold an adjudicatory hearing on the order under 1238
division (E) of section 4717.03 of the Revised Code within fifteen 1239
days, but not earlier than seven days, after the issuance of the 1240
order, unless the crematory review board and the licensee agree to 1241
a different time for holding the adjudicatory hearing. 1242

Any summary suspension imposed under this division shall 1243
remain in effect, unless reversed on appeal, until a final 1244
adjudicatory order issued by the board of embalmers and funeral 1245
directors pursuant to this division and Chapter 119. of the 1246
Revised Code, or division (E) of section 4717.03 of the Revised 1247

Code, as applicable, becomes effective. The board of embalmers and 1248
funeral directors shall issue its final adjudicatory order within 1249
sixty days after the completion of its hearing or, in the case of 1250
the summary suspension of a license to operate a crematory 1251
facility, within sixty days after completion of the adjudicatory 1252
hearing by the crematory review board. A failure to issue the 1253
order within that time results in the dissolution of the summary 1254
suspension order, but does not invalidate any subsequent final 1255
adjudicatory order. 1256

(D) If the board of embalmers and funeral directors suspends 1257
or revokes a license held by a funeral director or a funeral home 1258
for any reason identified in division (A) of this section, the 1259
board may file a complaint with the court of common pleas in the 1260
county where the violation occurred requesting appointment of a 1261
receiver and the sequestration of the assets of the funeral home 1262
that held the suspended or revoked license or the licensed funeral 1263
home that employs the funeral director that held the suspended or 1264
revoked license. If the court of common pleas is satisfied with 1265
the application for a receivership, the court may appoint a 1266
receiver. 1267

The board or a receiver may employ and procure whatever 1268
assistance or advice is necessary in the receivership or 1269
liquidation and distribution of the assets of the funeral home, 1270
and, for that purpose, may retain officers or employees of the 1271
funeral home as needed. All expenses of the receivership or 1272
liquidation shall be paid from the assets of the funeral home and 1273
shall be a lien on those assets, and that lien shall be a priority 1274
to any other lien. 1275

(E) Any holder of a license issued under this chapter who has 1276
pleaded guilty to, has been found by a judge or jury to be guilty 1277
of, or has had a judicial finding of eligibility for treatment in 1278
lieu of conviction entered against the individual in this state 1279

for aggravated murder, murder, voluntary manslaughter, felonious 1280
assault, kidnapping, rape, sexual battery, gross sexual 1281
imposition, aggravated arson, aggravated robbery, or aggravated 1282
burglary, or who has pleaded guilty to, has been found by a judge 1283
or jury to be guilty of, or has had a judicial finding of 1284
eligibility for treatment in lieu of conviction entered against 1285
the individual in another jurisdiction for any substantially 1286
equivalent criminal offense, is hereby suspended from practice 1287
under this chapter by operation of law, and any license issued to 1288
the individual under this chapter is hereby suspended by operation 1289
of law as of the date of the guilty plea, verdict or finding of 1290
guilt, or judicial finding of eligibility for treatment in lieu of 1291
conviction, regardless of whether the proceedings are brought in 1292
this state or another jurisdiction. The board shall notify the 1293
suspended individual of the suspension of the individual's license 1294
by the operation of this division by ~~certified mail~~ a delivery
system or in person in accordance with section 119.07 of the 1295
Revised Code. If an individual whose license is suspended under 1296
this division fails to make a timely request for an adjudicatory 1297
hearing, the board shall enter a final order revoking the license. 1298
1299

(F) No person whose license has been suspended or revoked 1300
under or by the operation of this section shall practice embalming 1301
or funeral directing or operate a funeral home, embalming 1302
facility, or crematory facility until the board has reinstated the 1303
person's license. 1304

Sec. 4717.39. The board of embalmers and funeral directors 1305
shall comply with section 4776.20 of the Revised Code. 1306

Sec. 4719.22. The attorney general shall comply with section 1307
4776.20 of the Revised Code. 1308

Sec. 4723.92. The board of nursing shall comply with section 1309

4776.20 of the Revised Code. 1310

Sec. 4725.19. (A) In accordance with Chapter 119. of the 1311
Revised Code and by an affirmative vote of a majority of its 1312
members, the state board of optometry, for any of the reasons 1313
specified in division (B) of this section, shall refuse to grant a 1314
certificate of licensure to an applicant and may, with respect to 1315
a licensed optometrist, do one or more of the following: 1316

(1) Suspend the operation of any certificate of licensure, 1317
topical ocular pharmaceutical agents certificate, or therapeutic 1318
pharmaceutical agents certificate, or all certificates granted by 1319
it to the optometrist; 1320

(2) Permanently revoke any or all of the certificates; 1321

(3) Limit or otherwise place restrictions on any or all of 1322
the certificates; 1323

(4) Reprimand the optometrist; 1324

(5) Impose a monetary penalty. If the reason for which the 1325
board is imposing the penalty involves a criminal offense that 1326
carries a fine under the Revised Code, the penalty shall not 1327
exceed the maximum fine that may be imposed for the criminal 1328
offense. In any other case, the penalty imposed by the board shall 1329
not exceed five hundred dollars. 1330

(6) Require the optometrist to take corrective action 1331
courses. 1332

The amount and content of corrective action courses shall be 1333
established by the board in rules adopted under section 4725.09 of 1334
the Revised Code. 1335

(B) The sanctions specified in division (A) of this section 1336
may be taken by the board for any of the following reasons: 1337

(1) Committing fraud in passing the licensing examination or 1338

making false or purposely misleading statements in an application	1339
for a certificate of licensure;	1340
(2) Being at any time guilty of immorality, regardless of the	1341
jurisdiction in which the act was committed;	1342
(3) Being guilty of dishonesty or unprofessional conduct in	1343
the practice of optometry;	1344
(4) Being at any time guilty of a felony, regardless of the	1345
jurisdiction in which the act was committed;	1346
(5) Being at any time guilty of a misdemeanor committed in	1347
the course of practice, regardless of the jurisdiction in which	1348
the act was committed;	1349
(6) Violating the conditions of any limitation or other	1350
restriction placed by the board on any certificate issued by the	1351
board;	1352
(7) Engaging in the practice of optometry as provided in	1353
division (A)(1), (2), or (3) of section 4725.01 of the Revised	1354
Code when the certificate authorizing that practice is under	1355
suspension, in which case the board shall permanently revoke the	1356
certificate;	1357
(8) Being denied a license to practice optometry in another	1358
state or country or being subject to any other sanction by the	1359
optometric licensing authority of another state or country, other	1360
than sanctions imposed for the nonpayment of fees;	1361
(9) Departing from or failing to conform to acceptable and	1362
prevailing standards of care in the practice of optometry as	1363
followed by similar practitioners under the same or similar	1364
circumstances, regardless of whether actual injury to a patient is	1365
established;	1366
(10) Failing to maintain comprehensive patient records;	1367
(11) Advertising a price of optical accessories, eye	1368

examinations, or other products or services by any means that 1369
would deceive or mislead the public; 1370

(12) Being addicted to the use of alcohol, stimulants, 1371
narcotics, or any other substance which impairs the intellect and 1372
judgment to such an extent as to hinder or diminish the 1373
performance of the duties included in the person's practice of 1374
optometry; 1375

(13) Engaging in the practice of optometry as provided in 1376
division (A)(2) or (3) of section 4725.01 of the Revised Code 1377
without authority to do so or, if authorized, in a manner 1378
inconsistent with the authority granted; 1379

(14) Failing to make a report to the board as required by 1380
division (A) of section 4725.21 or section 4725.31 of the Revised 1381
Code; 1382

(15) Soliciting patients from door to door or establishing 1383
temporary offices, in which case the board shall suspend all 1384
certificates held by the optometrist; 1385

(16) Except as provided in division (D) of this section: 1386

(a) Waiving the payment of all or any part of a deductible or 1387
copayment that a patient, pursuant to a health insurance or health 1388
care policy, contract, or plan that covers optometric services, 1389
would otherwise be required to pay if the waiver is used as an 1390
enticement to a patient or group of patients to receive health 1391
care services from that optometrist. 1392

(b) Advertising that the optometrist will waive the payment 1393
of all or any part of a deductible or copayment that a patient, 1394
pursuant to a health insurance or health care policy, contract, or 1395
plan that covers optometric services, would otherwise be required 1396
to pay. 1397

(C) Any person who is the holder of a certificate of 1398

licensure, or who is an applicant for a certificate of licensure 1399
against whom is preferred any charges, shall be furnished by the 1400
board with a copy of the complaint and shall have a hearing before 1401
the board in accordance with Chapter 119. of the Revised Code. 1402

(D) Sanctions shall not be imposed under division (B)(16) of 1403
this section against any optometrist who waives deductibles and 1404
copayments: 1405

(1) In compliance with the health benefit plan that expressly 1406
allows such a practice. Waiver of the deductibles or copayments 1407
shall be made only with the full knowledge and consent of the plan 1408
purchaser, payer, and third-party administrator. Documentation of 1409
the consent shall be made available to the board upon request. 1410

(2) For professional services rendered to any other 1411
optometrist licensed by the board, to the extent allowed by 1412
sections 4725.01 to 4725.34 of the Revised Code and the rules of 1413
the board. 1414

Sec. 4725.61. The state board of optometry and the Ohio 1415
optical dispensers board shall comply with section 4776.20 of the 1416
Revised Code. 1417

Sec. 4727.22. The division of consumer finance shall comply 1418
with section 4776.20 of the Revised Code. 1419

Sec. 4728.15. The division of consumer finance shall comply 1420
with section 4776.20 of the Revised Code. 1421

Sec. 4729.87. The state board of pharmacy shall comply with 1422
section 4776.20 of the Revised Code. 1423

Sec. 4730.54. The state medical board shall comply with 1424
section 4776.20 of the Revised Code. 1425

<u>Sec. 4731.95. The state medical board shall comply with</u>	1426
<u>section 4776.20 of the Revised Code.</u>	1427
<u>Sec. 4732.32. The state board of psychology shall comply with</u>	1428
<u>section 4776.20 of the Revised Code.</u>	1429
<u>Sec. 4733.28. The state board of registration for</u>	1430
<u>professional engineers and surveyors shall comply with section</u>	1431
<u>4776.20 of the Revised Code.</u>	1432
<u>Sec. 4734.57. The state chiropractic board shall comply with</u>	1433
<u>section 4776.20 of the Revised Code.</u>	1434
<u>Sec. 4735.76. The superintendent of real estate shall comply</u>	1435
<u>with section 4776.20 of the Revised Code.</u>	1436
<u>Sec. 4736.18. The state board of sanitarian registration</u>	1437
<u>shall comply with section 4776.20 of the Revised Code.</u>	1438
<u>Sec. 4737.14. The director of public safety shall comply with</u>	1439
<u>section 4776.20 of the Revised Code.</u>	1440
<u>Sec. 4738.20. The motor vehicle salvage dealer's licensing</u>	1441
<u>board shall comply with section 4776.20 of the Revised Code.</u>	1442
<u>Sec. 4740.17. The Ohio construction industry licensing board</u>	1443
<u>shall comply with section 4776.20 of the Revised Code.</u>	1444
<u>Sec. 4741.48. The veterinary medical licensing board shall</u>	1445
<u>comply with section 4776.20 of the Revised Code.</u>	1446
<u>Sec. 4742.07. The state board of education and any emergency</u>	1447
<u>service provider or career school that certifies emergency service</u>	1448

telecommunicators shall comply with section 4776.20 of the Revised 1449
Code. 1450

Sec. 4747.17. The hearing aid dealers and fitters licensing 1451
board shall comply with section 4776.20 of the Revised Code. 1452

Sec. 4749.15. The director of public safety shall comply with 1453
section 4776.20 of the Revised Code. 1454

Sec. 4751.13. The board of examiners of nursing home 1455
administrators shall comply with section 4776.20 of the Revised 1456
Code. 1457

Sec. 4752.20. The Ohio respiratory care board shall comply 1458
with section 4776.20 of the Revised Code. 1459

Sec. 4753.16. The board of speech-language pathology and 1460
audiology shall comply with section 4776.20 of the Revised Code. 1461

Sec. 4755.06. The occupational therapy section of the Ohio 1462
occupational therapy, physical therapy, and athletic trainers 1463
board may make reasonable rules in accordance with Chapter 119. of 1464
the Revised Code relating to, but not limited to, the following: 1465

(A) The form and manner for filing applications for licensure 1466
under sections 4755.04 to 4755.13 of the Revised Code; 1467

(B) The issuance, suspension, and revocation of the licenses 1468
and the conducting of investigations and hearings; 1469

(C) Standards for approval of courses of study relative to 1470
the practice of occupational therapy; 1471

(D) The time and form of examination for the licensure; 1472

(E) Standards of ethical conduct in the practice of 1473

occupational therapy;	1474
(F) The form and manner for filing applications for renewal	1475
and a schedule of deadlines for renewal;	1476
(G) The conditions under which a license of a licensee who	1477
files a late application for renewal will be reinstated;	1478
(H) Placing an existing license in escrow;	1479
(I) The amount, scope, and nature of continuing education	1480
activities required for license renewal, including waivers of the	1481
continuing education requirements;	1482
(J) Guidelines for limited permits;	1483
(K) Requirements for criminal records checks of applicants	1484
under section 4776.03 of the Revised Code;	1485
(L) Subject to section 4755.061 of the Revised Code, the	1486
amount for each fee specified in section 4755.12 of the Revised	1487
Code that the section charges;	1488
<u>(M) The amount and content of corrective action courses</u>	1489
<u>required by the board under section 4755.11 of the Revised Code.</u>	1490
The section may hear testimony in matters relating to the	1491
duties imposed upon it, and the chairperson and secretary of the	1492
section may administer oaths. The section may require proof,	1493
beyond the evidence found in the application, of the honesty,	1494
truthfulness, and good reputation of any person named in an	1495
application for licensure, before admitting the applicant to an	1496
examination or issuing a license.	1497
Sec. 4755.11. (A) In accordance with Chapter 119. of the	1498
Revised Code, the occupational therapy section of the Ohio	1499
occupational therapy, physical therapy, and athletic trainers	1500
board may suspend, revoke, or refuse to issue or renew an	1501
occupational therapist license, occupational therapy assistant	1502

license, occupational therapist limited permit, occupational 1503
therapy assistant limited permit, or reprimand, fine, ~~or~~ place a 1504
license or limited permit holder on probation, or require the 1505
license or limited permit holder to take corrective action 1506
courses, for any of the following: 1507

(1) Conviction of an offense involving moral turpitude or a 1508
felony, regardless of the state or country in which the conviction 1509
occurred; 1510

(2) Violation of any provision of sections 4755.04 to 4755.13 1511
of the Revised Code; 1512

(3) Violation of any lawful order or rule of the occupational 1513
therapy section; 1514

(4) Obtaining or attempting to obtain a license or limited 1515
permit issued by the occupational therapy section by fraud or 1516
deception, including the making of a false, fraudulent, deceptive, 1517
or misleading statements in relation to these activities; 1518

(5) Negligence, unprofessional conduct, or gross misconduct 1519
in the practice of the profession of occupational therapy; 1520

(6) Accepting commissions or rebates or other forms of 1521
remuneration for referring persons to other professionals; 1522

(7) Communicating, without authorization, information 1523
received in professional confidence; 1524

(8) Using controlled substances, habit forming drugs, or 1525
alcohol to an extent that it impairs the ability to perform the 1526
work of an occupational therapist, occupational therapy assistant, 1527
occupational therapist limited permit holder, or occupational 1528
therapy assistant limited permit holder; 1529

(9) Practicing in an area of occupational therapy for which 1530
the individual is untrained or incompetent; 1531

(10) Failing the licensing or Ohio jurisprudence examination; 1532

(11) Aiding, abetting, directing, or supervising the	1533
unlicensed practice of occupational therapy;	1534
(12) Denial, revocation, suspension, or restriction of	1535
authority to practice a health care occupation, including	1536
occupational therapy, for any reason other than a failure to	1537
renew, in Ohio or another state or jurisdiction;	1538
(13) Except as provided in division (B) of this section:	1539
(a) Waiving the payment of all or any part of a deductible or	1540
copayment that a patient, pursuant to a health insurance or health	1541
care policy, contract, or plan that covers occupational therapy,	1542
would otherwise be required to pay if the waiver is used as an	1543
enticement to a patient or group of patients to receive health	1544
care services from that provider;	1545
(b) Advertising that the individual will waive the payment of	1546
all or any part of a deductible or copayment that a patient,	1547
pursuant to a health insurance or health care policy, contract, or	1548
plan that covers occupational therapy, would otherwise be required	1549
to pay.	1550
(14) Working or representing oneself as an occupational	1551
therapist, occupational therapy assistant, occupational therapist	1552
limited permit holder, or occupational therapy assistant limited	1553
permit holder without a current and valid license or limited	1554
permit issued by the occupational therapy section;	1555
(15) Engaging in a deceptive trade practice, as defined in	1556
section 4165.02 of the Revised Code;	1557
(16) Violation of the standards of ethical conduct in the	1558
practice of occupational therapy as identified by the occupational	1559
therapy section;	1560
(17) A departure from, or the failure to conform to, minimal	1561
standards of care required of licensees or limited permit holders,	1562

whether or not actual injury to a patient is established; 1563

(18) An adjudication by a court that the applicant, licensee, 1564
or limited permit holder is incompetent for the purpose of holding 1565
a license or limited permit and has not thereafter been restored 1566
to legal capacity for that purpose; 1567

(19)(a) Except as provided in division (A)(19)(b) of this 1568
section, failure to cooperate with an investigation conducted by 1569
the occupational therapy section, including failure to comply with 1570
a subpoena or orders issued by the section or failure to answer 1571
truthfully a question presented by the section at a deposition or 1572
in written interrogatories. 1573

(b) Failure to cooperate with an investigation does not 1574
constitute grounds for discipline under this section if a court of 1575
competent jurisdiction issues an order that either quashes a 1576
subpoena or permits the individual to withhold the testimony or 1577
evidence at issue. 1578

(20) Conviction of a misdemeanor reasonably related to the 1579
practice of occupational therapy, regardless of the state or 1580
country in which the conviction occurred; 1581

(21) Inability to practice according to acceptable and 1582
prevailing standards of care because of mental or physical 1583
illness, including physical deterioration that adversely affects 1584
cognitive, motor, or perception skills; 1585

(22) Violation of conditions, limitations, or agreements 1586
placed by the occupational therapy section on a license or limited 1587
permit to practice; 1588

(23) Making a false, fraudulent, deceptive, or misleading 1589
statement in the solicitation of or advertising for patients in 1590
relation to the practice of occupational therapy; 1591

(24) Failure to complete continuing education requirements as 1592

prescribed in rules adopted by the occupational therapy section 1593
under section 4755.06 of the Revised Code. 1594

(B) Sanctions shall not be imposed under division (A)(13) of 1595
this section against any individual who waives deductibles and 1596
copayments as follows: 1597

(1) In compliance with the health benefit plan that expressly 1598
allows such a practice. Waiver of the deductibles or copayments 1599
shall be made only with the full knowledge and consent of the plan 1600
purchaser, payer, and third-party administrator. Documentation of 1601
the consent shall be made available to the section upon request. 1602

(2) For professional services rendered to any other person 1603
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 1604
Code to the extent allowed by those sections and the rules of the 1605
occupational therapy section. 1606

(C) Except as provided in division (D) of this section, the 1607
suspension or revocation of a license or limited permit under this 1608
section is not effective until either the order for suspension or 1609
revocation has been affirmed following an adjudication hearing, or 1610
the time for requesting a hearing has elapsed. 1611

When a license or limited permit is revoked under this 1612
section, application for reinstatement may not be made sooner than 1613
one year after the date of revocation. The occupational therapy 1614
section may accept or refuse an application for reinstatement and 1615
may require that the applicant pass an examination as a condition 1616
of reinstatement. 1617

When a license or limited permit holder is placed on 1618
probation under this section, the occupational therapy section's 1619
probation order shall be accompanied by a statement of the 1620
conditions under which the individual may be removed from 1621
probation and restored to unrestricted practice. 1622

(D) On receipt of a complaint that a person who holds a 1623

license or limited permit issued by the occupational therapy 1624
section has committed any of the prohibited actions listed in 1625
division (A) of this section, the section may immediately suspend 1626
the license or limited permit prior to holding a hearing in 1627
accordance with Chapter 119. of the Revised Code if it determines, 1628
based on the complaint, that the licensee or limited permit holder 1629
poses an immediate threat to the public. The section shall notify 1630
the licensee or limited permit holder of the suspension in 1631
accordance with section 119.07 of the Revised Code. If the 1632
individual whose license or limited permit is suspended fails to 1633
make a timely request for an adjudication under Chapter 119. of 1634
the Revised Code, the section shall enter a final order 1635
permanently revoking the individual's license or limited permit. 1636

(E) If any person other than a person who holds a license or 1637
limited permit issued under section 4755.08 of the Revised Code 1638
has engaged in any practice that is prohibited under sections 1639
4755.04 to 4755.13 of the Revised Code or the rules of the 1640
occupational therapy section, the section may apply to the court 1641
of common pleas of the county in which the violation occurred, for 1642
an injunction or other appropriate order restraining this conduct, 1643
and the court shall issue this order. 1644

Sec. 4755.411. The physical therapy section of the Ohio 1645
occupational therapy, physical therapy, and athletic trainers 1646
board shall adopt rules in accordance with Chapter 119. of the 1647
Revised Code pertaining to the following: 1648

(A) Fees for the verification of a license and license 1649
reinstatement, and other fees established by the section; 1650

(B) Provisions for the section's government and control of 1651
its actions and business affairs; 1652

(C) Minimum curricula for physical therapy education programs 1653
that prepare graduates to be licensed in this state as physical 1654

therapists and physical therapist assistants; 1655

(D) Eligibility criteria to take the examinations required 1656
under sections 4755.43 and 4755.431 of the Revised Code; 1657

(E) The form and manner for filing applications for licensure 1658
with the section; 1659

(F) For purposes of section 4755.46 of the Revised Code, all 1660
of the following: 1661

(1) A schedule regarding when licenses to practice as a 1662
physical therapist and physical therapist assistant expire during 1663
a biennium; 1664

(2) An additional fee, not to exceed thirty-five dollars, 1665
that may be imposed if a licensee files a late application for 1666
renewal; 1667

(3) The conditions under which the license of a person who 1668
files a late application for renewal will be reinstated. 1669

(G) The issuance, renewal, suspension, and permanent 1670
revocation of a license and the conduct of hearings; 1671

(H) Appropriate ethical conduct in the practice of physical 1672
therapy; 1673

(I) Requirements, including continuing education 1674
requirements, for restoring licenses that are inactive or have 1675
lapsed through failure to renew; 1676

(J) Conditions that may be imposed for reinstatement of a 1677
license following suspension pursuant to section 4755.47 of the 1678
Revised Code; 1679

(K) For purposes of section 4755.45 of the Revised Code, both 1680
of the following: 1681

(1) Identification of the credentialing organizations from 1682
which the section will accept equivalency evaluations for foreign 1683

physical therapist education. The physical therapy section shall 1684
identify only those credentialing organizations that use a course 1685
evaluation tool or form approved by the physical therapy section. 1686

(2) Evidence, other than the evaluations described in 1687
division (K)(1) of this section, that the section will consider 1688
for purposes of evaluating whether an applicant's education is 1689
reasonably equivalent to the educational requirements that were in 1690
force for licensure in this state as a physical therapist on the 1691
date of the applicant's initial licensure or registration in 1692
another state or country. 1693

(L) Standards of conduct for physical therapists and physical 1694
therapist assistants, including requirements for supervision, 1695
delegation, and practicing with or without referral or 1696
prescription; 1697

(M) Appropriate display of a license; 1698

(N) Procedures for a licensee to follow in notifying the 1699
section within thirty days of a change in name or address, or 1700
both; 1701

(O) The amount and content of corrective action courses 1702
required by the board under section 4755.47 of the Revised Code. 1703

Sec. 4755.47. (A) In accordance with Chapter 119. of the 1704
Revised Code, the physical therapy section of the Ohio 1705
occupational therapy, physical therapy, and athletic trainers 1706
board may refuse to grant a license to an applicant for an initial 1707
or renewed license as a physical therapist or physical therapist 1708
assistant or, by an affirmative vote of not less than five 1709
members, may limit, suspend, or revoke the license of a physical 1710
therapist or physical therapist assistant or reprimand, fine, ~~or~~ 1711
place a license holder on probation, or require the license holder 1712
to take corrective action courses, on any of the following 1713

grounds:	1714
(1) Habitual indulgence in the use of controlled substances,	1715
other habit-forming drugs, or alcohol to an extent that affects	1716
the individual's professional competency;	1717
(2) Conviction of a felony or a crime involving moral	1718
turpitude, regardless of the state or country in which the	1719
conviction occurred;	1720
(3) Obtaining or attempting to obtain a license issued by the	1721
physical therapy section by fraud or deception, including the	1722
making of a false, fraudulent, deceptive, or misleading statement;	1723
(4) An adjudication by a court, as provided in section	1724
5122.301 of the Revised Code, that the applicant or licensee is	1725
incompetent for the purpose of holding the license and has not	1726
thereafter been restored to legal capacity for that purpose;	1727
(5) Subject to section 4755.471 of the Revised Code,	1728
violation of the code of ethics adopted by the physical therapy	1729
section;	1730
(6) Violating or attempting to violate, directly or	1731
indirectly, or assisting in or abetting the violation of or	1732
conspiring to violate sections 4755.40 to 4755.56 of the Revised	1733
Code or any order issued or rule adopted under those sections;	1734
(7) Failure of one or both of the examinations required under	1735
section 4755.43 or 4755.431 of the Revised Code;	1736
(8) Permitting the use of one's name or license by a person,	1737
group, or corporation when the one permitting the use is not	1738
directing the treatment given;	1739
(9) Denial, revocation, suspension, or restriction of	1740
authority to practice a health care occupation, including physical	1741
therapy, for any reason other than a failure to renew, in Ohio or	1742
another state or jurisdiction;	1743

(10) Failure to maintain minimal standards of practice in the	1744
administration or handling of drugs, as defined in section 4729.01	1745
of the Revised Code, or failure to employ acceptable scientific	1746
methods in the selection of drugs, as defined in section 4729.01	1747
of the Revised Code, or other modalities for treatment;	1748
(11) Willful betrayal of a professional confidence;	1749
(12) Making a false, fraudulent, deceptive, or misleading	1750
statement in the solicitation of or advertising for patients in	1751
relation to the practice of physical therapy;	1752
(13) A departure from, or the failure to conform to, minimal	1753
standards of care required of licensees when under the same or	1754
similar circumstances, whether or not actual injury to a patient	1755
is established;	1756
(14) Obtaining, or attempting to obtain, money or anything of	1757
value by fraudulent misrepresentations in the course of practice;	1758
(15) Violation of the conditions of limitation or agreements	1759
placed by the physical therapy section on a license to practice;	1760
(16) Failure to renew a license in accordance with section	1761
4755.46 of the Revised Code;	1762
(17) Except as provided in section 4755.471 of the Revised	1763
Code, engaging in the division of fees for referral of patients or	1764
receiving anything of value in return for a specific referral of a	1765
patient to utilize a particular service or business;	1766
(18) Inability to practice according to acceptable and	1767
prevailing standards of care because of mental illness or physical	1768
illness, including physical deterioration that adversely affects	1769
cognitive, motor, or perception skills;	1770
(19) The revocation, suspension, restriction, or termination	1771
of clinical privileges by the United States department of defense	1772
or department of veterans affairs;	1773

(20) Termination or suspension from participation in the 1774
medicare or medicaid program established under Title XVIII and 1775
Title XIX, respectively, of the "Social Security Act," 49 Stat. 1776
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 1777
constitute a violation of sections 4755.40 to 4755.56 of the 1778
Revised Code; 1779

(21) Failure of a physical therapist to maintain supervision 1780
of a student, physical therapist assistant, unlicensed support 1781
personnel, other assistant personnel, or a license applicant in 1782
accordance with the requirements of sections 4755.40 to 4755.56 of 1783
the Revised Code and rules adopted under those sections; 1784

(22) Failure to complete continuing education requirements as 1785
prescribed in section 4755.51 or 4755.511 of the Revised Code or 1786
to satisfy any rules applicable to continuing education 1787
requirements that are adopted by the physical therapy section; 1788

(23) Conviction of a misdemeanor when the act that 1789
constitutes the misdemeanor occurs during the practice of physical 1790
therapy; 1791

(24)(a) Except as provided in division (A)(24)(b) of this 1792
section, failure to cooperate with an investigation conducted by 1793
the physical therapy section, including failure to comply with a 1794
subpoena or orders issued by the section or failure to answer 1795
truthfully a question presented by the section at a deposition or 1796
in written interrogatories. 1797

(b) Failure to cooperate with an investigation does not 1798
constitute grounds for discipline under this section if a court of 1799
competent jurisdiction issues an order that either quashes a 1800
subpoena or permits the individual to withhold the testimony or 1801
evidence at issue. 1802

(25) Regardless of whether the contact or verbal behavior is 1803
consensual, engaging with a patient other than the spouse of the 1804

physical therapist or physical therapist assistant, in any of the 1805
following: 1806

(a) Sexual contact, as defined in section 2907.01 of the 1807
Revised Code; 1808

(b) Verbal behavior that is sexually demeaning to the patient 1809
or may be reasonably interpreted by the patient as sexually 1810
demeaning. 1811

(26) Failure to notify the physical therapy section of a 1812
change in name, business address, or home address within thirty 1813
days after the date of change; 1814

(27) Except as provided in division (B) of this section: 1815

(a) Waiving the payment of all or any part of a deductible or 1816
copayment that a patient, pursuant to a health insurance or health 1817
care policy, contract, or plan that covers physical therapy, would 1818
otherwise be required to pay if the waiver is used as an 1819
enticement to a patient or group of patients to receive health 1820
care services from that provider; 1821

(b) Advertising that the individual will waive the payment of 1822
all or any part of a deductible or copayment that a patient, 1823
pursuant to a health insurance or health care policy, contract, or 1824
plan that covers physical therapy, would otherwise be required to 1825
pay; 1826

(28) Violation of any section of this chapter or rule adopted 1827
under it. 1828

(B) Sanctions shall not be imposed under division (A)(27) of 1829
this section against any individual who waives deductibles and 1830
copayments as follows: 1831

(1) In compliance with the health benefit plan that expressly 1832
allows such a practice. Waiver of the deductibles or copayments 1833
shall be made only with the full knowledge and consent of the plan 1834

purchaser, payer, and third-party administrator. Documentation of 1835
the consent shall be made available to the physical therapy 1836
section upon request. 1837

(2) For professional services rendered to any other person 1838
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 1839
Code to the extent allowed by those sections and the rules of the 1840
physical therapy section. 1841

(C) When a license is revoked under this section, application 1842
for reinstatement may not be made sooner than one year after the 1843
date of revocation. The physical therapy section may accept or 1844
refuse an application for reinstatement and may require that the 1845
applicant pass an examination as a condition for reinstatement. 1846

When a license holder is placed on probation under this 1847
section, the physical therapy section's order for placement on 1848
probation shall be accompanied by a statement of the conditions 1849
under which the individual may be removed from probation and 1850
restored to unrestricted practice. 1851

(D) When an application for an initial or renewed license is 1852
refused under this section, the physical therapy section shall 1853
notify the applicant in writing of the section's decision to 1854
refuse issuance of a license and the reason for its decision. 1855

(E) On receipt of a complaint that a person licensed by the 1856
physical therapy section has committed any of the actions listed 1857
in division (A) of this section, the physical therapy section may 1858
immediately suspend the license of the physical therapist or 1859
physical therapist assistant prior to holding a hearing in 1860
accordance with Chapter 119. of the Revised Code if it determines, 1861
based on the complaint, that the person poses an immediate threat 1862
to the public. The physical therapy section shall notify the 1863
person of the suspension in accordance with section 119.07 of the 1864
Revised Code. If the person fails to make a timely request for an 1865

adjudication under Chapter 119. of the Revised Code, the physical 1866
therapy section shall enter a final order permanently revoking the 1867
person's license. 1868

Sec. 4755.71. The Ohio occupational therapy, physical 1869
therapy, and athletic trainers board shall comply with section 1870
4776.20 of the Revised Code. 1871

Sec. 4757.10. The counselor, social worker, and marriage and 1872
family therapist board may adopt any rules necessary to carry out 1873
this chapter. 1874

The board shall adopt rules that do all of the following: 1875

(A) Concern intervention for and treatment of any impaired 1876
person holding a license or certificate of registration issued 1877
under this chapter; 1878

(B) Establish standards for training and experience of 1879
supervisors described in division (C) of section 4757.30 of the 1880
Revised Code; 1881

(C) Define the requirement that an applicant be of good moral 1882
character in order to be licensed or registered under this 1883
chapter; 1884

(D) Establish requirements for criminal records checks of 1885
applicants under section 4776.03 of the Revised Code; 1886

(E) Establish a graduated system of fines based on the scope 1887
and severity of violations and the history of compliance, not to 1888
exceed five hundred dollars per incident, that any professional 1889
standards committee of the board may charge for a disciplinary 1890
violation described in section 4757.36 of the Revised Code; 1891

(F) Establish the amount and content of corrective action 1892
courses required by the board under section 4755.36 of the Revised 1893
Code. 1894

All rules adopted under this section shall be adopted in 1895
accordance with Chapter 119. of the Revised Code. When it adopts 1896
rules under this section or any other section of this chapter, the 1897
board may consider standards established by any national 1898
association or other organization representing the interests of 1899
those involved in professional counseling, social work, or 1900
marriage and family therapy. 1901

Sec. 4757.36. (A) The appropriate professional standards 1902
committee of the counselor, social worker, and marriage and family 1903
therapist board may, in accordance with Chapter 119. of the 1904
Revised Code, take any action specified in division (B) of this 1905
section against an individual who has applied for or holds a 1906
license to practice as a professional clinical counselor, 1907
professional counselor, independent marriage and family therapist, 1908
marriage and family therapist, social worker, or independent 1909
social worker, or a certificate of registration to practice as a 1910
social work assistant, for any reason described in division (C) of 1911
this section. 1912

(B) In its imposition of sanctions against an individual, the 1913
board may do any of the following: 1914

(1) Refuse to issue or refuse to renew a license or 1915
certificate of registration; 1916

(2) Suspend, revoke, or otherwise restrict a license or 1917
certificate of registration; 1918

(3) Reprimand an individual holding a license or certificate 1919
of registration; 1920

(4) Impose a fine in accordance with the graduated system of 1921
fines established by the board in rules adopted under section 1922
4757.10 of the Revised Code; 1923

(5) Require an individual holding a license or certificate of 1924

<u>registration to take corrective action courses.</u>	1925
(C) The appropriate professional standards committee of the	1926
board may take an action specified in division (B) of this section	1927
for any of the following reasons:	1928
(1) Commission of an act that violates any provision of this	1929
chapter or rules adopted under it;	1930
(2) Knowingly making a false statement on an application for	1931
licensure or registration, or for renewal of a license or	1932
certificate of registration;	1933
(3) Accepting a commission or rebate for referring persons to	1934
any professionals licensed, certified, or registered by any court	1935
or board, commission, department, division, or other agency of the	1936
state, including, but not limited to, individuals practicing	1937
counseling, social work, or marriage and family therapy or	1938
practicing in fields related to counseling, social work, or	1939
marriage and family therapy;	1940
(4) A failure to comply with section 4757.12 of the Revised	1941
Code;	1942
(5) A conviction in this or any other state of a crime that	1943
is a felony in this state;	1944
(6) A failure to perform properly as a professional clinical	1945
counselor, professional counselor, independent marriage and family	1946
therapist, marriage and family therapist, social work assistant,	1947
social worker, or independent social worker due to the use of	1948
alcohol or other drugs or any other physical or mental condition;	1949
(7) A conviction in this state or in any other state of a	1950
misdemeanor committed in the course of practice as a professional	1951
clinical counselor, professional counselor, independent marriage	1952
and family therapist, marriage and family therapist, social work	1953
assistant, social worker, or independent social worker;	1954

(8) Practicing outside the scope of practice applicable to that person;	1955 1956
(9) Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (E) of section 4757.30, of the Revised Code;	1957 1958 1959
(10) A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code;	1960 1961 1962
(11) Revocation or suspension of a license or certificate of registration, or the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter.	1963 1964 1965 1966
(D) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may accept or refuse an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement.	1967 1968 1969 1970 1971 1972 1973
(E) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid.	1974 1975 1976
(F) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.	1977 1978 1979
<u>Sec. 4757.45. The counselor, social worker, and marriage and family therapist board shall comply with section 4776.20 of the Revised Code.</u>	1980 1981 1982
<u>Sec. 4758.72. The chemical dependency professionals board</u>	1983

<u>shall comply with section 4776.20 of the Revised Code.</u>	1984
<u>Sec. 4759.12. The Ohio board of dietetics shall comply with</u>	1985
<u>section 4776.20 of the Revised Code.</u>	1986
<u>Sec. 4760.22. The state medical board shall comply with</u>	1987
<u>section 4776.20 of the Revised Code.</u>	1988
<u>Sec. 4761.18. The Ohio respiratory care board shall comply</u>	1989
<u>with section 4776.20 of the Revised Code.</u>	1990
<u>Sec. 4762.23. The state medical board shall comply with</u>	1991
<u>section 4776.20 of the Revised Code.</u>	1992
<u>Sec. 4763.20. The real estate appraiser board shall comply</u>	1993
<u>with section 4776.20 of the Revised Code.</u>	1994
<u>Sec. 4765.58. The state board of emergency medical services</u>	1995
<u>shall comply with section 4776.20 of the Revised Code.</u>	1996
<u>Sec. 4766.23. The Ohio medical transportation board shall</u>	1997
<u>comply with section 4776.20 of the Revised Code.</u>	1998
<u>Sec. 4771.23. The Ohio athletic commission shall comply with</u>	1999
<u>section 4776.20 of the Revised Code.</u>	2000
<u>Sec. 4773.09. The department of health shall comply with</u>	2001
<u>section 4776.20 of the Revised Code.</u>	2002
<u>Sec. 4774.22. The state medical board shall comply with</u>	2003
<u>section 4776.20 of the Revised Code.</u>	2004
<u>Sec. 4776.01. As used in this chapter:</u>	2005

(A) "License" means ~~any of the following:~~ 2006

~~(1) An an authorization evidenced by a license, certificate,~~ 2007
~~registration, permit, card, or other authority that is issued or~~ 2008
~~conferred by a licensing agency described in division (C)(1) of~~ 2009
~~this section~~ to a licensee or to an applicant for an initial 2010
license by which the licensee or initial license applicant has or 2011
claims the privilege to engage in a profession, occupation, or 2012
occupational activity, or, except in the case of the state dental 2013
board, to have control of and operate certain specific equipment, 2014
machinery, or premises, over which the licensing agency has 2015
jurisdiction. 2016

~~(2) An authorization evidenced by a license or certificate~~ 2017
~~that is issued by a licensing agency described in division (C)(2)~~ 2018
~~of this section pursuant to section 4715.12, 4715.16, 4715.21, or~~ 2019
~~4715.27 of the Revised Code to a licensee or to an applicant for~~ 2020
~~an initial license by which the licensee or initial license~~ 2021
~~applicant has or claims the privilege to engage in a profession,~~ 2022
~~occupation, or occupational activity over which the licensing~~ 2023
~~agency has jurisdiction.~~ 2024

(B) Except as provided in section 4776.20 of the Revised 2025
Code, "Licensee licensee" means the person to whom the license is 2026
issued by a licensing agency. 2027

(C) Except as provided in section 4776.20 of the Revised 2028
Code, "Licensing licensing agency" means any of the following: 2029

(1) The board authorized by Chapters 4701., 4717., 4725., 2030
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 2031
4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue 2032
a license to engage in a specific profession, occupation, or 2033
occupational activity, or to have charge of and operate certain 2034
specified equipment, machinery, or premises. 2035

(2) The state dental board, relative to its authority to 2036

issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 2037
4715.27 of the Revised Code. 2038

(D) "Applicant for an initial license" includes persons 2039
seeking a license for the first time and persons seeking a license 2040
by reciprocity, endorsement, or similar manner of a license issued 2041
in another state. 2042

(E) "Applicant for a restored license" includes persons 2043
seeking restoration of a certificate under section 4730.14, 2044
4731.281, 4760.06, or 4762.06 of the Revised Code. 2045

(F) "Criminal records check" has the same meaning as in 2046
section 109.572 of the Revised Code. 2047

Sec. 4776.20. (A) As used in this section: 2048

(1) "Licensing agency" means, in addition to each board 2049
identified in division (C) of section 4776.01 of the Revised Code, 2050
the board or other government entity authorized to issue a license 2051
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 2052
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 2053
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 2054
4766., 4771., 4773., 4774., 4778., and 4781. of the Revised Code. 2055
"Licensing agency" includes an administrative officer that has 2056
authority to issue a license. 2057

(2) "Licensee" means, in addition to a licensee as described 2058
in division (B) of section 4776.01 of the Revised Code, the person 2059
to whom a license is issued by the board or other government 2060
entity authorized to issue a license under Chapters 4703., 4707., 2061
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 2062
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 2063
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., 4774., 2064
4778., and 4781. of the Revised Code. 2065

(3) "Prosecutor" has the same meaning as in section 2935.01 2066

of the Revised Code. 2067

(B) On a licensee's conviction of, plea of guilty to, 2068
judicial finding of guilt of, or judicial finding of guilt 2069
resulting from a plea of no contest to the offense of trafficking 2070
in persons in violation of section 2905.32 of the Revised Code, 2071
the prosecutor in the case shall promptly notify the licensing 2072
agency of the conviction, plea, or finding and provide the 2073
licensee's name and residential address. On receipt of this 2074
notification, the licensing agency shall immediately suspend the 2075
licensee's license. 2076

(C) If there is a conviction of, plea of guilty to, judicial 2077
finding of guilt of, or judicial finding of guilt resulting from a 2078
plea of no contest to the offense of trafficking in persons in 2079
violation of section 2905.32 of the Revised Code and all or part 2080
of the violation occurred on the premises of a facility that is 2081
licensed by a licensing agency, the prosecutor in the case shall 2082
promptly notify the licensing agency of the conviction, plea, or 2083
finding and provide the facility's name and address and the 2084
offender's name and residential address. On receipt of this 2085
notification, the licensing agency shall immediately suspend the 2086
facility's license. 2087

(D) Notwithstanding any provision of the Revised Code to the 2088
contrary, the suspension of a license under division (B) or (C) of 2089
this section shall be implemented by a licensing agency without a 2090
prior hearing. After the suspension, the licensing agency shall 2091
give written notice to the subject of the suspension of the right 2092
to request a hearing under Chapter 119. of the Revised Code. After 2093
a hearing is held, the licensing agency shall either revoke or 2094
permanently revoke the licence of the subject of the suspension, 2095
unless it determines that the license holder has not been 2096
convicted of, pleaded guilty to, been found guilty of, or been 2097
found guilty based on a plea of no contest to the offense of 2098

trafficking in persons in violation of section 2905.32 of the 2099
Revised Code. 2100

Sec. 4778.25. The state medical board shall comply with 2101
section 4776.20 of the Revised Code. 2102

Sec. 4779.34. The state board of orthotics, prosthetics, and 2103
pedorthics shall comply with section 4776.20 of the Revised Code. 2104

Sec. 4781.55. The manufactured homes commission shall comply 2105
with section 4776.20 of the Revised Code. 2106

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of the 2107
Revised Code: 2108

(A) "Self-service storage facility" means any real property 2109
that is designed and used only for the purpose of renting or 2110
leasing individual storage space in the facility under the 2111
following conditions: 2112

(1) The occupants have access to the storage space only for 2113
the purpose of storing and removing personal property+ 2114

(2) The owner does not issue a warehouse receipt, bill of 2115
lading, or other document of title, as defined in section 1301.201 2116
of the Revised Code, for the personal property stored in the 2117
storage space+ 2118

~~(3) The property has fifty or more individual storage spaces.~~ 2119

"Self-service storage facility" does not include any garage 2120
used principally for parking motor vehicles, any garage or storage 2121
area in a private residence, an establishment licensed pursuant to 2122
sections 915.14 to 915.24 of the Revised Code, or any property of 2123
a bank or savings and loan association that contains vaults, safe 2124
deposit boxes, or other receptacles for the uses, purposes, and 2125
benefits of the bank's or savings and loan association's 2126

customers. 2127

(B) "Owner" means a person that is either the owner of a 2128
self-service storage facility or the lessor of an entire 2129
self-service storage facility and that receives rent from an 2130
occupant pursuant to a rental agreement that the person enters 2131
into with the occupant. 2132

(C) "Occupant" means a person that rents storage space at a 2133
self-service storage facility pursuant to a rental agreement that 2134
the person enters into with the owner. 2135

(D) "Rental agreement" means any written agreement that is 2136
entered into by the owner and the occupant and that establishes 2137
the terms and conditions of the occupant's use of storage space at 2138
a self-service storage facility. 2139

(E) "Personal property" means money and every animate or 2140
inanimate tangible thing that is the subject of ownership, except 2141
anything forming part of a parcel of real estate, as defined in 2142
section 5701.02 of the Revised Code, and except anything that is 2143
an agricultural commodity, as defined in division (A) of section 2144
926.01 of the Revised Code. 2145

(F) "Late fee" means any fee or charge assessed for an 2146
occupant's failure to pay rent when due. "Late fee" does not 2147
include interest on a debt, reasonable expenses incurred in the 2148
collection of unpaid rent, or costs associated with the 2149
enforcement of any other remedy provided by statute or contract. 2150

(G) "Last known address" means either of the following: 2151

(1) The mailing address provided by the occupant in the most 2152
recent rental agreement or the mailing address provided by the 2153
occupant in a subsequent written notice of a change of address; 2154

(2) The mailing address of any of the persons described in 2155
division (A) of section 5322.03 of the Revised Code that is 2156

provided by any of those persons to the owner of a self-service 2157
storage facility or that is discovered by the owner of a 2158
self-service storage facility. 2159

Sec. 5322.02. (A) The owner of a self-service storage 2160
facility has a lien against the occupant on the personal property 2161
stored pursuant to a rental agreement in any storage space at the 2162
self-service storage facility, or on the proceeds of the personal 2163
property subject to the defaulting occupant's rental agreement in 2164
the owner's possession, for rent, labor, or other charges in 2165
relation to the personal property that are specified in the rental 2166
agreement and that have become due and for expenses necessary for 2167
the preservation of the personal property or expenses reasonably 2168
incurred in the sale or other disposition of the personal property 2169
pursuant to law. The owner's lien provided for in this section is 2170
also effective against the following persons: 2171

(1) A person who has an unfiled security interest in the 2172
personal property, except that the owner's lien is not effective 2173
against a person who has a valid security interest in a motor 2174
vehicle or a valid security interest in a watercraft, whether or 2175
not the security interest in the motor vehicle or watercraft is 2176
filed; 2177

(2) A person who meets both of the following requirements: 2178

(a) ~~Who~~ The person has a legal interest in the personal 2179
property, a filed security interest in the personal property, or a 2180
valid security interest in the personal property that is a motor 2181
vehicle; ~~and,~~ 2182

(b) ~~Who~~ The person consents in writing to the storage of the 2183
personal property. 2184

(B) The owner's lien created by division (A) of this section 2185
attaches as of the date the personal property is brought to the 2186

self-service storage facility. An owner loses ~~his~~ the owner's lien 2187
on any personal property that ~~he~~ the owner voluntarily permits to 2188
be removed from the self-service storage facility or unjustifiably 2189
refuses to permit to be removed from the self-service storage 2190
facility. 2191

Sec. 5322.03. An owner's lien created by division (A) of 2192
section 5322.02 of the Revised Code for a claim that has become 2193
due may be enforced only as follows: 2194

(A) ~~All The following persons whom the owner has actual~~ 2195
~~knowledge claim an interest in the personal property, and all~~ 2196
~~persons who have filed security agreements in the name of the~~ 2197
~~occupant evidencing a security interest in the personal property~~ 2198
~~with either the secretary of state or the county recorder of the~~ 2199
~~county in which the facility is located or the Ohio county of the~~ 2200
~~last known address of the occupant,~~ shall be notified in 2201
accordance with ~~divisions~~ divisions (B) and (C) of this section: 2202

(1) All persons whom the owner has actual knowledge of and 2203
who claim an interest in the personal property; 2204

(2) All persons holding liens on any motor vehicle or 2205
watercraft amongst the property; 2206

(3) All persons who have filed security agreements in the 2207
name of the occupant evidencing a security interest in the 2208
personal property with either the secretary of state or the county 2209
recorder of the county in which the self-service storage facility 2210
is located or the Ohio county of the last known address of the 2211
occupant. 2212

(B) The notice shall be delivered in person ~~or,~~ sent by 2213
certified mail, or sent by first-class mail with a certificate of 2214
mailing to the last known address of each person who is required 2215
to be notified by division (A) of this section; 2216

- (C) The notice shall include all of the following: 2217
- (1) The name and last known address of the occupant who 2218
rented the storage space in which the personal property was 2219
stored; 2220
- (2) An itemized statement of the owner's claim showing the 2221
sum due at the time of the notice and the date when the sum became 2222
due; 2223
- (3) A brief and general description of the personal property 2224
subject to the lien. The description shall be reasonably adequate 2225
to permit the person notified to identify it except that any 2226
container including, but not limited to, a trunk, valise, or box 2227
that is locked, fastened, sealed, or tied in a manner that deters 2228
immediate access to its contents and that has not been opened by 2229
the owner prior to the date on which the notice is given may be 2230
described as such without describing its contents. 2231
- (4) A notice of denial of access to the personal property, if 2232
a denial of access is permitted under the terms of the rental 2233
agreement, which notice provides the name, street address, and 2234
telephone number of the person whom the person notified may 2235
contact to pay the claim and to either obtain the personal 2236
property or enter into a rental agreement for the storage of the 2237
personal property; 2238
- (5) A demand for payment within a specified time not less 2239
than ten days after delivery of the notice; 2240
- (6) A conspicuous statement that unless the claim is paid 2241
within that time the personal property will be advertised for sale 2242
and will be sold by auction at a specified time and place and 2243
that, if no person purchases the personal property at the auction, 2244
the personal property may be sold at a private sale or destroyed; 2245
- (7) The address of the place at which the sale will be held, 2246
if the sale will be held at a place other than the self-service 2247

storage facility in which the personal property was stored. 2248

(D) Any notice given pursuant to this section shall be 2249
presumed delivered, if the notice is sent by first-class mail with 2250
a certificate of mailing, when it is deposited with the United 2251
States postal service and properly addressed with proper postage 2252
prepaid. 2253

(E) The sale of the personal property shall conform to the 2254
terms of the notice as provided for in this section~~+~~. 2255

~~(E)~~(F) The sale of the personal property shall be held at the 2256
self-service storage facility or, if the address of the place was 2257
included in the notice as required by division (C)(7) of this 2258
section, at the nearest suitable place to the self-service storage 2259
facility at which the personal property is stored~~+~~. 2260

~~(F)~~(G) After the expiration of the time given in the notice, 2261
an advertisement of the sale shall be published once a week for 2262
two consecutive weeks in a newspaper of general circulation in the 2263
county in which the self-service storage facility is located or 2264
any other commercially reasonable manner. The manner of 2265
advertisement shall be deemed commercially reasonable if at least 2266
three independent bidders attend the sale at the time and place 2267
advertised. The advertisement shall include all of the following: 2268

(1) A brief and general description of the personal property 2269
as required by division (C)(3) of this section, except that the 2270
description shall describe the contents of any trunk, valise, or 2271
box that is locked, fastened, sealed, or tied in a manner that 2272
deters immediate access to its contents, if the trunk, valise, or 2273
box is opened by the owner prior to the date on which the 2274
advertisement of sale is published; 2275

(2) The name and last known address of the occupant who 2276
rented the storage space in which the personal property was 2277
stored; 2278

(3) The address of the self-service storage facility; 2279

(4) The time, place, and manner of the sale. 2280

The sale shall take place at least fifteen days after the 2281
first publication. ~~If there is no newspaper of general circulation~~ 2282
~~in the county in which the self service storage facility is~~ 2283
~~located, the advertisement shall be posted at least ten days~~ 2284
~~before the date of the sale in not less than six conspicuous~~ 2285
~~places in the neighborhood where the self service storage facility~~ 2286
~~is located.~~ 2287

~~(G)(H)~~(1) ~~Before any sale of personal property pursuant to~~ 2288
~~this section, any~~ Any person who has a legal interest or a 2289
security interest in the personal property, or who holds a lien 2290
against, a motor vehicle or watercraft may pay the amount 2291
necessary to satisfy the lien created by division (A) of section 2292
5322.02 of the Revised Code and the reasonable expenses incurred 2293
under this section. ~~Any~~ That person except the occupant may, upon 2294
payment of the amount necessary to satisfy the lien plus expenses, 2295
may enter into a new rental agreement for the storage of ~~the~~ 2296
~~personal property or, if he~~ the motor vehicle or watercraft. Any 2297
person who presents proof of a legal security interest in ~~the~~ 2298
~~personal property or of a right to take possession of the personal~~ 2299
~~property or lien on a motor vehicle or watercraft~~ or a court order 2300
authorizing ~~him~~ the person to take possession of ~~the personal~~ 2301
~~property, shall~~ a motor vehicle or watercraft may immediately 2302
remove the ~~personal property~~ motor vehicle or watercraft from the 2303
self-service storage facility without satisfying the lien or 2304
expenses of the owner. 2305

(2) Before any sale of personal property other than a motor 2306
vehicle or watercraft pursuant to this section, any person who has 2307
a legal interest or a security interest in, or who holds a lien 2308
against, any personal property other than a motor vehicle or 2309
watercraft may pay the amount necessary to satisfy the lien 2310

created by division (A) of section 5322.02 of the Revised Code and 2311
the reasonable expenses incurred under this section and remove the 2312
personal property in which the person has the interest or against 2313
which the person holds the lien. After removal of all the personal 2314
property, including any motor vehicle or watercraft, from the 2315
storage space of the self-service storage facility by any means 2316
under this section, any person can enter into a rental agreement 2317
for the storage of personal property with the owner, and the owner 2318
has no obligation to the prior occupant of that storage space in 2319
the self-service storage facility. Before entering into a new 2320
rental agreement, the owner must have any motor vehicle or 2321
watercraft towed from that storage space. 2322

(3) Upon receipt of the payment from a person other than the 2323
occupant, the owner shall enter into a new rental agreement for 2324
the storage of the personal property or, if the person meets the 2325
conditions set forth in division ~~(G)(1)~~(H)(2) of this section, 2326
shall permit the person to remove the personal property from the 2327
self-service storage facility. 2328

~~(3)~~(4) If the occupant pays the amount necessary to satisfy 2329
the lien created by division (A) of section 5322.02 of the Revised 2330
Code and the reasonable expenses incurred under this section, ~~he~~ 2331
the occupant shall immediately remove all of ~~his~~ the occupant's 2332
personal property from the self-service storage facility, unless 2333
the owner of the self-service storage facility agrees to enter 2334
into a new rental agreement for the storage of the property. 2335

~~(H)~~(I)(1) If property on which there is a lien under division 2336
(A) of section 5322.02 of the Revised Code is not sold at auction, 2337
but is claimed under division (H) of this section and the owner's 2338
lien is satisfied, then all legal or security interest in, or any 2339
other liens held against, the property shall remain intact. 2340

(2) A purchaser at auction in good faith, except an owner or 2341
~~his~~ an owner's agent, of the personal property sold to satisfy an 2342

owner's lien created by division (A) of section 5322.02 of the Revised Code takes the property free and clear of any rights of persons against whom the lien was valid, or any persons who had an interest in, or who held, any other lien against the property, despite noncompliance by the owner with the requirements of this section~~+~~.

~~(I)~~(J) The owner may examine any personal property to be sold pursuant to this section. The examination may include, but is not limited to, the opening of any trunk, valise, box, or other container that is locked, fastened, sealed, tied, or otherwise closed in a manner that deters immediate access to its contents.

~~(J)~~(K)(1) If the property upon which the lien created under division (A) of this section is claimed is a motor vehicle or a watercraft, the owner shall have the motor vehicle or watercraft towed from the premises if any of the following circumstances applies:

(a) The notice was delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle or watercraft, and thirty days have elapsed since the notice was delivered or sent without a response from any of those persons.

(b) Rent and other charges related to the property remain unpaid or unsatisfied by the occupant for sixty days, and no lien holders have been identified.

(c) The owner is planning to hold a sale at auction of the personal property that was stored in the self-service storage unit with that motor vehicle or watercraft, in which case the motor vehicle or watercraft shall be towed prior to the auction.

(2) The owner shall not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession of the property. The notice delivered or sent pursuant to division (B) of this section to all persons

holding a lien on the motor vehicle or watercraft shall include 2374
the name of the towing company. The name and the address of the 2375
towing company shall also be made available to the occupant or any 2376
lien holder upon the presentation of a document of title or 2377
another document that confirms an interest in the motor vehicle or 2378
watercraft. 2379

(L) The owner may satisfy ~~his~~ the owner's lien from the 2380
proceeds of any sale held pursuant to this section, but shall mail 2381
the balance, if any, by certified mail to the occupant at ~~his~~ the 2382
occupant's last known address. If the balance is returned to the 2383
owner after the owner mailed the balance by certified mail to the 2384
occupant or if the address of the occupant is not known, the owner 2385
shall hold the balance for two years after the date of the sale 2386
for delivery on demand to the occupant or to any other person who 2387
would have been entitled to possession of the personal property. 2388
After the expiration of the two-year period, the balance shall 2389
become unclaimed funds, as defined in division (B) of section 2390
169.01 of the Revised Code, and shall be disposed of pursuant to 2391
Chapter 169. of the Revised Code. 2392

~~(K)~~(M) An owner may buy at any public sale held pursuant to 2393
this section. 2394

~~(L)~~(N) The rights provided by this section shall be in 2395
addition to all other rights allowed by law to a creditor against 2396
~~his~~ a debtor. 2397

~~(M)~~(O)(1) If the owner complies with the requirements for 2398
sale under this section, the owner's liability to persons who have 2399
an interest in the personal property sold is limited to the 2400
balance of the proceeds of the sale after the owner has satisfied 2401
~~his~~ the owner's lien. 2402

(2) The owner is liable for damages caused by the failure to 2403
comply with the requirements for sale under this section and is 2404

liable for conversion for willful violation of the requirements 2405
for sale under this section. 2406

~~(N)~~(P) If no person purchases the personal property at the 2407
auction and if the owner has complied with this section, the owner 2408
may do any of the following: 2409

(1) Advertise and sell the personal property pursuant to 2410
divisions ~~(E)~~(F) to ~~(M)~~(O) of this section; 2411

(2) Sell the personal property at a private sale; 2412

(3) Dispose of the personal property in any manner considered 2413
appropriate by the owner including, but not limited to, destroying 2414
the personal property. 2415

Sec. 5809.031. (A) Notwithstanding any other provision of the 2416
Ohio Uniform Prudent Investor Act, unless otherwise provided by 2417
the terms of the trust, the duties of a trustee with respect to 2418
the acquisition, retention, or ownership of a life insurance 2419
policy as a trust asset do not include any of the following 2420
duties: 2421

(1) To determine whether the policy is or remains a proper 2422
investment; 2423

(2) To diversify the investment in the policy relative to any 2424
other life insurance policies or to any other trust assets; 2425

(3) To exercise or not to exercise any option, right, or 2426
privilege available under the policy, including the payment of 2427
premiums, unless there is sufficient cash or there are other 2428
readily marketable trust assets from which to pay the premiums or 2429
there are other trust assets that were designated by the settlor 2430
or any other person transferring those assets to the trust to be 2431
used for that purpose, regardless of whether that exercise or 2432
nonexercise results in the lapse or termination of the policy; 2433

(4) To investigate the financial strength or changes in the 2434

financial strength of the life insurance company maintaining the 2435
policy; 2436

(5) To inquire about changes in the health or financial 2437
condition of the insured or insureds under the policy. 2438

(B) The trustee, the attorney who drafted a trust, or any 2439
person who was consulted with regard to the creation of a trust, 2440
in the absence of fraud, is not liable to the beneficiaries of the 2441
trust or to any other person for any loss arising from the absence 2442
of the duties specified in divisions (A)(1) to (5) of this 2443
section. 2444

(C) Unless otherwise provided by the terms of the trust, this 2445
section applies to a trust established before, on, or after ~~the~~ 2446
~~effective date of this section~~ March 22, 2012, and to a life 2447
insurance policy acquired, retained, or owned by a trustee before, 2448
on, or after ~~the effective date of this section~~ March 22, 2012. 2449

Section 2. That existing sections 181.25, 341.27, 1337.28, 2450
1705.081, 2111.121, 2151.85, 2501.03, 2501.14, 2501.15, 2503.33, 2451
2947.23, 2949.091, 2953.08, 4713.64, 4715.101, 4717.04, 4717.14, 2452
4725.19, 4755.06, 4755.11, 4755.411, 4755.47, 4757.10, 4757.36, 2453
4776.01, 5322.01, 5322.02, 5322.03, and 5809.031 of the Revised 2454
Code are hereby repealed. 2455

Section 3. Section 2947.23 of the Revised Code is presented 2456
in this act as a composite of the section as amended by both Sub. 2457
H.B. 268 and Am. Sub. S.B. 337 of the 129th General Assembly. The 2458
General Assembly, applying the principle stated in division (B) of 2459
section 1.52 of the Revised Code that amendments are to be 2460
harmonized if reasonably capable of simultaneous operation, finds 2461
that the composite is the resulting version of the section in 2462
effect prior to the effective date of the section as presented in 2463
this act. 2464