

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 211**

**Representative Hughes**

**Cosponsors: Representatives Antani, Edwards, Leland, Cera, Bocchieri, Clyde, Smith, K., West, Anielski, Arndt, Boggs, Boyd, Carfagna, Celebrezze, Craig, Dever, Gavarone, Ginter, Green, Henne, Holmes, Hoops, Ingram, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Reineke, Rogers, Ryan, Seitz, Stein, Wilkin, Young, Speaker Smith**

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**A BILL**

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

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

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

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 17  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 18  
Code, a completed form prescribed pursuant to division (C) (1) of 19  
this section, and a set of fingerprint impressions obtained in 20  
the manner described in division (C) (2) of this section, the 21  
superintendent of the bureau of criminal identification and 22  
investigation shall conduct a criminal records check in the 23  
manner described in division (B) of this section to determine 24  
whether any information exists that indicates that the person 25  
who is the subject of the request previously has been convicted 26  
of or pleaded guilty to any of the following: 27

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

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

(c) If the request is made pursuant to section 3319.39 of 48  
the Revised Code for an applicant who is a teacher, any offense 49  
specified in section 3319.31 of the Revised Code. 50

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

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

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

(3) On receipt of a request pursuant to section 173.27, 78  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 79  
5123.081, or 5123.169 of the Revised Code, a completed form 80  
prescribed pursuant to division (C) (1) of this section, and a 81  
set of fingerprint impressions obtained in the manner described 82  
in division (C) (2) of this section, the superintendent of the 83  
bureau of criminal identification and investigation shall 84  
conduct a criminal records check of the person for whom the 85  
request is made. The superintendent shall conduct the criminal 86  
records check in the manner described in division (B) of this 87  
section to determine whether any information exists that 88  
indicates that the person who is the subject of the request 89  
previously has been convicted of, has pleaded guilty to, or 90  
(except in the case of a request pursuant to section 5164.34, 91  
5164.341, or 5164.342 of the Revised Code) has been found 92  
eligible for intervention in lieu of conviction for any of the 93  
following, regardless of the date of the conviction, the date of 94  
entry of the guilty plea, or (except in the case of a request 95  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 96  
Revised Code) the date the person was found eligible for 97  
intervention in lieu of conviction: 98

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

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	109
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	110
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	111
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	112
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	113
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	114
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	115
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	116
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	117
(b) Felonious sexual penetration in violation of former	118
section 2907.12 of the Revised Code;	119
(c) A violation of section 2905.04 of the Revised Code as	120
it existed prior to July 1, 1996;	121
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	122
the Revised Code when the underlying offense that is the object	123
of the conspiracy, attempt, or complicity is one of the offenses	124
listed in divisions (A) (3) (a) to (c) of this section;	125
(e) A violation of an existing or former municipal	126
ordinance or law of this state, any other state, or the United	127
States that is substantially equivalent to any of the offenses	128
listed in divisions (A) (3) (a) to (d) of this section.	129
(4) On receipt of a request pursuant to section 2151.86 of	130
the Revised Code, a completed form prescribed pursuant to	131
division (C) (1) of this section, and a set of fingerprint	132
impressions obtained in the manner described in division (C) (2)	133
of this section, the superintendent of the bureau of criminal	134
identification and investigation shall conduct a criminal	135
records check in the manner described in division (B) of this	136
section to determine whether any information exists that	137

indicates that the person who is the subject of the request 138  
previously has been convicted of or pleaded guilty to any of the 139  
following: 140

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

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

(5) Upon receipt of a request pursuant to section 5104.013 166  
of the Revised Code, a completed form prescribed pursuant to 167

division (C) (1) of this section, and a set of fingerprint 168  
impressions obtained in the manner described in division (C) (2) 169  
of this section, the superintendent of the bureau of criminal 170  
identification and investigation shall conduct a criminal 171  
records check in the manner described in division (B) of this 172  
section to determine whether any information exists that 173  
indicates that the person who is the subject of the request has 174  
been convicted of or pleaded guilty to any of the following: 175

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

the Revised Code that relates to a crime specified in this 199  
division, or a second violation of section 4511.19 of the 200  
Revised Code within five years of the date of application for 201  
licensure or certification. 202

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

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

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



a violation of section 2919.23 of the Revised Code that would 229  
have been a violation of section 2905.04 of the Revised Code as 230  
it existed prior to July 1, 1996, had the violation been 231  
committed prior to that date, or a violation of section 2925.11 232  
of the Revised Code that is not a minor drug possession offense; 233

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

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

(8) On receipt of a request pursuant to section 1321.37, 257  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 258

Code, a completed form prescribed pursuant to division (C)(1) of 259  
this section, and a set of fingerprint impressions obtained in 260  
the manner described in division (C)(2) of this section, the 261  
superintendent of the bureau of criminal identification and 262  
investigation shall conduct a criminal records check with 263  
respect to any person who has applied for a license, permit, or 264  
certification from the department of commerce or a division in 265  
the department. The superintendent shall conduct the criminal 266  
records check in the manner described in division (B) of this 267  
section to determine whether any information exists that 268  
indicates that the person who is the subject of the request 269  
previously has been convicted of or pleaded guilty to any of the 270  
following: a violation of section 2913.02, 2913.11, 2913.31, 271  
2913.51, or 2925.03 of the Revised Code; any other criminal 272  
offense involving theft, receiving stolen property, 273  
embezzlement, forgery, fraud, passing bad checks, money 274  
laundering, or drug trafficking, or any criminal offense 275  
involving money or securities, as set forth in Chapters 2909., 276  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 277  
Code; or any existing or former law of this state, any other 278  
state, or the United States that is substantially equivalent to 279  
those offenses. 280

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

Code, accompanied by a completed form prescribed under division 290  
(C) (1) of this section and a set of fingerprint impressions 291  
obtained in the manner described in division (C) (2) of this 292  
section, the superintendent of the bureau of criminal 293  
identification and investigation shall conduct a criminal 294  
records check in the manner described in division (B) of this 295  
section to determine whether any information exists that 296  
indicates that the person who is the subject of the request has 297  
been convicted of or pleaded guilty to any criminal offense in 298  
this state or any other state. Subject to division (F) of this 299  
section, the superintendent shall send the results of a check 300  
requested under section 113.041 of the Revised Code to the 301  
treasurer of state and shall send the results of a check 302  
requested under any of the other listed sections to the 303  
licensing board specified by the individual in the request. 304

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

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

obtained in the manner prescribed in division (C)(2) of this 321  
section, the superintendent of the bureau of criminal 322  
identification and investigation shall conduct a criminal 323  
records check in the manner described in division (B) of this 324  
section to determine whether any information exists that 325  
indicates that the person who is the subject of the request 326  
previously has been convicted of or pleaded guilty or no contest 327  
to any offense under any existing or former law of this state, 328  
any other state, or the United States that is a disqualifying 329  
offense as defined in section 3772.07 of the Revised Code or 330  
substantially equivalent to such an offense. 331

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 345  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351

2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 353

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

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

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

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

prospective officer, or board member or prospective board member 382  
of, an entity seeking a license from the state board of pharmacy 383  
under Chapter 3796. of the Revised Code. 384

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

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

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

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

records check in the manner described in division (B) of this 412  
section to determine whether any information exists indicating 413  
that the person who is the subject of the request has been 414  
convicted of or pleaded guilty to any crime of moral turpitude, 415  
a felony, or an equivalent offense in any other state or the 416  
United States. 417

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

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

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

Revised Code section requires fingerprint-based checks of that 442  
nature, and shall review or cause to be reviewed any information 443  
the superintendent receives from that bureau. If a request under 444  
section 3319.39 of the Revised Code asks only for information 445  
from the federal bureau of investigation, the superintendent 446  
shall not conduct the review prescribed by division (B) (1) of 447  
this section. 448

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

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

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

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



(b) If the superintendent is required by division (A) (3) 472  
of this section to conduct the criminal records check, sixty. 473

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

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

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

(4) The superintendent of the bureau of criminal 502  
identification and investigation may prescribe methods of 503  
forwarding fingerprint impressions and information necessary to 504  
conduct a criminal records check, which methods shall include, 505  
but not be limited to, an electronic method. 506

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

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

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

person, or the subject person's plea of guilty to, a criminal offense. 532  
533

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

(G) As used in this section: 543

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

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

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

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

**Sec. 121.08.** (A) There is hereby created in the department 561  
of commerce the position of deputy director of administration. 562  
This officer shall be appointed by the director of commerce, 563  
serve under the director's direction, supervision, and control, 564  
perform the duties the director prescribes, and hold office 565  
during the director's pleasure. The director of commerce may 566  
designate an assistant director of commerce to serve as the 567  
deputy director of administration. The deputy director of 568  
administration shall perform the duties prescribed by the 569  
director of commerce in supervising the activities of the 570  
division of administration of the department of commerce. 571

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

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

vested in the division of financial institutions. The division 592  
of financial institutions shall be administered by the 593  
superintendent of financial institutions. 594

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

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

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

under sections 1321.01 to 1321.19 of the Revised Code. 622

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

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

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

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

of industrial compliance. The division of industrial compliance 652  
shall be under the control and supervision of the director of 653  
commerce and be administered by the superintendent of industrial 654  
compliance. 655

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

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

disclosed by an applicant for the issuance or transfer of such a 683  
license, permit, certificate of registration, or certification 684  
to submit to the department or division valid fingerprint 685  
impressions in a format and by any media or means acceptable to 686  
the bureau of criminal identification and investigation and, 687  
when applicable, the federal bureau of investigation. The 688  
department or division may cause the bureau of criminal 689  
identification and investigation to conduct a criminal records 690  
check through the federal bureau of investigation only if the 691  
person for whom the criminal records check would be conducted 692  
resides or works outside of this state or has resided or worked 693  
outside of this state during the preceding five years, or if a 694  
criminal records check conducted by the bureau of criminal 695  
identification and investigation within this state indicates 696  
that the person may have a criminal record outside of this 697  
state. 698

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



provide the results to the department or division. 714

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

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

**Sec. 2925.01.** As used in this chapter: 729

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

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

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

(D) "Bulk amount" of a controlled substance means any of	743
the following:	744
(1) For any compound, mixture, preparation, or substance	745
included in schedule I, schedule II, or schedule III, with the	746
exception of controlled substance analogs, marihuana, cocaine,	747
L.S.D., heroin, and hashish and except as provided in division	748
(D) (2) or (5) of this section, whichever of the following is	749
applicable:	750
(a) An amount equal to or exceeding ten grams or twenty-	751
five unit doses of a compound, mixture, preparation, or	752
substance that is or contains any amount of a schedule I opiate	753
or opium derivative;	754
(b) An amount equal to or exceeding ten grams of a	755
compound, mixture, preparation, or substance that is or contains	756
any amount of raw or gum opium;	757
(c) An amount equal to or exceeding thirty grams or ten	758
unit doses of a compound, mixture, preparation, or substance	759
that is or contains any amount of a schedule I hallucinogen	760
other than tetrahydrocannabinol or lysergic acid amide, or a	761
schedule I stimulant or depressant;	762
(d) An amount equal to or exceeding twenty grams or five	763
times the maximum daily dose in the usual dose range specified	764
in a standard pharmaceutical reference manual of a compound,	765
mixture, preparation, or substance that is or contains any	766
amount of a schedule II opiate or opium derivative;	767
(e) An amount equal to or exceeding five grams or ten unit	768
doses of a compound, mixture, preparation, or substance that is	769
or contains any amount of phencyclidine;	770
(f) An amount equal to or exceeding one hundred twenty	771

grams or thirty times the maximum daily dose in the usual dose 772  
range specified in a standard pharmaceutical reference manual of 773  
a compound, mixture, preparation, or substance that is or 774  
contains any amount of a schedule II stimulant that is in a 775  
final dosage form manufactured by a person authorized by the 776  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 777  
U.S.C.A. 301, as amended, and the federal drug abuse control 778  
laws, as defined in section 3719.01 of the Revised Code, that is 779  
or contains any amount of a schedule II depressant substance or 780  
a schedule II hallucinogenic substance; 781

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

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

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

(4) An amount equal to or exceeding two hundred fifty 800  
milliliters or two hundred fifty grams of a compound, mixture, 801

preparation, or substance that is or contains any amount of a 802  
schedule V substance; 803

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

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

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

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

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

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

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

dealing with a controlled substance is an element; 831

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

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

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

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

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

(b) Any aerosol propellant; 850

(c) Any fluorocarbon refrigerant; 851

(d) Any anesthetic gas. 852

(2) Gamma Butyrolactone; 853

(3) 1,4 Butanediol. 854

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

synthesis, or compounding, or any combination of the same, and 858  
includes packaging, repackaging, labeling, and other activities 859  
incident to production. 860

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

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

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

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

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

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

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

(3) Any substance that is represented to be a controlled 885

substance but is not a controlled substance or is a different 886  
controlled substance; 887

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

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

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

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

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

(2) Any other parcel of real property that is owned or 913  
leased by a board of education of a school, the governing 914

authority of a community school established under Chapter 3314. 915  
of the Revised Code, or the governing body of a nonpublic school 916  
for which the state board of education prescribes minimum 917  
standards under section 3301.07 of the Revised Code and on which 918  
some of the instruction, extracurricular activities, or training 919  
of the school is conducted, whether or not any instruction, 920  
extracurricular activities, or training provided by the school 921  
is being conducted on the parcel of real property at the time a 922  
criminal offense is committed. 923

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as described in section 3715.63 of the Revised Code. 1112

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4735.22. If a real estate broker or real estate 1168



salesperson provides the name of a home inspector to a purchaser 1169  
or seller of real estate, the broker or salesperson shall 1170  
provide the buyer or seller with the names of at least three 1171  
home inspectors. Any home inspector named shall be licensed 1172  
under Chapter 4764. of the Revised Code. Providing a purchaser 1173  
or seller of real estate with the names of licensed home 1174  
inspectors does not constitute an endorsement or recommendation 1175  
of those inspectors and does not obligate the broker or 1176  
salesperson to satisfy any due diligence requirements with 1177  
respect to the licensed home inspectors. This section does not 1178  
require a broker or salesperson to provide purchasers or sellers 1179  
of real estate with information on home inspection services or 1180  
home inspectors. No cause of action shall arise against a broker 1181  
or salesperson for providing or failing to provide the names of 1182  
licensed home inspectors or information on home inspection 1183  
services or for failing to recommend a licensed home inspector 1184  
to a purchaser or seller. 1185

**Sec. 4735.99.** (A) Whoever violates section 4735.02~~7~~ or 1186  
4735.021~~7~~ or 4735.22 of the Revised Code is guilty of a 1187  
misdemeanor of the first degree. 1188

(B) Whoever violates section 4735.25 or 4735.30 of the 1189  
Revised Code is guilty of a felony of the fifth degree, and the 1190  
court may impose upon the offender an additional fine of not 1191  
more than two thousand five hundred dollars. 1192

**Sec. 4764.01.** As used in this chapter: 1193

(A) "Client" means a person who enters into a written 1194  
contract with a home inspector to retain for compensation or 1195  
other valuable consideration the services of that home inspector 1196  
to conduct a home inspection and to provide a written report on 1197  
the condition of a residential building. 1198

(B) "Crime of moral turpitude" has the same meaning as in section 4776.10 of the Revised Code. 1199  
1200

(C) "Home inspection" means the process by which a home inspector conducts a visual examination of the readily accessible components of a residential building for a client. "Home inspection" does not include pest inspections; environmental testing; inspection of any property or structure conducted by an employee or representative of an insurer licensed to transact business in this state under Title XXXIX of the Revised Code for purposes related to the business of insurance; or determination of compliance with applicable statutes, rules, resolutions, or ordinances, including, without limitation, building, zoning, or historic codes. 1201  
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(D) "Home inspection report" means a written report prepared by a licensed home inspector for compensation and issued after an on-site inspection of a residential property. A report shall include all of the following: 1212  
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1214  
1215

(1) Information on any system or component inspected that, in the professional opinion of the inspector, is deficient to the degree that it is deficient; 1216  
1217  
1218

(2) The inspector's recommendation to repair or monitor deficiencies reported under division (D)(1) of this section; 1219  
1220

(3) A list of any systems or components that were designated for inspection in the standards of practice adopted by the board under division (A)(10) of section 4764.05 of the Revised Code but that were not inspected; 1221  
1222  
1223  
1224

(4) The reason a system or component listed under division (D)(3) of this section was not inspected. 1225  
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(E) "Licensed home inspector" means a person who holds a 1227

valid license issued pursuant to section 4764.07 or 4764.10 of 1228  
the Revised Code to conduct a home inspection for compensation 1229  
or other valuable consideration. 1230

(F) "Parallel inspection" means a home inspection 1231  
performed by an applicant for a home inspector license at which 1232  
both of the following take place concurrently: 1233

(1) A licensed home inspector observes and evaluates the 1234  
applicant during the inspection to verify the applicant's 1235  
compliance with the standards of practice specified in rules 1236  
adopted by the Ohio home inspector board pursuant to division 1237  
(A) (10) of section 4764.05 of the Revised Code. 1238

(2) The inspection is an on-site inspection of a 1239  
residential building for the licensed home inspector's client. 1240

(G) "Readily accessible" means available for visual 1241  
inspection without requiring a person to move or dismantle 1242  
personal property, take destructive measures, or take any other 1243  
action that will involve risk to a person or to the property. 1244

(H) "Residential building" has the same meaning as in 1245  
section 3781.06 of the Revised Code but also includes the 1246  
individual dwelling units within an apartment or condominium 1247  
complex containing four or more dwelling units. 1248

(I) "Peer review session" means a practical exercise in 1249  
which a prospective applicant for a home inspector license 1250  
identifies and reports defects in a residential building that 1251  
contains previously identified defects for the purpose of 1252  
evaluating the prospective applicant's ability to conduct a home 1253  
inspection and prepare a home inspection report. 1254

**Sec. 4764.02.** (A) No person shall knowingly conduct a home 1255  
inspection or represent a qualification to conduct a home 1256

inspection for compensation or other valuable consideration 1257  
unless that person is licensed pursuant to this chapter as a 1258  
home inspector or performing a parallel inspection. 1259

(B) No person shall perform a home inspection unless it is 1260  
performed pursuant to a written contract entered into between a 1261  
licensed home inspector and a client. 1262

(C) No person shall perform a home inspection unless the 1263  
home inspection conforms to requirements specified in rules 1264  
adopted by the Ohio home inspector board pursuant to division 1265  
(A) (10) of section 4764.05 of the Revised Code. 1266

(D) No person shall knowingly make or cause to be made any 1267  
false representation concerning a material and relevant fact 1268  
relating to the person's licensure as a home inspector. 1269

**Sec. 4764.03.** Section 4764.02 of the Revised Code does not 1270  
apply to any person described as follows if the person is acting 1271  
within the scope of practice of the person's respective 1272  
profession: 1273

(A) A person who is employed by or whose services 1274  
otherwise are retained by this state or a political subdivision 1275  
of this state for the purpose of enforcing building codes; 1276

(B) A person holding a valid certificate to practice 1277  
architecture issued under Chapter 4703. of the Revised Code; 1278

(C) A person registered as a professional engineer under 1279  
Chapter 4733. of the Revised Code; 1280

(D) A heating, ventilating, and air conditioning 1281  
contractor, refrigeration contractor, electrical contractor, 1282  
plumbing contractor, or hydronics contractor who is licensed 1283  
under Chapter 4740. or section 3781.102 of the Revised Code or 1284

who is licensed or registered under section 715.27 of the 1285  
Revised Code; 1286

(E) A real estate broker, real estate salesperson, foreign 1287  
real estate dealer, or foreign real estate salesperson who is 1288  
licensed under Chapter 4735. of the Revised Code; 1289

(F) A real estate appraiser who is licensed under Chapter 1290  
4763. of the Revised Code; 1291

(G) A public insurance adjuster who holds a valid 1292  
certificate of authority issued under Chapter 3951. of the 1293  
Revised Code or an employee or representative of an insurer 1294  
licensed to transact business in this state under Title XXXIX of 1295  
the Revised Code who conducts an inspection of any property or 1296  
structure for purposes related to the business of insurance; 1297

(H) A commercial applicator of pesticide who is licensed 1298  
under Chapter 921. of the Revised Code. 1299

**Sec. 4764.04.** There is hereby created the Ohio home 1300  
inspector board consisting of seven members. The governor shall 1301  
appoint five members who are licensed home inspectors. The 1302  
president of the senate and the speaker of the house of 1303  
representatives each shall appoint one member who represents the 1304  
public and has no financial interest in the home inspection 1305  
industry. Not more than four members of the board shall be 1306  
members of the same political party. 1307

The governor, president of the senate, and speaker of the 1308  
house of representatives shall make the initial appointments to 1309  
the board not later than ninety days after the effective date of 1310  
this section. Of the initial appointments to the board, the 1311  
governor shall appoint one member to a term ending one year 1312  
after the effective date of this section, two members to a term 1313

ending three years after that date, and two members to a term 1314  
ending five years after that date. The president of the senate 1315  
shall appoint one member to a term ending two years after that 1316  
date, and the speaker of the house of representatives shall 1317  
appoint one member to a term ending four years after that date. 1318  
Thereafter, each term shall be for five years, ending on the 1319  
same day of the same month as the term that it succeeds. Each 1320  
member shall hold office from the date of appointment until the 1321  
end of the term for which the member was appointed. Vacancies 1322  
shall be filled in the manner provided for original 1323  
appointments. A member appointed to fill a vacancy prior to the 1324  
expiration of a term shall hold office for the remainder of that 1325  
term. A member shall continue in office subsequent to the 1326  
expiration of the term until the member's successor takes 1327  
office. 1328

The members of the board shall not be compensated but 1329  
shall be reimbursed for actual expenses reasonably incurred in 1330  
the performance of their duties as members. 1331

The person who, or office that, appointed a member may 1332  
remove that member for misconduct, neglect of duty, incapacity, 1333  
or malfeasance. 1334

The Ohio home inspector board is a part of the department 1335  
of commerce for administrative purposes. The director of 1336  
commerce is ex officio the executive officer of the commission, 1337  
or the director may designate the superintendent of real estate 1338  
and professional licensing to act as executive officer of the 1339  
commission. 1340

**Sec. 4764.05.** (A) The Ohio home inspector board shall 1341  
adopt rules in accordance with Chapter 119. of the Revised Code 1342  
to do all of the following: 1343

(1) Establish standards to govern the issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license; 1344  
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(2) Establish the amount of the following fees: 1349

(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter: 1350  
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1352

(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars; 1353  
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(ii) The fee for renewal of a license under section 4764.09 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars. 1358  
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(b) The renewal late fee described in division (B) (2) of section 4764.09 of the Revised Code; 1363  
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(c) The fee an institution or organization described in division (A) (7) of this section shall pay to receive approval to offer continuing education courses and programs; 1365  
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(d) The fee an institution or organization that is approved to offer continuing education courses and programs shall pay for each course or program that the institution or organization wishes to have the superintendent approve pursuant to the rules adopted by the board under division (A) (8) of this 1368  
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1371  
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<u>section;</u>	1373
<u>(e) Any other fees as required by this chapter.</u>	1374
<u>(3) In accordance with division (C) of this section,</u>	1375
<u>specify methods and procedures the board shall use to approve a</u>	1376
<u>curriculum of education a person must successfully complete to</u>	1377
<u>obtain a license under this chapter;</u>	1378
<u>(4) In accordance with division (D) of this section,</u>	1379
<u>specify methods and procedures the board shall use to approve a</u>	1380
<u>curriculum of experience that a person may elect to complete the</u>	1381
<u>proof of experience requirement specified in division (D) (6) of</u>	1382
<u>section 4764.07 of the Revised Code;</u>	1383
<u>(5) Establish the administrative reporting and review</u>	1384
<u>requirements for parallel inspections or equivalency for field</u>	1385
<u>experience to assure that an applicant for a license satisfies</u>	1386
<u>the requirements of division (D) (6) of section 4764.07 of the</u>	1387
<u>Revised Code, as applicable;</u>	1388
<u>(6) Establish a curriculum for continuing education that a</u>	1389
<u>licensed home inspector shall complete to satisfy the</u>	1390
<u>requirements for continuing education specified in section</u>	1391
<u>4764.08 of the Revised Code and procedures to assure continuing</u>	1392
<u>education requirements are updated periodically to make those</u>	1393
<u>requirements consistent with home inspection industry practices;</u>	1394
<u>(7) Establish requirements an institution or organization</u>	1395
<u>shall satisfy to obtain approval to provide courses or programs</u>	1396
<u>that enable a licensed home inspector to satisfy the</u>	1397
<u>requirements for continuing education specified in section</u>	1398
<u>4764.08 of the Revised Code and establish procedures that the</u>	1399
<u>superintendent of real estate and professional licensing shall</u>	1400
<u>use to approve an institution or organization that satisfies the</u>	1401



<u>requirements the board establishes;</u>	1402
<u>(8) Establish procedures and standards that the</u>	1403
<u>superintendent shall use to approve courses and programs,</u>	1404
<u>including online courses and programs, offered by an institution</u>	1405
<u>or organization that is approved by the superintendent to offer</u>	1406
<u>continuing education courses or programs pursuant to the rules</u>	1407
<u>adopted by the board under division (A)(7) of this section;</u>	1408
<u>(9) Establish reporting requirements for a licensed home</u>	1409
<u>inspector to follow to demonstrate that the licensed home</u>	1410
<u>inspector successfully completed the continuing education</u>	1411
<u>requirements specified in section 4764.08 of the Revised Code;</u>	1412
<u>(10) Establish requirements for conducting home</u>	1413
<u>inspections, standards of practice for home inspectors, and</u>	1414
<u>conflict of interest prohibitions to the extent that those</u>	1415
<u>provisions do not conflict with divisions (B) to (E) of section</u>	1416
<u>4764.14 of the Revised Code;</u>	1417
<u>(11) Specify requirements for settlement agreements</u>	1418
<u>entered into between the superintendent and a licensed home</u>	1419
<u>inspector under division (C) of section 4764.13 of the Revised</u>	1420
<u>Code;</u>	1421
<u>(12) Establish procedures for providing licensees with</u>	1422
<u>notice and applications for renewal under section 4764.09 of the</u>	1423
<u>Revised Code;</u>	1424
<u>(13) Establish a set of standards of practice and canons</u>	1425
<u>of ethics for the home inspection industry;</u>	1426
<u>(14) Establish directions for the superintendent of real</u>	1427
<u>estate and professional licensing to follow regarding the</u>	1428
<u>scheduling, instruction, and offerings of home inspection</u>	1429
<u>courses a person must successfully complete to obtain a license</u>	1430

issued under this chapter; 1431

(15) Establish requirements a licensed home inspector 1432  
shall satisfy to obtain approval to prepare and conduct peer 1433  
review sessions. 1434

(B) The board shall do all of the following: 1435

(1) On appeal by any party affected, or on its own motion, 1436  
review any order of or application determination made by the 1437  
superintendent, and as the board determines necessary, reverse, 1438  
vacate, modify, or sustain such an order or determination; 1439

(2) Hear appeals from orders of the superintendent 1440  
regarding claims against the home inspection recovery fund 1441  
created under section 4764.21 of this section; 1442

(3) Disseminate to licensees and the public information 1443  
relative to board activities and decisions; 1444

(4) Notify licensees of changes in state and federal laws 1445  
pertaining to home inspections and relevant case law and inform 1446  
licensees that they are subject to disciplinary action if they 1447  
do not comply with the changes. 1448

(C) The board shall approve a curriculum of education a 1449  
person must successfully complete to obtain a license issued 1450  
under this chapter. The board shall approve a curriculum of 1451  
education that satisfies all of the following requirements: 1452

(1) The curriculum is offered by an accredited public or 1453  
private institution of higher education or a professional 1454  
organization that has been approved by the board to offer a 1455  
curriculum. 1456

(2) The curriculum includes a requirement that a person, 1457  
to successfully complete the curriculum, complete at least 1458

eighty hours of classroom or online prelicensing instruction, 1459  
including instruction about compliance with the requirements 1460  
specified in this chapter, inspection safety, report writing, 1461  
and any other administrative matters required by the board. 1462

(3) The curriculum satisfies any other requirements the 1463  
board established in rules it adopts. 1464

(D) The board shall determine the equivalency of field 1465  
experience that a person may elect to complete to satisfy the 1466  
proof of experience requirement specified in division (D)(6) of 1467  
section 4764.07 of the Revised Code. The board shall approve 1468  
only a curriculum of experience that includes a requirement that 1469  
a person, to successfully complete the curriculum, must perform 1470  
at least forty hours of work in the home inspection field that 1471  
allows the person to obtain practical experience or training 1472  
regarding home inspections. The board shall approve only a 1473  
curriculum of experience that includes a requirement that a 1474  
person, to successfully complete the curriculum, must complete a 1475  
peer review session with a licensed home inspector approved by 1476  
the board before applying for a license. The peer review session 1477  
may be used as part of the required eighty hours of prelicensing 1478  
education. 1479

**Sec. 4764.06.** (A) The superintendent of real estate and 1480  
professional licensing shall do all of the following: 1481

(1) Administer this chapter; 1482

(2) Provide the Ohio home inspector board with meeting 1483  
space, staff services, and other technical assistance required 1484  
by the board to carry out the duties of the board under this 1485  
chapter; 1486

(3) Provide each applicant for a home inspector license 1487

with a copy of the requirements for home inspections specified 1488  
in rules adopted by the board pursuant to division (A) (10) of 1489  
section 4764.05 of the Revised Code, and make those requirements 1490  
available to the public by posting them on the web site 1491  
maintained by the department of commerce; 1492

(4) In accordance with division (B) of this section, issue 1493  
a home inspector license to, or renew a home inspector license 1494  
for, any person who satisfies the requirements specified in this 1495  
chapter for such licensure or renewal, and make a list of those 1496  
licensed home inspectors available to the public by posting the 1497  
list on the web site maintained by the department of commerce; 1498

(5) Administer the home inspector recovery fund created 1499  
under section 4764.21 of the Revised Code; 1500

(6) Establish procedures, in accordance with division (K) 1501  
of section 121.08 of the Revised Code, to have fingerprint-based 1502  
criminal records checks conducted by the bureau of criminal 1503  
identification and investigation for all applicants for 1504  
licensure; 1505

(7) In accordance with the procedures specified in rules 1506  
adopted by the board in accordance with division (A) (7) of 1507  
section 4764.05 of the Revised Code, approve an institution or 1508  
organization wishing to provide continuing education courses or 1509  
programs if that institution or organization satisfies the 1510  
requirements specified in rules adopted by the board in 1511  
accordance with that division and pays the fee established in 1512  
rules adopted by the board pursuant to division (A) (2) (c) of 1513  
that section; 1514

(8) In accordance with the procedures specified in rules 1515  
adopted by the board in accordance with division (A) (8) of 1516

section 4764.05 of the Revised Code, approve a course or program 1517  
that a licensed home inspector may complete to satisfy the 1518  
continuing education requirements specified in section 4764.08 1519  
of the Revised Code if all of the following are satisfied: 1520

(a) The course or program is offered by an institution or 1521  
organization approved by the superintendent pursuant to division 1522  
(A) (7) of this section. 1523

(b) The course or program satisfies the standards 1524  
established in rules adopted by the board pursuant to division 1525  
(A) (8) of section 4764.05 of the Revised Code. 1526

(c) The institution or organization pays the fee 1527  
established in rules adopted by the board pursuant to division 1528  
(A) (2) (d) of section 4764.05 of the Revised Code. 1529

(9) Issue all orders necessary to implement this chapter; 1530

(10) In accordance with section 4764.12 of the Revised 1531  
Code, investigate complaints concerning an alleged violation of 1532  
this chapter or the conduct of any licensee and subpoena 1533  
witnesses in connection with those investigations, as provided 1534  
in that section. The subpoena may contain a direction that the 1535  
witness produce and bring any documents, work files, inspection 1536  
reports, records, or papers mentioned in the subpoena. 1537

(11) Establish and maintain an investigation and audit 1538  
section to investigate complaints and conduct inspections, 1539  
audits, and other inquiries as in the judgment of the 1540  
superintendent are appropriate to enforce this chapter. The 1541  
superintendent shall utilize the investigators and auditors 1542  
employed pursuant to division (B) (4) of section 4735.05 of the 1543  
Revised Code to assist in performing the duties specified in 1544  
division (A) (10) of this section. 1545

- (12) Specify the information that must be provided on an application for licensure under this chapter; 1546  
1547
- (13) Establish procedures for processing, approving, and denying applications for licensure under this chapter; 1548  
1549
- (14) Specify the format and content of all affidavits and other documents required for the administration of this chapter; 1550  
1551
- (15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (F) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code. 1552  
1553  
1554  
1555  
1556
- (B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 1557  
1558  
1559  
1560  
1561
- Sec. 4764.07.** (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing: 1562  
1563  
1564
- (1) An application meeting the requirements of division (D) of this section on a form the superintendent provides; 1565  
1566
- (2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A) (2) (a) of section 4764.05 of the Revised Code. 1567  
1568  
1569
- (B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall 1570  
1571  
1572  
1573

provide the fingerprints using a method the superintendent of 1574  
the bureau of criminal identification and investigation 1575  
prescribes pursuant to division (C) (2) of section 109.572 of the 1576  
Revised Code and fill out the form the superintendent of the 1577  
bureau of criminal identification and investigation prescribes 1578  
pursuant to division (C) (1) of section 109.572 of the Revised 1579  
Code. Upon receiving an application under this section, the 1580  
superintendent of real estate and professional licensing shall 1581  
request the superintendent of the bureau of criminal 1582  
identification and investigation, or a vendor approved by the 1583  
bureau, to conduct a criminal records check based on the 1584  
applicant's fingerprint impressions in accordance with division 1585  
(A) (15) of section 109.572 of the Revised Code. Notwithstanding 1586  
division (K) of section 121.08 of the Revised Code, the 1587  
superintendent of real estate and professional licensing shall 1588  
request that criminal record information based on the 1589  
applicant's fingerprints be obtained from the federal bureau of 1590  
investigation as part of the criminal records check. Any fee 1591  
required under division (C) (3) of section 109.572 of the Revised 1592  
Code shall be paid by the applicant. 1593

(C) The superintendent shall issue a license to perform 1594  
home inspections to applicants who satisfy the requirements set 1595  
forth in this section, subject to section 4768.14 of the Revised 1596  
Code. 1597

(D) Except as otherwise specified in division (E) of this 1598  
section, the application shall include all of the following: 1599

(1) A pledge the applicant signs, agreeing to comply with 1600  
the rules adopted by the board pursuant to division (A) (10) of 1601  
section 4764.05 of the Revised Code; 1602

(2) A statement that the applicant understands the grounds 1603

for any disciplinary action that may be initiated under this 1604  
chapter; 1605

(3) Proof of holding a comprehensive general liability 1606  
insurance policy or a commercial general liability insurance 1607  
policy in accordance with division (A) of section 4764.11 of the 1608  
Revised Code; 1609

(4) Proof of successfully passing, within two years before 1610  
the date of the application, the national home inspector 1611  
examination; 1612

(5) Proof of successfully completing a curriculum of 1613  
education approved by the board in accordance with rules the 1614  
board adopts pursuant to division (A) (3) of section 4764.05 of 1615  
the Revised Code; 1616

(6) Proof that the applicant has experience in the field 1617  
of home inspections through either of the following: 1618

(a) Successful completion of a curriculum of experience 1619  
approved by the board in accordance with rules the board adopts 1620  
pursuant to divisions (A) (4) and (D) of section 4764.05 of the 1621  
Revised Code; 1622

(b) Successful completion of ten parallel inspections or 1623  
equivalent experience as determined by the board pursuant to 1624  
division (A) (5) of section 4764.05 of the Revised Code; 1625

(7) Proof that the applicant is at least eighteen years of 1626  
age; 1627

(8) Proof that the applicant has graduated from the 1628  
twelfth grade, received a general educational development 1629  
diploma, or satisfactorily completed a program that is the 1630  
equivalent to graduating from the twelfth grade or receiving a 1631



general educational development diploma; 1632

(9) Any other information the board requires that the 1633  
board determines is relevant to receiving a license to practice 1634  
as a licensed home inspector. 1635

(E) The superintendent shall not require a person 1636  
described in division (B) or (C) of section 4764.03 of the 1637  
Revised Code who wishes to obtain a license to perform home 1638  
inspections under this chapter to submit proof of education and 1639  
experience as required under divisions (D) (5) and (6) of this 1640  
section in the person's application in order for that person to 1641  
receive a license. Such a person, however, shall satisfy all 1642  
other requirements specified in divisions (A) and (D) of this 1643  
section and provide proof of licensure in good standing 1644  
described in division (B) or (C) of section 4764.03 of the 1645  
Revised Code to receive a license. 1646

(F) The act of submitting an application to the 1647  
superintendent does not create, shall not be construed as 1648  
creating, and is not intended to indicate licensure as a home 1649  
inspector. 1650

**Sec. 4764.08.** During each three-year period that a license 1651  
is valid, a licensed home inspector shall successfully complete 1652  
not less than fourteen hours of continuing education instruction 1653  
annually in courses or programs directly applicable to the 1654  
standards of practice and requirements specified in rules 1655  
adopted by the Ohio home inspector board pursuant to division 1656  
(A) (10) of section 4764.05 of the Revised Code. 1657

The superintendent of real estate and professional 1658  
licensing shall accept only those courses and programs the 1659  
superintendent approves in accordance with division (A) (8) of 1660

section 4764.06 of the Revised Code prior to the date the 1661  
licensed home inspector completes the course or program. The 1662  
superintendent shall not include parallel inspections completed 1663  
by a person for credit toward satisfying the continuing 1664  
education requirements specified in this section. 1665

Sec. 4764.09. (A) A home inspector license issued or 1666  
renewed pursuant to this chapter expires three years after the 1667  
date of issuance or renewal. 1668

(B) (1) To renew a home inspector license, a licensed home 1669  
inspector shall file all of the following with the 1670  
superintendent of real estate and professional licensing within 1671  
the ninety-day period immediately preceding the date the license 1672  
expires: 1673

(a) A renewal application pursuant to the procedures 1674  
established by the Ohio home inspector board under section 1675  
4764.05 of the Revised Code; 1676

(b) Proof of holding or being covered by a comprehensive 1677  
general liability insurance policy or a commercial general 1678  
liability insurance policy in accordance with division (A) of 1679  
section 4764.11 of the Revised Code; 1680

(c) Proof of satisfying the continuing education 1681  
requirements specified in section 4764.08 of the Revised Code. 1682

(2) A licensed home inspector who fails to renew a license 1683  
before its expiration may, during the three months following the 1684  
expiration, renew the license by following the procedures in 1685  
division (B) (1) of this section and paying a late renewal fee in 1686  
an amount the Ohio home inspector board establishes. A licensed 1687  
home inspector who applies for a late renewal pursuant to this 1688  
division shall not engage in any activities permitted under the 1689

license being renewed until the superintendent notifies the 1690  
licensed home inspector that the licensed home inspector's 1691  
license has been renewed. 1692

(C) A licensed home inspector who fails to renew a license 1693  
prior to its expiration or during the three months following its 1694  
expiration, or who fails to submit the proof required under 1695  
division (B) (1) (b) or (c) of this section, may subsequently 1696  
obtain a license by applying for a license pursuant to section 1697  
4764.07 of the Revised Code. 1698

**Sec. 4764.10.** The superintendent of real estate and 1699  
professional licensing may issue a home inspector license to an 1700  
applicant who holds a license, registration, or certification as 1701  
a home inspector in another jurisdiction if that applicant 1702  
submits an application on a form the superintendent provides, 1703  
pays the fee the Ohio home inspector board prescribes, and 1704  
satisfies all of the following requirements: 1705

(A) The applicant is licensed, registered, or certified as 1706  
a home inspector in a jurisdiction that the board determines 1707  
grants the same privileges to persons licensed under this 1708  
chapter as this state grants to persons in that jurisdiction. 1709

(B) That other jurisdiction has licensing, registration, 1710  
or certification requirements that are substantially similar to, 1711  
or exceed, those of this state. 1712

(C) The applicant attests that the applicant is familiar 1713  
with and will abide by this chapter. 1714

(D) The applicant attests to all of the following in a 1715  
written statement that the applicant submits to the 1716  
superintendent: 1717

(1) To provide the superintendent the name and address of 1718

an agent to receive service of process in this state or that the 1719  
applicant authorizes the superintendent to act as agent for that 1720  
applicant; 1721

(2) That service of process in accordance with the Revised 1722  
Code is proper and the applicant is subject to the jurisdiction 1723  
of the courts of this state; 1724

(3) That any cause of action arising out of the conduct of 1725  
the applicant's business in this state shall be filed in the 1726  
county in which the events that gave rise to that cause of 1727  
action occurred. 1728

**Sec. 4764.11.** (A) Every licensed home inspector shall 1729  
maintain, or be covered by, a comprehensive general liability 1730  
insurance policy or a commercial general liability insurance 1731  
policy with coverage limits of not less than one hundred 1732  
thousand dollars per occurrence and not less than a three- 1733  
hundred-thousand-dollar aggregate limit. The insurance policy 1734  
shall provide coverage against liability of the licensed home 1735  
inspector for loss, damage, or expense as a result of an act 1736  
that occurred while the licensed home inspector was on the 1737  
premises performing a home inspection. If the employer of a 1738  
licensed home inspector is not a licensed home inspector and 1739  
maintains an insurance policy covering the licensed home 1740  
inspector, the licensed home inspector is not required to 1741  
maintain the licensed home inspector's own insurance policy. 1742

(B) Every licensed home inspector shall retain for a 1743  
period of five years the original or a true copy of each written 1744  
contract for the licensee's services relating to home inspection 1745  
work, all home inspection reports, and all work file 1746  
documentation and data assembled in preparing those reports. The 1747  
retention period begins on the date the report is submitted to 1748

the client unless, prior to expiration of the retention period, 1749  
the licensee is notified that the services or report is the 1750  
subject of or is otherwise involved in pending investigation or 1751  
litigation, in which case the retention period begins on the 1752  
date of final disposition of the litigation. 1753

A licensee shall make available all records required to be 1754  
maintained under this section for inspection and copying by the 1755  
superintendent of real estate and professional licensing upon 1756  
reasonable notice to the licensee. 1757

**Sec. 4764.12.** (A) On receipt of a written complaint or on 1758  
the superintendent's or the board's own motion, the 1759  
superintendent of real estate and professional licensing may 1760  
investigate licensed home inspectors concerning any alleged 1761  
violation of this chapter. Investigators and auditors employed 1762  
by the superintendent may review and audit, during normal 1763  
business hours, the licensed home inspector's business records 1764  
that are directly related to complaints. The licensed home 1765  
inspector shall permit such a review and audit. 1766

(B) Within five business days after a person files a 1767  
complaint against a licensed home inspector with the 1768  
superintendent, the superintendent shall provide to that person 1769  
an acknowledgment of the receipt of the complaint and send a 1770  
notice regarding that complaint to the licensee who is the 1771  
subject of the complaint. The superintendent shall include in 1772  
that notice a description of the activities in which the 1773  
licensed home inspector allegedly engaged that violate this 1774  
chapter. Within twenty days after the superintendent sends the 1775  
notice to the complainant and the licensed home inspector who is 1776  
the subject of the complainant's complaint, the complainant and 1777  
the licensed home inspector may file with the superintendent a 1778

request to have an informal mediation hearing. 1779

If both the complainant and the licensed home inspector 1780  
file such a request, the superintendent shall notify the 1781  
complainant and the licensed home inspector of the date and time 1782  
of the informal mediation hearing. A mediator employed by the 1783  
superintendent shall conduct the informal mediation hearing. If 1784  
the complainant and the licensed home inspector reach an 1785  
accommodation during that informal mediation hearing, the 1786  
mediator shall send a written report describing the 1787  
accommodation to the superintendent, complainant, and licensee. 1788  
Notwithstanding division (C) of this section, the written report 1789  
describing the accommodation is confidential and is not a public 1790  
record for purposes of section 149.43 of the Revised Code. The 1791  
superintendent shall close the complaint upon satisfactory 1792  
completion of the accommodation. 1793

If the licensee or the complainant fails to file a request 1794  
for an informal mediation hearing, or if the parties fail to 1795  
agree on an accommodation during that informal mediation 1796  
hearing, the superintendent shall proceed with an investigation 1797  
of the complaint. 1798

(C) This section does not prohibit the superintendent of 1799  
real estate and professional licensing from releasing 1800  
information relating to licensees to the superintendent of 1801  
financial institutions for purposes relating to the 1802  
administration of sections 1322.01 to 1322.12 of the Revised 1803  
Code, to the superintendent of insurance for purposes relating 1804  
to the administration of Chapter 3953. of the Revised Code, to 1805  
the commissioner of the division of securities for purposes 1806  
relating to the administration of Chapter 1707. of the Revised 1807  
Code, to the attorney general, or to local law enforcement and 1808

appropriate prosecutorial authorities. Information released by 1809  
the superintendent pursuant to this section remains 1810  
confidential. 1811

(D) The Ohio home inspector board or the superintendent 1812  
may compel, by order or subpoena, the attendance of witnesses to 1813  
testify in relation to any matter over which the board or 1814  
superintendent has jurisdiction and that is the subject of 1815  
inquiry and investigation by the board or superintendent, and 1816  
may require the production of any book, paper, or document 1817  
pertaining to such a matter. For that purpose, the board or 1818  
superintendent shall have the same power as judges of county 1819  
courts to administer oaths, compel the attendance of witnesses, 1820  
and punish them for refusal to testify. Service of the subpoena 1821  
may be made by sheriffs or constables, or by certified mail, 1822  
return receipt requested, and the subpoena shall be considered 1823  
served on the date delivery is made or the date the person 1824  
refused to accept delivery. A witness shall receive, after the 1825  
witness's appearance before the board or superintendent, the 1826  
fees and mileage allowed in civil actions in courts of common 1827  
pleas. If two or more witnesses travel together in the same 1828  
vehicle, the mileage fee shall be paid to only one of those 1829  
witnesses, but the witnesses may agree to divide the fee among 1830  
themselves in any manner. 1831

(E) If any person fails to file any statement or report, 1832  
obey any subpoena, give testimony, answer questions, or produce 1833  
any books, records, or papers as required by the board or 1834  
superintendent under this chapter, the board or superintendent 1835  
may apply to the court of common pleas of any county in the 1836  
state setting forth the failure. 1837

The court may make an order awarding process of subpoena 1838

or subpoena duces tecum for the person to appear and testify 1839  
before the board or superintendent. The court also may order any 1840  
person to give testimony and answer questions, and to produce 1841  
books, records, or papers, as required by the board or 1842  
superintendent. 1843

Upon the filing of such order in the office of the clerk 1844  
of the court of common pleas, the clerk, under the seal of the 1845  
court, shall issue process of subpoena for the person to appear 1846  
before the board or superintendent at a time and place named in 1847  
the subpoena, and each day thereafter until the examination of 1848  
such person is completed. The subpoena may contain a direction 1849  
that the witness bring with the witness to the examination any 1850  
books, records, or papers mentioned in the subpoena. The clerk 1851  
shall also issue, under the seal of the court, such other 1852  
orders, in reference to the examination, appearance, and 1853  
production of books, records, or papers, as the court directs. 1854

If any person so summoned by subpoena fails to obey the 1855  
subpoena, to give testimony, to answer questions as required, or 1856  
to obey an order of the court, the court, on motion supported by 1857  
proof, may order an attachment for contempt to be issued against 1858  
the person charged with disobedience of any order or injunction 1859  
issued by the court under this chapter. If the person is brought 1860  
before the court by virtue of the attachment, and if upon a 1861  
hearing the disobedience appears, the court may order the 1862  
offender to be committed and kept in close custody. 1863

**Sec. 4764.13.** (A) If, upon examining the results of an 1864  
investigation, the superintendent of real estate and 1865  
professional licensing determines that reasonable evidence 1866  
exists that a licensed home inspector has violated this chapter 1867  
or engaged in an activity described in divisions (A) to (G) of 1868



section 4764.14 of the Revised Code, the superintendent shall 1869  
proceed in accordance with the notice and hearing requirements 1870  
prescribed in Chapter 119. of the Revised Code. After a hearing 1871  
officer conducts a hearing and issues a report pursuant to 1872  
division (D) of this section, the Ohio home inspector board 1873  
shall review the report and shall order the disciplinary action 1874  
the board considers appropriate, which may include any one or 1875  
more of the following: 1876

(1) A reprimand; 1877

(2) A fine not exceeding one thousand dollars per 1878  
violation; 1879

(3) Completion of hours of education in subjects related 1880  
to the underlying cause of the violation in an amount determined 1881  
by the board; 1882

(4) Suspension of the license until the licensed home 1883  
inspector complies with conditions the board establishes; 1884

(5) Suspension of the license for a specific period of 1885  
time; 1886

(6) Revocation of the license; 1887

(7) Surrender of the license in lieu of discipline. 1888

(B) The superintendent shall not credit any hours of 1889  
education a licensed home inspector completes in accordance with 1890  
division (A) (3) of this section toward satisfying the 1891  
requirements for continuing education specified in section 1892  
4764.08 of the Revised Code. 1893

(C) At any time after the superintendent notifies a 1894  
licensee in accordance with division (A) of this section that a 1895  
hearing will be held, the licensee may apply to the 1896

superintendent to enter into a settlement agreement regarding 1897  
the alleged violation. The superintendent and the licensed home 1898  
inspector shall comply with the requirements for settlement 1899  
agreements established in rules adopted by the board pursuant to 1900  
division (A) (11) of section 4764.05 of the Revised Code. If the 1901  
parties enter into the settlement agreement and comply with all 1902  
of the requirements set forth in that agreement, the 1903  
investigation regarding that alleged violation is considered 1904  
closed. Notwithstanding division (C) of section 4764.12 of the 1905  
Revised Code, the settlement agreement is a public record for 1906  
purposes of section 149.43 of the Revised Code. 1907

(D) The superintendent shall appoint a hearing officer to 1908  
conduct adjudication hearings in accordance with Chapter 119. of 1909  
the Revised Code. 1910

In accordance with section 119.09 of the Revised Code, 1911  
after conducting a hearing, a hearing officer shall submit to 1912  
the board a report of the hearing and a recommendation for the 1913  
action to be taken against the licensed home inspector. All 1914  
parties may file objections to the report and recommendations as 1915  
permitted under that section, and the board shall issue an order 1916  
in accordance with the procedures prescribed in that section. 1917

(E) If the board assesses a licensee a fine for a 1918  
violation of section 4764.02 of the Revised Code and the person 1919  
fails to pay that fine within the time period prescribed by the 1920  
board, the superintendent shall forward to the attorney general 1921  
the name of the person and the amount of the fine for the 1922  
purpose of collecting that fine. In addition to the fine 1923  
assessed pursuant to this section, the person also shall pay any 1924  
fee assessed by the attorney general for collection of the fine. 1925

(F) The decision and order of the board is final, subject 1926

to review in the manner provided in Chapter 119. of the Revised 1927  
Code and appeal to the court of common pleas of Franklin county. 1928

**Sec. 4764.14.** The superintendent of real estate and 1929  
professional licensing may refuse to issue or renew a license if 1930  
the applicant for the license or renewal has done any of the 1931  
following: 1932

(A) Failed to establish to the satisfaction of the 1933  
superintendent that the applicant is honest, truthful, and of 1934  
good reputation; 1935

(B) Accepted compensation or other valuable consideration 1936  
from more than one interested party for the same service without 1937  
the written consent of all interested parties; 1938

(C) Accepted commissions, allowances, or other valuable 1939  
consideration, directly or indirectly, from other parties who 1940  
deal with a client in connection with the home inspection for 1941  
which the home inspector is responsible, or from other parties 1942  
who are involved in any part of the real estate transaction 1943  
involving a residential building for which that home inspector 1944  
conducted a home inspection; 1945

(D) Repaired, replaced, or upgraded, or solicited to 1946  
repair, replace, or upgrade, for compensation or other valuable 1947  
consideration, systems or components in a residential building 1948  
after completing a home inspection of that residential building, 1949  
but prior to the close of the real estate transaction associated 1950  
with that home inspection and the resolution of all contingent 1951  
issues involving that building and transaction; 1952

(E) Failed to disclose to a client in writing and before 1953  
entering into a written contract with the client information 1954  
about any business interest of the home inspector that may 1955

affect the client in connection with the home inspection; 1956

(F) Plead guilty to or been convicted of any crime of 1957  
moral turpitude, a felony, or an equivalent offense under the 1958  
laws of any other state or the United States, or was required to 1959  
register under Chapter 2950. of the Revised Code; 1960

(G) Failed to maintain or provide copies of records to the 1961  
superintendent as required by section 4764.11 of the Revised 1962  
Code or failed to cooperate with an investigation conducted by 1963  
the superintendent under section 4764.12 of the Revised Code. 1964  
Failure of a licensee to comply with a subpoena issued under 1965  
division (D) of section 4764.12 of the Revised Code is prima 1966  
facie evidence of a violation of division (B) of section 4764.11 1967  
of the Revised Code. 1968

(H) Failed to maintain, be covered by, or submit proof of 1969  
a comprehensive general liability insurance policy or a 1970  
commercial general liability insurance policy as required under 1971  
division (A) of section 4764.11 of the Revised Code at any point 1972  
during the term of a prior license; 1973

(I) Violated rules adopted under section 4764.05 of the 1974  
Revised Code or is otherwise not in compliance with this 1975  
chapter; 1976

(J) Failed to submit proof of satisfying the continuing 1977  
education requirements specified in section 4764.08 of the 1978  
Revised Code. 1979

**Sec. 4764.15.** The superintendent of real estate and 1980  
professional licensing may apply to any court of common pleas to 1981  
enjoin a violation of this chapter. Upon a showing by the 1982  
superintendent that a person has violated or is violating this 1983  
chapter, the court shall grant an injunction, restraining order, 1984

or other appropriate relief. 1985

Sec. 4764.16. (A) Upon receipt of a written complaint or 1986  
upon the motion of the superintendent of real estate and 1987  
professional licensing, the superintendent may investigate any 1988  
person who is not a licensed home inspector who has allegedly 1989  
violated section 4764.02 of the Revised Code. 1990

(B) The superintendent has the same powers to investigate 1991  
an alleged violation of section 4764.02 of the Revised Code by a 1992  
person who is not licensed as a home inspector as those powers 1993  
are specified in section 4764.12 of the Revised Code. If, after 1994  
an investigation pursuant to section 4764.12 of the Revised 1995  
Code, the superintendent determines that reasonable evidence 1996  
exists that an unlicensed person has violated section 4764.02 of 1997  
the Revised Code, within seven days after that determination, 1998  
the superintendent shall send a written notice to that person by 1999  
regular mail and shall include in the notice the information 2000  
specified in section 119.07 of the Revised Code for notices 2001  
given to licensees, except that the notice shall specify that a 2002  
hearing will be held and specify the date, time, and place of 2003  
the hearing. 2004

(C) The Ohio home inspector board shall hold a hearing 2005  
regarding the alleged violation in the same manner prescribed 2006  
for an adjudication hearing under section 119.09 of the Revised 2007  
Code. If the board, after the hearing, determines a violation 2008  
has occurred, the board may impose a civil penalty on the 2009  
person, not exceeding five hundred dollars per violation which 2010  
is distinct from any criminal fine imposed pursuant to section 2011  
4764.99 of the Revised Code. Each day a violation occurs or 2012  
continues is a separate violation. The superintendent may 2013  
approve a payment plan if the unlicensed person requests such. 2014

The board shall maintain a transcript of the proceedings of the hearing and issue a written order to all parties, citing its findings and grounds for any action taken. The board's determination regarding a violation of section 4764.02 of the Revised Code is an order that the person may appeal in accordance with section 119.12 of the Revised Code. 2015  
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(D) If the unlicensed person who allegedly committed a violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing. 2021  
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(E) If the board assesses an unlicensed person a civil penalty for a violation of section 4764.02 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 2026  
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If the board finds, or an unlicensed person admits to the board, a violation of section 4764.02 of the Revised Code, the superintendent shall not issue to the person a home inspector license without prior board approval. 2035  
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**Sec. 4764.17.** (A) Except as provided in divisions (B) and (C) of this section, nothing in this chapter shall be construed to create or imply a private cause of action against a licensed home inspector for a violation of this chapter if that action is not otherwise maintainable under common law. 2039  
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(B) An action for damages that is based on professional services that were rendered or that should have been rendered by a licensed home inspector shall not be brought, commenced, or maintained unless the action is filed within one year after the date that the home inspection is performed. 2044  
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(C) Before bringing, commencing, or maintaining an action under division (B) of this section, a client shall notify the licensed home inspector of the alleged deficiencies and shall allow the licensed home inspector the opportunity to review and remedy the alleged deficiencies. The statute of limitations specified in division (B) of this section shall be tolled for the period that begins on the date the client notifies the licensed home inspector of the alleged deficiencies and that ends on the date that the licensed home inspector reviews, declines to review, remedies, or declines to remedy the alleged deficiencies, whichever comes later. 2049  
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(D) The remedies provided under sections 4764.12 to 4764.15 of the Revised Code are the exclusive remedies for alleged violations of any conflict of interest prohibitions specified in the rules adopted by the Ohio home inspector board pursuant to division (A)(10) of section 4764.05 of the Revised Code. 2060  
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(E) Nothing in this section shall be construed to prohibit the superintendent of real estate and professional licensing from investigating, or to prohibit the board from taking action against a licensed home inspector for violations of this chapter if the investigation commences more than one year after the date that the licensed home inspector conducts the home inspection that is the subject of the investigation and action. 2066  
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**Sec. 4764.18.** Except as provided in section 4764.21 of the 2073

Revised Code, the superintendent of real estate and professional 2074  
licensing shall deposit all money collected under this chapter 2075  
in the state treasury to the credit of the home inspectors fund, 2076  
which is hereby created. Money credited to the fund shall be 2077  
used solely by the superintendent to pay costs associated with 2078  
the administration and enforcement of this chapter. 2079

Sec. 4764.19. On receipt of a notice pursuant to section 2080  
3123.43 of the Revised Code, the superintendent of real estate 2081  
and professional licensing shall comply with sections 3123.41 to 2082  
3123.50 of the Revised Code and any applicable rules adopted 2083  
under section 3123.63 of the Revised Code with respect to a 2084  
license issued pursuant to this chapter. 2085

Sec. 4764.20. The superintendent of real estate and 2086  
professional licensing shall comply with section 4776.20 of the 2087  
Revised Code. 2088

Sec. 4764.21. (A) The home inspection recovery fund is 2089  
hereby created in the state treasury, to be administered by the 2090  
superintendent of real estate and professional licensing. 2091  
Amounts collected by the superintendent as prescribed in this 2092  
section and interest earned on the assets of the fund shall be 2093  
ascertained by the superintendent as of the first day of July 2094  
each year. 2095

The Ohio home inspector board, in accordance with rules 2096  
adopted under division (A) (2) of section 4764.05 of the Revised 2097  
Code, shall impose a special assessment not to exceed five 2098  
dollars per year for each year of a licensing period on each 2099  
person applying for a license under section 4764.07 of the 2100  
Revised Code and on each licensee filing a notice of renewal 2101  
under section 4764.09 of the Revised Code if the amount 2102  
available in the fund is less than two hundred and fifty 2103



thousand dollars on the first day of July preceding that filing. 2104  
The board may impose a special assessment not to exceed three 2105  
dollars per year for each year of a licensing period if the 2106  
amount available is greater than five hundred thousand dollars, 2107  
but less than one million dollars on the first day of July 2108  
preceding that filing. The board shall not impose a special 2109  
assessment if the amount available in the fund exceeds one 2110  
million dollars on the first day of July preceding that filing. 2111

(B) (1) Any person who obtains a final judgment in any 2112  
court of competent jurisdiction against any home inspector 2113  
licensed under this chapter, on the grounds of conduct that is 2114  
in violation of this chapter or the rules adopted under it, and 2115  
that is associated with an act or transaction that only a 2116  
licensed home inspector is authorized to perform as specified in 2117  
section 4764.02 of the Revised Code, may file an application, as 2118  
described in division (B) (3) of this section, in the court of 2119  
common pleas of Franklin county for an order directing payment 2120  
out of the home inspection recovery fund of the portion of the 2121  
judgment that remains unpaid and that represents an actual and 2122  
direct loss sustained by the applicant. 2123

(2) Punitive damages, attorney's fees, and interest on a 2124  
judgment are not recoverable from the fund. The superintendent 2125  
may allow court costs to be recovered from the fund, and, if the 2126  
superintendent authorizes the recovery of court costs, the order 2127  
of the court of common pleas then may direct their payment from 2128  
the fund. 2129

(3) The applicant shall describe in the application the 2130  
nature of the act or transaction on which the underlying 2131  
judgment was based, the activities of the applicant in pursuit 2132  
of remedies available under law for the collection of judgments, 2133

and the actual and direct losses, attorney's fees, and the court 2134  
costs sustained or incurred by the applicant. The applicant 2135  
shall attach to the application a copy of each pleading and 2136  
order in the underlying court action. 2137

(4) The court shall order the superintendent to make 2138  
payments out of the fund when the person seeking the order has 2139  
shown all of the following: 2140

(a) The person has obtained a judgment, as provided in 2141  
this division; 2142

(b) All appeals from the judgment have been exhausted and 2143  
the person has given notice to the superintendent, as required 2144  
by division (C) of this section; 2145

(c) The person is not a spouse of the judgment debtor, or 2146  
the personal representative of the spouse; 2147

(d) The person has diligently pursued the person's 2148  
remedies against all the judgment debtors and all other persons 2149  
liable to the person in the transaction for which the person 2150  
seeks recovery from the fund; 2151

(e) The person is applying not more than one year after 2152  
termination of all proceedings, including appeals, in connection 2153  
with the judgment. 2154

(5) Divisions (B)(1) to (4) of this section do not apply 2155  
to any of the following: 2156

(a) Actions arising from home inspections conducted by an 2157  
unlicensed individual; 2158

(b) A bonding company when it is not a principal in the 2159  
real estate transaction; 2160

(c) A person in an action for the payment of a fee or 2161  
other compensation for the performance of an act or transaction 2162  
specified or comprehended in division (A) or (C) of section 2163  
4764.02 of the Revised Code; 2164

(d) Losses incurred by investors in real estate if the 2165  
applicant and the licensee are principals in the investment. 2166

(C) A person who applies to a court of common pleas for an 2167  
order directing payment out of the fund shall file notice of the 2168  
application with the superintendent. The superintendent may 2169  
defend any action on behalf of the fund and shall have recourse 2170  
to all appropriate means of defense and review, including 2171  
examination of witnesses, verification of actual and direct 2172  
losses, and challenges to the underlying judgment required in 2173  
division (B) (4) (a) of this section to determine whether the 2174  
underlying judgment is based on activity only a licensed home 2175  
inspector is permitted to perform. The superintendent may move 2176  
the court at any time to dismiss the application when it appears 2177  
there are no triable issues and the application is without 2178  
merit. The motion may be supported by affidavit of any person 2179  
having knowledge of the facts and may be made on the basis that 2180  
the application, including the judgment referred to in it, does 2181  
not form the basis for a meritorious recovery claim; provided, 2182  
that the superintendent shall give written notice to the 2183  
applicant at least ten days before making the motion. The 2184  
superintendent may, subject to court approval, compromise a 2185  
claim based upon the application of an aggrieved party. The 2186  
superintendent shall not be bound by any prior compromise or 2187  
stipulation of the judgment debtor. 2188

(D) Notwithstanding any other provision of this section to 2189  
the contrary, the liability of the fund shall not exceed forty 2190

thousand dollars for any one licensee. If a licensee's license 2191  
is reactivated as provided in division (E) of this section, the 2192  
liability of the fund for the licensee under this section shall 2193  
again be forty thousand dollars, but only for transactions that 2194  
occur subsequent to the time of reactivation. 2195

If the forty-thousand-dollar liability of the fund is 2196  
insufficient to pay in full the valid claims of all aggrieved 2197  
persons by whom claims have been filed against any one licensee, 2198  
the forty thousand dollars shall be distributed among them in 2199  
the ratio that their respective claims bear to the aggregate of 2200  
valid claims or in any other manner as the court finds 2201  
equitable. Distribution of moneys shall be among the persons 2202  
entitled to share in it, without regard to the order of priority 2203  
in which their respective judgments may have been obtained or 2204  
their claims have been filed. Upon petition of the 2205  
superintendent, the court may require all claimants and 2206  
prospective claimants against one licensee to be joined in one 2207  
action, to the end that the respective rights of all the 2208  
claimants to the fund may be equitably adjudicated and settled. 2209

(E) If the superintendent pays from the fund any amount in 2210  
settlement of a claim or toward satisfaction of a judgment 2211  
against a licensed home inspector, the superintendent may 2212  
suspend the home inspector's license. The superintendent shall 2213  
not reactivate the suspended license of that home inspector 2214  
until the home inspector has repaid in full, plus interest per 2215  
annum at the rate specified in division (A) of section 1343.03 2216  
of the Revised Code, the amount paid from the fund on the home 2217  
inspector's account. A discharge in bankruptcy does not relieve 2218  
a person from the suspension and requirements for reactivation 2219  
provided in this section unless the underlying judgment has been 2220  
included in the discharge and has not been reaffirmed by the 2221

debtor. 2222

(F) If, at any time, the money deposited in the fund is 2223  
insufficient to satisfy any duly authorized claim or portion of 2224  
a claim, the superintendent shall, when sufficient money has 2225  
been deposited in the fund, satisfy the unpaid claims or 2226  
portions, in the order that the claims or portions were 2227  
originally filed, plus accumulated interest per annum at the 2228  
rate specified in division (A) of section 1343.03 of the Revised 2229  
Code. 2230

(G) When, upon the order of the court, the superintendent 2231  
has paid from the fund any sum to the judgment creditor, the 2232  
superintendent shall be subrogated to all of the rights of the 2233  
judgment creditor to the extent of the amount so paid, and the 2234  
judgment creditor shall assign all the judgment creditor's 2235  
right, title, and interest in the judgment to the superintendent 2236  
to the extent of the amount so paid. Any amount and interest so 2237  
recovered by the superintendent on the judgment shall be 2238  
deposited in the fund. 2239

(H) Nothing contained in this section shall limit the 2240  
authority of the superintendent to take disciplinary action 2241  
against any licensee under other provisions of this chapter; nor 2242  
shall the repayment in full of all obligations to the fund by 2243  
any licensee nullify or modify the effect of any other 2244  
disciplinary proceeding brought pursuant to this chapter. 2245

(I) The superintendent shall collect from the fund a 2246  
service fee in an amount equivalent to the interest rate 2247  
specified in division (A) of section 1343.03 of the Revised Code 2248  
multiplied by the annual interest earned on the assets of the 2249  
fund, to defray the expenses incurred in the administration of 2250  
the fund. 2251

Sec. 4764.99. (A) Whoever violates division (A) of section 4764.02 of the Revised Code is guilty of a misdemeanor of the first degree. 2252  
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(B) Whoever violates division (D) of section 4764.02 of the Revised Code is guilty of a felony of the fifth degree. 2255  
2256

**Sec. 4776.10.** As used in Chapters 4713., 4738., 4740., 4747., ~~and 4749.,~~ and 4764., and sections 4725.40 to 4725.59 of the Revised Code: 2257  
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(A) "Crime of moral turpitude" or "moral turpitude" means all of the following: 2260  
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(1) A violation of section 2903.01 or 2903.02 of the Revised Code; 2262  
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(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code; 2264  
2265

(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree; 2266  
2267  
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(4) Complicity in committing an offense described in division (A)(1) of this section; 2269  
2270

(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or (4) of this section if the attempt, conspiracy, or complicity is a felony of the first or second degree; 2271  
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(6) A violation of any former law of this state, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), 2275  
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(4), or (5) of this section. 2280

(B) "Direct nexus" means that the nature of the offense 2281  
for which the individual was convicted or to which the 2282  
individual pleaded guilty has a direct bearing on the fitness or 2283  
ability of the individual to perform one or more of the duties 2284  
or responsibilities necessarily related to a particular 2285  
occupation, profession, or trade. 2286

(C) "Disqualifying offense" means an offense that is a 2287  
felony and that has a direct nexus to an individual's proposed 2288  
or current field of licensure, certification, or employment. 2289

**Sec. 4776.20.** (A) As used in this section: 2290

(1) "Licensing agency" means, in addition to each board 2291  
identified in division (C) of section 4776.01 of the Revised 2292  
Code, the board or other government entity authorized to issue a 2293  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2294  
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2295  
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2296  
4764., 4765., 4766., 4771., 4773., and 4781. of the Revised 2297  
Code. "Licensing agency" includes an administrative officer that 2298  
has authority to issue a license. 2299

(2) "Licensee" means, in addition to a licensee as 2300  
described in division (B) of section 4776.01 of the Revised 2301  
Code, the person to whom a license is issued by the board or 2302  
other government entity authorized to issue a license under 2303  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2304  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2305  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 2306  
4766., 4771., 4773., and 4781. of the Revised Code. 2307

(3) "Prosecutor" has the same meaning as in section 2308

2935.01 of the Revised Code. 2309

(B) On a licensee's conviction of, plea of guilty to, 2310  
judicial finding of guilt of, or judicial finding of guilt 2311  
resulting from a plea of no contest to the offense of 2312  
trafficking in persons in violation of section 2905.32 of the 2313  
Revised Code, the prosecutor in the case shall promptly notify 2314  
the licensing agency of the conviction, plea, or finding and 2315  
provide the licensee's name and residential address. On receipt 2316  
of this notification, the licensing agency shall immediately 2317  
suspend the licensee's license. 2318

(C) If there is a conviction of, plea of guilty to, 2319  
judicial finding of guilt of, or judicial finding of guilt 2320  
resulting from a plea of no contest to the offense of 2321  
trafficking in persons in violation of section 2905.32 of the 2322  
Revised Code and all or part of the violation occurred on the 2323  
premises of a facility that is licensed by a licensing agency, 2324  
the prosecutor in the case shall promptly notify the licensing 2325  
agency of the conviction, plea, or finding and provide the 2326  
facility's name and address and the offender's name and 2327  
residential address. On receipt of this notification, the 2328  
licensing agency shall immediately suspend the facility's 2329  
license. 2330

(D) Notwithstanding any provision of the Revised Code to 2331  
the contrary, the suspension of a license under division (B) or 2332  
(C) of this section shall be implemented by a licensing agency 2333  
without a prior hearing. After the suspension, the licensing 2334  
agency shall give written notice to the subject of the 2335  
suspension of the right to request a hearing under Chapter 119. 2336  
of the Revised Code. After a hearing is held, the licensing 2337  
agency shall either revoke or permanently revoke the license of 2338



the subject of the suspension, unless it determines that the 2339  
license holder has not been convicted of, pleaded guilty to, 2340  
been found guilty of, or been found guilty based on a plea of no 2341  
contest to the offense of trafficking in persons in violation of 2342  
section 2905.32 of the Revised Code. 2343

**Section 2.** That existing sections 109.572, 121.08, 2344  
2925.01, 4735.181, 4735.99, 4776.10, and 4776.20 of the Revised 2345  
Code are hereby repealed. 2346

**Section 3.** Section 4764.02 of the Revised Code, as enacted 2347  
by this act, takes effect two hundred ten days after the 2348  
effective date of this act. 2349

**Section 4.** Notwithstanding section 4764.04 of the Revised 2350  
Code, as enacted by this act, persons appointed to the Ohio Home 2351  
Inspector Board during the first year after the effective date 2352  
of this act need not be licensed as required under that section. 2353

**Section 5.** Not later than one hundred eighty days after 2354  
the effective date of this act, the Ohio Home Inspector Board 2355  
shall adopt the rules the Board is required to adopt under this 2356  
act. 2357

**Section 6.** (A) Notwithstanding section 4764.07 of the 2358  
Revised Code, as enacted by this act, and except as provided 2359  
under section 4764.14 of the Revised Code, as enacted by this 2360  
act, during the period of time beginning on the date the last 2361  
initial member of the Ohio Home Inspector Board is appointed 2362  
pursuant to section 4764.04 of the Revised Code, as enacted by 2363  
this act, and ending one hundred twenty days after that date, 2364  
the Superintendent of Real Estate and Professional Licensing 2365  
shall issue a home inspector license if a person applies for a 2366  
license on a form the Superintendent provides and pays the fee 2367

specified in section 4764.05 of the Revised Code, as enacted by 2368  
this act, and if the applicant demonstrates all of the 2369  
following: 2370

(1) Proof of maintaining or being covered by a 2371  
comprehensive general liability insurance policy or a commercial 2372  
general liability insurance policy in accordance with division 2373  
(A) of section 4764.11 of the Revised Code, as enacted by this 2374  
act; 2375

(2) Proof by direct documentation or signed affidavit 2376  
attesting to having met any three of the following requirements 2377  
to demonstrate participation in the home inspection field prior 2378  
to the effective date of this act: 2379

(a) Having performed at least two hundred home inspections 2380  
for clients for compensation or other valuable consideration; 2381

(b) Having successfully passed a home inspector 2382  
examination specified in division (D)(4) of section 4764.07 of 2383  
the Revised Code, as enacted by this act; 2384

(c) Having actively operated a home inspection business in 2385  
this state for three years before the effective date of this act 2386  
under a business name officially registered with the Secretary 2387  
of State; 2388

(d) Having been employed as a home inspector for the 2389  
consecutive thirty-six months before the effective date of this 2390  
act by an inspection company or person whose owner or manager 2391  
meets the license requirement specified in this section; 2392

(e) Having successfully completed eighty hours of 2393  
instruction of the type that would qualify for continuing 2394  
education credit under section 4764.08 of the Revised Code, as 2395  
enacted by this act; 2396

(f) Having a license, registration, or certification in 2397  
good standing to perform the duties of a home inspector in 2398  
another jurisdiction that has requirements for licensure, 2399  
registration, or certification that are substantially similar to 2400  
Chapter 4764. of the Revised Code, as enacted by this act; 2401

(g) Having prepared at least five home inspection reports 2402  
that have been verified as being in compliance with standards 2403  
adopted by a national organization that consists of and 2404  
represents home inspectors; 2405

(h) Having completed, not more than one year before the 2406  
effective date of this act, at least one peer review session 2407  
conducted by a national organization that consists of and 2408  
represents home inspectors. 2409

(3) Proof of signing an attestation that the applicant 2410  
agrees to comply with the requirements specified in rules 2411  
adopted by the Board pursuant to division (A) (10) of section 2412  
4764.05 of the Revised Code, as enacted by this act; 2413

(4) In a written statement, acknowledgment that the person 2414  
understands the grounds for any disciplinary action that may be 2415  
initiated under Chapter 4764. of the Revised Code, as enacted by 2416  
this act. 2417

The Superintendent shall have a fingerprint-based criminal 2418  
records check conducted pursuant to section 121.08 of the 2419  
Revised Code and the rules adopted by the Superintendent 2420  
pursuant to division (A) (6) of section 4764.06 of the Revised 2421  
Code, as enacted by this act, on any applicant who applies for a 2422  
license under this section. 2423

(B) Any license issued under this section shall expire 2424  
three years after the date the license was issued. A licensed 2425

home inspector may renew the licensed home inspector's license 2426  
in accordance with section 4764.09 of the Revised Code, as 2427  
enacted by this act. 2428

(C) As used in this section, "home inspection," "peer 2429  
review session," and "residential building" have the same 2430  
meanings as in section 4764.01 of the Revised Code, as enacted 2431  
by this act. "Home inspector" means a person who conducts home 2432  
inspections for compensation or other valuable consideration. 2433