

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 794

Representative Ramos

A BILL

To amend sections 307.47, 319.54, 323.04, 323.05, 1
1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 2
1313.35, 1319.06, 1321.31, 1707.03, 1707.06, 3
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2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 5
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3105.17, 3105.31, 3105.32, 3107.03, 3109.03, 9
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3111.96, 3111.97, 3113.08, 3115.316, 3127.40, 11
3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 12
4112.02, 4141.30, 4728.03, 4737.07, 5103.16, 13
5123.01, 5302.05, 5302.07, 5302.11, 5302.12, 14
5302.17, 5302.20, 5302.21, 5309.80, 5309.85, 15
5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 16
of the Revised Code to change various references 17
to husband and wife in the Revised Code to 18
spouse. 19

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

Section 1. That sections 307.47, 319.54, 323.04, 323.05, 20

1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 1313.35, 1319.06, 21
1321.31, 1707.03, 1707.06, 1707.14, 2103.05, 2103.06, 2103.08, 22
2105.06, 2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 2719.06, 23
2907.26, 2921.22, 2933.54, 2945.42, 3101.01, 3101.08, 3101.13, 24
3101.14, 3103.01, 3103.04, 3103.05, 3103.06, 3103.08, 3105.01, 25
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3111.93, 3111.94, 3111.95, 3111.96, 3111.97, 3113.08, 3115.316, 27
3127.40, 3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 4112.02, 28
4141.30, 4728.03, 4737.07, 5103.16, 5123.01, 5302.05, 5302.07, 29
5302.11, 5302.12, 5302.17, 5302.20, 5302.21, 5309.80, 5309.85, 30
5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 of the Revised 31
Code be amended to read as follows: 32

Sec. 307.47. The board of county commissioners shall 33
provide for the relief, out of the general funds of the county, 34
of any person temporarily or permanently disabled by reason of 35
~~his~~ the person's automobile being commandeered by any police 36
officer of the county or other political subdivision in the 37
discharge of ~~his~~ official duty. Such board shall pay, out of the 38
general funds of the county, to the ~~husband or wife~~ spouse or 39
other dependents of any person whose death is caused by reason 40
of ~~his~~ the person's automobile being commandeered by any police 41
officer of the county or other political subdivision in the 42
discharge of ~~his~~ official duty, the sum not to exceed five 43
thousand dollars. 44

Sec. 319.54. (A) On all moneys collected by the county 45
treasurer on any tax duplicate of the county, other than estate 46
tax duplicates, and on all moneys received as advance payments 47
of personal property and classified property taxes, the county 48
auditor, on settlement with the treasurer and tax commissioner, 49
on or before the date prescribed by law for such settlement or 50
any lawful extension of such date, shall be allowed as 51

compensation for the county auditor's services the following 52
percentages: 53

(1) On the first one hundred thousand dollars, two and 54
one-half per cent; 55

(2) On the next two million dollars, eight thousand three 56
hundred eighteen ten-thousandths of one per cent; 57

(3) On the next two million dollars, six thousand six 58
hundred fifty-five ten-thousandths of one per cent; 59

(4) On all further sums, one thousand six hundred sixty- 60
three ten-thousandths of one per cent. 61

If any settlement is not made on or before the date 62
prescribed by law for such settlement or any lawful extension of 63
such date, the aggregate compensation allowed to the auditor 64
shall be reduced one per cent for each day such settlement is 65
delayed after the prescribed date. No penalty shall apply if the 66
auditor and treasurer grant all requests for advances up to 67
ninety per cent of the settlement pursuant to section 321.34 of 68
the Revised Code. The compensation allowed in accordance with 69
this section on settlements made before the dates prescribed by 70
law, or the reduced compensation allowed in accordance with this 71
section on settlements made after the date prescribed by law or 72
any lawful extension of such date, shall be apportioned ratably 73
by the auditor and deducted from the shares or portions of the 74
revenue payable to the state as well as to the county, 75
townships, municipal corporations, and school districts. 76

(B) For the purpose of reimbursing county auditors for the 77
expenses associated with the increased number of applications 78
for reductions in real property taxes under sections 323.152 and 79
4503.065 of the Revised Code that result from the amendment of 80

those sections by Am. Sub. H.B. 119 of the 127th general 81
assembly, there shall be paid from the state's general revenue 82
fund to the county treasury, to the credit of the real estate 83
assessment fund created by section 325.31 of the Revised Code, 84
an amount equal to one per cent of the total annual amount of 85
property tax relief reimbursement paid to that county under 86
sections 323.156 and 4503.068 of the Revised Code for the 87
preceding tax year. Payments made under this division shall be 88
made at the same times and in the same manner as payments made 89
under section 323.156 of the Revised Code. 90

(C) From all moneys collected by the county treasurer on 91
any tax duplicate of the county, other than estate tax 92
duplicates, and on all moneys received as advance payments of 93
personal property and classified property taxes, there shall be 94
paid into the county treasury to the credit of the real estate 95
assessment fund created by section 325.31 of the Revised Code, 96
an amount to be determined by the county auditor, which shall 97
not exceed the percentages prescribed in divisions (C)(1) and 98
(2) of this section. 99

(1) For payments made after June 30, 2007, and before 100
2011, the following percentages: 101

(a) On the first five hundred thousand dollars, four per 102
cent; 103

(b) On the next five million dollars, two per cent; 104

(c) On the next five million dollars, one per cent; 105

(d) On all further sums not exceeding one hundred fifty 106
million dollars, three-quarters of one per cent; 107

(e) On amounts exceeding one hundred fifty million 108
dollars, five hundred eighty-five thousandths of one per cent. 109

(2) For payments made in or after 2011, the following 110
percentages: 111

(a) On the first five hundred thousand dollars, four per 112
cent; 113

(b) On the next ten million dollars, two per cent; 114

(c) On amounts exceeding ten million five hundred thousand 115
dollars, three-fourths of one per cent. 116

Such compensation shall be apportioned ratably by the 117
auditor and deducted from the shares or portions of the revenue 118
payable to the state as well as to the county, townships, 119
municipal corporations, and school districts. 120

(D) Each county auditor shall receive four per cent of the 121
amount of tax collected and paid into the county treasury, on 122
property omitted and placed by the county auditor on the tax 123
duplicate. 124

(E) On all estate tax moneys collected by the county 125
treasurer, the county auditor, on settlement annually with the 126
tax commissioner, shall be allowed, as compensation for the 127
auditor's services under Chapter 5731. of the Revised Code, the 128
following percentages: 129

(1) Four per cent on the first one hundred thousand 130
dollars; 131

(2) One-half of one per cent on all additional sums. 132

Such percentages shall be computed upon the amount 133
collected and reported at each annual settlement, and shall be 134
for the use of the general fund of the county. 135

(F) On all cigarette license moneys collected by the 136

county treasurer, the county auditor, on settlement semiannually 137
with the treasurer, shall be allowed as compensation for the 138
auditor's services in the issuing of such licenses one-half of 139
one per cent of such moneys, to be apportioned ratably and 140
deducted from the shares of the revenue payable to the county 141
and subdivisions, for the use of the general fund of the county. 142

(G) The county auditor shall charge and receive fees as 143
follows: 144

(1) For deeds of land sold for taxes to be paid by the 145
purchaser, five dollars; 146

(2) For the transfer or entry of land, lot, or part of 147
lot, or the transfer or entry on or after January 1, 2000, of a 148
used manufactured home or mobile home as defined in section 149
5739.0210 of the Revised Code, fifty cents for each transfer or 150
entry, to be paid by the person requiring it; 151

(3) For receiving statements of value and administering 152
section 319.202 of the Revised Code, one dollar, or ten cents 153
for each one hundred dollars or fraction of one hundred dollars, 154
whichever is greater, of the value of the real property 155
transferred or, for sales occurring on or after January 1, 2000, 156
the value of the used manufactured home or used mobile home, as 157
defined in section 5739.0210 of the Revised Code, transferred, 158
except no fee shall be charged when the transfer is made: 159

(a) To or from the United States, this state, or any 160
instrumentality, agency, or political subdivision of the United 161
States or this state; 162

(b) Solely in order to provide or release security for a 163
debt or obligation; 164

(c) To confirm or correct a deed previously executed and 165

recorded or when a current owner on any record made available to 166
the general public on the internet or a publicly accessible 167
database and the general tax list of real and public utility 168
property and the general duplicate of real and public utility 169
property is a peace officer, parole officer, prosecuting 170
attorney, assistant prosecuting attorney, correctional employee, 171
youth services employee, firefighter, EMT, or investigator of 172
the bureau of criminal identification and investigation and is 173
changing the current owner name listed on any record made 174
available to the general public on the internet or a publicly 175
accessible database and the general tax list of real and public 176
utility property and the general duplicate of real and public 177
utility property to the initials of the current owner as 178
prescribed in division (B)(1) of section 319.28 of the Revised 179
Code; 180

(d) To evidence a gift, in trust or otherwise and whether 181
revocable or irrevocable, between ~~husband and wife~~ spouses, or 182
parent and child or the spouse of either; 183

(e) On sale for delinquent taxes or assessments; 184

(f) Pursuant to court order, to the extent that such 185
transfer is not the result of a sale effected or completed 186
pursuant to such order; 187

(g) Pursuant to a reorganization of corporations or 188
unincorporated associations or pursuant to the dissolution of a 189
corporation, to the extent that the corporation conveys the 190
property to a stockholder as a distribution in kind of the 191
corporation's assets in exchange for the stockholder's shares in 192
the dissolved corporation; 193

(h) By a subsidiary corporation to its parent corporation 194

for no consideration, nominal consideration, or in sole 195
consideration of the cancellation or surrender of the 196
subsidiary's stock; 197

(i) By lease, whether or not it extends to mineral or 198
mineral rights, unless the lease is for a term of years 199
renewable forever; 200

(j) When the value of the real property or the 201
manufactured or mobile home or the value of the interest that is 202
conveyed does not exceed one hundred dollars; 203

(k) Of an occupied residential property, including a 204
manufactured or mobile home, being transferred to the builder of 205
a new residence or to the dealer of a new manufactured or mobile 206
home when the former residence is traded as part of the 207
consideration for the new residence or new manufactured or 208
mobile home; 209

(l) To a grantee other than a dealer in real property or 210
in manufactured or mobile homes, solely for the purpose of, and 211
as a step in, the prompt sale of the real property or 212
manufactured or mobile home to others; 213

(m) To or from a person when no money or other valuable 214
and tangible consideration readily convertible into money is 215
paid or to be paid for the real estate or manufactured or mobile 216
home and the transaction is not a gift; 217

(n) Pursuant to division (B) of section 317.22 of the 218
Revised Code, or section 2113.61 of the Revised Code, between 219
spouses or to a surviving spouse pursuant to section 5302.17 of 220
the Revised Code as it existed prior to April 4, 1985, between 221
persons pursuant to section 5302.17 or 5302.18 of the Revised 222
Code on or after April 4, 1985, to a person who is a surviving, 223

survivorship tenant pursuant to section 5302.17 of the Revised 224
Code on or after April 4, 1985, or pursuant to section 5309.45 225
of the Revised Code; 226

(o) To a trustee acting on behalf of minor children of the 227
deceased; 228

(p) Of an easement or right-of-way when the value of the 229
interest conveyed does not exceed one thousand dollars; 230

(q) Of property sold to a surviving spouse pursuant to 231
section 2106.16 of the Revised Code; 232

(r) To or from an organization exempt from federal income 233
taxation under section 501(c)(3) of the "Internal Revenue Code 234
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided 235
such transfer is without consideration and is in furtherance of 236
the charitable or public purposes of such organization; 237

(s) Among the heirs at law or devisees, including a 238
surviving spouse, of a common decedent, when no consideration in 239
money is paid or to be paid for the real property or 240
manufactured or mobile home; 241

(t) To a trustee of a trust, when the grantor of the trust 242
has reserved an unlimited power to revoke the trust; 243

(u) To the grantor of a trust by a trustee of the trust, 244
when the transfer is made to the grantor pursuant to the 245
exercise of the grantor's power to revoke the trust or to 246
withdraw trust assets; 247

(v) To the beneficiaries of a trust if the fee was paid on 248
the transfer from the grantor of the trust to the trustee or if 249
the transfer is made pursuant to trust provisions which became 250
irrevocable at the death of the grantor; 251

(w) To a corporation for incorporation into a sports 252
facility constructed pursuant to section 307.696 of the Revised 253
Code; 254

(x) Between persons pursuant to section 5302.18 of the 255
Revised Code; 256

(y) From a county land reutilization corporation organized 257
under Chapter 1724. of the Revised Code, or its wholly owned 258
subsidiary, to a third party. 259

(4) For the cost of publishing the delinquent manufactured 260
home tax list, the delinquent tax list, and the delinquent 261
vacant land tax list, a flat fee, as determined by the county 262
auditor, to be charged to the owner of a home on the delinquent 263
manufactured home tax list or the property owner of land on the 264
delinquent tax list or the delinquent vacant land tax list. 265

The auditor shall compute and collect the fee. The auditor 266
shall maintain a numbered receipt system, as prescribed by the 267
tax commissioner, and use such receipt system to provide a 268
receipt to each person paying a fee. The auditor shall deposit 269
the receipts of the fees on conveyances in the county treasury 270
daily to the credit of the general fund of the county, except 271
that fees charged and received under division (G) (3) of this 272
section for a transfer of real property to a county land 273
reutilization corporation shall be credited to the county land 274
reutilization corporation fund established under section 321.263 275
of the Revised Code. 276

The real property transfer fee provided for in division 277
(G) (3) of this section shall be applicable to any conveyance of 278
real property presented to the auditor on or after January 1, 279
1968, regardless of its time of execution or delivery. 280

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

Sec. 323.04. A taxpayer may, subject to sections 323.01 to 323.05, ~~inclusive,~~ of the Revised Code, use in the payment of ~~his~~ the taxpayer's taxes any liquidated claim which such taxpayer, or the ~~husband or wife~~ spouse of such taxpayer, has against any subdivision which is to derive benefit from the tax collection.

Sec. 323.05. The liquidated claims and certificates described in sections 323.01 to 323.04, ~~inclusive,~~ of the Revised Code, shall be nonnegotiable for the purposes of such sections, except that where the tax is for property owned jointly by ~~a husband and wife~~ both spouses or by either of them when the other is the owner of a liquidated claim, such liquidated claim and certificate shall be accepted by the county treasurer in the manner provided by section 323.02 of the Revised Code in payment of taxes levied against the property owned by both or either of them. Such certificates shall only be used when a taxpayer or the ~~husband or wife~~ spouse of such taxpayer holds a liquidated claim of record against the subdivision.

The use of such certificates constitutes a reduction of the indebtedness of the subdivision to the taxpayer holding such certificates to the extent of the taxes credited on them.

Any certificate issued under section 323.02 of the Revised Code may be used for any of the purposes of sections 323.01 to 323.05, ~~inclusive,~~ of the Revised Code, and failure of any fiscal officer of any subdivision to give a certificate may be

enforced by mandamus. All certificates shall be subject to 311
sections 323.03 and 323.04 of the Revised Code. 312

Sec. 1313.17. No assignment for the benefit of creditors 313
shall include or cover any property exempt from levy or sale on 314
execution, or exempt from being applied to the payment of debts 315
by any legal process, unless in the assignment the exemption is 316
expressly waived. 317

No such assignment shall include any property belonging to 318
the ~~wife~~ spouse of the assignor, nor require the assignor to 319
deliver up any of such property. 320

Sec. 1313.29. When real property is to be sold as provided 321
in sections 1313.21 to 1313.31, ~~inclusive,~~ of the Revised Code, 322
the ~~husband or wife~~ spouse of the assignor may be made a party, 323
and file an answer in the probate court to have such real 324
property sold free of ~~his or her~~ the spouse's contingent right 325
of dower and to allow ~~him or her~~ the spouse in lieu thereof, out 326
of the proceeds of the sale, such sum of money as the court 327
deems the just and reasonable value of the dower interest 328
therein. Such answer has the force and effect, in all respects, 329
of a deed releasing such contingent dower interest in such real 330
property. 331

Sec. 1313.30. When the assignor and ~~his wife~~ the 332
assignor's spouse jointly have executed a mortgage upon real 333
property assigned for the benefit of creditors, or when the 334
assignor alone has executed a mortgage upon any of such real 335
property to secure the payment of purchase money, or a part 336
thereof, the probate court shall order its sale free from the 337
contingent right of dower of ~~such wife~~ the assignor's spouse, 338
and shall determine the just and reasonable value of ~~her~~ the 339
spouse's dower interests in the proceeds of sale remaining after 340

the payment of such encumbrances as preclude ~~her~~ the spouse's 341
right to dower therein. 342

Sec. 1313.33. When real property to be sold, or which has 343
been contracted to be sold by an assignor prior to the 344
assignment for the benefit of creditors, is encumbered with 345
liens, or when questions in regard to the title, or the dower 346
estate of the ~~wife or widow~~ spouse or surviving spouse of the 347
assignor, require a decree to settle them, the assignee may 348
commence a civil action therefor in the court of common pleas or 349
probate court of the proper county, making all persons in 350
interest, including the ~~wife or widow~~ spouse or surviving spouse 351
of the assignor, parties. 352

Upon hearing, the court shall order a sale of the 353
premises, or the completion of such contracts of sale, the 354
payment of encumbrances and the contingent dower interest of the 355
~~wife or widow~~ spouse or surviving spouse, subject to section 356
1313.35 of the Revised Code, and determine the questions 357
involved as to title to the property. 358

Sec. 1313.34. The proceeds of all the real property of the 359
assignor sold by court order for the benefit of creditors, after 360
payment of liens, encumbrances and the contingent dower rights 361
and interest of ~~his wife or widow~~ the assignor's spouse or 362
surviving spouse, must be reported to the probate court by the 363
assignee, and disposed of as provided in sections 1313.01 to 364
1313.59, ~~inclusive~~, of the Revised Code. 365

Sec. 1313.35. Sections 1313.21 to 1313.31, ~~inclusive~~, of 366
the Revised Code relating to the ~~wife~~ spouse of the assignor as 367
a party to the proceedings thereunder and ~~her~~ the spouse's 368
rights by virtue thereof, and also relating to ordering property 369
sold at private sale, and upon terms of credit, apply to 370

proceedings under sections 1313.33 and 1313.34 of the Revised 371
Code. 372

Sec. 1319.06. No ~~husband or wife~~ spouse shall create any 373
lien by chattel mortgage or otherwise upon any personal 374
household property owned by either or both of them, without the 375
joint consent of both ~~husband and wife~~ spouses. No such mortgage 376
is valid unless executed by both ~~husband and wife~~ spouses. 377

This section does not apply to any mortgage or lien for 378
the purchase price of such property. 379

Sec. 1321.31. No assignment of, or order for, wages or 380
salary is valid unless made in writing by the person by whom the 381
said wages or salary are earned and no assignment of, or order 382
for, wages or salary made by a married person is valid unless 383
the written consent of the ~~husband or wife~~ spouse of the person 384
making such assignment or order is attached to such assignment 385
or order. No assignment of, or order for, wages or salary of a 386
minor is valid unless the written consent of a parent or the 387
guardian of such minor is attached to such order or assignment. 388
No assignment of, or order for, wages or salary is valid for 389
more than twenty-five per cent of the earnings, wages, or salary 390
of any married person. No such assignment is valid for more than 391
fifty per cent of the earnings, wages, or salary of any 392
unmarried person. 393

Assignments of wages have priority as to each other from 394
the time they are filed with the employer of the assignor, and 395
the balance due any married person after twenty-five per cent 396
has been so assigned, or due any unmarried person after fifty 397
per cent has been so assigned is not subject to further 398
assignment. 399

Sec. 1707.03. (A) As used in this section, "exempt" means 400
that, except in the case of securities the right to buy, sell, 401
or deal in which has been suspended or revoked under an existing 402
order of the division of securities under section 1707.13 of the 403
Revised Code or under a cease and desist order under division 404
(G) of section 1707.23 of the Revised Code, transactions in 405
securities may be carried on and completed without compliance 406
with sections 1707.08 to 1707.11 of the Revised Code. 407

(B) A sale of securities made by or on behalf of a bona 408
fide owner, neither the issuer nor a dealer, is exempt if the 409
sale is made in good faith and not for the purpose of avoiding 410
this chapter and is not made in the course of repeated and 411
successive transactions of a similar character. Any sale of 412
securities over a stock exchange that is lawfully conducted in 413
this state and regularly open for public patronage and that has 414
been established and operated for a period of at least five 415
years prior to the sale at a commission not exceeding the 416
commission regularly charged in such transactions also is 417
exempt. 418

(C) The sale of securities by executors, administrators, 419
receivers, trustees, or anyone acting in a fiduciary capacity is 420
exempt, where such relationship was created by law, by a will, 421
or by judicial authority, and where such sales are subject to 422
approval by, or are made in pursuance to authority granted by, 423
any court of competent jurisdiction or are otherwise authorized 424
and lawfully made by such fiduciary. 425

(D) A sale to the issuer, to a dealer, or to an 426
institutional investor is exempt. 427

(E) A sale in good faith, and not for the purpose of 428
avoiding this chapter, by a pledgee of a security pledged for a 429

bona fide debt is exempt. 430

(F) The sale at public auction by a corporation of shares 431
of its stock because of delinquency in payment for the shares is 432
exempt. 433

(G) (1) The giving of any conversion right with, or on 434
account of the purchase of, any security that is exempt, is the 435
subject matter of an exempt transaction, has been registered by 436
description, by coordination, or by qualification, or is the 437
subject matter of a transaction that has been registered by 438
description is exempt. 439

(2) The giving of any subscription right, warrant, or 440
option to purchase a security or right to receive a security 441
upon exchange, which security is exempt at the time the right, 442
warrant, or option to purchase or right to receive is given, is 443
the subject matter of an exempt transaction, is registered by 444
description, by coordination, or by qualification, or is the 445
subject matter of a transaction that has been registered by 446
description is exempt. 447

(3) The giving of any subscription right or any warrant or 448
option to purchase a security, which right, warrant, or option 449
expressly provides that it shall not be exercisable except for a 450
security that at the time of the exercise is exempt, is the 451
subject matter of an exempt transaction, is registered by 452
description, by coordination, or by qualification, or at such 453
time is the subject matter of a transaction that has been 454
registered by description is exempt. 455

(H) The sale of notes, bonds, or other evidences of 456
indebtedness that are secured by a mortgage lien upon real 457
estate, leasehold estate other than oil, gas, or mining 458

leasehold, or tangible personal property, or which evidence of 459
indebtedness is due under or based upon a conditional-sale 460
contract, if all such notes, bonds, or other evidences of 461
indebtedness are sold to a single purchaser at a single sale, is 462
exempt. 463

(I) The delivery of securities by the issuer on the 464
exercise of conversion rights, the sale of securities by the 465
issuer on exercise of subscription rights or of warrants or 466
options to purchase securities, the delivery of voting-trust 467
certificates for securities deposited under a voting-trust 468
agreement, the delivery of deposited securities on surrender of 469
voting-trust certificates, and the delivery of final 470
certificates on surrender of interim certificates are exempt; 471
but the sale of securities on exercise of subscription rights, 472
warrants, or options is not an exempt transaction unless those 473
rights, warrants, or options when granted were the subject 474
matter of an exempt transaction under division (G) of this 475
section or were registered by description, by coordination, or 476
by qualification. 477

(J) The sale of securities by a bank, savings and loan 478
association, savings bank, or credit union organized under the 479
laws of the United States or of this state is exempt if at a 480
profit to that seller of not more than two per cent of the total 481
sale price of the securities. 482

(K) (1) The distribution by a corporation of its securities 483
to its security holders as a share dividend or other 484
distribution out of earnings or surplus is exempt. 485

(2) The exchange or distribution by the issuer of any of 486
its securities or of the securities of any of the issuer's 487
wholly owned subsidiaries exclusively with or to its existing 488

security holders, if no commission or other remuneration is 489
given directly or indirectly for soliciting the exchange, is 490
exempt. 491

(3) The sale of preorganization subscriptions for shares 492
of stock of a corporation prior to the incorporation of the 493
corporation is exempt, when the sale is evidenced by a written 494
agreement, no remuneration is given, or promised, directly or 495
indirectly, for or in connection with the sale of those 496
securities, and no consideration is received, directly or 497
indirectly, by any person from the purchasers of those 498
securities until registration by qualification, by coordination, 499
or by description of those securities is made under this 500
chapter. 501

(L) The issuance of securities in exchange for one or more 502
bona fide outstanding securities, claims, or property interests, 503
not including securities sold for a consideration payable in 504
whole or in part in cash, under a plan of reorganization, 505
recapitalization, or refinancing approved by a court pursuant to 506
the Bankruptcy Act of the United States or to any other federal 507
act giving any federal court jurisdiction over such plan of 508
reorganization, or under a plan of reorganization approved by a 509
court of competent jurisdiction of any state of the United 510
States is exempt. As used in this division, "reorganization," 511
"recapitalization," and "refinancing" have the same meanings as 512
in section 1707.04 of the Revised Code. 513

(M) A sale by a licensed dealer, acting either as 514
principal or as agent, of securities issued and outstanding 515
before the sale is exempt, unless the sale is of one or more of 516
the following: 517

(1) Securities constituting the whole or a part of an 518

unsold allotment to or subscription by a dealer as an 519
underwriter or other participant in the distribution of those 520
securities by the issuer, whether that distribution is direct or 521
through an underwriter, provided that, if the issuer is such by 522
reason of owning one-fourth or more of those securities, the 523
dealer has knowledge of this fact or reasonable cause to believe 524
this fact; 525

(2) Any class of shares issued by a corporation when the 526
number of beneficial owners of that class is less than twenty- 527
five, with the record owner of securities being deemed the 528
beneficial owner for this purpose, in the absence of actual 529
knowledge to the contrary; 530

(3) Securities that within one year were purchased outside 531
this state or within one year were transported into this state, 532
if the dealer has knowledge or reasonable cause to believe, 533
before the sale of those securities, that within one year they 534
were purchased outside this state or within one year were 535
transported into this state; but such a sale of those securities 536
is exempt if any of the following occurs: 537

(a) A recognized securities manual contains the names of 538
the issuer's officers and directors, a balance sheet of the 539
issuer as of a date within eighteen months, and a profit and 540
loss statement for either the fiscal year preceding that date or 541
the most recent year of operations; 542

(b) Those securities, or securities of the same class, 543
within one year were registered or qualified under section 544
1707.09 or 1707.091 of the Revised Code, and that registration 545
or qualification is in full force and effect; 546

(c) The sale is made by a licensed dealer on behalf of the 547

bona fide owner of those securities in accordance with division 548
(B) of this section; 549

(d) Those securities were transported into Ohio in a 550
transaction of the type described in division (L), (K), or (I) 551
of this section, or in a transaction registered under division 552
(A) of section 1707.06 of the Revised Code. 553

(N) For the purpose of this division and division (M) of 554
this section, "underwriter" means any person who has purchased 555
from an issuer with a view to, or sells for an issuer in 556
connection with, the distribution of any security, or who 557
participates directly or indirectly in any such undertaking or 558
in the underwriting thereof, but "underwriter" does not include 559
a person whose interest is limited to a discount, commission, or 560
profit from the underwriter or from a dealer that is not in 561
excess of the customary distributors' or sellers' discount, 562
commission, or profit; and "issuer" includes any person or any 563
group of persons acting in concert in the sale of such 564
securities, owning beneficially one-fourth or more of the 565
outstanding securities of the class involved in the transactions 566
in question, with the record owner of securities being deemed 567
the beneficial owner for this purpose, in the absence of actual 568
knowledge to the contrary. 569

(O) (1) The sale of any equity security is exempt if all 570
the following conditions are satisfied: 571

(a) The sale is by the issuer of the security. 572

(b) The total number of purchasers in this state of all 573
securities issued or sold by the issuer in reliance upon this 574
exemption during the period of one year ending with the date of 575
the sale does not exceed ten. A sale of securities registered 576

under this chapter or sold pursuant to an exemption under this 577
chapter other than this exemption shall not be integrated with a 578
sale pursuant to this exemption in computing the number of 579
purchasers under this exemption. 580

(c) No advertisement, article, notice, or other 581
communication published in any newspaper, magazine, or similar 582
medium or broadcast over television or radio is used in 583
connection with the sale, but the use of an offering circular or 584
other communication delivered by the issuer to selected 585
individuals does not destroy this exemption. 586

(d) The issuer reasonably believes after reasonable 587
investigation that the purchaser is purchasing for investment. 588

(e) The aggregate commission, discount, and other 589
remuneration, excluding legal, accounting, and printing fees, 590
paid or given directly or indirectly does not exceed ten per 591
cent of the initial offering price. 592

(f) Any such commission, discount, or other remuneration 593
for sales in this state is paid or given only to dealers or 594
salespersons registered pursuant to this chapter. 595

(2) For the purposes of division (O)(1) of this section, 596
each of the following is deemed to be a single purchaser of a 597
security: ~~husband and wife~~ both spouses, a child and its parent 598
or guardian when the parent or guardian holds the security for 599
the benefit of the child, a corporation, a limited liability 600
company, a partnership, an association or other unincorporated 601
entity, a joint-stock company, or a trust, but only if the 602
corporation, limited liability company, partnership, 603
association, entity, joint-stock company, or trust was not 604
formed for the purpose of purchasing the security. 605

(3) As used in division (O) (1) of this section, "equity security" means any stock or similar security of a corporation or any membership interest in a limited liability company; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security that the division considers necessary or appropriate, by such rules as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.

(P) The sale of securities representing interests in or under profit-sharing or participation agreements relating to oil or gas wells located in this state, or representing interests in or under oil or gas leases of real estate situated in this state, is exempt if the securities are issued by an individual, partnership, limited partnership, partnership association, syndicate, pool, trust or trust fund, or other unincorporated association and if each of the following conditions is complied with:

(1) The beneficial owners of the securities do not, and will not after the sale, exceed five natural persons;

(2) The securities constitute or represent interests in not more than one oil or gas well;

(3) A certificate or other instrument in writing is furnished to each purchaser of the securities at or before the consummation of the sale, disclosing the maximum commission, compensation for services, cost of lease, and expenses with respect to the sale of such interests and with respect to the promotion, development, and management of the oil or gas well, and the total of that commission, compensation, costs, and

expenses does not exceed twenty-five per cent of the aggregate 636
interests in the oil or gas well, exclusive of any landowner's 637
rental or royalty; 638

(4) The sale is made in good faith and not for the purpose 639
of avoiding this chapter. 640

(Q) The sale of any security is exempt if all of the 641
following conditions are satisfied: 642

(1) The provisions of section 5 of the Securities Act of 643
1933 do not apply to the sale by reason of an exemption under 644
section 4 (2) of that act. 645

(2) The aggregate commission, discount, and other 646
remuneration, excluding legal, accounting, and printing fees, 647
paid or given directly or indirectly does not exceed ten per 648
cent of the initial offering price. 649

(3) Any such commission, discount, or other remuneration 650
for sales in this state is paid or given only to dealers or 651
salespersons registered under this chapter. 652

(4) The issuer or dealer files with the division of 653
securities, not later than sixty days after the sale, a report 654
setting forth the name and address of the issuer, the total 655
amount of the securities sold under this division, the number of 656
persons to whom the securities were sold, the price at which the 657
securities were sold, and the commissions or discounts paid or 658
given. 659

(5) The issuer pays a filing fee of one hundred dollars 660
for the first filing and fifty dollars for every subsequent 661
filing during each calendar year. 662

(R) A sale of a money order, travelers' check, or other 663

instrument for the transmission of money by a person qualified 664
to engage in such business under Chapter 1315. of the Revised 665
Code is exempt. 666

(S) A sale by a licensed dealer of securities that are in 667
the process of registration under the Securities Act of 1933, 668
unless exempt under that act, and that are in the process of 669
registration, if registration is required under this chapter, is 670
exempt, provided that no sale of that nature shall be 671
consummated prior to the registration by description or 672
qualification of the securities. 673

(T) The execution by a licensed dealer of orders for the 674
purchase of any security is exempt, provided that the dealer 675
acts only as agent for the purchaser, has made no solicitation 676
of the order to purchase the security, has no interest in the 677
distribution of the security, and delivers to the purchaser 678
written confirmation of the transaction that clearly itemizes 679
the dealer's commission. "Solicitation," as used in this 680
division, means solicitation of the order for the specific 681
security purchased and does not include general solicitations or 682
advertisements of any kind. 683

(U) The sale insofar as the security holders of a person 684
are concerned, where, pursuant to statutory provisions of the 685
jurisdiction under which that person is organized or pursuant to 686
provisions contained in its articles of incorporation, 687
certificate of incorporation, partnership agreement, declaration 688
of trust, trust indenture, or similar controlling instrument, 689
there is submitted to the security holders, for their vote or 690
consent, (1) a plan or agreement for a reclassification of 691
securities of that person that involves the substitution of a 692
security of that person for another security of that person, (2) 693

a plan or agreement of merger or consolidation or a similar plan 694
or agreement of acquisition in which the securities of that 695
person held by the security holders will become or be exchanged 696
for securities of any other person, or (3) a plan or agreement 697
for a combination as defined in division (Q) of section 1701.01 698
of the Revised Code or a similar plan or agreement for the 699
transfer of assets of that person to another person in 700
consideration of the issuance of securities of any person, is 701
exempt if, with respect to any of the foregoing transactions, 702
either of the following conditions is satisfied: 703

(a) The securities to be issued to the security holders 704
are effectively registered under sections 6 to 8 of the 705
Securities Act of 1933 and offered and sold in compliance with 706
section 5 of that act; 707

(b) At least twenty days prior to the date on which a 708
meeting of the security holders is held or the earliest date on 709
which corporate action may be taken when no meeting is held, 710
there is submitted to the security holders, by that person, or 711
by the person whose securities are to be issued in the 712
transaction, information substantially equivalent to the 713
information that would be required to be included in a proxy 714
statement or information statement prepared by or on behalf of 715
the management of an issuer subject to section 14(a) or 14(c) of 716
the Securities Exchange Act of 1934. 717

(V) The sale of any security is exempt if the division by 718
rule finds that registration is not necessary or appropriate in 719
the public interest or for the protection of investors. 720

(W) Any offer or sale of securities made in reliance on 721
the exemptions provided by Rule 505 of Regulation D made 722
pursuant to the Securities Act of 1933 and the conditions and 723

definitions provided by Rules 501 to 503 thereunder is exempt if 724
the offer or sale satisfies all of the following conditions: 725

(1) No commission or other remuneration is given, directly 726
or indirectly, to any person for soliciting or selling to any 727
person in this state in reliance on the exemption under this 728
division, except to dealers licensed in this state. 729

(2) (a) Unless the cause for disqualification is waived 730
under division (W) (2) (b) of this section, no exemption under 731
this section is available for the securities of an issuer unless 732
the issuer did not know and in the exercise of reasonable care 733
could not have known that any of the following applies to any of 734
the persons described in Rule 262(a) to (c) of Regulation A 735
under the Securities Act of 1933: 736

(i) The person has filed an application for registration 737
or qualification that is the subject of an effective order 738
entered against the issuer, its officers, directors, general 739
partners, controlling persons or affiliates thereof, pursuant to 740
the law of any state within five years before the filing of a 741
notice required under division (W) (3) of this section denying 742
effectiveness to, or suspending or revoking the effectiveness 743
of, the registration statement. 744

(ii) The person has been convicted of any offense in 745
connection with the offer, sale, or purchase of any security or 746
franchise, or any felony involving fraud or deceit, including, 747
but not limited to, forgery, embezzlement, fraud, theft, or 748
conspiracy to defraud. 749

(iii) The person is subject to an effective administrative 750
order or judgment that was entered by a state securities 751
administrator within five years before the filing of a notice 752

required under division (W) (3) of this section and that 753
prohibits, denies, or revokes the use of any exemption from 754
securities registration, prohibits the transaction of business 755
by the person as a dealer, or is based on fraud, deceit, an 756
untrue statement of a material fact, or an omission to state a 757
material fact. 758

(iv) The person is subject to any order, judgment, or 759
decree of any court entered within five years before the filing 760
of a notice required under division (W) (3) of this section, 761
temporarily, preliminarily, or permanently restraining or 762
enjoining the person from engaging in or continuing any conduct 763
or practice in connection with the offer, sale, or purchase of 764
any security, or the making of any false filing with any state. 765

(b) (i) Any disqualification under this division involving 766
a dealer may be waived if the dealer is or continues to be 767
licensed in this state as a dealer after notifying the 768
commissioner of the act or event causing disqualification. 769

(ii) The commissioner may waive any disqualification under 770
this paragraph upon a showing of good cause that it is not 771
necessary under the circumstances that use of the exemption be 772
denied. 773

(3) Not later than five business days before the earlier 774
of the date on which the first use of an offering document or 775
the first sale is made in this state in reliance on the 776
exemption under this division, there is filed with the 777
commissioner a notice comprised of offering material in 778
compliance with the requirements of Rule 502 of Regulation D 779
under the Securities Act of 1933 and a fee of one hundred 780
dollars. Material amendments to the offering document shall be 781
filed with the commissioner not later than the date of their 782

first use in this state. 783

(4) The aggregate commission, discount, and other 784
remuneration paid or given, directly or indirectly, does not 785
exceed twelve per cent of the initial offering price, excluding 786
legal, accounting, and printing fees. 787

(X) Any offer or sale of securities made in reliance on 788
the exemption provided in Rule 506 of Regulation D under the 789
Securities Act of 1933, and in accordance with Rules 501 to 503 790
of Regulation D under the Securities Act of 1933, is exempt 791
provided that all of the following apply: 792

(1) The issuer makes a notice filing with the division on 793
form D of the securities and exchange commission within fifteen 794
days of the first sale in this state; 795

(2) Any commission, discount, or other remuneration for 796
sales of securities in this state is paid or given only to 797
dealers or salespersons licensed under this chapter; 798

(3) The issuer pays a filing fee of one hundred dollars to 799
the division; however, no filing fee shall be required to file 800
amendments to the form D of the securities and exchange 801
commission. 802

(Y) The offer or sale of securities by an issuer is exempt 803
provided that all of the following apply: 804

(1) The sale of securities is made only to persons who 805
are, or who the issuer reasonably believes are, accredited 806
investors as defined in Rule 501 of Regulation D under the 807
Securities Act of 1933. 808

(2) The issuer reasonably believes that all purchasers are 809
purchasing for investment and not with a view to or for sale in 810

connection with a distribution of the security. Any resale of a 811
security sold in reliance on this exemption within twelve months 812
of sale shall be presumed to be with a view to distribution and 813
not for investment, except a resale to which any of the 814
following applies: 815

(a) The resale is pursuant to a registration statement 816
effective under section 1707.09 or 1707.091 of the Revised Code. 817

(b) The resale is to an accredited investor, as defined in 818
Rule 501 of Regulation D under the Securities Act of 1933. 819

(c) The resale is to an institutional investor pursuant to 820
the exemptions under division (B) or (D) of this section. 821

(3) The exemption under this division is not available to 822
an issuer that is in the development stage and that either has 823
no specific business plan or purpose or has indicated that its 824
business plan is to engage in a merger or acquisition with an 825
unidentified company or companies, or other entities or persons. 826

(4) The exemption under this division is not available to 827
an issuer, if the issuer, any of the issuer's predecessors, any 828
affiliated issuer, any of the issuer's directors, officers, 829
general partners, or beneficial owners of ten per cent or more 830
of any class of its equity securities, any of the issuer's 831
promoters presently connected with the issuer in any capacity, 832
any underwriter of the securities to be offered, or any partner, 833
director, or officer of such underwriter: 834

(a) Within the past five years, has filed a registration 835
statement that is the subject of a currently effective 836
registration stop order entered by any state securities 837
administrator or the securities and exchange commission; 838

(b) Within the past five years, has been convicted of any 839

criminal offense in connection with the offer, purchase, or sale 840
of any security, or involving fraud or deceit; 841

(c) Is currently subject to any state or federal 842
administrative enforcement order or judgment, entered within the 843
past five years, finding fraud or deceit in connection with the 844
purchase or sale of any security; 845

(d) Is currently subject to any order, judgment, or decree 846
of any court of competent jurisdiction, entered within the past 847
five years, that temporarily, preliminarily, or permanently 848
restrains or enjoins the party from engaging in or continuing to 849
engage in any conduct or practice involving fraud or deceit in 850
connection with the purchase or sale of any security. 851

(5) Division (Y) (4) of this section is inapplicable if any 852
of the following applies: 853

(a) The party subject to the disqualification is licensed 854
or registered to conduct securities business in the state in 855
which the order, judgment, or decree creating the 856
disqualification was entered against the party described in 857
division (Y) (4) of this section. 858

(b) Before the first offer is made under this exemption, 859
the state securities administrator, or the court or regulatory 860
authority that entered the order, judgment, or decree, waives 861
the disqualification. 862

(c) The issuer did not know and, in the exercise of 863
reasonable care based on reasonable investigation, could not 864
have known that a disqualification from the exemption existed 865
under division (Y) (4) of this section. 866

(6) A general announcement of the proposed offering may be 867
made by any means; however, the general announcement shall 868

include only the following information, unless additional 869
information is specifically permitted by the division by rule: 870

(a) The name, address, and telephone number of the issuer 871
of the securities; 872

(b) The name, a brief description, and price of any 873
security to be issued; 874

(c) A brief description of the business of the issuer; 875

(d) The type, number, and aggregate amount of securities 876
being offered; 877

(e) The name, address, and telephone number of the person 878
to contact for additional information; and 879

(f) A statement indicating all of the following: 880

(i) Sales will only be made to accredited investors as 881
defined in Rule 501 of Regulation D under the Securities Act of 882
1933; 883

(ii) No money or other consideration is being solicited or 884
will be accepted by way of this general announcement; 885

(iii) The securities have not been registered with or 886
approved by any state securities administrator or the securities 887
and exchange commission and are being offered and sold pursuant 888
to an exemption from registration. 889

(7) The issuer, in connection with an offer, may provide 890
information in addition to the general announcement described in 891
division (Y)(6) of this section, provided that either of the 892
following applies: 893

(a) The information is delivered through an electronic 894
database that is restricted to persons that are accredited 895

investors as defined in Rule 501 of Regulation D under the 896
Securities Act of 1933. 897

(b) The information is delivered after the issuer 898
reasonably believes that the prospective purchaser is an 899
accredited investor as defined in Rule 501 of Regulation D under 900
the Securities Act of 1933. 901

(8) No telephone solicitation shall be done, unless prior 902
to placing the telephone call, the issuer reasonably believes 903
that the prospective purchaser to be solicited is an accredited 904
investor as defined in Rule 501 of Regulation D under the 905
Securities Act of 1933. 906

(9) Dissemination of the general announcement described in 907
division (Y)(6) of this section to persons that are not 908
accredited investors, as defined in Rule 501 of Regulation D 909
under the Securities Act of 1933, does not disqualify the issuer 910
from claiming an exemption under this division. 911

(10) The issuer shall file with the division notice of the 912
offering of securities within fifteen days after notice of the 913
offering is made or a general announcement is made in this 914
state. The filing shall be on forms adopted by the division and 915
shall include a copy of the general announcement, if one is made 916
regarding the proposed offering, and copies of any offering 917
materials, circulars, or prospectuses. A filing fee of one 918
hundred dollars also shall be included. 919

Sec. 1707.06. (A) The following transactions in securities 920
may be carried out upon compliance with sections 1707.08 and 921
1707.11 of the Revised Code: 922

(1) The sale of its securities by a corporation may be so 923
carried out when no part of the securities to be sold is issued 924

directly or indirectly in payment or exchange for intangible 925
property or for property not located in this state, and when the 926
total commission, remuneration, expense, or discount, excluding 927
legal, accounting, and printing fees of the corporation, in 928
connection with the sale of those securities does not exceed 929
three per cent of the initial offering price of those 930
securities. 931

(2) The sale of its securities by any corporation may be 932
so carried out when the securities are sold to not more than a 933
maximum of thirty-five purchasers, the aggregate commission, 934
discount, or other remuneration, excluding legal, accounting, 935
and printing fees, paid or given directly or indirectly in 936
connection with the sale of those securities does not exceed ten 937
per cent of the initial offering price, and those securities are 938
issued and disposed of for the sole account of the issuer in 939
good faith and not for the purpose of avoiding this chapter. For 940
the purposes of this division, neither of the following shall be 941
included among the thirty-five purchaser maximum: 942

(a) Any purchaser of at least one hundred thousand dollars 943
of the offered securities; 944

(b) Any director or executive officer of the issuing 945
corporation. 946

(3) The sale of securities representing an interest in a 947
partnership, limited liability company, limited partnership, 948
partnership association, syndicate, pool, trust, trust fund, or 949
other unincorporated association may be so carried out if the 950
securities are sold to not more than a maximum of thirty-five 951
purchasers, the aggregate commission, discount, or other 952
remuneration, excluding legal, accounting, and printing fees, 953
paid or given directly or indirectly in connection with the sale 954

of those securities does not exceed ten per cent of the initial 955
offering price, and the sale is made in good faith and not for 956
the purpose of avoiding this chapter. For the purposes of this 957
division, neither of the following shall be included among the 958
thirty-five purchaser maximum: 959

(a) Any purchaser of at least one hundred thousand dollars 960
of the offered securities; 961

(b) Any trustee, general partner, director, or executive 962
officer of the issuer, or any member of a limited liability 963
company, if the issuer is a limited liability company in which 964
the management is reserved to its members, or manager of a 965
limited liability company, if the issuer is a limited liability 966
company in which the management is not reserved to its members. 967

(4) The offering and sale of additional securities of a 968
corporation, made by it to its own security holders exclusively, 969
may be so carried out where no commission or other remuneration 970
is paid or given directly or indirectly in connection with the 971
offering and sale, other than a commission in respect of the 972
securities purchased by such security holders or a discount in 973
respect of the securities not purchased by the security holders, 974
or both, paid by the corporation to a dealer who has agreed to 975
purchase all of those securities not taken by the security 976
holders. 977

(B) An issuer engaging in any transaction specified in 978
this section shall not be deemed a dealer. Any commission, 979
discount, or other remuneration for sales in this state of 980
securities specified in this section shall be paid only to 981
dealers or salespersons licensed pursuant to this chapter. 982

(C) For the purpose of this section, each of the following 983

is deemed to be a single purchaser of a security: 984

(1) ~~Husband and wife~~ Both spouses; 985

(2) A child and its parent or guardian when the parent or 986
guardian holds the security for the benefit of the child; 987

(3) A corporation, a limited liability company, a 988
partnership, an association or other unincorporated entity, a 989
joint-stock company, or a trust, but only if the corporation, 990
limited liability company, partnership, association, entity, 991
joint-stock company, or trust was not formed for the purpose of 992
purchasing the security. 993

(D) A sale of securities registered under section 1707.09 994
or 1707.091 of the Revised Code or sold pursuant to an exemption 995
under this chapter shall not be integrated with a sale pursuant 996
to this section in computing the number of purchasers under this 997
section. 998

Sec. 1707.14. (A) No person shall act as a dealer, unless 999
the person is licensed as a dealer by the division of 1000
securities, except when at least one of the following cases 1001
applies: 1002

(1) When the person is transacting business through or 1003
with a licensed dealer; 1004

(2) When the securities are the subject matter of one or 1005
more transactions enumerated in divisions (B) to (L), (O) to 1006
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 1007
the Revised Code, except when a commission, discount, or other 1008
remuneration is paid or given in consideration with transactions 1009
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 1010
1707.03, or in section 1707.06 of the Revised Code; 1011

(3) When the person is an issuer selling securities issued 1012
by it or by its subsidiary, if such securities are specified 1013
under division (G) or (I) of section 1707.02, or under section 1014
1707.04 of the Revised Code; 1015

(4) When the person is participating in transactions 1016
exempt, under section 1707.34 of the Revised Code, from this 1017
chapter; 1018

(5) When the person has no place of business in this 1019
state, is registered with the securities and exchange 1020
commission, and the only transactions effected in this state are 1021
with institutional investors. 1022

(B) Each dealer that in any twelve-month or shorter 1023
period, alone or with any other dealer with which it is 1024
affiliated, has total revenues of one hundred fifty thousand 1025
dollars or more derived from the business of buying, selling, or 1026
otherwise dealing in securities, and that at any time during 1027
such period has one hundred or more retail securities customers, 1028
shall be registered as a broker or dealer with the securities 1029
and exchange commission under the Securities Exchange Act of 1030
1934, except the following entities: 1031

(1) A bank; 1032

(2) A dealer that enters into and is in compliance with an 1033
undertaking accepted by the division, in which the dealer agrees 1034
that it will not engage in any transaction involving the buying, 1035
selling, or otherwise dealing in securities with any natural 1036
person in this state, except for transactions involving either 1037
of the following: 1038

(a) Securities of corporations or associations that have 1039
qualified for treatment as nonprofit organizations pursuant to 1040

section 501(c)(3) of the "Internal Revenue Code of 1986," 100
Stat. 2085, 26 U.S.C.A. 501, as amended; 1042

(b) Securities or transactions that are described in 1043
divisions (A)(1) to (4) of this section. 1044

(C) Every dealer that must be registered as a broker or 1045
dealer with the securities and exchange commission pursuant to 1046
division (B) of this section shall become so registered no later 1047
than ninety days after the date on which the dealer meets the 1048
requirements for such registration. 1049

(D) The division by rule may exempt any dealer from 1050
complying with the licensing or registration requirements of 1051
this section, if the division finds that such licensing or 1052
registration is not necessary for the protection of investors or 1053
in the public interest. 1054

(E) As used in division (B) of this section, "retail 1055
securities customer" means a person that purchases from or 1056
through or sells securities to or through a dealer, and that is 1057
not an officer, a director, a principal, a general partner, or 1058
an employee of, the dealer. Each of the following is deemed to 1059
be a single retail securities customer: 1060

(1) ~~A husband and wife~~ Both spouses; 1061

(2) A minor child and the minor child's parent or legal 1062
guardian; 1063

(3) A corporation, a partnership, an association or other 1064
unincorporated entity, a joint stock company, or a trust. 1065

Sec. 2103.05. ~~A husband or wife~~ spouse who leaves the 1066
other spouse and dwells in adultery will be barred from dower in 1067
the real property of the other, unless the offense is condoned 1068

by the injured consort. 1069

Sec. 2103.06. If a ~~husband or wife~~ spouse gives up real 1070
property by collusion or fraud, or loses it by default, the 1071
~~widow or widower~~ surviving spouse may recover dower therein. 1072

Sec. 2103.08. Sections 5305.01 to 5305.22, ~~inclusive,~~ of 1073
the Revised Code apply to the assignment of the dower of ~~a~~ 1074
~~husband~~ either spouse. 1075

Sec. 2105.06. When a person dies intestate having title or 1076
right to any personal property, or to any real property or 1077
inheritance, in this state, the personal property shall be 1078
distributed, and the real property or inheritance shall descend 1079
and pass in parcenary, except as otherwise provided by law, in 1080
the following course: 1081

(A) If there is no surviving spouse, to the children of 1082
the intestate or their lineal descendants, per stirpes; 1083

(B) If there is a spouse and one or more children of the 1084
decedent or their lineal descendants surviving, and all of the 1085
decedent's children who survive or have lineal descendants 1086
surviving also are children of the surviving spouse, then the 1087
whole to the surviving spouse; 1088

(C) If there is a spouse and one child of the decedent or 1089
the child's lineal descendants surviving and the surviving 1090
spouse is not the natural or adoptive parent of the decedent's 1091
child, the first twenty thousand dollars plus one-half of the 1092
balance of the intestate estate to the spouse and the remainder 1093
to the child or the child's lineal descendants, per stirpes; 1094

(D) If there is a spouse and more than one child or their 1095
lineal descendants surviving, the first sixty thousand dollars 1096
if the spouse is the natural or adoptive parent of one, but not 1097

all, of the children, or the first twenty thousand dollars if 1098
the spouse is the natural or adoptive parent of none of the 1099
children, plus one-third of the balance of the intestate estate 1100
to the spouse and the remainder to the children equally, or to 1101
the lineal descendants of any deceased child, per stirpes; 1102

(E) If there are no children or their lineal descendants, 1103
then the whole to the surviving spouse; 1104

(F) Except as provided in section 2105.062 of the Revised 1105
Code, if there is no spouse and no children or their lineal 1106
descendants, to the parents of the intestate equally, or to the 1107
surviving parent; 1108

(G) Except as provided in section 2105.062 of the Revised 1109
Code, if there is no spouse, no children or their lineal 1110
descendants, and no parent surviving, to the brothers and 1111
sisters, whether of the whole or of the half blood of the 1112
intestate, or their lineal descendants, per stirpes; 1113

(H) Except as provided in section 2105.062 of the Revised 1114
Code, if there are no brothers or sisters or their lineal 1115
descendants, one-half to one set of the paternal-intestate's 1116
~~grandparents of the intestate~~ equally, or to the survivor of 1117
them, and one-half to the other set of the maternal-intestate's 1118
~~grandparents of the intestate~~ equally, or to the survivor of 1119
them; 1120

(I) Except as provided in section 2105.062 of the Revised 1121
Code, if there ~~is are no paternal grandparent or no maternal~~ 1122
~~grandparent~~ grandparents, one-half to the lineal descendants of 1123
the deceased grandparents, per stirpes; if there are no such 1124
lineal descendants, then to the surviving grandparents or their 1125
lineal descendants, per stirpes; if there are no surviving 1126

grandparents or their lineal descendants, then to the next of 1127
kin of the intestate, provided there shall be no representation 1128
among the next of kin; 1129

(J) If there are no next of kin, to stepchildren or their 1130
lineal descendants, per stirpes; 1131

(K) If there are no stepchildren or their lineal 1132
descendants, escheat to the state. 1133

Sec. 2111.08. ~~The wife and husband~~ Both spouses are the 1134
joint natural guardians of their minor children and are equally 1135
charged with their care, nurture, welfare, and education and the 1136
care and management of their estates. ~~The wife and husband~~ 1137
spouses have equal powers, rights, and duties and neither parent 1138
has any right paramount to the right of the other concerning the 1139
parental rights and responsibilities for the care of the minor 1140
or the right to be the residential parent and legal custodian of 1141
the minor, the control of the services or the earnings of such 1142
minor, or any other matter affecting the minor; provided that if 1143
either parent, to the exclusion of the other, is maintaining and 1144
supporting the child, that parent shall have the paramount right 1145
to control the services and earnings of the child. Neither 1146
parent shall forcibly take a child from the guardianship of the 1147
parent who is the residential parent and legal custodian of the 1148
child. 1149

If the ~~wife and husband~~ spouses live apart, the court may 1150
award the guardianship of a minor to either parent, and the 1151
state in which the parent who is the residential parent and 1152
legal custodian or who otherwise has the lawful custody of the 1153
minor resides has jurisdiction to determine questions concerning 1154
the minor's guardianship. 1155

Sec. 2121.03. At the hearing the probate court shall hear 1156
such legally admissible evidence as is offered for the purpose 1157
of ascertaining whether the presumption of death is established. 1158
No person shall be disqualified to testify by reason of 1159
~~relationship as husband or wife being married~~ to the presumed 1160
decedent, or by reason an interest in the presumed decedent's 1161
property, or because of a right or interest under the terms of a 1162
contract, beneficiary designation, trust, or otherwise, arising 1163
by reason of the death of the presumed decedent. 1164

Sec. 2307.09. A ~~married woman~~ spouse may sue and be sued 1165
as if ~~she~~ the spouse were unmarried, and ~~her husband~~ the other 1166
spouse may be joined ~~with her~~ only when the cause of action is 1167
in favor of or against both. 1168

Sec. 2307.10. When ~~husband and wife~~ spouses are sued 1169
together, ~~the wife~~ one spouse may defend for ~~her~~ the spouse's 1170
own right, ~~and if the husband neglects to~~ also may defend ~~she~~ 1171
~~also may defend for his~~ the other spouse's right if the other 1172
spouse neglects to do so. 1173

Sec. 2317.02. The following persons shall not testify in 1174
certain respects: 1175

(A) (1) An attorney, concerning a communication made to the 1176
attorney by a client in that relation or concerning the 1177
attorney's advice to a client, except that the attorney may 1178
testify by express consent of the client or, if the client is 1179
deceased, by the express consent of the surviving spouse or the 1180
executor or administrator of the estate of the deceased client. 1181
However, if the client voluntarily reveals the substance of 1182
attorney-client communications in a nonprivileged context or is 1183
deemed by section 2151.421 of the Revised Code to have waived 1184
any testimonial privilege under this division, the attorney may 1185

be compelled to testify on the same subject. 1186

The testimonial privilege established under this division 1187
does not apply concerning either of the following: 1188

(a) A communication between a client in a capital case, as 1189
defined in section 2901.02 of the Revised Code, and the client's 1190
attorney if the communication is relevant to a subsequent 1191
ineffective assistance of counsel claim by the client alleging 1192
that the attorney did not effectively represent the client in 1193
the case; 1194

(b) A communication between a client who has since died 1195
and the deceased client's attorney if the communication is 1196
relevant to a dispute between parties who claim through that 1197
deceased client, regardless of whether the claims are by testate 1198
or intestate succession or by inter vivos transaction, and the 1199
dispute addresses the competency of the deceased client when the 1200
deceased client executed a document that is the basis of the 1201
dispute or whether the deceased client was a victim of fraud, 1202
undue influence, or duress when the deceased client executed a 1203
document that is the basis of the dispute. 1204

(2) An attorney, concerning a communication made to the 1205
attorney by a client in that relationship or the attorney's 1206
advice to a client, except that if the client is an insurance 1207
company, the attorney may be compelled to testify, subject to an 1208
in camera inspection by a court, about communications made by 1209
the client to the attorney or by the attorney to the client that 1210
are related to the attorney's aiding or furthering an ongoing or 1211
future commission of bad faith by the client, if the party 1212
seeking disclosure of the communications has made a prima-facie 1213
showing of bad faith, fraud, or criminal misconduct by the 1214
client. 1215

(B) (1) A physician, advanced practice registered nurse, or 1216
dentist concerning a communication made to the physician, 1217
advanced practice registered nurse, or dentist by a patient in 1218
that relation or the advice of a physician, advanced practice 1219
registered nurse, or dentist given to a patient, except as 1220
otherwise provided in this division, division (B) (2), and 1221
division (B) (3) of this section, and except that, if the patient 1222
is deemed by section 2151.421 of the Revised Code to have waived 1223
any testimonial privilege under this division, the physician or 1224
advanced practice registered nurse may be compelled to testify 1225
on the same subject. 1226

The testimonial privilege established under this division 1227
does not apply, and a physician, advanced practice registered 1228
nurse, or dentist may testify or may be compelled to testify, in 1229
any of the following circumstances: 1230

(a) In any civil action, in accordance with the discovery 1231
provisions of the Rules of Civil Procedure in connection with a 1232
civil action, or in connection with a claim under Chapter 4123. 1233
of the Revised Code, under any of the following circumstances: 1234

(i) If the patient or the guardian or other legal 1235
representative of the patient gives express consent; 1236

(ii) If the patient is deceased, the spouse of the patient 1237
or the executor or administrator of the patient's estate gives 1238
express consent; 1239

(iii) If a medical claim, dental claim, chiropractic 1240
claim, or optometric claim, as defined in section 2305.113 of 1241
the Revised Code, an action for wrongful death, any other type 1242
of civil action, or a claim under Chapter 4123. of the Revised 1243
Code is filed by the patient, the personal representative of the 1244

estate of the patient if deceased, or the patient's guardian or 1245
other legal representative. 1246

(b) In any civil action concerning court-ordered treatment 1247
or services received by a patient, if the court-ordered 1248
treatment or services were ordered as part of a case plan 1249
journalized under section 2151.412 of the Revised Code or the 1250
court-ordered treatment or services are necessary or relevant to 1251
dependency, neglect, or abuse or temporary or permanent custody 1252
proceedings under Chapter 2151. of the Revised Code. 1253

(c) In any criminal action concerning any test or the 1254
results of any test that determines the presence or 1255
concentration of alcohol, a drug of abuse, a combination of 1256
them, a controlled substance, or a metabolite of a controlled 1257
substance in the patient's whole blood, blood serum or plasma, 1258
breath, urine, or other bodily substance at any time relevant to 1259
the criminal offense in question. 1260

(d) In any criminal action against a physician, advanced 1261
practice registered nurse, or dentist. In such an action, the 1262
testimonial privilege established under this division does not 1263
prohibit the admission into evidence, in accordance with the 1264
Rules of Evidence, of a patient's medical or dental records or 1265
other communications between a patient and the physician, 1266
advanced practice registered nurse, or dentist that are related 1267
to the action and obtained by subpoena, search warrant, or other 1268
lawful means. A court that permits or compels a physician, 1269
advanced practice registered nurse, or dentist to testify in 1270
such an action or permits the introduction into evidence of 1271
patient records or other communications in such an action shall 1272
require that appropriate measures be taken to ensure that the 1273
confidentiality of any patient named or otherwise identified in 1274

the records is maintained. Measures to ensure confidentiality 1275
that may be taken by the court include sealing its records or 1276
deleting specific information from its records. 1277

(e) (i) If the communication was between a patient who has 1278
since died and the deceased patient's physician, advanced 1279
practice registered nurse, or dentist, the communication is 1280
relevant to a dispute between parties who claim through that 1281
deceased patient, regardless of whether the claims are by 1282
testate or intestate succession or by inter vivos transaction, 1283
and the dispute addresses the competency of the deceased patient 1284
when the deceased patient executed a document that is the basis 1285
of the dispute or whether the deceased patient was a victim of 1286
fraud, undue influence, or duress when the deceased patient 1287
executed a document that is the basis of the dispute. 1288

(ii) If neither the spouse of a patient nor the executor 1289
or administrator of that patient's estate gives consent under 1290
division (B) (1) (a) (ii) of this section, testimony or the 1291
disclosure of the patient's medical records by a physician, 1292
advanced practice registered nurse, dentist, or other health 1293
care provider under division (B) (1) (e) (i) of this section is a 1294
permitted use or disclosure of protected health information, as 1295
defined in 45 C.F.R. 160.103, and an authorization or 1296
opportunity to be heard shall not be required. 1297

(iii) Division (B) (1) (e) (i) of this section does not 1298
require a mental health professional to disclose psychotherapy 1299
notes, as defined in 45 C.F.R. 164.501. 1300

(iv) An interested person who objects to testimony or 1301
disclosure under division (B) (1) (e) (i) of this section may seek 1302
a protective order pursuant to Civil Rule 26. 1303

(v) A person to whom protected health information is 1304
disclosed under division (B) (1) (e) (i) of this section shall not 1305
use or disclose the protected health information for any purpose 1306
other than the litigation or proceeding for which the 1307
information was requested and shall return the protected health 1308
information to the covered entity or destroy the protected 1309
health information, including all copies made, at the conclusion 1310
of the litigation or proceeding. 1311

(2) (a) If any law enforcement officer submits a written 1312
statement to a health care provider that states that an official 1313
criminal investigation has begun regarding a specified person or 1314
that a criminal action or proceeding has been commenced against 1315
a specified person, that requests the provider to supply to the 1316
officer copies of any records the provider possesses that 1317
pertain to any test or the results of any test administered to 1318
the specified person to determine the presence or concentration 1319
of alcohol, a drug of abuse, a combination of them, a controlled 1320
substance, or a metabolite of a controlled substance in the 1321
person's whole blood, blood serum or plasma, breath, or urine at 1322
any time relevant to the criminal offense in question, and that 1323
conforms to section 2317.022 of the Revised Code, the provider, 1324
except to the extent specifically prohibited by any law of this 1325
state or of the United States, shall supply to the officer a 1326
copy of any of the requested records the provider possesses. If 1327
the health care provider does not possess any of the requested 1328
records, the provider shall give the officer a written statement 1329
that indicates that the provider does not possess any of the 1330
requested records. 1331

(b) If a health care provider possesses any records of the 1332
type described in division (B) (2) (a) of this section regarding 1333
the person in question at any time relevant to the criminal 1334

offense in question, in lieu of personally testifying as to the 1335
results of the test in question, the custodian of the records 1336
may submit a certified copy of the records, and, upon its 1337
submission, the certified copy is qualified as authentic 1338
evidence and may be admitted as evidence in accordance with the 1339
Rules of Evidence. Division (A) of section 2317.422 of the 1340
Revised Code does not apply to any certified copy of records 1341
submitted in accordance with this division. Nothing in this 1342
division shall be construed to limit the right of any party to 1343
call as a witness the person who administered the test to which 1344
the records pertain, the person under whose supervision the test 1345
was administered, the custodian of the records, the person who 1346
made the records, or the person under whose supervision the 1347
records were made. 1348

(3) (a) If the testimonial privilege described in division 1349
(B) (1) of this section does not apply as provided in division 1350
(B) (1) (a) (iii) of this section, a physician, advanced practice 1351
registered nurse, or dentist may be compelled to testify or to 1352
submit to discovery under the Rules of Civil Procedure only as 1353
to a communication made to the physician, advanced practice 1354
registered nurse, or dentist by the patient in question in that 1355
relation, or the advice of the physician, advanced practice 1356
registered nurse, or dentist given to the patient in question, 1357
that related causally or historically to physical or mental 1358
injuries that are relevant to issues in the medical claim, 1359
dental claim, chiropractic claim, or optometric claim, action 1360
for wrongful death, other civil action, or claim under Chapter 1361
4123. of the Revised Code. 1362

(b) If the testimonial privilege described in division (B) 1363
(1) of this section does not apply to a physician, advanced 1364
practice registered nurse, or dentist as provided in division 1365

(B) (1) (c) of this section, the physician, advanced practice
registered nurse, or dentist, in lieu of personally testifying
as to the results of the test in question, may submit a
certified copy of those results, and, upon its submission, the
certified copy is qualified as authentic evidence and may be
admitted as evidence in accordance with the Rules of Evidence.
Division (A) of section 2317.422 of the Revised Code does not
apply to any certified copy of results submitted in accordance
with this division. Nothing in this division shall be construed
to limit the right of any party to call as a witness the person
who administered the test in question, the person under whose
supervision the test was administered, the custodian of the
results of the test, the person who compiled the results, or the
person under whose supervision the results were compiled.

(4) The testimonial privilege described in division (B) (1)
of this section is not waived when a communication is made by a
physician or advanced practice registered nurse to a pharmacist
or when there is communication between a patient and a
pharmacist in furtherance of the physician-patient or advanced
practice registered nurse-patient relation.

(5) (a) As used in divisions (B) (1) to (4) of this section,
"communication" means acquiring, recording, or transmitting any
information, in any manner, concerning any facts, opinions, or
statements necessary to enable a physician, advanced practice
registered nurse, or dentist to diagnose, treat, prescribe, or
act for a patient. A "communication" may include, but is not
limited to, any medical or dental, office, or hospital
communication such as a record, chart, letter, memorandum,
laboratory test and results, x-ray, photograph, financial
statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health
care provider" means a hospital, ambulatory care facility, long-
term care facility, pharmacy, emergency facility, or health care
practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that
provides medical, diagnostic, or surgical treatment to patients
who do not require hospitalization, including a dialysis center,
ambulatory surgical facility, cardiac catheterization facility,
diagnostic imaging center, extracorporeal shock wave lithotripsy
center, home health agency, inpatient hospice, birthing center,
radiation therapy center, emergency facility, and an urgent care
center. "Ambulatory health care facility" does not include the
private office of a physician, advanced practice registered
nurse, or dentist, whether the office is for an individual or
group practice.

(ii) "Emergency facility" means a hospital emergency
department or any other facility that provides emergency medical
services.

(iii) "Health care practitioner" has the same meaning as
in section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01
of the Revised Code.

(v) "Long-term care facility" means a nursing home,
residential care facility, or home for the aging, as those terms
are defined in section 3721.01 of the Revised Code; a
residential facility licensed under section 5119.34 of the
Revised Code that provides accommodations, supervision, and
personal care services for three to sixteen unrelated adults; a

nursing facility, as defined in section 5165.01 of the Revised 1425
Code; a skilled nursing facility, as defined in section 5165.01 1426
of the Revised Code; and an intermediate care facility for 1427
individuals with intellectual disabilities, as defined in 1428
section 5124.01 of the Revised Code. 1429

(vi) "Pharmacy" has the same meaning as in section 4729.01 1430
of the Revised Code. 1431

(d) As used in divisions (B)(1) and (2) of this section, 1432
"drug of abuse" has the same meaning as in section 4506.01 of 1433
the Revised Code. 1434

(6) Divisions (B)(1), (2), (3), (4), and (5) of this 1435
section apply to doctors of medicine, doctors of osteopathic 1436
medicine, doctors of podiatry, advanced practice registered 1437
nurses, and dentists. 1438

(7) Nothing in divisions (B)(1) to (6) of this section 1439
affects, or shall be construed as affecting, the immunity from 1440
civil liability conferred by section 307.628 of the Revised Code 1441
or the immunity from civil liability conferred by section 1442
2305.33 of the Revised Code upon physicians or advanced practice 1443
registered nurses who report an employee's use of a drug of 1444
abuse, or a condition of an employee other than one involving 1445
the use of a drug of abuse, to the employer of the employee in 1446
accordance with division (B) of that section. As used in 1447
division (B)(7) of this section, "employee," "employer," and 1448
"physician" have the same meanings as in section 2305.33 of the 1449
Revised Code and "advanced practice registered nurse" has the 1450
same meaning as in section 4723.01 of the Revised Code. 1451

(C)(1) A cleric, when the cleric remains accountable to 1452
the authority of that cleric's church, denomination, or sect, 1453

concerning a confession made, or any information confidentially 1454
communicated, to the cleric for a religious counseling purpose 1455
in the cleric's professional character. The cleric may testify 1456
by express consent of the person making the communication, 1457
except when the disclosure of the information is in violation of 1458
a sacred trust and except that, if the person voluntarily 1459
testifies or is deemed by division (A) (4) (c) of section 2151.421 1460
of the Revised Code to have waived any testimonial privilege 1461
under this division, the cleric may be compelled to testify on 1462
the same subject except when disclosure of the information is in 1463
violation of a sacred trust. 1464

(2) As used in division (C) of this section: 1465

(a) "Cleric" means a member of the clergy, rabbi, priest, 1466
Christian Science practitioner, or regularly ordained, 1467
accredited, or licensed minister of an established and legally 1468
cognizable church, denomination, or sect. 1469

(b) "Sacred trust" means a confession or confidential 1470
communication made to a cleric in the cleric's ecclesiastical 1471
capacity in the course of discipline enjoined by the church to 1472
which the cleric belongs, including, but not limited to, the 1473
Catholic Church, if both of the following apply: 1474

(i) The confession or confidential communication was made 1475
directly to the cleric. 1476

(ii) The confession or confidential communication was made 1477
in the manner and context that places the cleric specifically 1478
and strictly under a level of confidentiality that is considered 1479
inviolable by canon law or church doctrine. 1480

(D) ~~Husband or wife~~ Spouses, concerning any communication 1481
made by one to the other, or an act done by either in the 1482

presence of the other, during coverture, unless the 1483
communication was made, or act done, in the known presence or 1484
hearing of a third person competent to be a witness; and such 1485
rule is the same if the marital relation has ceased to exist; 1486

(E) A person who assigns a claim or interest, concerning 1487
any matter in respect to which the person would not, if a party, 1488
be permitted to testify; 1489

(F) A person who, if a party, would be restricted under 1490
section 2317.03 of the Revised Code, when the property or thing 1491
is sold or transferred by an executor, administrator, guardian, 1492
trustee, heir, devisee, or legatee, shall be restricted in the 1493
same manner in any action or proceeding concerning the property 1494
or thing. 1495

(G) (1) A school guidance counselor who holds a valid 1496
educator license from the state board of education as provided 1497
for in section 3319.22 of the Revised Code, a person licensed 1498
under Chapter 4757. of the Revised Code as a licensed 1499
professional clinical counselor, licensed professional 1500
counselor, social worker, independent social worker, marriage 1501
and family therapist or independent marriage and family 1502
therapist, or registered under Chapter 4757. of the Revised Code 1503
as a social work assistant concerning a confidential 1504
communication received from a client in that relation or the 1505
person's advice to a client unless any of the following applies: 1506

(a) The communication or advice indicates clear and 1507
present danger to the client or other persons. For the purposes 1508
of this division, cases in which there are indications of 1509
present or past child abuse or neglect of the client constitute 1510
a clear and present danger. 1511

- (b) The client gives express consent to the testimony. 1512
- (c) If the client is deceased, the surviving spouse or the 1513
executor or administrator of the estate of the deceased client 1514
gives express consent. 1515
- (d) The client voluntarily testifies, in which case the 1516
school guidance counselor or person licensed or registered under 1517
Chapter 4757. of the Revised Code may be compelled to testify on 1518
the same subject. 1519
- (e) The court in camera determines that the information 1520
communicated by the client is not germane to the counselor- 1521
client, marriage and family therapist-client, or social worker- 1522
client relationship. 1523
- (f) A court, in an action brought against a school, its 1524
administration, or any of its personnel by the client, rules 1525
after an in-camera inspection that the testimony of the school 1526
guidance counselor is relevant to that action. 1527
- (g) The testimony is sought in a civil action and concerns 1528
court-ordered treatment or services received by a patient as 1529
part of a case plan journalized under section 2151.412 of the 1530
Revised Code or the court-ordered treatment or services are 1531
necessary or relevant to dependency, neglect, or abuse or 1532
temporary or permanent custody proceedings under Chapter 2151. 1533
of the Revised Code. 1534
- (2) Nothing in division (G)(1) of this section shall 1535
relieve a school guidance counselor or a person licensed or 1536
registered under Chapter 4757. of the Revised Code from the 1537
requirement to report information concerning child abuse or 1538
neglect under section 2151.421 of the Revised Code. 1539
- (H) A mediator acting under a mediation order issued under 1540

division (A) of section 3109.052 of the Revised Code or 1541
otherwise issued in any proceeding for divorce, dissolution, 1542
legal separation, annulment, or the allocation of parental 1543
rights and responsibilities for the care of children, in any 1544
action or proceeding, other than a criminal, delinquency, child 1545
abuse, child neglect, or dependent child action or proceeding, 1546
that is brought by or against either parent who takes part in 1547
mediation in accordance with the order and that pertains to the 1548
mediation process, to any information discussed or presented in 1549
the mediation process, to the allocation of parental rights and 1550
responsibilities for the care of the parents' children, or to 1551
the awarding of parenting time rights in relation to their 1552
children; 1553

(I) A communications assistant, acting within the scope of 1554
the communication assistant's authority, when providing 1555
telecommunications relay service pursuant to section 4931.06 of 1556
the Revised Code or Title II of the "Communications Act of 1557
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1558
communication made through a telecommunications relay service. 1559
Nothing in this section shall limit the obligation of a 1560
communications assistant to divulge information or testify when 1561
mandated by federal law or regulation or pursuant to subpoena in 1562
a criminal proceeding. 1563

Nothing in this section shall limit any immunity or 1564
privilege granted under federal law or regulation. 1565

(J) (1) A chiropractor in a civil proceeding concerning a 1566
communication made to the chiropractor by a patient in that 1567
relation or the chiropractor's advice to a patient, except as 1568
otherwise provided in this division. The testimonial privilege 1569
established under this division does not apply, and a 1570

chiropractor may testify or may be compelled to testify, in any 1571
civil action, in accordance with the discovery provisions of the 1572
Rules of Civil Procedure in connection with a civil action, or 1573
in connection with a claim under Chapter 4123. of the Revised 1574
Code, under any of the following circumstances: 1575

(a) If the patient or the guardian or other legal 1576
representative of the patient gives express consent. 1577

(b) If the patient is deceased, the spouse of the patient 1578
or the executor or administrator of the patient's estate gives 1579
express consent. 1580

(c) If a medical claim, dental claim, chiropractic claim, 1581
or optometric claim, as defined in section 2305.113 of the 1582
Revised Code, an action for wrongful death, any other type of 1583
civil action, or a claim under Chapter 4123. of the Revised Code 1584
is filed by the patient, the personal representative of the 1585
estate of the patient if deceased, or the patient's guardian or 1586
other legal representative. 1587

(2) If the testimonial privilege described in division (J) 1588
(1) of this section does not apply as provided in division (J) 1589
(1)(c) of this section, a chiropractor may be compelled to 1590
testify or to submit to discovery under the Rules of Civil 1591
Procedure only as to a communication made to the chiropractor by 1592
the patient in question in that relation, or the chiropractor's 1593
advice to the patient in question, that related causally or 1594
historically to physical or mental injuries that are relevant to 1595
issues in the medical claim, dental claim, chiropractic claim, 1596
or optometric claim, action for wrongful death, other civil 1597
action, or claim under Chapter 4123. of the Revised Code. 1598

(3) The testimonial privilege established under this 1599

division does not apply, and a chiropractor may testify or be 1600
compelled to testify, in any criminal action or administrative 1601
proceeding. 1602

(4) As used in this division, "communication" means 1603
acquiring, recording, or transmitting any information, in any 1604
manner, concerning any facts, opinions, or statements necessary 1605
to enable a chiropractor to diagnose, treat, or act for a 1606
patient. A communication may include, but is not limited to, any 1607
chiropractic, office, or hospital communication such as a 1608
record, chart, letter, memorandum, laboratory test and results, 1609
x-ray, photograph, financial statement, diagnosis, or prognosis. 1610

(K) (1) Except as provided under division (K) (2) of this 1611
section, a critical incident stress management team member 1612
concerning a communication received from an individual who 1613
receives crisis response services from the team member, or the 1614
team member's advice to the individual, during a debriefing 1615
session. 1616

(2) The testimonial privilege established under division 1617
(K) (1) of this section does not apply if any of the following 1618
are true: 1619

(a) The communication or advice indicates clear and 1620
present danger to the individual who receives crisis response 1621
services or to other persons. For purposes of this division, 1622
cases in which there are indications of present or past child 1623
abuse or neglect of the individual constitute a clear and 1624
present danger. 1625

(b) The individual who received crisis response services 1626
gives express consent to the testimony. 1627

(c) If the individual who received crisis response 1628

services is deceased, the surviving spouse or the executor or 1629
administrator of the estate of the deceased individual gives 1630
express consent. 1631

(d) The individual who received crisis response services 1632
voluntarily testifies, in which case the team member may be 1633
compelled to testify on the same subject. 1634

(e) The court in camera determines that the information 1635
communicated by the individual who received crisis response 1636
services is not germane to the relationship between the 1637
individual and the team member. 1638

(f) The communication or advice pertains or is related to 1639
any criminal act. 1640

(3) As used in division (K) of this section: 1641

(a) "Crisis response services" means consultation, risk 1642
assessment, referral, and on-site crisis intervention services 1643
provided by a critical incident stress management team to 1644
individuals affected by crisis or disaster. 1645

(b) "Critical incident stress management team member" or 1646
"team member" means an individual specially trained to provide 1647
crisis response services as a member of an organized community 1648
or local crisis response team that holds membership in the Ohio 1649
critical incident stress management network. 1650

(c) "Debriefing session" means a session at which crisis 1651
response services are rendered by a critical incident stress 1652
management team member during or after a crisis or disaster. 1653

(L) (1) Subject to division (L) (2) of this section and 1654
except as provided in division (L) (3) of this section, an 1655
employee assistance professional, concerning a communication 1656

made to the employee assistance professional by a client in the 1657
employee assistance professional's official capacity as an 1658
employee assistance professional. 1659

(2) Division (L)(1) of this section applies to an employee 1660
assistance professional who meets either or both of the 1661
following requirements: 1662

(a) Is certified by the employee assistance certification 1663
commission to engage in the employee assistance profession; 1664

(b) Has education, training, and experience in all of the 1665
following: 1666

(i) Providing workplace-based services designed to address 1667
employer and employee productivity issues; 1668

(ii) Providing assistance to employees and employees' 1669
dependents in identifying and finding the means to resolve 1670
personal problems that affect the employees or the employees' 1671
performance; 1672

(iii) Identifying and resolving productivity problems 1673
associated with an employee's concerns about any of the 1674
following matters: health, marriage, family, finances, substance 1675
abuse or other addiction, workplace, law, and emotional issues; 1676

(iv) Selecting and evaluating available community 1677
resources; 1678

(v) Making appropriate referrals; 1679

(vi) Local and national employee assistance agreements; 1680

(vii) Client confidentiality. 1681

(3) Division (L)(1) of this section does not apply to any 1682
of the following: 1683

(a) A criminal action or proceeding involving an offense 1684
under sections 2903.01 to 2903.06 of the Revised Code if the 1685
employee assistance professional's disclosure or testimony 1686
relates directly to the facts or immediate circumstances of the 1687
offense; 1688

(b) A communication made by a client to an employee 1689
assistance professional that reveals the contemplation or 1690
commission of a crime or serious, harmful act; 1691

(c) A communication that is made by a client who is an 1692
unemancipated minor or an adult adjudicated to be incompetent 1693
and indicates that the client was the victim of a crime or 1694
abuse; 1695

(d) A civil proceeding to determine an individual's mental 1696
competency or a criminal action in which a plea of not guilty by 1697
reason of insanity is entered; 1698

(e) A civil or criminal malpractice action brought against 1699
the employee assistance professional; 1700

(f) When the employee assistance professional has the 1701
express consent of the client or, if the client is deceased or 1702
disabled, the client's legal representative; 1703

(g) When the testimonial privilege otherwise provided by 1704
division (L)(1) of this section is abrogated under law. 1705

Sec. 2719.06. The court of common pleas may correct, 1706
amend, and relieve against errors, defects, or mistakes 1707
occurring in the deed or other conveyance of ~~a husband and wife~~ 1708
spouses, executed and intended to convey or encumber the lands 1709
or estate of ~~the wife~~ one spouse, or ~~her~~ the spouse's right of 1710
dower in the lands of ~~her husband~~ the other spouse, in the 1711
manner and to the extent that such courts are authorized to 1712

correct errors, mistakes, or defects in the deeds or conveyances 1713
of other persons. 1714

Sec. 2907.26. (A) In any case in which it is necessary to 1715
prove that a place is a brothel, evidence as to the reputation 1716
of such place and as to the reputation of the persons who 1717
inhabit or frequent it, is admissible on the question of whether 1718
such place is or is not a brothel. 1719

(B) In any case in which it is necessary to prove that a 1720
person is a prostitute, evidence as to the reputation of such 1721
person is admissible on the question of whether such person is 1722
or is not a prostitute. 1723

(C) In any prosecution for a violation of sections 2907.21 1724
to 2907.25 of the Revised Code, proof of a prior conviction of 1725
the accused of any such offense or substantially equivalent 1726
offense is admissible in support of the charge. 1727

(D) The prohibition contained in division (D) of section 1728
2317.02 of the Revised Code against testimony by a ~~husband or~~ 1729
~~wife-spouse~~ concerning communications between them does not 1730
apply, and the accused's spouse may testify concerning any such 1731
communication, in any of the following cases: 1732

(1) When the ~~husband or wife-spouse~~ is charged with a 1733
violation of section 2907.21 of the Revised Code, and the spouse 1734
testifying was the victim of the offense; 1735

(2) When the ~~husband or wife-spouse~~ is charged with a 1736
violation of section 2907.22 of the Revised Code, and the spouse 1737
testifying was the prostitute involved in the offense, or the 1738
person transported, induced, or procured by the offender to 1739
engage in sexual activity for hire; 1740

(3) When the ~~husband or wife-spouse~~ is charged with a 1741

violation of section 2907.23 of the Revised Code, and the spouse 1742
testifying was the prostitute involved in the offense or the 1743
person who used the offender's premises to engage in sexual 1744
activity for hire; 1745

(4) When the ~~husband or wife~~ spouse is charged with a 1746
violation of section 2907.24 or 2907.25 of the Revised Code. 1747

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 1748
of this section, no person, knowing that a felony has been or is 1749
being committed, shall knowingly fail to report such information 1750
to law enforcement authorities. 1751

(2) No person, knowing that a violation of division (B) of 1752
section 2913.04 of the Revised Code has been, or is being 1753
committed or that the person has received information derived 1754
from such a violation, shall knowingly fail to report the 1755
violation to law enforcement authorities. 1756

(B) Except for conditions that are within the scope of 1757
division (E) of this section, no person giving aid to a sick or 1758
injured person shall negligently fail to report to law 1759
enforcement authorities any gunshot or stab wound treated or 1760
observed by the person, or any serious physical harm to persons 1761
that the person knows or has reasonable cause to believe 1762
resulted from an offense of violence. 1763

(C) No person who discovers the body or acquires the first 1764
knowledge of the death of a person shall fail to report the 1765
death immediately to a physician or advanced practice registered 1766
nurse whom the person knows to be treating the deceased for a 1767
condition from which death at such time would not be unexpected, 1768
or to a law enforcement officer, an ambulance service, an 1769
emergency squad, or the coroner in a political subdivision in 1770

which the body is discovered, the death is believed to have 1771
occurred, or knowledge concerning the death is obtained. For 1772
purposes of this division, "advanced practice registered nurse" 1773
does not include a certified registered nurse anesthetist. 1774

(D) No person shall fail to provide upon request of the 1775
person to whom a report required by division (C) of this section 1776
was made, or to any law enforcement officer who has reasonable 1777
cause to assert the authority to investigate the circumstances 1778
surrounding the death, any facts within the person's knowledge 1779
that may have a bearing on the investigation of the death. 1780

(E) (1) As used in this division, "burn injury" means any 1781
of the following: 1782

(a) Second or third degree burns; 1783

(b) Any burns to the upper respiratory tract or laryngeal 1784
edema due to the inhalation of superheated air; 1785

(c) Any burn injury or wound that may result in death; 1786

(d) Any physical harm to persons caused by or as the 1787
result of the use of fireworks, novelties and trick noisemakers, 1788
and wire sparklers, as each is defined by section 3743.01 of the 1789
Revised Code. 1790

(2) No physician, nurse, physician assistant, or limited 1791
practitioner who, outside a hospital, sanitarium, or other 1792
medical facility, attends or treats a person who has sustained a 1793
burn injury that is inflicted by an explosion or other 1794
incendiary device or that shows evidence of having been 1795
inflicted in a violent, malicious, or criminal manner shall fail 1796
to report the burn injury immediately to the local arson, or 1797
fire and explosion investigation, bureau, if there is a bureau 1798
of this type in the jurisdiction in which the person is attended 1799

or treated, or otherwise to local law enforcement authorities. 1800

(3) No manager, superintendent, or other person in charge 1801
of a hospital, sanitarium, or other medical facility in which a 1802
person is attended or treated for any burn injury that is 1803
inflicted by an explosion or other incendiary device or that 1804
shows evidence of having been inflicted in a violent, malicious, 1805
or criminal manner shall fail to report the burn injury 1806
immediately to the local arson, or fire and explosion 1807
investigation, bureau, if there is a bureau of this type in the 1808
jurisdiction in which the person is attended or treated, or 1809
otherwise to local law enforcement authorities. 1810

(4) No person who is required to report any burn injury 1811
under division (E) (2) or (3) of this section shall fail to file, 1812
within three working days after attending or treating the 1813
victim, a written report of the burn injury with the office of 1814
the state fire marshal. The report shall comply with the uniform 1815
standard developed by the state fire marshal pursuant to 1816
division (A) (15) of section 3737.22 of the Revised Code. 1817

(5) Anyone participating in the making of reports under 1818
division (E) of this section or anyone participating in a 1819
judicial proceeding resulting from the reports is immune from 1820
any civil or criminal liability that otherwise might be incurred 1821
or imposed as a result of such actions. Notwithstanding section 1822
4731.22 of the Revised Code, the physician-patient relationship 1823
or advanced practice registered nurse-patient relationship is 1824
not a ground for excluding evidence regarding a person's burn 1825
injury or the cause of the burn injury in any judicial 1826
proceeding resulting from a report submitted under division (E) 1827
of this section. 1828

(F) (1) Any doctor of medicine or osteopathic medicine, 1829

hospital intern or resident, nurse, psychologist, social worker, 1830
independent social worker, social work assistant, licensed 1831
professional clinical counselor, licensed professional 1832
counselor, independent marriage and family therapist, or 1833
marriage and family therapist who knows or has reasonable cause 1834
to believe that a patient or client has been the victim of 1835
domestic violence, as defined in section 3113.31 of the Revised 1836
Code, shall note that knowledge or belief and the basis for it 1837
in the patient's or client's records. 1838

(2) Notwithstanding section 4731.22 of the Revised Code, 1839
the physician-patient privilege or advanced practice registered 1840
nurse-patient privilege shall not be a ground for excluding any 1841
information regarding the report containing the knowledge or 1842
belief noted under division (F)(1) of this section, and the 1843
information may be admitted as evidence in accordance with the 1844
Rules of Evidence. 1845

(G) Divisions (A) and (D) of this section do not require 1846
disclosure of information, when any of the following applies: 1847

(1) The information is privileged by reason of the 1848
relationship between attorney and client; physician and patient; 1849
advanced practice registered nurse and patient; licensed 1850
psychologist or licensed school psychologist and client; 1851
licensed professional clinical counselor, licensed professional 1852
counselor, independent social worker, social worker, independent 1853
marriage and family therapist, or marriage and family therapist 1854
and client; member of the clergy, rabbi, minister, or priest and 1855
any person communicating information confidentially to the 1856
member of the clergy, rabbi, minister, or priest for a religious 1857
counseling purpose of a professional character; ~~husband and wife~~ 1858
spouses; or a communications assistant and those who are a party 1859

to a telecommunications relay service call. 1860

(2) The information would tend to incriminate a member of 1861
the actor's immediate family. 1862

(3) Disclosure of the information would amount to 1863
revealing a news source, privileged under section 2739.04 or 1864
2739.12 of the Revised Code. 1865

(4) Disclosure of the information would amount to 1866
disclosure by a member of the ordained clergy of an organized 1867
religious body of a confidential communication made to that 1868
member of the clergy in that member's capacity as a member of 1869
the clergy by a person seeking the aid or counsel of that member 1870
of the clergy. 1871

(5) Disclosure would amount to revealing information 1872
acquired by the actor in the course of the actor's duties in 1873
connection with a bona fide program of treatment or services for 1874
drug dependent persons or persons in danger of drug dependence, 1875
which program is maintained or conducted by a hospital, clinic, 1876
person, agency, or community addiction services provider whose 1877
alcohol and drug addiction services are certified pursuant to 1878
section 5119.36 of the Revised Code. 1879

(6) Disclosure would amount to revealing information 1880
acquired by the actor in the course of the actor's duties in 1881
connection with a bona fide program for providing counseling 1882
services to victims of crimes that are violations of section 1883
2907.02 or 2907.05 of the Revised Code or to victims of 1884
felonious sexual penetration in violation of former section 1885
2907.12 of the Revised Code. As used in this division, 1886
"counseling services" include services provided in an informal 1887
setting by a person who, by education or experience, is 1888

competent to provide those services. 1889

(H) No disclosure of information pursuant to this section 1890
gives rise to any liability or recrimination for a breach of 1891
privilege or confidence. 1892

(I) Whoever violates division (A) or (B) of this section 1893
is guilty of failure to report a crime. Violation of division 1894
(A) (1) of this section is a misdemeanor of the fourth degree. 1895
Violation of division (A) (2) or (B) of this section is a 1896
misdemeanor of the second degree. 1897

(J) Whoever violates division (C) or (D) of this section 1898
is guilty of failure to report knowledge of a death, a 1899
misdemeanor of the fourth degree. 1900

(K) (1) Whoever negligently violates division (E) of this 1901
section is guilty of a minor misdemeanor. 1902

(2) Whoever knowingly violates division (E) of this 1903
section is guilty of a misdemeanor of the second degree. 1904

(L) As used in this section, "nurse" includes an advanced 1905
practice registered nurse, registered nurse, and licensed 1906
practical nurse. 1907

Sec. 2933.54. (A) A judge of a court of common pleas to 1908
whom an application for an interception warrant is made under 1909
section 2933.53 of the Revised Code may issue an interception 1910
warrant if the judge determines, on the basis of the facts 1911
submitted by the person who made the application and all 1912
affiants, that all of the following exist: 1913

(1) The application and affidavits comply with section 1914
2933.53 of the Revised Code. 1915

(2) There is probable cause to believe that a particular 1916

person is committing, has committed, or is about to commit a 1917
designated offense. 1918

(3) There is probable cause to believe that particular 1919
communications concerning the designated offense will be 1920
obtained through the interception of wire, oral, or electronic 1921
communications. 1922

(4) Normal investigative procedures with respect to the 1923
designated offense have been tried and have failed or normal 1924
investigative procedures with respect to the designated offense 1925
reasonably appear to be unlikely to succeed if tried or to be 1926
too dangerous to employ in order to obtain evidence. 1927

(5) Except as provided in division (G) (1) of section 1928
2933.53 of the Revised Code, there is probable cause to believe 1929
that the communication facilities from which the communications 1930
are to be intercepted, or the place at which oral communications 1931
are to be intercepted, are being used or are about to be used in 1932
connection with the commission of the designated offense or are 1933
leased to, listed in the name of, or commonly used by a person 1934
who is the subject of the interception warrant. 1935

(6) The investigative officer has received training that 1936
satisfies the minimum standards established by the attorney 1937
general and the Ohio peace officer training commission under 1938
section 2933.64 of the Revised Code in order to intercept the 1939
wire, oral, or electronic communication and is able to execute 1940
the interception sought. 1941

(B) If the communication facilities from which a wire or 1942
electronic communication is to be intercepted are public 1943
facilities, the judge of the court of common pleas to whom the 1944
application for an interception warrant is made shall not issue 1945

an interception warrant unless the judge, in addition to the 1946
findings specified in division (A) of this section, determines 1947
that there is a special need to intercept wire or electronic 1948
communications made from the facilities. 1949

(C) If the facilities from which, or the place at which, 1950
the wire, oral, or electronic communications are to be 1951
intercepted are being used by, are about to be used by, are 1952
leased to, are listed in the name of, or are commonly used by a 1953
licensed physician, a licensed practicing psychologist, an 1954
attorney, a practicing ~~clergyman~~ member of the clergy, or a 1955
journalist or are used primarily for habitation by ~~a husband and~~ 1956
~~wife~~ two spouses, the judge of the court of common pleas to whom 1957
the application is made shall not issue an interception warrant 1958
unless the judge, in addition to the findings specified in 1959
divisions (A) and (B) of this section, determines that there is 1960
a special need to intercept wire, oral, or electronic 1961
communications over the facilities or in those places. No 1962
otherwise privileged wire, oral, or electronic communication 1963
shall lose its privileged character because it is intercepted in 1964
accordance with or in violation of sections 2933.51 to 2933.66 1965
of the Revised Code. 1966

(D) If an application for an interception warrant does not 1967
comply with section 2933.53 of the Revised Code, or if the judge 1968
of a court of common pleas with whom an application is filed is 1969
not satisfied that grounds exist for issuance of an interception 1970
warrant, the judge shall deny the application. 1971

(E) An interception warrant shall terminate when the 1972
objective of the warrant has been achieved or upon the 1973
expiration of thirty days after the date of commencement of the 1974
warrant as specified in this division, whichever occurs first, 1975

unless an extension is granted as described in this division. 1976
The date of commencement of an interception warrant is the day 1977
on which an investigative or law enforcement officer first 1978
begins to conduct an interception under the warrant, or the day 1979
that is ten days after the warrant is issued, whichever is 1980
earlier. A judge of a court of common pleas may grant extensions 1981
of a warrant pursuant to section 2933.55 of the Revised Code. 1982

(F) If a judge of a court of common pleas issues an 1983
interception warrant, the judge shall make a finding as to the 1984
objective of the warrant. 1985

Sec. 2945.42. No person is disqualified as a witness in a 1986
criminal prosecution by reason of the person's interest in the 1987
prosecution as a party or otherwise or by reason of the person's 1988
conviction of crime. ~~Husband and wife~~ Both spouses are competent 1989
witnesses to testify in behalf of each other in all criminal 1990
prosecutions and to testify against each other in all actions, 1991
prosecutions, and proceedings for personal injury of either by 1992
the other, bigamy, or failure to provide for, neglect of, or 1993
cruelty to their children under eighteen years of age or their 1994
physically or mentally handicapped child under twenty-one years 1995
of age. A spouse may testify against his or her spouse in a 1996
prosecution under a provision of sections 2903.11 to 2903.13, 1997
2919.21, 2919.22, or 2919.25 of the Revised Code for cruelty to, 1998
neglect of, or abandonment of such spouse, in a prosecution 1999
against his or her spouse under section 2903.211 or 2911.211, of 2000
the Revised Code for the commission of the offense against the 2001
spouse who is testifying, in a prosecution under section 2919.27 2002
of the Revised Code involving a protection order issued or 2003
consent agreement approved pursuant to section 2919.26 or 2004
3113.31 of the Revised Code for the commission of the offense 2005
against the spouse who is testifying, or in a prosecution under 2006

section 2907.02 of the Revised Code for the commission of rape 2007
or under former section 2907.12 of the Revised Code for 2008
felonious sexual penetration against such spouse in a case in 2009
which the offense can be committed against a spouse. Such 2010
interest, conviction, or relationship may be shown for the 2011
purpose of affecting the credibility of the witness. ~~Husband or~~ 2012
~~wife~~ Neither spouse shall ~~not~~ testify concerning a communication 2013
made by one to the other, or act done by either in the presence 2014
of the other, during coverture, unless the communication was 2015
made or act done in the known presence or hearing of a third 2016
person competent to be a witness, or in case of personal injury 2017
by either ~~the husband or wife~~ spouse to the other, or rape or 2018
the former offense of felonious sexual penetration in a case in 2019
which the offense can be committed against a spouse, or bigamy, 2020
or failure to provide for, or neglect or cruelty of either to 2021
their children under eighteen years of age or their physically 2022
or mentally handicapped child under twenty-one years of age, 2023
violation of a protection order or consent agreement, or neglect 2024
or abandonment of a spouse under a provision of those sections. 2025
The presence or whereabouts of ~~the husband or wife~~ a spouse is 2026
not an act under this section. The rule is the same if the 2027
marital relation has ceased to exist. 2028

Sec. 3101.01. (A) Male persons of the age of eighteen 2029
years, and female persons of the age of sixteen years, not 2030
nearer of kin than second cousins, and not having a ~~husband or~~ 2031
~~wife~~ spouse living, may ~~be joined in~~ enter into marriage. A 2032
marriage may only be entered into ~~by one man and one woman~~ 2033
between two persons. A minor shall first obtain the consent of 2034
the minor's parents, surviving parent, parent who is designated 2035
the residential parent and legal custodian of the minor by a 2036
court of competent jurisdiction, guardian, or any one of the 2037

following who has been awarded permanent custody of the minor by 2038
a court exercising juvenile jurisdiction: 2039

(1) An adult person; 2040

(2) The department of job and family services or any child 2041
welfare organization certified by the department; 2042

(3) A public children services agency. 2043

(B) For the purposes of division (A) of this section, a 2044
minor shall not be required to obtain the consent of a parent 2045
who resides in a foreign country, has neglected or abandoned the 2046
minor for a period of one year or longer immediately preceding 2047
the minor's application for a marriage license, has been 2048
adjudged incompetent, is an inmate of a state mental or 2049
correctional institution, has been permanently deprived of 2050
parental rights and responsibilities for the care of the minor 2051
and the right to have the minor live with the parent and to be 2052
the legal custodian of the minor by a court exercising juvenile 2053
jurisdiction, or has been deprived of parental rights and 2054
responsibilities for the care of the minor and the right to have 2055
the minor live with the parent and to be the legal custodian of 2056
the minor by the appointment of a guardian of the person of the 2057
minor by the probate court or by another court of competent 2058
jurisdiction. 2059

~~(C) (1) Any marriage between persons of the same sex is 2060~~
~~against the strong public policy of this state. Any marriage 2061~~
~~between persons of the same sex shall have no legal force or 2062~~
~~effect in this state and, if attempted to be entered into in 2063~~
~~this state, is void ab initio and shall not be recognized by 2064~~
~~this state. 2065~~

~~(2) Any marriage entered into by persons of the same sex 2066~~

~~in any other jurisdiction shall be considered and treated in all
respects as having no legal force or effect in this state and
shall not be recognized by this state.~~

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~~(3) The recognition or extension by the state of the
specific statutory benefits of a legal marriage to nonmarital
relationships between persons of the same sex or different sexes
is against the strong public policy of this state. Any public
act, record, or judicial proceeding of this state, as defined in
section 9.82 of the Revised Code, that extends the specific
statutory benefits of legal marriage to nonmarital relationships
between persons of the same sex or different sexes is void ab
initio. Nothing in division (C) (3) of this section shall be
construed to do either of the following:~~

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~~(a) Prohibit the extension of specific benefits otherwise
enjoyed by all persons, married or unmarried, to nonmarital
relationships between persons of the same sex or different
sexes, including the extension of benefits conferred by any
statute that is not expressly limited to married persons, which
includes but is not limited to benefits available under Chapter
4117. of the Revised Code;~~

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~~(b) Affect the validity of private agreements that are
otherwise valid under the laws of this state.~~

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~~(4) Any public act, record, or judicial proceeding of any
other state, country, or other jurisdiction outside this state
that extends the specific benefits of legal marriage to
nonmarital relationships between persons of the same sex or
different sexes shall be considered and treated in all respects
as having no legal force or effect in this state and shall not
be recognized by this state.~~

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Sec. 3101.08. An ordained or licensed minister of any 2096
religious society or congregation within this state who is 2097
licensed to solemnize marriages, a judge of a county court in 2098
accordance with section 1907.18 of the Revised Code, a judge of 2099
a municipal court in accordance with section 1901.14 of the 2100
Revised Code, a probate judge in accordance with section 2101.27 2101
of the Revised Code, the mayor of a municipal corporation in any 2102
county in which such municipal corporation wholly or partly 2103
lies, the superintendent of the state school for the deaf, or 2104
any religious society in conformity with the rules of its 2105
church, may join together as ~~husband and wife~~ spouses any 2106
persons who are not prohibited by law from being joined in 2107
marriage. 2108

Sec. 3101.13. Except as otherwise provided in this 2109
section, a certificate of every marriage solemnized shall be 2110
transmitted by the authorized person solemnizing the marriage, 2111
within thirty days after the solemnization, to the probate judge 2112
of the county in which the marriage license was issued. If, in 2113
accordance with section 2101.27 of the Revised Code, a probate 2114
judge solemnizes a marriage and if the probate judge issued the 2115
marriage license to the ~~husband and wife~~ spouses, the probate 2116
judge shall file a certificate of that solemnized marriage in 2117
the probate judge's office within thirty days after the 2118
solemnization. All of the transmitted and filed certificates 2119
shall be consecutively numbered and recorded in the order in 2120
which they are received. 2121

Sec. 3101.14. Every marriage license shall have printed 2122
upon it in prominent type the notice that, unless the person 2123
solemnizing the marriage returns a certificate of the solemnized 2124
marriage to the probate court that issued the marriage license 2125
within thirty days after performing the ceremony, or, if the 2126

person solemnizing the marriage is a probate judge who is acting 2127
in accordance with section 2101.27 of the Revised Code and who 2128
issued the marriage license to the ~~husband and wife~~ spouses, 2129
unless that probate judge files a certificate of the solemnized 2130
marriage in the probate judge's office within thirty days after 2131
the solemnization, the person or probate judge is guilty of a 2132
minor misdemeanor and, upon conviction, may be punished by a 2133
fine of fifty dollars. An envelope suitable for returning the 2134
certificate of marriage, and addressed to the proper probate 2135
court, shall be given with each license, except that this 2136
requirement does not apply if a marriage is to be solemnized by 2137
a probate judge who is acting in accordance with section 2101.27 2138
of the Revised Code and who issued the marriage license to the 2139
~~husband and wife~~ spouses. 2140

Sec. 3103.01. ~~Husband and wife~~ Both spouses contract 2141
towards each other obligations of mutual respect, fidelity, and 2142
support. 2143

Sec. 3103.04. Neither ~~husband nor wife~~ spouse has any 2144
interest in the property of the other, except as mentioned in 2145
section 3103.03 of the Revised Code, the right to dower, and the 2146
right to remain in the mansion house after the death of either. 2147
Neither can be excluded from the other's dwelling, except upon a 2148
decree or order of injunction made by a court of competent 2149
jurisdiction. 2150

Sec. 3103.05. A ~~husband or wife~~ spouse may enter into any 2151
engagement or transaction with the other, or with any other 2152
person, which either might if unmarried; subject, in 2153
transactions between themselves, to the general rules which 2154
control the actions of persons occupying confidential relations 2155
with each other. 2156

Sec. 3103.06. ~~A husband and wife~~ Spouses cannot, by any 2157
contract with each other, alter their legal relations, except 2158
that they may agree to an immediate separation and make 2159
provisions for the support of either of them and their children 2160
during the separation. 2161

Sec. 3103.08. Neither ~~husband nor wife~~ spouse, as such, is 2162
answerable for the acts of the other. 2163

Sec. 3105.01. The court of common pleas may grant divorces 2164
for the following causes: 2165

(A) Either party had a ~~husband or wife~~ spouse living at 2166
the time of the marriage from which the divorce is sought; 2167

(B) Willful absence of the adverse party for one year; 2168

(C) Adultery; 2169

(D) Extreme cruelty; 2170

(E) Fraudulent contract; 2171

(F) Any gross neglect of duty; 2172

(G) Habitual drunkenness; 2173

(H) Imprisonment of the adverse party in a state or 2174
federal correctional institution at the time of filing the 2175
complaint; 2176

(I) Procurement of a divorce outside this state, by a 2177
~~husband or wife~~ spouse, by virtue of which the party who 2178
procured it is released from the obligations of the marriage, 2179
while those obligations remain binding upon the other party; 2180

(J) On the application of either party, when ~~husband and~~ 2181
~~wife~~ the spouses have, without interruption for one year, lived 2182
separate and apart without cohabitation; 2183

(K) Incompatibility, unless denied by either party. 2184

A plea of res judicata or of recrimination with respect to 2185
any provision of this section does not bar either party from 2186
obtaining a divorce on this ground. 2187

Sec. 3105.17. (A) Either party to the marriage may file a 2188
complaint for divorce or for legal separation, and when filed 2189
the other may file a counterclaim for divorce or for legal 2190
separation. The court of common pleas may grant divorces for the 2191
causes set forth in section 3105.01 of the Revised Code. The 2192
court of common pleas may grant legal separation on a complaint 2193
or counterclaim, regardless of whether the parties are living 2194
separately at the time the complaint or counterclaim is filed, 2195
for the following causes: 2196

(1) Either party had a ~~husband or wife~~ spouse living at 2197
the time of the marriage from which legal separation is sought; 2198

(2) Willful absence of the adverse party for one year; 2199

(3) Adultery; 2200

(4) Extreme cruelty; 2201

(5) Fraudulent contract; 2202

(6) Any gross neglect of duty; 2203

(7) Habitual drunkenness; 2204

(8) Imprisonment of the adverse party in a state or 2205
federal correctional institution at the time of filing the 2206
complaint; 2207

(9) On the application of either party, when ~~husband and~~ 2208
~~wife~~ both spouses have, without interruption for one year, lived 2209
separate and apart without cohabitation; 2210

(10) Incompatibility, unless denied by either party. 2211

(B) The filing of a complaint or counterclaim for legal 2212
separation or the granting of a decree of legal separation under 2213
this section does not bar either party from filing a complaint 2214
or counterclaim for a divorce or annulment or obtaining a 2215
divorce or annulment. 2216

Sec. 3105.31. A marriage may be annulled for any of the 2217
following causes existing at the time of the marriage: 2218

(A) That the party in whose behalf it is sought to have 2219
the marriage annulled was under the age at which persons may be 2220
joined in marriage as established by section 3101.01 of the 2221
Revised Code, unless after attaining such age such party 2222
cohabited with the other as ~~husband or wife~~ a spouse; 2223

(B) That the former ~~husband or wife~~ spouse of either party 2224
was living and the marriage with such ~~former husband or wife~~ 2225
spouse was then and still is in force; 2226

(C) That either party has been adjudicated to be mentally 2227
incompetent, unless such party after being restored to 2228
competency cohabited with the other as ~~husband or wife~~ a spouse; 2229

(D) That the consent of either party was obtained by 2230
fraud, unless such party afterwards, with full knowledge of the 2231
facts constituting the fraud, cohabited with the other as 2232
~~husband or wife~~ a spouse; 2233

(E) That the consent to the marriage of either party was 2234
obtained by force, unless such party afterwards cohabited with 2235
the other as ~~husband or wife~~ a spouse; 2236

(F) That the marriage between the parties was never 2237
consummated although otherwise valid. 2238

Sec. 3105.32. An action to obtain a decree of nullity of a 2239
marriage must be commenced within the periods and by the parties 2240
as follows: 2241

(A) For the cause mentioned in division (A) of section 2242
3105.31 of the Revised Code, by the party to the marriage who 2243
was married under the age at which persons may be joined in 2244
marriage as established by section 3101.01 of the Revised Code, 2245
within two years after arriving at such age; or by a parent, 2246
guardian, or other person having charge of such party at any 2247
time before such party has arrived at such age; 2248

(B) For the cause mentioned in division (B) of section 2249
3105.31 of the Revised Code, by either party during the life of 2250
the other or by such former ~~husband or wife~~ spouse; 2251

(C) For the cause mentioned in division (C) of section 2252
3105.31 of the Revised Code, by the party aggrieved or a 2253
relative or guardian of the party adjudicated mentally 2254
incompetent at any time before the death of either party; 2255

(D) For the cause mentioned in division (D) of section 2256
3105.31 of the Revised Code, by the party aggrieved within two 2257
years after the discovery of the facts constituting fraud; 2258

(E) For the cause mentioned in division (E) of section 2259
3105.31 of the Revised Code, by the party aggrieved within two 2260
years from the date of the said marriage; 2261

(F) For the cause mentioned in division (F) of section 2262
3105.31 of the Revised Code, by the party aggrieved within two 2263
years from the date of the marriage. 2264

Sec. 3107.03. The following persons may adopt: 2265

(A) ~~A husband and wife~~ Spouses together, at least one of 2266

whom is an adult; 2267

(B) An unmarried adult; 2268

(C) The unmarried minor parent of the person to be 2269
adopted; 2270

(D) A married adult without the other spouse joining as a 2271
petitioner if any of the following apply: 2272

(1) The other spouse is a parent of the person to be 2273
adopted and supports the adoption; 2274

(2) The petitioner and the other spouse are separated 2275
under section 3103.06 or 3105.17 of the Revised Code; 2276

(3) The failure of the other spouse to join in the 2277
petition or to support the adoption is found by the court to be 2278
by reason of prolonged unexplained absence, unavailability, 2279
incapacity, or circumstances that make it impossible or 2280
unreasonably difficult to obtain either the support or refusal 2281
of the other spouse. 2282

Sec. 3109.03. When ~~husband and wife~~ spouses are living 2283
separate and apart from each other, or are divorced, and the 2284
question as to the parental rights and responsibilities for the 2285
care of their children and the place of residence and legal 2286
custodian of their children is brought before a court of 2287
competent jurisdiction, they shall stand upon an equality as to 2288
the parental rights and responsibilities for the care of their 2289
children and the place of residence and legal custodian of their 2290
children, so far as parenthood is involved. 2291

Sec. 3109.56. When a parent seeks to create a power of 2292
attorney pursuant to section 3109.52 of the Revised Code, all of 2293
the following apply: 2294

(A) The power of attorney shall be executed by both 2295
parents if any of the following apply: 2296

(1) The parents are married to each other and are living 2297
~~as husband and wife~~ spouses. 2298

(2) The child is the subject of a shared parenting order 2299
issued pursuant to section 3109.04 of the Revised Code. 2300

(3) The child is the subject of a custody order issued 2301
pursuant to section 3109.04 of the Revised Code unless one of 2302
the following is the case: 2303

(a) The parent who is not the residential parent and legal 2304
custodian is prohibited from receiving a notice of relocation in 2305
accordance with section 3109.051 of the Revised Code. 2306

(b) The parental rights of the parent who is not the 2307
residential parent and legal custodian have been terminated by 2308
order of a juvenile court pursuant to Chapter 2151. of the 2309
Revised Code. 2310

(c) The parent who is not the residential parent and legal 2311
custodian cannot be located with reasonable efforts. 2312

(B) In all other cases, the power of attorney may be 2313
executed only by one of the following persons: 2314

(1) The parent who is the residential parent and legal 2315
custodian of the child, as determined by court order or as 2316
provided in section 3109.042 of the Revised Code; 2317

(2) The parent with whom the child is residing the 2318
majority of the school year in cases in which no court has 2319
issued an order designating a parent as the residential parent 2320
and legal custodian of the child or section 3109.042 of the 2321
Revised Code is not applicable. 2322

Sec. 3111.92. The non-spousal artificial insemination of a 2323
married woman may occur only if both she and her ~~husband~~-spouse 2324
sign a written consent to the artificial insemination as 2325
described in section 3111.93 of the Revised Code. 2326

Sec. 3111.93. (A) Prior to a non-spousal artificial 2327
insemination, the physician associated with it shall do the 2328
following: 2329

(1) Obtain the written consent of the recipient on a form 2330
that the physician shall provide. The written consent shall 2331
contain all of the following: 2332

(a) The name and address of the recipient and, if married, 2333
her ~~husband~~-spouse; 2334

(b) The name of the physician; 2335

(c) The proposed location of the performance of the 2336
artificial insemination; 2337

(d) A statement that the recipient and, if married, her 2338
~~husband~~-spouse consent to the artificial insemination; 2339

(e) If desired, a statement that the recipient and, if 2340
married, her ~~husband~~-spouse consent to more than one artificial 2341
insemination if necessary; 2342

(f) A statement that the donor shall not be advised by the 2343
physician or another person performing the artificial 2344
insemination as to the identity of the recipient or, if married, 2345
her ~~husband~~-spouse and that the recipient and, if married, her 2346
~~husband~~-spouse shall not be advised by the physician or another 2347
person performing the artificial insemination as to the identity 2348
of the donor; 2349

(g) A statement that the physician is to obtain necessary 2350

semen from a donor and, subject to any agreed upon provision as 2351
described in division (A) (1) (n) of this section, that the 2352
recipient and, if married, her ~~husband~~-spouse shall rely upon 2353
the judgment and discretion of the physician in this regard; 2354

(h) A statement that the recipient and, if married, her 2355
~~husband~~-spouse understand that the physician cannot be 2356
responsible for the physical or mental characteristics of any 2357
child resulting from the artificial insemination; 2358

(i) A statement that there is no guarantee that the 2359
recipient will become pregnant as a result of the artificial 2360
insemination; 2361

(j) A statement that the artificial insemination shall 2362
occur in compliance with sections 3111.88 to 3111.96 of the 2363
Revised Code; 2364

(k) A brief summary of the paternity consequences of the 2365
artificial insemination as set forth in section 3111.95 of the 2366
Revised Code; 2367

(l) The signature of the recipient and, if married, her 2368
~~husband~~-spouse; 2369

(m) If agreed to, a statement that the artificial 2370
insemination will be performed by a person who is under the 2371
supervision and control of the physician; 2372

(n) Any other provision that the physician, the recipient, 2373
and, if married, her ~~husband~~-spouse agree to include. 2374

(2) Upon request, provide the recipient and, if married, 2375
her ~~husband~~-spouse with the following information to the extent 2376
the physician has knowledge of it: 2377

(a) The medical history of the donor, including, but not 2378

limited to, any available genetic history of the donor and 2379
persons related to him by consanguinity, the blood type of the 2380
donor, and whether he has an RH factor; 2381

(b) The race, eye and hair color, age, height, and weight 2382
of the donor; 2383

(c) The educational attainment and talents of the donor; 2384

(d) The religious background of the donor; 2385

(e) Any other information that the donor has indicated may 2386
be disclosed. 2387

(B) After each non-spousal artificial insemination of a 2388
woman, the physician associated with it shall note the date of 2389
the artificial insemination in the physician's records 2390
pertaining to the woman and the artificial insemination, and 2391
retain this information as provided in section 3111.94 of the 2392
Revised Code. 2393

Sec. 3111.94. (A) The physician who is associated with a 2394
non-spousal artificial insemination shall place the written 2395
consent obtained pursuant to division (A)(1) of section 3111.93 2396
of the Revised Code, information provided to the recipient and, 2397
if married, her ~~husband~~-spouse pursuant to division (A)(2) of 2398
that section, other information concerning the donor that the 2399
physician possesses, and other matters concerning the artificial 2400
insemination in a file that shall bear the name of the 2401
recipient. This file shall be retained by the physician in the 2402
physician's office separate from any regular medical chart of 2403
the recipient, and shall be confidential, except as provided in 2404
divisions (B) and (C) of this section. This file is not a public 2405
record under section 149.43 of the Revised Code. 2406

(B) The written consent form and information provided to 2407

the recipient and, if married, her ~~husband~~-spouse pursuant to 2408
division (A) (2) of section 3111.93 of the Revised Code shall be 2409
open to inspection only until the child born as the result of 2410
the non-spousal artificial insemination is twenty-one years of 2411
age, and only to the recipient or, if married, her ~~husband~~- 2412
spouse upon request to the physician. 2413

(C) Information pertaining to the donor that was not 2414
provided to the recipient and, if married, her ~~husband~~-spouse 2415
pursuant to division (A) (2) of section 3111.93 of the Revised 2416
Code and that the physician possesses shall be kept in the file 2417
pertaining to the non-spousal artificial insemination for at 2418
least five years from the date of the artificial insemination. 2419
At the expiration of this period, the physician may destroy such 2420
information or retain it in the file. 2421

The physician shall not make this information available 2422
for inspection by any person during the five-year period or, if 2423
the physician retains the information after the expiration of 2424
that period, at any other time, unless the following apply: 2425

(1) A child is born as a result of the artificial 2426
insemination, an action is filed by the recipient, her ~~husband~~- 2427
spouse if she is married, or a guardian of the child in the 2428
domestic relations division or, if there is no domestic 2429
relations division, the general division of the court of common 2430
pleas of the county in which the office of the physician is 2431
located, the child is not twenty-one years of age or older, and 2432
the court pursuant to division (C) (2) of this section issues an 2433
order authorizing the inspection of specified types of 2434
information by the recipient, ~~husband~~-spouse, or guardian; 2435

(2) Prior to issuing an order authorizing an inspection of 2436
information, the court shall determine, by clear and convincing 2437

evidence, that the information that the recipient, ~~husband~~ 2438
spouse, or guardian wishes to inspect is necessary for or 2439
helpful in the medical treatment of the child born as a result 2440
of the artificial insemination, and shall determine which types 2441
of information in the file are germane to the medical treatment 2442
and are to be made available for inspection by the recipient, 2443
~~husband~~ spouse, or guardian in that regard. An order only shall 2444
authorize the inspection of information germane to the medical 2445
treatment of the child. 2446

Sec. 3111.95. (A) If a married woman is the subject of a 2447
non-spousal artificial insemination and if her ~~husband~~ spouse 2448
consented to the artificial insemination, the ~~husband~~ spouse 2449
shall be treated in law and regarded as the natural ~~father~~ 2450
parent of a child conceived as a result of the artificial 2451
insemination, and a child so conceived shall be treated in law 2452
and regarded as the natural child of the ~~husband~~ woman's spouse. 2453
A presumption that arises under division (A) (1) or (2) of 2454
section 3111.03 of the Revised Code is conclusive with respect 2455
to this ~~father~~ parent and child relationship, and no action or 2456
proceeding under sections 3111.01 to 3111.18 or sections 3111.38 2457
to 3111.54 of the Revised Code shall affect the relationship. 2458

(B) If a woman is the subject of a non-spousal artificial 2459
insemination, the donor shall not be treated in law or regarded 2460
as the natural father of a child conceived as a result of the 2461
artificial insemination, and a child so conceived shall not be 2462
treated in law or regarded as the natural child of the donor. No 2463
action or proceeding under sections 3111.01 to 3111.18 or 2464
sections 3111.38 to 3111.54 of the Revised Code shall affect 2465
these consequences. 2466

Sec. 3111.96. The failure of a physician or person under 2467

the supervision and control of a physician to comply with the 2468
applicable requirements of sections 3111.88 to 3111.95 of the 2469
Revised Code shall not affect the legal status, rights, or 2470
obligations of a child conceived as a result of a non-spousal 2471
artificial insemination, a recipient, a ~~husband-recipient's~~ 2472
spouse who consented to the non-spousal artificial insemination 2473
~~of his wife~~, or the donor. If a recipient who is married and ~~her-~~ 2474
~~husband-the recipient's spouse~~ make a good faith effort to 2475
execute a written consent that is in compliance with section 2476
3111.93 of the Revised Code relative to a non-spousal artificial 2477
insemination, the failure of the written consent to so comply 2478
shall not affect the ~~paternity~~ consequences set forth in 2479
division (A) of section 3111.95 of the Revised Code. 2480

Sec. 3111.97. (A) A woman who gives birth to a child born 2481
as a result of embryo donation shall be treated in law and 2482
regarded as the natural mother of the child, and the child shall 2483
be treated in law and regarded as the natural child of the 2484
woman. No action or proceeding under this chapter shall affect 2485
the relationship. 2486

(B) If a married woman gives birth to a child born as a 2487
result of embryo donation to which her ~~husband-spouse~~ consented, 2488
the ~~husband-spouse~~ shall be treated in law and regarded as the 2489
natural ~~father-parent~~ of the child, and the child shall be 2490
treated in law and regarded as the natural child of the ~~husband-~~ 2491
woman's spouse. A presumption that arises under division (A) (1) 2492
or (2) of section 3111.03 of the Revised Code is conclusive with 2493
respect to this ~~father-parent~~ and child relationship, and no 2494
action or proceeding under this chapter shall affect the 2495
relationship. 2496

(C) If a married woman gives birth to a child born as a 2497

result of embryo donation to which her ~~husband-spouse~~ has not 2498
consented, a presumption that arises under division (A) (1) or 2499
(2) of section 3111.03 of the Revised Code that the ~~husband-~~ 2500
~~spouse~~ is the ~~father-parent~~ of the child may be rebutted by 2501
clear and convincing evidence that includes the lack of consent 2502
to the embryo donation. 2503

(D) As used in this division, "donor" means an individual 2504
who produced genetic material used to create an embryo, consents 2505
to the implantation of the embryo in a woman who is not the 2506
individual or the individual's wife, and at the time of the 2507
embryo donation does not intend to raise the resulting child as 2508
the individual's own. 2509

If an individual who produced genetic material used to 2510
create an embryo dies, the other person who produced genetic 2511
material used to create the embryo may consent to donate the 2512
embryo. In such a case, the deceased person shall be deemed a 2513
donor for the purposes of this section. 2514

A donor shall not be treated in law or regarded as a 2515
parent of a child born as a result of embryo donation. A donor 2516
shall have no parental responsibilities and shall have no right, 2517
obligation, or interest with respect to a child resulting from 2518
the donation. 2519

(E) This section deals with embryo donation for the 2520
purpose of impregnating a woman so that she can bear a child 2521
that she intends to raise as her child. 2522

Sec. 3113.08. Upon failure of ~~the father or mother~~ either 2523
parent of a child under eighteen years of age, or of a 2524
physically or mentally handicapped child under twenty-one years 2525
of age, or the ~~husband-spouse~~ of a pregnant woman to comply with 2526

any order and undertaking provided for in sections 3113.01 to 2527
3113.14, ~~inclusive~~, of the Revised Code, such person may be 2528
arrested by the sheriff or other officer, on a warrant issued on 2529
the praecipe of the prosecuting attorney, and brought before the 2530
court of common pleas for sentence. Thereupon the court may pass 2531
sentence, or for good cause shown, may modify the order as to 2532
the time and amount of payments, or take a new undertaking and 2533
further suspend sentence, whichever is for the best interests of 2534
such child or pregnant woman and of the public. 2535

Sec. 3115.316. (A) The physical presence of a nonresident 2536
party who is an individual in a tribunal of this state is not 2537
required for the establishment, enforcement, or modification of 2538
a support order or the rendition of a judgment determining 2539
parentage of a child. 2540

(B) An affidavit, a document substantially complying with 2541
federally mandated forms, or a document incorporated by 2542
reference in any of them, which would not be excluded under the 2543
hearsay rule if given in person, is admissible in evidence if 2544
given under penalty of perjury by a party or witness residing 2545
outside this state. 2546

(C) A copy of the record of child-support payments 2547
certified as a true copy of the original by the custodian of the 2548
record may be forwarded to a responding tribunal. The copy is 2549
evidence of facts asserted in it, and is admissible to show 2550
whether payments were made. 2551

(D) Copies of bills for testing for parentage of a child, 2552
and for prenatal and postnatal health care of the mother and 2553
child, furnished to the adverse party at least ten days before 2554
trial, are admissible in evidence to prove the amount of the 2555
charges billed and that the charges were reasonable, necessary, 2556

and customary. 2557

(E) Documentary evidence transmitted from outside this 2558
state to a tribunal of this state by telephone, telecopier, or 2559
other electronic means that do not provide an original record 2560
may not be excluded from evidence on an objection based on the 2561
means of transmission. 2562

(F) In a proceeding under this chapter, a tribunal of this 2563
state shall permit a party or witness residing outside this 2564
state to be deposed or to testify under penalty of perjury by 2565
telephone, audiovisual means, or other electronic means at a 2566
designated tribunal or other location. A tribunal or support 2567
enforcement agency of this state shall cooperate with other 2568
tribunals in designating an appropriate location for the 2569
deposition or testimony. 2570

(G) If a party called to testify at a civil hearing 2571
refuses to answer on the ground that the testimony may be self- 2572
incriminating, the trier of fact may draw an adverse inference 2573
from the refusal. 2574

(H) A privilege against disclosure of communications 2575
between spouses does not apply in a proceeding under this 2576
chapter. 2577

(I) The defense of immunity based on the relationship of 2578
~~husband and wife~~ spouses or parent and child does not apply in a 2579
proceeding under this chapter. 2580

(J) A voluntary acknowledgment of paternity, certified as 2581
a true copy, is admissible to establish parentage of the child. 2582

Sec. 3127.40. (A) Unless the court issues a temporary 2583
emergency order pursuant to section 3127.18 of the Revised Code, 2584
upon a finding that a petitioner is entitled to immediate 2585

physical custody of the child, the court shall order that the 2586
petitioner may take immediate physical custody of the child 2587
unless the respondent establishes either of the following: 2588

(1) That the child custody determination has not been 2589
registered and confirmed under section 3127.35 of the Revised 2590
Code and that one of the following circumstances applies: 2591

(a) The issuing court did not have jurisdiction under 2592
sections 3127.15 to 3127.24 of the Revised Code or a similar 2593
statute of another state. 2594

(b) The child custody determination for which enforcement 2595
is sought has been vacated, stayed, or modified by a court of a 2596
state having jurisdiction to do so under sections 3127.15 to 2597
3127.24 of the Revised Code or a similar statute of another 2598
state. 2599

(c) The respondent was entitled to notice of the child 2600
custody proceeding for which enforcement is sought, but notice 2601
was not given in accordance with the standards of section 2602
3127.07 of the Revised Code or a similar statute of another 2603
state. 2604

(2) That the child custody determination for which 2605
enforcement is sought was registered and confirmed under section 2606
3127.35 of the Revised Code but has been vacated, stayed, or 2607
modified by a court of a state having jurisdiction to do so 2608
under sections 3127.15 to 3127.24 of the Revised Code or a 2609
similar statute of another state. 2610

(B) The court shall award the fees, costs, and expenses 2611
authorized under section 3127.42 of the Revised Code, and may 2612
grant additional relief, including a request for the assistance 2613
of law enforcement officials, and shall set a further hearing to 2614

determine whether the additional relief is appropriate. 2615

(C) If a party called to testify in a proceeding to 2616
enforce a child custody determination refuses to answer on the 2617
basis that the testimony may be self-incriminating, the court 2618
may draw an adverse inference from the refusal. 2619

(D) A privilege against disclosure of communications 2620
between spouses and a defense of immunity based on the 2621
relationship of ~~husband and wife~~ spouses or parent and child may 2622
not be invoked in a proceeding under this chapter. 2623

Sec. 3701.791. (A) As used in this section, "medical 2624
emergency" means a condition of a pregnant woman that, in the 2625
reasonable judgment of the physician who is attending the woman, 2626
creates an immediate threat of serious risk to the life or 2627
physical health of the woman from the continuation of the 2628
pregnancy necessitating the immediate performance or inducement 2629
of an abortion. 2630

(B) Except as provided in division (D) of this section, an 2631
office or facility at which abortions are performed or induced 2632
shall post the notice described in division (C) of this section 2633
in a conspicuous location in an area of the office or facility 2634
that is accessible to all patients, employees, and visitors. 2635

The notice shall be displayed on a poster with dimensions 2636
of at least seventeen inches by eleven inches. The first two 2637
sentences of the notice shall be printed in at least a forty- 2638
four-point typeface and the remaining lines shall be in at least 2639
a thirty-point typeface. 2640

(C) The department of health shall publish the following 2641
notice on its internet web site in a manner that can be copied 2642
and produced in poster form: 2643

"NO ONE CAN FORCE YOU TO HAVE AN ABORTION. 2644

NO ONE - NOT A PARENT, NOT A ~~HUSBAND~~ SPOUSE, NOT A 2645
BOYFRIEND - NO ONE. 2646

Under Ohio law, an abortion cannot be legally performed on 2647
anyone, regardless of her age, unless she VOLUNTARILY CONSENTS 2648
to having the abortion. 2649

Ohio law requires that, before an abortion can legally be 2650
performed, the pregnant female must sign a form indicating that 2651
she consents to having the abortion "voluntarily" and "WITHOUT 2652
COERCION BY ANY PERSON." 2653

IF SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION 2654
AGAINST YOUR WILL: 2655

DO NOT SIGN THE CONSENT FORM 2656

IF YOU ARE AT AN ABORTION FACILITY, TELL AN EMPLOYEE OF 2657
THE FACILITY THAT SOMEONE IS TRYING TO FORCE YOU TO HAVE AN 2658
ABORTION." 2659

(D) Division (B) of this section does not apply to an 2660
office or facility at which abortions are performed or induced 2661
due only to a medical emergency. 2662

Sec. 3705.09. (A) A birth certificate for each live birth 2663
in this state shall be filed in the registration district in 2664
which it occurs within ten calendar days after such birth and 2665
shall be registered if it has been completed and filed in 2666
accordance with this section. 2667

(B) When a birth occurs in or en route to an institution, 2668
the person in charge of the institution or a designated 2669
representative shall obtain the personal data, prepare the 2670
certificate, and complete and certify the facts of birth on the 2671

certificate within ten calendar days. The physician or certified
nurse-midwife in attendance shall be listed on the birth record.

(C) When a birth occurs outside an institution, the birth
certificate shall be prepared and filed by one of the following
in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance
at or immediately after the birth;

(2) Any other person in attendance at or immediately after
the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth
occurred.

(D) Either of the parents of the child or other informant
shall attest to the accuracy of the personal data entered on the
birth certificate in time to permit the filing of the
certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the
United States and the child is first removed from the conveyance
in this state, the birth shall be registered in this state and
the place where it is first removed shall be considered the
place of birth. When a birth occurs on a moving conveyance while
in international waters or air space or in a foreign country or
its air space and the child is first removed from the conveyance
in this state, the birth shall be registered in this state but
the record shall show the actual place of birth insofar as can
be determined.

(F) (1) If the mother of a child was married at the time of

either conception or birth or between conception and birth, the 2700
child shall be registered in the surname designated by the 2701
mother, and the name of the ~~husband-spouse~~ shall be entered on 2702
the certificate as the ~~father-parent~~ of the child. The 2703
presumption of paternity shall be in accordance with section 2704
3111.03 of the Revised Code. 2705

(2) If the mother was not married at the time of 2706
conception or birth or between conception and birth, the child 2707
shall be registered by the surname designated by the mother. The 2708
name of the father of such child shall also be inserted on the 2709
birth certificate if both the mother and the father sign an 2710
acknowledgement of paternity affidavit before the birth record 2711
has been sent to the local registrar. If the father is not named 2712
on the birth certificate pursuant to division (F)(1) or (2) of 2713
this section, no other information about the father shall be 2714
entered on the record. 2715

(G) When a man is presumed, found, or declared to be the 2716
father of a child, according to section 2105.26, sections 2717
3111.01 to 3111.18, former section 3111.21, or sections 3111.38 2718
to 3111.54 of the Revised Code, or the father has acknowledged 2719
the child as his child in an acknowledgment of paternity, and 2720
the acknowledgment has become final pursuant to section 2721
2151.232, 3111.25, or 3111.821 of the Revised Code, and 2722
documentary evidence of such fact is submitted to the department 2723
of health in such form as the director may require, a new birth 2724
record shall be issued by the department which shall have the 2725
same overall appearance as the record which would have been 2726
issued under this section if a marriage had occurred before the 2727
birth of such child. Where handwriting is required to effect 2728
such appearance, the department shall supply it. Upon the 2729
issuance of such new birth record, the original birth record 2730

shall cease to be a public record. Except as provided in 2731
division (C) of section 3705.091 of the Revised Code, the 2732
original record and any documentary evidence supporting the new 2733
registration of birth shall be placed in an envelope which shall 2734
be sealed by the department and shall not be open to inspection 2735
or copy unless so ordered by a court of competent jurisdiction. 2736

(H) Every birth certificate filed under this section on or 2737
after July 1, 1990, shall be accompanied by all social security 2738
numbers that have been issued to the parents of the child, 2739
unless the division of child support in the department of job 2740
and family services, acting in accordance with regulations 2741
prescribed under the "Family Support Act of 1988," 102 Stat. 2742
2353, 42 U.S.C.A. 405, as amended, finds good cause for not 2743
requiring that the numbers be furnished with the certificate. 2744
The parents' social security numbers shall not be recorded on 2745
the certificate. No social security number obtained under this 2746
division shall be used for any purpose other than child support 2747
enforcement. 2748

Sec. 3911.08. In respect to insurance issued upon the life 2749
of any minor, regardless of the age of the minor at the date of 2750
the issuance of said insurance, for the benefit of such minor, 2751
or for the benefit of the father, mother, ~~husband, wife, spouse,~~ 2752
child, brother, or sister of such minor, the insured is not, by 2753
reason only of such minority, incompetent to contract for such 2754
insurance, or for the surrender of such insurance, or to give a 2755
valid discharge for any benefit accruing, or for money payable 2756
under the contract, or to contract for the payment of a policy 2757
loan, or to contract for any policy change, provided ~~he the~~ 2758
minor is fifteen years of age or older on the date ~~he enters of~~ 2759
entering into any such contract or ~~gives giving~~ any such 2760
discharge. 2761

Sec. 3923.03. No policy of sickness and accident insurance 2762
shall be delivered, issued for delivery, or used in this state 2763
unless all the following requirements are complied with: 2764

(A) The entire money and other considerations therefor are 2765
expressed therein. 2766

(B) The time at which insurance takes effect and 2767
terminates is expressed therein. 2768

(C) It purports to insure only one person, except that a 2769
policy may be issued to the head of a family, who for this 2770
purpose may be ~~the husband or the wife~~ either spouse and who is 2771
considered the policyholder, covering any two or more members of 2772
any one family, including ~~husband, wife~~ spouses, dependent 2773
children, any children under the age of nineteen, and other 2774
dependents living with the family. 2775

(D) Every printed portion of the text matter and of any 2776
indorsements or attached papers shall be printed in uniform type 2777
of which the face shall be not less than ten point, the "text" 2778
to include all printed matter except the name and address of the 2779
insurer, name and title of the policy, captions, subcaptions, 2780
and form number. The superintendent of insurance shall not 2781
disapprove any such policy on the ground that every printed 2782
portion of its text matter or of any indorsement or attached 2783
paper is not printed in uniform type if it is shown that the 2784
type used is required to conform to the laws of another state in 2785
which the insurer is licensed. 2786

(E) The exceptions and reductions of indemnity are 2787
adequately captioned and clearly set forth in the policy. 2788

(F) Every such policy, including riders and indorsements, 2789
shall be identified by a form number in the lower left-hand 2790

corner of its first page. 2791

Sec. 3937.30. (A) As used in sections 3937.30 to 3937.39 2792
of the Revised Code, "automobile insurance policy" means an 2793
insurance policy delivered or issued in this state or covering a 2794
motor vehicle required to be registered in this state which: 2795

(1) Provides automobile bodily injury or property damage 2796
liability, or related coverage, or any combination thereof; 2797

(2) Insures as named insured, any of the following: 2798

(a) Any one person; 2799

(b) ~~A husband and wife resident~~ Spouses in the same 2800
household; 2801

(c) Either ~~a husband or a wife~~ spouse who ~~reside~~ resides 2802
in the same household if an endorsement on the policy excludes 2803
the other spouse from coverage under the policy and the spouse 2804
excluded signs the endorsement. Nothing in division (A) (2) (c) of 2805
this section shall prevent the issuance of separate policies to 2806
each spouse or affect the compliance of the policy with Chapter 2807
4509. of the Revised Code as to the named insured or any 2808
additional insured. 2809

(3) Does not cover garage, automobile sales agency, repair 2810
shop, service station, or public parking operation hazards; 2811

(4) Is not issued under an assigned risk plan pursuant to 2812
section 4509.70 of the Revised Code. 2813

(B) For purposes of this section, "motor vehicle," means a 2814
self-propelled vehicle designed for and principally used on 2815
public roads, including an automobile, truck, motorcycle, and a 2816
motor home, provided the motor home is not stationary and is not 2817
being used as a temporary or permanent residence or office. 2818

"Motor vehicle" does not include a trailer, motorized bicycle, 2819
golf cart, off-road recreational vehicle, snowmobile, 2820
watercraft, construction equipment, farm tractor or other 2821
vehicle designed and principally used for agricultural purposes, 2822
mobile home, vehicle traveling on treads or rails, or any 2823
similar vehicle. 2824

Sec. 4112.02. It shall be an unlawful discriminatory 2825
practice: 2826

(A) For any employer, because of the race, color, 2827
religion, sex, military status, national origin, disability, 2828
age, or ancestry of any person, to discharge without just cause, 2829
to refuse to hire, or otherwise to discriminate against that 2830
person with respect to hire, tenure, terms, conditions, or 2831
privileges of employment, or any matter directly or indirectly 2832
related to employment. 2833

(B) For an employment agency or personnel placement 2834
service, because of race, color, religion, sex, military status, 2835
national origin, disability, age, or ancestry, to do any of the 2836
following: 2837

(1) Refuse or fail to accept, register, classify properly, 2838
or refer for employment, or otherwise discriminate against any 2839
person; 2840

(2) Comply with a request from an employer for referral of 2841
applicants for employment if the request directly or indirectly 2842
indicates that the employer fails to comply with the provisions 2843
of sections 4112.01 to 4112.07 of the Revised Code. 2844

(C) For any labor organization to do any of the following: 2845

(1) Limit or classify its membership on the basis of race, 2846
color, religion, sex, military status, national origin, 2847

disability, age, or ancestry; 2848

(2) Discriminate against, limit the employment 2849
opportunities of, or otherwise adversely affect the employment 2850
status, wages, hours, or employment conditions of any person as 2851
an employee because of race, color, religion, sex, military 2852
status, national origin, disability, age, or ancestry. 2853

(D) For any employer, labor organization, or joint labor- 2854
management committee controlling apprentice training programs to 2855
discriminate against any person because of race, color, 2856
religion, sex, military status, national origin, disability, or 2857
ancestry in admission to, or employment in, any program 2858
established to provide apprentice training. 2859

(E) Except where based on a bona fide occupational 2860
qualification certified in advance by the commission, for any 2861
employer, employment agency, personnel placement service, or 2862
labor organization, prior to employment or admission to 2863
membership, to do any of the following: 2864

(1) Elicit or attempt to elicit any information concerning 2865
the race, color, religion, sex, military status, national 2866
origin, disability, age, or ancestry of an applicant for 2867
employment or membership; 2868

(2) Make or keep a record of the race, color, religion, 2869
sex, military status, national origin, disability, age, or 2870
ancestry of any applicant for employment or membership; 2871

(3) Use any form of application for employment, or 2872
personnel or membership blank, seeking to elicit information 2873
regarding race, color, religion, sex, military status, national 2874
origin, disability, age, or ancestry; but an employer holding a 2875
contract containing a nondiscrimination clause with the 2876

government of the United States, or any department or agency of 2877
that government, may require an employee or applicant for 2878
employment to furnish documentary proof of United States 2879
citizenship and may retain that proof in the employer's 2880
personnel records and may use photographic or fingerprint 2881
identification for security purposes; 2882

(4) Print or publish or cause to be printed or published 2883
any notice or advertisement relating to employment or membership 2884
indicating any preference, limitation, specification, or 2885
discrimination, based upon race, color, religion, sex, military 2886
status, national origin, disability, age, or ancestry; 2887

(5) Announce or follow a policy of denying or limiting, 2888
through a quota system or otherwise, employment or membership 2889
opportunities of any group because of the race, color, religion, 2890
sex, military status, national origin, disability, age, or 2891
ancestry of that group; 2892

(6) Utilize in the recruitment or hiring of persons any 2893
employment agency, personnel placement service, training school 2894
or center, labor organization, or any other employee-referring 2895
source known to discriminate against persons because of their 2896
race, color, religion, sex, military status, national origin, 2897
disability, age, or ancestry. 2898

(F) For any person seeking employment to publish or cause 2899
to be published any advertisement that specifies or in any 2900
manner indicates that person's race, color, religion, sex, 2901
military status, national origin, disability, age, or ancestry, 2902
or expresses a limitation or preference as to the race, color, 2903
religion, sex, military status, national origin, disability, 2904
age, or ancestry of any prospective employer. 2905

(G) For any proprietor or any employee, keeper, or manager 2906
of a place of public accommodation to deny to any person, except 2907
for reasons applicable alike to all persons regardless of race, 2908
color, religion, sex, military status, national origin, 2909
disability, age, or ancestry, the full enjoyment of the 2910
accommodations, advantages, facilities, or privileges of the 2911
place of public accommodation. 2912

(H) Subject to section 4112.024 of the Revised Code, for 2913
any person to do any of the following: 2914

(1) Refuse to sell, transfer, assign, rent, lease, 2915
sublease, or finance housing accommodations, refuse to negotiate 2916
for the sale or rental of housing accommodations, or otherwise 2917
deny or make unavailable housing accommodations because of race, 2918
color, religion, sex, military status, familial status, 2919
ancestry, disability, or national origin; 2920

(2) Represent to any person that housing accommodations 2921
are not available for inspection, sale, or rental, when in fact 2922
they are available, because of race, color, religion, sex, 2923
military status, familial status, ancestry, disability, or 2924
national origin; 2925

(3) Discriminate against any person in the making or 2926
purchasing of loans or the provision of other financial 2927
assistance for the acquisition, construction, rehabilitation, 2928
repair, or maintenance of housing accommodations, or any person 2929
in the making or purchasing of loans or the provision of other 2930
financial assistance that is secured by residential real estate, 2931
because of race, color, religion, sex, military status, familial 2932
status, ancestry, disability, or national origin or because of 2933
the racial composition of the neighborhood in which the housing 2934
accommodations are located, provided that the person, whether an 2935

individual, corporation, or association of any type, lends money 2936
as one of the principal aspects or incident to the person's 2937
principal business and not only as a part of the purchase price 2938
of an owner-occupied residence the person is selling nor merely 2939
casually or occasionally to a relative or friend; 2940

(4) Discriminate against any person in the terms or 2941
conditions of selling, transferring, assigning, renting, 2942
leasing, or subleasing any housing accommodations or in 2943
furnishing facilities, services, or privileges in connection 2944
with the ownership, occupancy, or use of any housing 2945
accommodations, including the sale of fire, extended coverage, 2946
or homeowners insurance, because of race, color, religion, sex, 2947
military status, familial status, ancestry, disability, or 2948
national origin or because of the racial composition of the 2949
neighborhood in which the housing accommodations are located; 2950

(5) Discriminate against any person in the terms or 2951
conditions of any loan of money, whether or not secured by 2952
mortgage or otherwise, for the acquisition, construction, 2953
rehabilitation, repair, or maintenance of housing accommodations 2954
because of race, color, religion, sex, military status, familial 2955
status, ancestry, disability, or national origin or because of 2956
the racial composition of the neighborhood in which the housing 2957
accommodations are located; 2958

(6) Refuse to consider without prejudice the combined 2959
income of both ~~husband and wife~~ spouses for the purpose of 2960
extending mortgage credit to a married couple or either member 2961
of a married couple; 2962

(7) Print, publish, or circulate any statement or 2963
advertisement, or make or cause to be made any statement or 2964
advertisement, relating to the sale, transfer, assignment, 2965

rental, lease, sublease, or acquisition of any housing 2966
accommodations, or relating to the loan of money, whether or not 2967
secured by mortgage or otherwise, for the acquisition, 2968
construction, rehabilitation, repair, or maintenance of housing 2969
accommodations, that indicates any preference, limitation, 2970
specification, or discrimination based upon race, color, 2971
religion, sex, military status, familial status, ancestry, 2972
disability, or national origin, or an intention to make any such 2973
preference, limitation, specification, or discrimination; 2974

(8) Except as otherwise provided in division (H) (8) or 2975
(17) of this section, make any inquiry, elicit any information, 2976
make or keep any record, or use any form of application 2977
containing questions or entries concerning race, color, 2978
religion, sex, military status, familial status, ancestry, 2979
disability, or national origin in connection with the sale or 2980
lease of any housing accommodations or the loan of any money, 2981
whether or not secured by mortgage or otherwise, for the 2982
acquisition, construction, rehabilitation, repair, or 2983
maintenance of housing accommodations. Any person may make 2984
inquiries, and make and keep records, concerning race, color, 2985
religion, sex, military status, familial status, ancestry, 2986
disability, or national origin for the purpose of monitoring 2987
compliance with this chapter. 2988

(9) Include in any transfer, rental, or lease of housing 2989
accommodations any restrictive covenant, or honor or exercise, 2990
or attempt to honor or exercise, any restrictive covenant; 2991

(10) Induce or solicit, or attempt to induce or solicit, a 2992
housing accommodations listing, sale, or transaction by 2993
representing that a change has occurred or may occur with 2994
respect to the racial, religious, sexual, military status, 2995

familial status, or ethnic composition of the block, 2996
neighborhood, or other area in which the housing accommodations 2997
are located, or induce or solicit, or attempt to induce or 2998
solicit, a housing accommodations listing, sale, or transaction 2999
by representing that the presence or anticipated presence of 3000
persons of any race, color, religion, sex, military status, 3001
familial status, ancestry, disability, or national origin, in 3002
the block, neighborhood, or other area will or may have results 3003
including, but not limited to, the following: 3004

(a) The lowering of property values; 3005

(b) A change in the racial, religious, sexual, military 3006
status, familial status, or ethnic composition of the block, 3007
neighborhood, or other area; 3008

(c) An increase in criminal or antisocial behavior in the 3009
block, neighborhood, or other area; 3010

(d) A decline in the quality of the schools serving the 3011
block, neighborhood, or other area. 3012

(11) Deny any person access to or membership or 3013
participation in any multiple-listing service, real estate 3014
brokers' organization, or other service, organization, or 3015
facility relating to the business of selling or renting housing 3016
accommodations, or discriminate against any person in the terms 3017
or conditions of that access, membership, or participation, on 3018
account of race, color, religion, sex, military status, familial 3019
status, national origin, disability, or ancestry; 3020

(12) Coerce, intimidate, threaten, or interfere with any 3021
person in the exercise or enjoyment of, or on account of that 3022
person's having exercised or enjoyed or having aided or 3023
encouraged any other person in the exercise or enjoyment of, any 3024

right granted or protected by division (H) of this section; 3025

(13) Discourage or attempt to discourage the purchase by a 3026
prospective purchaser of housing accommodations, by representing 3027
that any block, neighborhood, or other area has undergone or 3028
might undergo a change with respect to its religious, racial, 3029
sexual, military status, familial status, or ethnic composition; 3030

(14) Refuse to sell, transfer, assign, rent, lease, 3031
sublease, or finance, or otherwise deny or withhold, a burial 3032
lot from any person because of the race, color, sex, military 3033
status, familial status, age, ancestry, disability, or national 3034
origin of any prospective owner or user of the lot; 3035

(15) Discriminate in the sale or rental of, or otherwise 3036
make unavailable or deny, housing accommodations to any buyer or 3037
renter because of a disability of any of the following: 3038

(a) The buyer or renter; 3039

(b) A person residing in or intending to reside in the 3040
housing accommodations after they are sold, rented, or made 3041
available; 3042

(c) Any individual associated with the person described in 3043
division (H) (15) (b) of this section. 3044

(16) Discriminate in the terms, conditions, or privileges 3045
of the sale or rental of housing accommodations to any person or 3046
in the provision of services or facilities to any person in 3047
connection with the housing accommodations because of a 3048
disability of any of the following: 3049

(a) That person; 3050

(b) A person residing in or intending to reside in the 3051
housing accommodations after they are sold, rented, or made 3052

available; 3053

(c) Any individual associated with the person described in 3054
division (H) (16) (b) of this section. 3055

(17) Except as otherwise provided in division (H) (17) of 3056
this section, make an inquiry to determine whether an applicant 3057
for the sale or rental of housing accommodations, a person 3058
residing in or intending to reside in the housing accommodations 3059
after they are sold, rented, or made available, or any 3060
individual associated with that person has a disability, or make 3061
an inquiry to determine the nature or severity of a disability 3062
of the applicant or such a person or individual. The following 3063
inquiries may be made of all applicants for the sale or rental 3064
of housing accommodations, regardless of whether they have 3065
disabilities: 3066

(a) An inquiry into an applicant's ability to meet the 3067
requirements of ownership or tenancy; 3068

(b) An inquiry to determine whether an applicant is 3069
qualified for housing accommodations available only to persons 3070
with disabilities or persons with a particular type of 3071
disability; 3072

(c) An inquiry to determine whether an applicant is 3073
qualified for a priority available to persons with disabilities 3074
or persons with a particular type of disability; 3075

(d) An inquiry to determine whether an applicant currently 3076
uses a controlled substance in violation of section 2925.11 of 3077
the Revised Code or a substantively comparable municipal 3078
ordinance; 3079

(e) An inquiry to determine whether an applicant at any 3080
time has been convicted of or pleaded guilty to any offense, an 3081

element of which is the illegal sale, offer to sell, 3082
cultivation, manufacture, other production, shipment, 3083
transportation, delivery, or other distribution of a controlled 3084
substance. 3085

(18)(a) Refuse to permit, at the expense of a person with 3086
a disability, reasonable modifications of existing housing 3087
accommodations that are occupied or to be occupied by the person 3088
with a disability, if the modifications may be necessary to 3089
afford the person with a disability full enjoyment of the 3090
housing accommodations. This division does not preclude a 3091
landlord of housing accommodations that are rented or to be 3092
rented to a disabled tenant from conditioning permission for a 3093
proposed modification upon the disabled tenant's doing one or 3094
more of the following: 3095

(i) Providing a reasonable description of the proposed 3096
modification and reasonable assurances that the proposed 3097
modification will be made in a workerlike manner and that any 3098
required building permits will be obtained prior to the 3099
commencement of the proposed modification; 3100

(ii) Agreeing to restore at the end of the tenancy the 3101
interior of the housing accommodations to the condition they 3102
were in prior to the proposed modification, but subject to 3103
reasonable wear and tear during the period of occupancy, if it 3104
is reasonable for the landlord to condition permission for the 3105
proposed modification upon the agreement; 3106

(iii) Paying into an interest-bearing escrow account that 3107
is in the landlord's name, over a reasonable period of time, a 3108
reasonable amount of money not to exceed the projected costs at 3109
the end of the tenancy of the restoration of the interior of the 3110
housing accommodations to the condition they were in prior to 3111

the proposed modification, but subject to reasonable wear and 3112
tear during the period of occupancy, if the landlord finds the 3113
account reasonably necessary to ensure the availability of funds 3114
for the restoration work. The interest earned in connection with 3115
an escrow account described in this division shall accrue to the 3116
benefit of the disabled tenant who makes payments into the 3117
account. 3118

(b) A landlord shall not condition permission for a 3119
proposed modification upon a disabled tenant's payment of a 3120
security deposit that exceeds the customarily required security 3121
deposit of all tenants of the particular housing accommodations. 3122

(19) Refuse to make reasonable accommodations in rules, 3123
policies, practices, or services when necessary to afford a 3124
person with a disability equal opportunity to use and enjoy a 3125
dwelling unit, including associated public and common use areas; 3126

(20) Fail to comply with the standards and rules adopted 3127
under division (A) of section 3781.111 of the Revised Code; 3128

(21) Discriminate against any person in the selling, 3129
brokering, or appraising of real property because of race, 3130
color, religion, sex, military status, familial status, 3131
ancestry, disability, or national origin; 3132

(22) Fail to design and construct covered multifamily 3133
dwellings for first occupancy on or after June 30, 1992, in 3134
accordance with the following conditions: 3135

(a) The dwellings shall have at least one building 3136
entrance on an accessible route, unless it is impractical to do 3137
so because of the terrain or unusual characteristics of the 3138
site. 3139

(b) With respect to dwellings that have a building 3140

entrance on an accessible route, all of the following apply: 3141

(i) The public use areas and common use areas of the 3142
dwellings shall be readily accessible to and usable by persons 3143
with a disability. 3144

(ii) All the doors designed to allow passage into and 3145
within all premises shall be sufficiently wide to allow passage 3146
by persons with a disability who are in wheelchairs. 3147

(iii) All premises within covered multifamily dwelling 3148
units shall contain an accessible route into and through the 3149
dwelling; all light switches, electrical outlets, thermostats, 3150
and other environmental controls within such units shall be in 3151
accessible locations; the bathroom walls within such units shall 3152
contain reinforcements to allow later installation of grab bars; 3153
and the kitchens and bathrooms within such units shall be 3154
designed and constructed in a manner that enables an individual 3155
in a wheelchair to maneuver about such rooms. 3156

For purposes of division (H) (22) of this section, "covered 3157
multifamily dwellings" means buildings consisting of four or 3158
more units if such buildings have one or more elevators and 3159
ground floor units in other buildings consisting of four or more 3160
units. 3161

(I) For any person to discriminate in any manner against 3162
any other person because that person has opposed any unlawful 3163
discriminatory practice defined in this section or because that 3164
person has made a charge, testified, assisted, or participated 3165
in any manner in any investigation, proceeding, or hearing under 3166
sections 4112.01 to 4112.07 of the Revised Code. 3167

(J) For any person to aid, abet, incite, compel, or coerce 3168
the doing of any act declared by this section to be an unlawful 3169

discriminatory practice, to obstruct or prevent any person from 3170
complying with this chapter or any order issued under it, or to 3171
attempt directly or indirectly to commit any act declared by 3172
this section to be an unlawful discriminatory practice. 3173

(K) Nothing in divisions (A) to (E) of this section shall 3174
be construed to require a person with a disability to be 3175
employed or trained under circumstances that would significantly 3176
increase the occupational hazards affecting either the person 3177
with a disability, other employees, the general public, or the 3178
facilities in which the work is to be performed, or to require 3179
the employment or training of a person with a disability in a 3180
job that requires the person with a disability routinely to 3181
undertake any task, the performance of which is substantially 3182
and inherently impaired by the person's disability. 3183

(L) An aggrieved individual may enforce the individual's 3184
rights relative to discrimination on the basis of age as 3185
provided for in this section by instituting a civil action, 3186
within one hundred eighty days after the alleged unlawful 3187
discriminatory practice occurred, in any court with jurisdiction 3188
for any legal or equitable relief that will effectuate the 3189
individual's rights. 3190

A person who files a civil action under this division is 3191
barred, with respect to the practices complained of, from 3192
instituting a civil action under section 4112.14 of the Revised 3193
Code and from filing a charge with the commission under section 3194
4112.05 of the Revised Code. 3195

(M) With regard to age, it shall not be an unlawful 3196
discriminatory practice and it shall not constitute a violation 3197
of division (A) of section 4112.14 of the Revised Code for any 3198
employer, employment agency, joint labor-management committee 3199

controlling apprenticeship training programs, or labor 3200
organization to do any of the following: 3201

(1) Establish bona fide employment qualifications 3202
reasonably related to the particular business or occupation that 3203
may include standards for skill, aptitude, physical capability, 3204
intelligence, education, maturation, and experience; 3205

(2) Observe the terms of a bona fide seniority system or 3206
any bona fide employee benefit plan, including, but not limited 3207
to, a retirement, pension, or insurance plan, that is not a 3208
subterfuge to evade the purposes of this section. However, no 3209
such employee benefit plan shall excuse the failure to hire any 3210
individual, and no such seniority system or employee benefit 3211
plan shall require or permit the involuntary retirement of any 3212
individual, because of the individual's age except as provided 3213
for in the "Age Discrimination in Employment Act Amendment of 3214
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 3215
Discrimination in Employment Act Amendments of 1986," 100 Stat. 3216
3342, 29 U.S.C.A. 623, as amended. 3217

(3) Retire an employee who has attained sixty-five years 3218
of age who, for the two-year period immediately before 3219
retirement, is employed in a bona fide executive or a high 3220
policymaking position, if the employee is entitled to an 3221
immediate nonforfeitable annual retirement benefit from a 3222
pension, profit-sharing, savings, or deferred compensation plan, 3223
or any combination of those plans, of the employer of the 3224
employee, which equals, in the aggregate, at least forty-four 3225
thousand dollars, in accordance with the conditions of the "Age 3226
Discrimination in Employment Act Amendment of 1978," 92 Stat. 3227
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 3228
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 3229

631, as amended; 3230

(4) Observe the terms of any bona fide apprenticeship 3231
program if the program is registered with the Ohio 3232
apprenticeship council pursuant to sections 4139.01 to 4139.06 3233
of the Revised Code and is approved by the federal committee on 3234
apprenticeship of the United States department of labor. 3235

(N) Nothing in this chapter prohibiting age discrimination 3236
and nothing in division (A) of section 4112.14 of the Revised 3237
Code shall be construed to prohibit the following: 3238

(1) The designation of uniform age the attainment of which 3239
is necessary for public employees to receive pension or other 3240
retirement benefits pursuant to Chapter 145., 742., 3307., 3241
3309., or 5505. of the Revised Code; 3242

(2) The mandatory retirement of uniformed patrol officers 3243
of the state highway patrol as provided in section 5505.16 of 3244
the Revised Code; 3245

(3) The maximum age requirements for appointment as a 3246
patrol officer in the state highway patrol established by 3247
section 5503.01 of the Revised Code; 3248

(4) The maximum age requirements established for original 3249
appointment to a police department or fire department in 3250
sections 124.41 and 124.42 of the Revised Code; 3251

(5) Any maximum age not in conflict with federal law that 3252
may be established by a municipal charter, municipal ordinance, 3253
or resolution of a board of township trustees for original 3254
appointment as a police officer or firefighter; 3255

(6) Any mandatory retirement provision not in conflict 3256
with federal law of a municipal charter, municipal ordinance, or 3257

resolution of a board of township trustees pertaining to police 3258
officers and firefighters; 3259

(7) Until January 1, 1994, the mandatory retirement of any 3260
employee who has attained seventy years of age and who is 3261
serving under a contract of unlimited tenure, or similar 3262
arrangement providing for unlimited tenure, at an institution of 3263
higher education as defined in the "Education Amendments of 3264
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 3265

(O) (1) (a) Except as provided in division (O) (1) (b) of this 3266
section, for purposes of divisions (A) to (E) of this section, a 3267
disability does not include any physiological disorder or 3268
condition, mental or psychological disorder, or disease or 3269
condition caused by an illegal use of any controlled substance 3270
by an employee, applicant, or other person, if an employer, 3271
employment agency, personnel placement service, labor 3272
organization, or joint labor-management committee acts on the 3273
basis of that illegal use. 3274

(b) Division (O) (1) (a) of this section does not apply to 3275
an employee, applicant, or other person who satisfies any of the 3276
following: 3277

(i) The employee, applicant, or other person has 3278
successfully completed a supervised drug rehabilitation program 3279
and no longer is engaging in the illegal use of any controlled 3280
substance, or the employee, applicant, or other person otherwise 3281
successfully has been rehabilitated and no longer is engaging in 3282
that illegal use. 3283

(ii) The employee, applicant, or other person is 3284
participating in a supervised drug rehabilitation program and no 3285
longer is engaging in the illegal use of any controlled 3286

substance. 3287

(iii) The employee, applicant, or other person is 3288
erroneously regarded as engaging in the illegal use of any 3289
controlled substance, but the employee, applicant, or other 3290
person is not engaging in that illegal use. 3291

(2) Divisions (A) to (E) of this section do not prohibit 3292
an employer, employment agency, personnel placement service, 3293
labor organization, or joint labor-management committee from 3294
doing any of the following: 3295

(a) Adopting or administering reasonable policies or 3296
procedures, including, but not limited to, testing for the 3297
illegal use of any controlled substance, that are designed to 3298
ensure that an individual described in division (O) (1) (b) (i) or 3299
(ii) of this section no longer is engaging in the illegal use of 3300
any controlled substance; 3301

(b) Prohibiting the illegal use of controlled substances 3302
and the use of alcohol at the workplace by all employees; 3303

(c) Requiring that employees not be under the influence of 3304
alcohol or not be engaged in the illegal use of any controlled 3305
substance at the workplace; 3306

(d) Requiring that employees behave in conformance with 3307
the requirements established under "The Drug-Free Workplace Act 3308
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 3309

(e) Holding an employee who engages in the illegal use of 3310
any controlled substance or who is an alcoholic to the same 3311
qualification standards for employment or job performance, and 3312
the same behavior, to which the employer, employment agency, 3313
personnel placement service, labor organization, or joint labor- 3314
management committee holds other employees, even if any 3315

unsatisfactory performance or behavior is related to an 3316
employee's illegal use of a controlled substance or alcoholism; 3317

(f) Exercising other authority recognized in the 3318
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3319
U.S.C.A. 12101, as amended, including, but not limited to, 3320
requiring employees to comply with any applicable federal 3321
standards. 3322

(3) For purposes of this chapter, a test to determine the 3323
illegal use of any controlled substance does not include a 3324
medical examination. 3325

(4) Division (O) of this section does not encourage, 3326
prohibit, or authorize, and shall not be construed as 3327
encouraging, prohibiting, or authorizing, the conduct of testing 3328
for the illegal use of any controlled substance by employees, 3329
applicants, or other persons, or the making of employment 3330
decisions based on the results of that type of testing. 3331

(P) This section does not apply to a religious 3332
corporation, association, educational institution, or society 3333
with respect to the employment of an individual of a particular 3334
religion to perform work connected with the carrying on by that 3335
religious corporation, association, educational institution, or 3336
society of its activities. 3337

The unlawful discriminatory practices defined in this 3338
section do not make it unlawful for a person or an appointing 3339
authority administering an examination under section 124.23 of 3340
the Revised Code to obtain information about an applicant's 3341
military status for the purpose of determining if the applicant 3342
is eligible for the additional credit that is available under 3343
that section. 3344

Sec. 4141.30. (A) All benefits shall be paid through 3345
public employment offices in accordance with such rules as the 3346
director of job and family services prescribes. 3347

(B) With the exceptions in division (B)(4) of this 3348
section, benefits are payable to each eligible and qualified 3349
individual on account of each week of involuntary total 3350
unemployment after the specified waiting period at the weekly 3351
benefit amount determined by: 3352

(1) Computing the individual's average weekly wage as 3353
defined in division (O)(2) of section 4141.01 of the Revised 3354
Code; 3355

(2) Determining the individual's dependency class under 3356
division (E) of this section; 3357

(3) Computing the individual's weekly benefit amount to be 3358
fifty per cent of the individual's average weekly wage except, 3359
that the individual's weekly benefit amount shall not exceed the 3360
maximum amount shown for the individual's dependency class in 3361
the following table: 3362

Maximum Weekly		3363
Dependency Class	Benefit Amount	3364
A	\$147	3365
B	223	3366
C	233	3367

Effective Sunday of the calendar week in which January 1, 3368
1988, occurs and on each similar day of each year thereafter, 3369
the current maximum weekly benefit amount for each dependency 3370
class shall be adjusted based on the statewide average weekly 3371
wage. Any percentage increase in such statewide average weekly 3372
wage between the wage computed for the current year and the wage 3373

computed for the preceding year shall be used to increase the 3374
maximum amounts then in effect by the same percentage. Such 3375
increased amounts will be effective with respect to applications 3376
for benefit rights filed during the fifty-two consecutive 3377
calendar weeks beginning with such Sunday date. 3378

The director shall calculate the statewide average weekly 3379
wage based on the average weekly earnings of all workers in 3380
employment subject to this chapter during the preceding twelve- 3381
month period ending the thirtieth day of June. The calculation 3382
shall be made in the following manner: 3383

(a) The sum of the total monthly employment reported for 3384
the previous twelve-month period shall be divided by twelve to 3385
determine the average monthly employment; 3386

(b) The sum of the total wages reported for the previous 3387
twelve-month period shall be divided by the average monthly 3388
employment to determine the average annual wage; 3389

(c) The average annual wage shall be divided by fifty-two 3390
to determine the statewide average weekly wage. 3391

In the computation of the weekly benefit amount, any 3392
resulting amount not a multiple of one dollar shall be rounded 3393
to the next lower multiple of one dollar. In the computation of 3394
the adjusted maximum benefit amounts, based on the statewide 3395
average weekly wage, any resulting amount not a multiple of one 3396
dollar shall be rounded to the next lower multiple of one 3397
dollar. 3398

(4) Effective Sunday of the calendar week in which January 3399
1, occurs for calendar years 1988 through 1993, the maximum 3400
weekly benefit amount payable for an individual's dependency 3401
class for those years shall be computed in accordance with this 3402

division, with an additional increase added to the prior year's 3403
increase equal to one-sixth of total percentage increase that 3404
otherwise would have been available in calendar years 1983, 3405
1984, 1985, 1986, and 1987, if in those years an adjustment in 3406
the maximum weekly benefit amount would have been made pursuant 3407
to this division. 3408

(5) Effective Sunday of the calendar week in which January 3409
1, 1991, occurs, the maximum weekly benefit amounts computed 3410
under divisions (B) (3) and (4) of this section shall not exceed 3411
the following amounts: 3412

(a) For dependency class A, fifty per cent of the 3413
statewide average weekly wage; 3414

(b) For dependency class B, sixty per cent of the 3415
statewide average weekly wage; 3416

(c) For dependency class C, sixty-six and two-thirds per 3417
cent of the statewide average weekly wage. 3418

Division (B) (5) of this section applies to all new claims 3419
filed on and after the Sunday of the calendar week in which 3420
January 1, 1991, occurs, provided that the maximum weekly 3421
benefit amounts established for the dependency classes prior to 3422
such date apply to all claims until the maximum weekly benefit 3423
amounts as determined pursuant to division (B) (5) of this 3424
section equal or exceed the maximum weekly benefit amounts in 3425
effect prior to such date. 3426

(6) For the time period beginning on January 1, 2018, and 3427
ending January 1, 2020, no individual's weekly benefit amount 3428
shall exceed the maximum weekly benefit amounts in effect on ~~the~~ 3429
~~effective date of this section~~ March 28, 2017. 3430

(C) Benefits are payable to each partially unemployed 3431

individual otherwise eligible on account of each week of 3432
involuntary partial unemployment after the specified waiting 3433
period in an amount equal to the individual's weekly benefit 3434
amount less that part of the remuneration payable to the 3435
individual with respect to such week which is in excess of 3436
twenty per cent of the individual's weekly benefit amount, and 3437
the resulting amount rounded to the next lower multiple of one 3438
dollar. 3439

(D) The total benefits to which an individual is entitled 3440
in any benefit year, whether for partial or total unemployment, 3441
or both, shall not exceed the lesser of the following two 3442
amounts: (1) an amount equal to twenty-six times the 3443
individual's weekly benefit amount determined in accordance with 3444
division (B) of this section and this division, or (2) an amount 3445
computed by taking the sum of twenty times the individual's 3446
weekly benefit amount for the first twenty base period 3447
qualifying weeks plus one times the weekly benefit amount for 3448
each additional qualifying week beyond the first twenty 3449
qualifying weeks in the individual's base period. 3450

(E) Each eligible and qualified individual shall be 3451
assigned a dependency class in accordance with the following 3452
schedule: 3453

Class	Description of Dependents	
A	No dependents, or has	3455
	insufficient wages to qualify	3456
	for more than the maximum	3457
	weekly benefit amount as	3458
	provided under dependency	3459
	class A	3460
B	One or two dependents	3461

C Three or more dependents 3462

As used in this division "dependent" means: 3463

(1) Any natural child, stepchild, or adopted child of the 3464
individual claiming benefits for whom such individual at the 3465
beginning of the individual's current benefit year is supplying 3466
and for at least ninety consecutive days, or for the duration of 3467
the parental relationship if it existed less than ninety days, 3468
immediately preceding the beginning of such benefit year, has 3469
supplied more than one-half of the cost of support and if such 3470
child on the beginning date of such benefit year was under 3471
eighteen years of age, or if unable to work because of permanent 3472
physical or mental disability; 3473

(2) The legally married ~~wife or husband~~ spouse of the 3474
individual claiming benefits for whom more than one-half the 3475
cost of support has been supplied by such individual for at 3476
least ninety consecutive days, or for the duration of the 3477
marital relationship if it has existed for less than ninety 3478
days, immediately preceding the beginning of such individual's 3479
current benefit year and such ~~wife or husband~~ spouse was living 3480
with such individual and had an average weekly income, in such 3481
period, not in excess of twenty-five per cent of the claimant's 3482
average weekly wage. 3483

(3) If both ~~the husband and wife~~ spouses qualify for 3484
benefit rights with overlapping benefit years, only one of them 3485
may qualify for a dependency class other than A. 3486

Sec. 4728.03. (A) As used in this section, "experience and 3487
fitness in the capacity involved" means that the applicant for a 3488
precious metals dealer's license has had sufficient financial 3489
responsibility, reputation, and experience in the business of 3490

precious metals dealer, or a related business, to act as a 3491
precious metals dealer in compliance with this chapter. 3492

(B) (1) The division of financial institutions in the 3493
department of commerce may grant a precious metals dealer's 3494
license to any person of good character, having experience and 3495
fitness in the capacity involved, who demonstrates a net worth 3496
of at least ten thousand dollars and the ability to maintain 3497
that net worth during the licensure period. The superintendent 3498
of financial institutions shall compute the applicant's net 3499
worth according to generally accepted accounting principles. 3500

(2) In place of the demonstration of net worth required by 3501
division (B) (1) of this section, an applicant may obtain a 3502
surety bond issued by a surety company authorized to do business 3503
in this state if all of the following conditions are met: 3504

(a) A copy of the surety bond is filed with the division; 3505

(b) The bond is in favor of any person, and of the state 3506
for the benefit of any person, injured by any violation of this 3507
chapter; 3508

(c) The bond is in the amount of not less than ten 3509
thousand dollars. 3510

(3) Before granting a license under this division, the 3511
division shall determine that the applicant meets the 3512
requirements of division (B) (1) or (2) of this section. 3513

(C) The division shall require an applicant for a precious 3514
metals dealer's license to pay to the division a nonrefundable, 3515
initial investigation fee of two hundred dollars which shall be 3516
for the exclusive use of the state. The license fee for a 3517
precious metals dealer's license and the renewal fee shall be 3518
determined by the superintendent, provided that the fee may not 3519

exceed three hundred dollars. A license issued by the division 3520
shall expire on the last day of June next following the date of 3521
its issuance. Fifty per cent of license fees shall be for the 3522
use of the state, and fifty per cent shall be paid to the 3523
municipal corporation, or if outside the limits of any municipal 3524
corporation, to the county in which the office of the licensee 3525
is located. All portions of license fees payable to municipal 3526
corporations or counties shall be paid as they accrue, by the 3527
treasurer of state, on vouchers issued by the director of budget 3528
and management. 3529

(D) Every such license shall be renewed annually by the 3530
last day of June according to the standard renewal procedure of 3531
Chapter 4745. of the Revised Code. No license shall be granted 3532
to any person not a resident of or the principal office of which 3533
is not located in the municipal corporation or county designated 3534
in such license, unless, and until such applicant shall, in 3535
writing and in due form, to be first approved by and filed with 3536
the division, appoint an agent, a resident of the state, and 3537
city or county where the office is to be located, upon whom all 3538
judicial and other process, or legal notice, directed to the 3539
applicant may be served; and in case of the death, removal from 3540
the state, or any legal disability or any disqualification of 3541
any agent, service of process or notice may be made upon the 3542
superintendent. 3543

(E) The division may, pursuant to Chapter 119. of the 3544
Revised Code, upon notice to the licensee and after giving the 3545
licensee reasonable opportunity to be heard, revoke or suspend 3546
any license, if the licensee or the licensee's officers, agents, 3547
or employees violate this chapter. Whenever, for any cause, the 3548
license is revoked or suspended, the division shall not issue 3549
another license to the licensee nor to the ~~husband or wife~~ 3550

spouse of the licensee, nor to any copartnership or corporation 3551
of which the licensee is an officer, nor to any person employed 3552
by the licensee, until the expiration of at least one year from 3553
the date of revocation of the license. 3554

(F) In conducting an investigation to determine whether an 3555
applicant satisfies the requirements for licensure under this 3556
section, the superintendent may request that the superintendent 3557
of the bureau of criminal identification and investigation 3558
investigate and determine whether the bureau has procured any 3559
information pursuant to section 109.57 of the Revised Code 3560
pertaining to the applicant. 3561

If the superintendent of financial institutions determines 3562
that conducting an investigation to determine whether an 3563
applicant satisfies the requirements for licensure under this 3564
section will require procuring information outside the state, 3565
then, in addition to the fee established under division (C) of 3566
this section, the superintendent may require the applicant to 3567
pay any of the actual expenses incurred by the division to 3568
conduct such an investigation, provided that the superintendent 3569
shall assess the applicant a total no greater than one thousand 3570
dollars for such expenses. The superintendent may require the 3571
applicant to pay in advance of the investigation, sufficient 3572
funds to cover the estimated cost of the actual expenses. If the 3573
superintendent requires the applicant to pay investigation 3574
expenses, the superintendent shall provide to the applicant an 3575
itemized statement of the actual expenses incurred by the 3576
division to conduct the investigation. 3577

(G) (1) Except as otherwise provided in division (G) (2) of 3578
this section a precious metals dealer licensed under this 3579
section shall maintain a net worth of at least ten thousand 3580

dollars, computed as required under division (B) (1) of this 3581
section, for as long as the licensee holds a valid precious 3582
metals dealer's license issued pursuant to this section. 3583

(2) A licensee who obtains a surety bond under division 3584
(B) (2) of this section is exempt from the requirement of 3585
division (G) (1) of this section, but shall maintain the bond for 3586
at least two years after the date on which the licensee ceases 3587
to conduct business in this state. 3588

Sec. 4737.07. No person shall operate and maintain a junk 3589
yard outside of a municipality, except in zoned or unzoned 3590
industrial areas adjacent to the interstate or primary systems, 3591
without first obtaining a license to do so from the county 3592
auditor of the county in which such junk yard is located or in 3593
which such junk yard is to be established. A person who was 3594
operating or maintaining a junk yard prior to January 1, 1964 is 3595
entitled to be issued a license or renewal thereof upon payment 3596
of the fee provided for in this section. Any person operating or 3597
maintaining a junk yard within one thousand feet of the nearest 3598
edge of the right of way of a state or county road or within 3599
three hundred feet of the nearest edge of the right of way of a 3600
township road, prior to January 1, 1964, shall within one year 3601
thereafter erect the required fence or make suitable plantings 3602
if such junk yard is not obscured by natural objects or a fence. 3603
If, after January 1, 1964, a junk yard is established within one 3604
thousand feet of the nearest edge of the right of way of a state 3605
or county highway or within three hundred feet of the nearest 3606
edge of the right of way of a township road, it shall be so 3607
located that the view thereof from such road is obscured by 3608
natural objects or a fence. If the yard is so obscured, the 3609
person operating or maintaining it shall be issued a license. 3610

If it is not practical or economically feasible by reason 3611
of topography, as determined by the sheriff or, if the sheriff 3612
so designates, a ~~police officer~~ police officer or constable of the 3613
township where the junk yard is located, to obscure the view of 3614
a junk yard established on or before January 1, 1970, from any 3615
state or county highway or township road which is not part of 3616
the interstate or primary system, the sheriff or township 3617
~~police officer~~ police officer or constable shall require suitable 3618
plantings, or a practical and appropriate barrier not less than 3619
six feet nor more than ten feet in height, to partially obscure 3620
the view of such junk yard from such state or county highway or 3621
township road. 3622

No person shall operate and maintain a junk yard adjacent 3623
to the interstate or primary systems within a municipality, 3624
except in zoned or unzoned industrial areas without first 3625
obtaining a license to do so from the chief executive officer of 3626
the municipality in which such junk yard is located or in which 3627
such junk yard is to be established. Any person operating or 3628
maintaining a junk yard within one thousand feet of the nearest 3629
edge of the right of way of an interstate or primary highway 3630
within a municipality, except in a zoned or unzoned industrial 3631
area, prior to November 18, 1969, shall within one year 3632
thereafter erect the required fence or make suitable plantings 3633
if such junk yard is not screened by natural objects or a fence. 3634
This exception does not prohibit the regulation or prohibition 3635
of junk yards in zoned or unzoned industrial areas by municipal 3636
corporations. If a junk yard is established after November 18, 3637
1969, within one thousand feet of the nearest edge of the right 3638
of way of an interstate or primary highway, it shall be so 3639
located that the view thereof from such highway is obscured by 3640
natural objects or a fence. If the yard is so obscured, the 3641

person operating or maintaining it shall be issued a license 3642
under this section. Nothing contained in this section shall be 3643
construed to relieve any person of ~~his~~ the duty to comply with 3644
the provisions of ordinances enacted by municipal corporations 3645
regulating or prohibiting junk yards, including requirements to 3646
obtain a license under municipal ordinances. The requirement to 3647
obtain a license from the municipality under this section shall 3648
be in addition to regulations imposed and licenses required 3649
under municipal ordinances. No license shall be issued unless 3650
such yard accords with the provisions of this section. 3651

The fee for a license issued under this section is twenty- 3652
five dollars, except that the fee for municipal licenses issued 3653
under this section shall be reduced by the amount paid by the 3654
licensee for any similar licenses issued pursuant to ordinances 3655
of such municipality. All licenses issued under this section 3656
shall expire on the first day of January following the date of 3657
issue. A license may be renewed from year to year upon paying 3658
the chief executive officer of the municipality or the auditor 3659
of the county in which the junk yard is located the sum of ten 3660
dollars for each such renewal. 3661

All fees paid under this section shall be for the use of 3662
the county or municipality which issues the license or renewal 3663
thereof. 3664

Any license or renewal thereof issued under this section 3665
may be revoked by the chief executive officer of the 3666
municipality or the county auditor of the county in which the 3667
licensee's junk yard is located, after reasonable notice and 3668
opportunity to be heard, for any violation of sections 4737.01 3669
to 4737.12 of the Revised Code, by the licensee or by any of ~~his~~ 3670
the licensee's officers, agents, or employees. Whenever a 3671

license has been revoked under this section, the chief executive 3672
officer of the municipality or the county auditor shall not 3673
issue another license to such licensee, to the ~~husband or wife~~ 3674
spouse of such licensee, or to any partnership or corporation of 3675
which ~~he~~ the licensee is an officer or member, until such 3676
licensee complies with sections 4737.05 to 4737.12 of the 3677
Revised Code. 3678

Sec. 5103.16. (A) Except as otherwise provided in this 3679
section, no child shall be placed or accepted for placement 3680
under any written or oral agreement or understanding that 3681
transfers or surrenders the legal rights, powers, or duties of 3682
the legal parent, parents, or guardian of the child into the 3683
temporary or permanent custody of any association or institution 3684
that is not certified by the department of job and family 3685
services under section 5103.03 of the Revised Code, without the 3686
written consent of the office in the department that oversees 3687
the interstate compact for placement of children established 3688
under section 5103.20 of the Revised Code or the interstate 3689
compact on the placement of children established under section 3690
5103.23 of the Revised Code, as applicable, or by a commitment 3691
of a juvenile court, or by a commitment of a probate court as 3692
provided in this section. A child may be placed temporarily 3693
without written consent or court commitment with persons related 3694
by blood or marriage or in a legally licensed boarding home. 3695

(B) (1) Associations and institutions certified under 3696
section 5103.03 of the Revised Code for the purpose of placing 3697
children in free foster homes or for legal adoption shall keep a 3698
record of the temporary and permanent surrenders of children. 3699
This record shall be available for separate statistics, which 3700
shall include a copy of an official birth record and all 3701
information concerning the social, mental, and medical history 3702

of the children that will aid in an intelligent disposition of 3703
the children in case that becomes necessary because the parents 3704
or guardians fail or are unable to reassume custody. 3705

(2) No child placed on a temporary surrender with an 3706
association or institution shall be placed permanently in a 3707
foster home or for legal adoption. All surrendered children who 3708
are placed permanently in foster homes or for adoption shall 3709
have been permanently surrendered, and a copy of the permanent 3710
surrender shall be a part of the separate record kept by the 3711
association or institution. 3712

(C) Any agreement or understanding to transfer or 3713
surrender the legal rights, powers, or duties of the legal 3714
parent or parents and place a child with a person seeking to 3715
adopt the child under this section shall be construed to contain 3716
a promise by the person seeking to adopt the child to pay the 3717
expenses listed in divisions (C) (1), (2), and (4) of section 3718
3107.055 of the Revised Code and, if the person seeking to adopt 3719
the child refuses to accept placement of the child, to pay the 3720
temporary costs of routine maintenance and medical care for the 3721
child in a hospital, foster home, or other appropriate place for 3722
up to thirty days or until other custody is established for the 3723
child, as provided by law, whichever is less. 3724

(D) No child shall be placed or received for adoption or 3725
with intent to adopt unless placement is made by a public 3726
children services agency, an institution or association that is 3727
certified by the department of job and family services under 3728
section 5103.03 of the Revised Code to place children for 3729
adoption, or custodians in another state or foreign country, or 3730
unless all of the following criteria are met: 3731

(1) Prior to the placement and receiving of the child, the 3732

parent or parents of the child personally have applied to, and
appeared before, the probate court of the county in which the
parent or parents reside, or in which the person seeking to
adopt the child resides, for approval of the proposed placement
specified in the application and have signed and filed with the
court a written statement showing that the parent or parents are
aware of their right to contest the decree of adoption subject
to the limitations of section 3107.16 of the Revised Code;

(2) The court ordered an independent home study of the
proposed placement to be conducted as provided in section
3107.031 of the Revised Code, and after completion of the home
study, the court determined that the proposed placement is in
the best interest of the child;

(3) The court has approved of record the proposed
placement.

In determining whether a custodian has authority to place
children for adoption under the laws of a foreign country, the
probate court shall determine whether the child has been
released for adoption pursuant to the laws of the country in
which the child resides, and if the release is in a form that
satisfies the requirements of the immigration and naturalization
service of the United States department of justice for purposes
of immigration to this country pursuant to section 101(b)(1)(F)
of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8
U.S.C. 1101 (b)(1)(F), as amended or reenacted.

If the parent or parents of the child are deceased or have
abandoned the child, as determined under division (A) of section
3107.07 of the Revised Code, the application for approval of the
proposed adoptive placement may be brought by the relative
seeking to adopt the child, or by the department, board, or

organization not otherwise having legal authority to place the 3763
orphaned or abandoned child for adoption, but having legal 3764
custody of the orphaned or abandoned child, in the probate court 3765
of the county in which the child is a resident, or in which the 3766
department, board, or organization is located, or where the 3767
person or persons with whom the child is to be placed reside. 3768
Unless the parent, parents, or guardian of the person of the 3769
child personally have appeared before the court and applied for 3770
approval of the placement, notice of the hearing on the 3771
application shall be served on the parent, parents, or guardian. 3772

The consent to placement, surrender, or adoption executed 3773
by a minor parent before a judge of the probate court or an 3774
authorized deputy or referee of the court, whether executed 3775
within or outside the confines of the court, is as valid as 3776
though executed by an adult. A consent given as above before an 3777
employee of a children services agency that is licensed as 3778
provided by law, is equally effective, if the consent also is 3779
accompanied by an affidavit executed by the witnessing employee 3780
or employees to the effect that the legal rights of the parents 3781
have been fully explained to the parents, prior to the execution 3782
of any consent, and that the action was done after the birth of 3783
the child. 3784

If the court approves a placement, the prospective 3785
adoptive parent with whom the child is placed has care, custody, 3786
and control of the child pending further order of the court. 3787

(E) (1) This section does not apply to an adoption by a 3788
stepparent, a grandparent, a grandparent's ~~husband or wife~~ 3789
spouse, a legal custodian, or a guardian. 3790

(2) As used in division (E) (1) of this section: 3791

(a) "Legal custodian" means a person who has been granted 3792
the legal custody of a child by a court of competent 3793
jurisdiction. 3794

(b) "Legal custody" has the same meaning as in section 3795
2151.011 of the Revised Code or in any other substantially 3796
equivalent statute. 3797

Sec. 5123.01. As used in this chapter: 3798

(A) "Chief medical officer" means the licensed physician 3799
appointed by the managing officer of an institution for persons 3800
with intellectual disabilities with the approval of the director 3801
of developmental disabilities to provide medical treatment for 3802
residents of the institution. 3803

(B) "Chief program director" means a person with special 3804
training and experience in the diagnosis and management of 3805
persons with developmental disabilities, certified according to 3806
division (C) of this section in at least one of the designated 3807
fields, and appointed by the managing officer of an institution 3808
for persons with intellectual disabilities with the approval of 3809
the director to provide habilitation and care for residents of 3810
the institution. 3811

(C) "Comprehensive evaluation" means a study, including a 3812
sequence of observations and examinations, of a person leading 3813
to conclusions and recommendations formulated jointly, with 3814
dissenting opinions if any, by a group of persons with special 3815
training and experience in the diagnosis and management of 3816
persons with developmental disabilities, which group shall 3817
include individuals who are professionally qualified in the 3818
fields of medicine, psychology, and social work, together with 3819
such other specialists as the individual case may require. 3820

(D) "Education" means the process of formal training and 3821
instruction to facilitate the intellectual and emotional 3822
development of residents. 3823

(E) "Habilitation" means the process by which the staff of 3824
the institution assists the resident in acquiring and 3825
maintaining those life skills that enable the resident to cope 3826
more effectively with the demands of the resident's own person 3827
and of the resident's environment and in raising the level of 3828
the resident's physical, mental, social, and vocational 3829
efficiency. Habilitation includes but is not limited to programs 3830
of formal, structured education and training. 3831

(F) "Health officer" means any public health physician, 3832
public health nurse, or other person authorized or designated by 3833
a city or general health district. 3834

(G) "Home and community-based services" means medicaid- 3835
funded home and community-based services specified in division 3836
(A) (1) of section 5166.20 of the Revised Code provided under the 3837
medicaid waiver components the department of developmental 3838
disabilities administers pursuant to section 5166.21 of the 3839
Revised Code. Except as provided in section 5123.0412 of the 3840
Revised Code, home and community-based services provided under 3841
the medicaid waiver component known as the transitions 3842
developmental disabilities waiver are to be considered to be 3843
home and community-based services for the purposes of this 3844
chapter, and Chapters 5124. and 5126. of the Revised Code, only 3845
to the extent, if any, provided by the contract required by 3846
section 5166.21 of the Revised Code regarding the waiver. 3847

(H) "ICF/IID" has the same meaning as in section 5124.01 3848
of the Revised Code. 3849

(I) "Indigent person" means a person who is unable, 3850
without substantial financial hardship, to provide for the 3851
payment of an attorney and for other necessary expenses of legal 3852
representation, including expert testimony. 3853

(J) "Institution" means a public or private facility, or a 3854
part of a public or private facility, that is licensed by the 3855
appropriate state department and is equipped to provide 3856
residential habilitation, care, and treatment for persons with 3857
intellectual disabilities. 3858

(K) "Licensed physician" means a person who holds a valid 3859
certificate issued under Chapter 4731. of the Revised Code 3860
authorizing the person to practice medicine and surgery or 3861
osteopathic medicine and surgery, or a medical officer of the 3862
government of the United States while in the performance of the 3863
officer's official duties. 3864

(L) "Managing officer" means a person who is appointed by 3865
the director of developmental disabilities to be in executive 3866
control of an institution under the jurisdiction of the 3867
department of developmental disabilities. 3868

(M) "Medicaid case management services" means case 3869
management services provided to an individual with a 3870
developmental disability that the state medicaid plan requires. 3871

(N) "Intellectual disability" means a disability 3872
characterized by having significantly subaverage general 3873
intellectual functioning existing concurrently with deficiencies 3874
in adaptive behavior, manifested during the developmental 3875
period. 3876

(O) "Person with an intellectual disability subject to 3877
institutionalization by court order" means a person eighteen 3878

years of age or older with at least a moderate level of 3879
intellectual disability and in relation to whom, because of the 3880
person's disability, either of the following conditions exists: 3881

(1) The person represents a very substantial risk of 3882
physical impairment or injury to self as manifested by evidence 3883
that the person is unable to provide for and is not providing 3884
for the person's most basic physical needs and that provision 3885
for those needs is not available in the community; 3886

(2) The person needs and is susceptible to significant 3887
habilitation in an institution. 3888

(P) "Moderate level of intellectual disability" means the 3889
condition in which a person, following a comprehensive 3890
evaluation, is found to have at least moderate deficits in 3891
overall intellectual functioning, as indicated by a full-scale 3892
intelligence quotient test score of fifty-five or below, and at 3893
least moderate deficits in adaptive behavior, as determined in 3894
accordance with the criteria established in the fifth edition of 3895
the diagnostic and statistical manual of mental disorders 3896
published by the American psychiatric association. 3897

(Q) "Developmental disability" means a severe, chronic 3898
disability that is characterized by all of the following: 3899

(1) It is attributable to a mental or physical impairment 3900
or a combination of mental and physical impairments, other than 3901
a mental or physical impairment solely caused by mental illness, 3902
as defined in division (A) of section 5122.01 of the Revised 3903
Code. 3904

(2) It is manifested before age twenty-two. 3905

(3) It is likely to continue indefinitely. 3906

(4) It results in one of the following:

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(a) In the case of a person under three years of age, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules;

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(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;

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(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

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(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

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"Developmental disability" includes intellectual disability.

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(R) "State institution" means an institution that is tax-supported and under the jurisdiction of the department of developmental disabilities.

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(S) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in

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Ohio for a period of one year without receiving general 3936
assistance prior to July 17, 1995, under former Chapter 5113. of 3937
the Revised Code, without receiving financial assistance prior 3938
to December 31, 2017, under former Chapter 5115. of the Revised 3939
Code, or assistance from a private agency that maintains records 3940
of assistance given. A person having a legal settlement in the 3941
state shall be considered as having legal settlement in the 3942
assistance area in which the person resides. No adult person 3943
coming into this state and having a spouse or minor children 3944
residing in another state shall obtain a legal settlement in 3945
this state as long as the spouse or minor children are receiving 3946
public assistance, care, or support at the expense of the other 3947
state or its subdivisions. For the purpose of determining the 3948
legal settlement of a person who is living in a public or 3949
private institution or in a home subject to licensing by the 3950
department of job and family services, the department of mental 3951
health and addiction services, or the department of 3952
developmental disabilities, the residence of the person shall be 3953
considered as though the person were residing in the county in 3954
which the person was living prior to the person's entrance into 3955
the institution or home. Settlement once acquired shall continue 3956
until a person has been continuously absent from Ohio for a 3957
period of one year or has acquired a legal residence in another 3958
state. A ~~woman~~ person who marries a ~~man~~ another person with a 3959
legal settlement in any county immediately acquires the 3960
settlement of ~~her husband~~ the spouse. The legal settlement of a 3961
minor is that of the parents, surviving parent, sole parent, 3962
parent who is designated the residential parent and legal 3963
custodian by a court, other adult having permanent custody 3964
awarded by a court, or guardian of the person of the minor, 3965
provided that: 3966

(1) A minor ~~female~~ who marries shall be considered to have 3967
the legal settlement of ~~her husband~~ the minor's spouse and, in 3968
the case of death of ~~her husband~~ the minor's spouse or divorce, 3969
~~she~~ the minor shall not thereby lose ~~her~~ the minor's legal 3970
settlement obtained by the marriage. 3971

(2) A minor ~~male~~ who marries, establishes a home, and who 3972
has resided in this state for one year without receiving general 3973
assistance prior to July 17, 1995, under former Chapter 5113. of 3974
the Revised Code or assistance from a private agency that 3975
maintains records of assistance given shall be considered to 3976
have obtained a legal settlement in this state. 3977

(3) The legal settlement of a child under eighteen years 3978
of age who is in the care or custody of a public or private 3979
child caring agency shall not change if the legal settlement of 3980
the parent changes until after the child has been in the home of 3981
the parent for a period of one year. 3982

No person, adult or minor, may establish a legal 3983
settlement in this state for the purpose of gaining admission to 3984
any state institution. 3985

(T) (1) "Resident" means, subject to division (T) (2) of 3986
this section, a person who is admitted either voluntarily or 3987
involuntarily to an institution or other facility pursuant to 3988
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 3989
Code subsequent to a finding of not guilty by reason of insanity 3990
or incompetence to stand trial or under this chapter who is 3991
under observation or receiving habilitation and care in an 3992
institution. 3993

(2) "Resident" does not include a person admitted to an 3994
institution or other facility under section 2945.39, 2945.40, 3995

2945.401, or 2945.402 of the Revised Code to the extent that the 3996
reference in this chapter to resident, or the context in which 3997
the reference occurs, is in conflict with any provision of 3998
sections 2945.37 to 2945.402 of the Revised Code. 3999

(U) "Respondent" means the person whose detention, 4000
commitment, or continued commitment is being sought in any 4001
proceeding under this chapter. 4002

(V) "Working day" and "court day" mean Monday, Tuesday, 4003
Wednesday, Thursday, and Friday, except when such day is a legal 4004
holiday. 4005

(W) "Prosecutor" means the prosecuting attorney, village 4006
solicitor, city director of law, or similar chief legal officer 4007
who prosecuted a criminal case in which a person was found not 4008
guilty by reason of insanity, who would have had the authority 4009
to prosecute a criminal case against a person if the person had 4010
not been found incompetent to stand trial, or who prosecuted a 4011
case in which a person was found guilty. 4012

(X) "Court" means the probate division of the court of 4013
common pleas. 4014

(Y) "Supported living" and "residential services" have the 4015
same meanings as in section 5126.01 of the Revised Code. 4016

Sec. 5302.05. A deed in substance following the form set 4017
forth in this section, when duly executed in accordance with 4018
Chapter 5301. of the Revised Code, has the force and effect of a 4019
deed in fee simple to the grantee, the grantee's heirs, assigns, 4020
and successors, to the grantee's and the grantee's heirs', 4021
assigns', and successors' own use, with covenants on the part of 4022
the grantor with the grantee, the grantee's heirs, assigns, and 4023
successors, that, at the time of the delivery of that deed the 4024

grantor was lawfully seized in fee simple of the granted 4025
premises, that the granted premises were free from all 4026
encumbrances, that the grantor had good right to sell and convey 4027
the same to the grantee and the grantee's heirs, assigns, and 4028
successors, and that the grantor does warrant and will defend 4029
the same to the grantee and the grantee's heirs, assigns, and 4030
successors, forever, against the lawful claims and demands of 4031
all persons. 4032

"GENERAL WARRANTY DEED 4033

..... (marital status), of 4034
County, for valuable consideration paid, 4035
grant(s), with general warranty covenants, to, 4036
whose tax-mailing address is, the following 4037
real property: 4038

(description of land or interest therein and encumbrances, 4039
reservations, and exceptions, if any) 4040

Prior Instrument Reference: Volume, Page 4041
....., ~~wife (husband)~~ spouse of the grantor, releases 4042
all rights of dower therein. 4043

Executed this day of 4044
..... 4045
(Signature of Grantor) 4046

(Execution in accordance with Chapter 5301. of the Revised 4047
Code) " 4048

Sec. 5302.07. A deed in substance following the form set 4049
forth in this section, when duly executed in accordance with 4050
Chapter 5301. of the Revised Code, has the force and effect of a 4051
deed in fee simple to the grantee, the grantee's heirs, assigns, 4052

and successors, to the grantee's and the grantee's heirs', 4053
assigns', and successors' own use, with covenants on the part of 4054
the grantor with the grantee, the grantee's heirs, assigns, and 4055
successors, that, at the time of the delivery of that deed the 4056
premises were free from all encumbrances made by the grantor, 4057
and that the grantor does warrant and will defend the same to 4058
the grantee and the grantee's heirs, assigns, and successors, 4059
forever, against the lawful claims and demands of all persons 4060
claiming by, through, or under the grantor, but against none 4061
other. 4062

"LIMITED WARRANTY DEED 4063

..... (marital status), of 4064
County, for valuable consideration paid, grant(s), 4065
with limited warranty covenants, to, whose tax- 4066
mailing address is, the following real property: 4067

(description of land or interest therein and encumbrances, 4068
reservations, and exceptions, if any) 4069

Prior Instrument Reference: Volume, Page 4070
....., ~~wife (husband)~~ spouse of said grantor, releases to 4071
said grantee all rights of dower therein. 4072

Executed this day of 4073

..... 4074

(Signature of Grantor) 4075

(Execution in accordance with Chapter 5301. of the Revised 4076
Code) " 4077

Sec. 5302.11. A deed in substance following the form set 4078
forth in this section, when duly executed in accordance with 4079
Chapter 5301. of the Revised Code, has the force and effect of a 4080

deed in fee simple to the grantee, the grantee's heirs, assigns, 4081
and successors, and to the grantee's and the grantee's heirs', 4082
assigns', and successors' own use, but without covenants of any 4083
kind on the part of the grantor. 4084

"QUIT-CLAIM DEED 4085

..... (marital status), of 4086
County, for valuable consideration paid, 4087
grant(s) to, whose tax-mailing address 4088
is, the following real property: 4089

(description of land or interest therein and encumbrances, 4090
reservations, and exceptions, if any) 4091

Prior Instrument Reference: Volume, Page 4092

....., ~~wife (husband)~~ spouse of the grantor, 4093
releases all rights of dower therein. 4094

Executed this day of 4095

..... 4096

(Signature of Grantor) 4097

(Execution in accordance with Chapter 5301. of the Revised 4098
Code) " 4099

Sec. 5302.12. A mortgage in substance following the form 4100
set forth in this section, when duly executed in accordance with 4101
Chapter 5301. of the Revised Code, has the force and effect of a 4102
mortgage to the use of the mortgagee and the mortgagee's heirs, 4103
assigns, and successors, with mortgage covenants and upon the 4104
statutory condition, as defined in sections 5302.13 and 5302.14 4105
of the Revised Code, to secure the payment of the money or the 4106
performance of any obligation specified in the mortgage. The 4107
parties may insert in the mortgage any other lawful agreement or 4108
condition. 4109

"MORTGAGE 4110

....., (marital status), 4111

of (current mailing address), for 4112

Dollars paid, grant(s), with mortgage covenants, 4113

to, of (current mailing 4114

address), the following real property: 4115

(Description of land or interest in land and encumbrances, 4116

reservations, and exceptions, if any.) 4117

(A reference to the last recorded instrument through which 4118

the mortgagor claims title. The omission of the reference shall 4119

not affect the validity of the mortgage.) 4120

This mortgage is given, upon the statutory condition, to 4121

secure the payment of dollars with interest as 4122

provided in a note of the same date. 4123

"Statutory condition" is defined in section 5302.14 of the 4124

Revised Code and provides generally that, if the mortgagor pays 4125

the principal and interest secured by this mortgage, performs 4126

the other obligations secured by this mortgage and the 4127

conditions of any prior mortgage, pays all the taxes and 4128

assessments, maintains insurance against fire and other hazards, 4129

and does not commit or suffer waste, then this mortgage shall be 4130

void. 4131

....., ~~wife (husband)~~ spouse of the 4132

mortgagor, releases to the mortgagee all rights of dower in the 4133

described real property. 4134

Executed this day of 4135

..... 4136

(Signature of Mortgagor) 4137

(Execution in accordance with Chapter 5301. of the Revised 4138
Code) " 4139

Sec. 5302.17. A deed conveying any interest in real 4140
property to two or more persons, and in substance following the 4141
form set forth in this section, when duly executed in accordance 4142
with Chapter 5301. of the Revised Code, creates a survivorship 4143
tenancy in the grantees, and upon the death of any of the 4144
grantees, vests the interest of the decedent in the survivor, 4145
survivors, or the survivor's or survivors' separate heirs and 4146
assigns. 4147

"SURVIVORSHIP DEED 4148

..... (marital status), of 4149
County, for valuable consideration 4150
paid, grant(s), (covenants, if any), 4151
to (marital status) 4152
and (marital status), for their joint lives, 4153
remainder to the survivor of them, whose tax-mailing addresses 4154
are, the following real property: 4155

(description of land or interest therein and encumbrances, 4156
reservations, and exceptions, if any) 4157

Prior Instrument Reference: 4158

....., ~~wife (husband)~~ spouse of the grantor, 4159
releases all rights of dower therein. 4160

Executed this day of 4161

..... 4162

(Signature of Grantor) 4163

(Execution in accordance with Chapter 5301. of the Revised 4164
Code) " 4165

Any persons who are the sole owners of real property, 4166
prior to April 4, 1985, as tenants with a right of survivorship 4167
under the common or statutory law of this state or as tenants in 4168
common may create in themselves and in any other person or 4169
persons a survivorship tenancy in the real property by executing 4170
a deed as provided in this section conveying their entire, 4171
separate interests in the real property to themselves and to the 4172
other person or persons. 4173

Except as otherwise provided in this section, when a 4174
person holding real property as a survivorship tenant dies, the 4175
transfer of the interest of the decedent may be recorded by 4176
presenting to the county auditor and filing with the county 4177
recorder either a certificate of transfer as provided in section 4178
2113.61 of the Revised Code, or an affidavit accompanied by a 4179
certified copy of a death certificate. The affidavit shall 4180
recite the names of the other survivorship tenant or tenants, 4181
the address of the other survivorship tenant or tenants, the 4182
date of death of the decedent, and a description of the real 4183
property. The county recorder shall record any certificate or 4184
affidavit so filed in the official records. When a person 4185
holding real property as a survivorship tenant dies and the 4186
title to the property is registered pursuant to Chapter 5309. of 4187
the Revised Code, the procedure for the transfer of the interest 4188
of the decedent shall be pursuant to section 5309.081 of the 4189
Revised Code. 4190

Sec. 5302.20. (A) Except as provided in section 5302.21 of 4191
the Revised Code, if any interest in real property is conveyed 4192
or devised to two or more persons for their joint lives and then 4193
to the survivor or survivors of them, those persons hold title 4194
as survivorship tenants, and the joint interest created is a 4195
survivorship tenancy. Any deed or will containing language that 4196

shows a clear intent to create a survivorship tenancy shall be 4197
liberally construed to do so. The use of the word "or" between 4198
the names of two or more grantees or devisees does not by itself 4199
create a survivorship tenancy but shall be construed and 4200
interpreted as if the word "and" had been used between the 4201
names. 4202

(B) If two or more persons hold an interest in the title 4203
to real property as survivorship tenants, each survivorship 4204
tenant holds an equal share of the title during their joint 4205
lives unless otherwise provided in the instrument creating the 4206
survivorship tenancy. Upon the death of any of them, the title 4207
of the decedent vests proportionately in the surviving tenants 4208
as survivorship tenants. This is the case until only one 4209
survivorship tenant remains alive, at which time the survivor is 4210
fully vested with title to the real property as the sole title 4211
holder. If the last two or more survivorship tenants die under 4212
such circumstances that the survivor cannot be determined, title 4213
passes as if those last survivors had been tenants in common. 4214

(C) A survivorship tenancy has the following 4215
characteristics or ramifications: 4216

(1) Unless otherwise provided in the instrument creating 4217
the survivorship tenancy, each of the survivorship tenants has 4218
an equal right to share in the use, occupancy, and profits, and 4219
each of the survivorship tenants is subject to a proportionate 4220
share of the costs related to the ownership and use of the real 4221
property subject to the survivorship tenancy. 4222

(2) A conveyance from all of the survivorship tenants to 4223
any other person or from all but one of the survivorship tenants 4224
to the remaining survivorship tenant terminates the survivorship 4225
tenancy and vests title in the grantee. A conveyance from any 4226

survivorship tenant, or from any number of survivorship tenants 4227
that is from less than all of them, to a person who is not a 4228
survivorship tenant vests the title of the grantor or grantors 4229
in the grantee, conditioned on the survivorship of the grantor 4230
or grantors of the conveyance, and does not alter the interest 4231
in the title of any of the other survivorship tenants who do not 4232
join in the conveyance. 4233

(3) A fee simple title, leasehold interest, or land 4234
contract vendee's interest in real property or any fractional 4235
interest in any of these interests may be subjected to a 4236
survivorship tenancy. 4237

(4) A creditor of a survivorship tenant may enforce a lien 4238
against the interest of one or more survivorship tenants by an 4239
action to marshall liens against the interest of the debtor or 4240
debtors. Every person with an interest in or lien against the 4241
interest of the debtor or debtors shall be made a party to the 4242
action. Upon a determination by the court that a party or cross- 4243
claimant has a valid lien against the interest of a survivorship 4244
tenant, the title to the real property ceases to be a 4245
survivorship tenancy and becomes a tenancy in common. Each 4246
tenant in common of that nature then holds an undivided share in 4247
the title. The interest of each tenant in common of that nature 4248
shall be equal unless otherwise provided in the instrument 4249
creating the survivorship tenancy. The court then may order the 4250
sale of the fractional interest of the lien debtor or debtors as 4251
on execution, and the proceeds of the sale shall be applied to 4252
pay the lien creditors in the order of their priority. 4253

(5) If the entire title to a parcel of real property is 4254
held by two survivorship tenants who are married to each other 4255
and the marriage is terminated by divorce, annulment, or 4256

dissolution of marriage, the title, except as provided in this 4257
division, immediately ceases to be a survivorship tenancy and 4258
becomes a tenancy in common. Each tenant in common of that 4259
nature holds an undivided interest in common in the title to the 4260
real property, unless the judgment of divorce, annulment, or 4261
dissolution of marriage expressly states that the survivorship 4262
tenancy shall continue after termination of the marriage. The 4263
interest of each tenant in common of that nature shall be equal 4264
unless otherwise provided in the instrument creating the 4265
survivorship tenancy or in the judgment of divorce, annulment, 4266
or dissolution of marriage. 4267

If a survivorship tenancy includes one or more 4268
survivorship tenants in addition to ~~a husband and wife~~ spouses 4269
whose marriage is terminated by divorce, annulment, or 4270
dissolution of marriage, the survivorship tenancy is not 4271
affected by the divorce, annulment, or dissolution of ~~marriage~~ 4272
marriage unless the court alters the interest of the 4273
survivorship tenants whose marriage has been terminated. 4274

Sec. 5302.21. (A) Sections 5302.17 to 5302.20 of the 4275
Revised Code do not affect deeds that were executed and recorded 4276
prior to the effective date of this section and that created a 4277
tenancy by the entireties in ~~a husband and wife~~ both spouses 4278
pursuant to section 5302.17 of the Revised Code as it existed 4279
prior to the effective date of this section. If spouses covered 4280
by such deeds are tenants by the entireties on the day prior to 4281
the effective date of this section, such deeds continue to be 4282
valid on and after such effective date, and, unless they choose 4283
to do so, the spouses do not have to prepare a deed, as 4284
described in section 5302.17 of the Revised Code as effective on 4285
the effective date of this section, creating in themselves a 4286
survivorship tenancy. 4287

(B) Sections 5302.17 to 5302.20 of the Revised Code do not 4288
affect conveyances or devises of real property to two or more 4289
persons for their joint lives and then to the survivor or 4290
survivors of them, that occurred prior to the effective date of 4291
this section and that did not involve tenancies by the 4292
entireties. These conveyances and devises, if they are valid on 4293
the effective date of this section, continue to be valid on and 4294
after that date. Unless persons so holding property choose to do 4295
so, they do not have to prepare a deed, as described in section 4296
5302.17 of the Revised Code as effective on the effective date 4297
of this section, creating in themselves a survivorship tenancy. 4298

Sec. 5309.80. Every deed or other voluntary instrument 4299
which is presented for registration, and every instrument or 4300
paper filed with the county recorder by any person or officer 4301
under sections 5309.02 to 5310.21, ~~inclusive~~, of the Revised 4302
Code, or any amendment thereof, for the purpose of acquiring or 4303
affecting in any way an involuntary interest in, or lien or 4304
charge upon registered land, shall contain or have indorsed upon 4305
it the full name, county of residence, and post-office address 4306
of the grantee or other person who acquires, or claims, or is 4307
seeking to acquire or claim, an interest under such instrument, 4308
or to affect thereby some estate or interest in, or lien or 4309
charge upon said registered land. Every deed shall state whether 4310
the grantor and also the grantee are married or unmarried, and 4311
if married, the name in full of the ~~husband or wife~~ spouse. 4312

Any change in the residence or post-office address of any 4313
such person shall, by sworn statement of the party or ~~his~~ the 4314
party's authorized agent or attorney, immediately be filed with 4315
the recorder, who shall indorse such sworn change on the 4316
original instrument and on the record thereof if recorded. The 4317
names, residences, and addresses of all such persons, and all 4318

sworn changes thereof, shall also be entered on all certificates 4319
of title in the register. 4320

Sec. 5309.85. Registered land, and ownership therein, 4321
except as otherwise provided in sections 5309.02 to 5310.21,— 4322
~~inclusive,~~ of the Revised Code, shall in all respects be subject 4323
to the same burdens and incidents which attach by law to 4324
unregistered land. Such sections shall not relieve registered 4325
land or the owners thereof from any rights incident to the 4326
relation of ~~husband or wife~~ spouses, or from liability to 4327
attachment or mesne process or levy, on execution, or from 4328
liability to any lien of any description established by law on 4329
land and the buildings thereon, or the interest of the owner in 4330
such land or buildings, or change the laws of descent, or the 4331
rights of partition between co-tenants, or the rights to take 4332
such land or buildings by eminent domain, or relieve such land 4333
from liability to be recovered by an assignee in insolvency 4334
under the laws relative to preferences, or change or affect in 4335
any way any other rights or liabilities created by law and 4336
applicable to unregistered land, except as otherwise expressly 4337
provided in sections 5309.02 to 5310.21, ~~inclusive,~~ of the 4338
Revised Code. 4339

Sec. 5711.14. A corporation which owns or controls at 4340
least fifty-one ~~percent~~ per cent of the common stock of another 4341
corporation may, under uniform regulations prescribed by the tax 4342
commissioner, make a consolidated return for the purpose of 4343
sections 5711.01 to 5711.36, ~~inclusive,~~ of the Revised Code. In 4344
such case all the taxable property mentioned in section 5709.01 4345
of the Revised Code, belonging to the corporation making the 4346
return and to each of its subsidiaries shall be listed and 4347
assessed in the name of the separate owners thereof; but the 4348
parent corporation making such return shall not be required to 4349

list any of its investments in the stocks, securities, and other 4350
obligations of its subsidiaries, and in computing the amount of 4351
taxable credits inter-company accounts shall be eliminated. The 4352
commissioner may adopt regulations to govern the use of 4353
consolidated returns authorized by this section, but a 4354
corporation which avails itself of the option permitted or 4355
authorized by this section shall thereafter continue to file 4356
consolidated returns until the parent corporation notifies the 4357
commissioner in writing, on or before the twentieth day of April 4358
of the year in which the return is due, that it does not intend 4359
to file a consolidated return for such year. 4360

~~A husband and wife~~ Spouses living together may, under 4361
uniform regulations prescribed by the commissioner, make a joint 4362
return for the purpose of sections 5711.01 to 5711.36, ~~—~~ 4363
~~inclusive,~~ of the Revised Code. In such case investments of 4364
either spouse in the obligations of the other shall not be 4365
required to be listed therein, and in computing the amount of 4366
taxable credits such obligations shall be eliminated. 4367

Sec. 5731.10. (A) The value of the gross estate shall 4368
include the value of all property, to the extent of the interest 4369
therein held by the decedent and any person jointly, so that 4370
upon the death of one of them, the survivor has or the survivors 4371
have a right to the immediate ownership or possession or 4372
enjoyment of the whole property, except such part thereof as may 4373
be shown to have originally belonged to such other person or 4374
persons and never to have been received or acquired by the 4375
latter from the decedent for less than an adequate and full 4376
consideration in money or money's worth. 4377

(B) When the ~~person~~ persons holding property jointly are ~~a~~ 4378
~~husband and wife~~ spouses, the amount includible in the gross 4379

estate shall be one-half the value of said property. When the 4380
property has been acquired by gift, bequest, devise, or 4381
inheritance by the decedent and any other person or persons as 4382
joint owners and their interests are not otherwise specified or 4383
fixed by law, the amount includible in the gross estate shall be 4384
the value of a fractional part of said property determined by 4385
dividing the value of the property by the number of joint 4386
owners. 4387

Sec. 5747.05. As used in this section, "income tax" 4388
includes both a tax on net income and a tax measured by net 4389
income. 4390

The following credits shall be allowed against the 4391
aggregate income tax liability imposed by section 5747.02 of the 4392
Revised Code on individuals and estates: 4393

(A) (1) The amount of tax otherwise due under section 4394
5747.02 of the Revised Code on such portion of the combined 4395
adjusted gross income and business income of any nonresident 4396
taxpayer that is not allocable or apportionable to this state 4397
pursuant to sections 5747.20 to 5747.23 of the Revised Code. The 4398
credit provided under this division shall not exceed the total 4399
tax due under section 5747.02 of the Revised Code. 4400

(2) The tax commissioner may enter into an agreement with 4401
the taxing authorities of any state or of the District of 4402
Columbia that imposes an income tax to provide that compensation 4403
paid in this state to a nonresident taxpayer shall not be 4404
subject to the tax levied in section 5747.02 of the Revised Code 4405
so long as compensation paid in such other state or in the 4406
District of Columbia to a resident taxpayer shall likewise not 4407
be subject to the income tax of such other state or of the 4408
District of Columbia. 4409

(B) The lesser of division (B) (1) or (2) of this section: 4410

(1) The aggregate amount of tax otherwise due under 4411
section 5747.02 of the Revised Code on such portion of the 4412
combined adjusted gross income and business income of a resident 4413
taxpayer that in another state or in the District of Columbia is 4414
subjected to an income tax. The credit provided under division 4415
(B) (1) of this section shall not exceed the total tax due under 4416
section 5747.02 of the Revised Code. 4417

(2) The amount of income tax liability to another state or 4418
the District of Columbia on the portion of the combined adjusted 4419
gross income and business income of a resident taxpayer that in 4420
another state or in the District of Columbia is subjected to an 4421
income tax. The credit provided under division (B) (2) of this 4422
section shall not exceed the total amount of tax otherwise due 4423
under section 5747.02 of the Revised Code. 4424

(3) If the credit provided under division (B) of this 4425
section is affected by a change in either the portion of the 4426
combined adjusted gross income and business income of a resident 4427
taxpayer subjected to an income tax in another state or the 4428
District of Columbia or the amount of income tax liability that 4429
has been paid to another state or the District of Columbia, the 4430
taxpayer shall report the change to the tax commissioner within 4431
sixty days of the change in such form as the commissioner 4432
requires. 4433

(a) In the case of an underpayment, the report shall be 4434
accompanied by payment of any additional tax due as a result of 4435
the reduction in credit together with interest on the additional 4436
tax and is a return subject to assessment under section 5747.13 4437
of the Revised Code solely for the purpose of assessing any 4438
additional tax due under this division, together with any 4439

applicable penalty and interest. It shall not reopen the 4440
computation of the taxpayer's tax liability under this chapter 4441
from a previously filed return no longer subject to assessment 4442
except to the extent that such liability is affected by an 4443
adjustment to the credit allowed by division (B) of this 4444
section. 4445

(b) In the case of an overpayment, an application for 4446
refund may be filed under this division within the sixty-day 4447
period prescribed for filing the report even if it is beyond the 4448
period prescribed in section 5747.11 of the Revised Code if it 4449
otherwise conforms to the requirements of such section. An 4450
application filed under this division shall only claim refund of 4451
overpayments resulting from an adjustment to the credit allowed 4452
by division (B) of this section unless it is also filed within 4453
the time prescribed in section 5747.11 of the Revised Code. It 4454
shall not reopen the computation of the taxpayer's tax liability 4455
except to the extent that such liability is affected by an 4456
adjustment to the credit allowed by division (B) of this 4457
section. 4458

(4) No credit shall be allowed under division (B) of this 4459
section: 4460

(a) For income tax paid or accrued to another state or to 4461
the District of Columbia if the taxpayer, when computing federal 4462
adjusted gross income, has directly or indirectly deducted, or 4463
was required to directly or indirectly deduct, the amount of 4464
that income tax; 4465

(b) For compensation that is not subject to the income tax 4466
of another state or the District of Columbia as the result of an 4467
agreement entered into by the tax commissioner under division 4468
(A) (3) of this section; or 4469

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E) (1) On a joint return filed by ~~a husband and wife~~ both spouses, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

A. B.

IF THE ADJUSTED GROSS INCOME, THE CREDIT FOR THE TAXABLE 4500

LESS EXEMPTIONS, FOR THE YEAR IS: 4501

TAX YEAR IS: 4502

\$25,000 or less 20% 4503

More than \$25,000 but not more 15% 4504

than \$50,000 4505

More than \$50,000 but not more 10% 4506

than \$75,000 4507

More than \$75,000 5% 4508

 (2) The credit shall be claimed in the order required 4509

under section 5747.98 of the Revised Code. 4510

 (F) No claim for credit under this section shall be 4511

allowed unless the claimant furnishes such supporting 4512

information as the tax commissioner prescribes by rules. 4513

Sec. 5747.08. An annual return with respect to the tax 4514

imposed by section 5747.02 of the Revised Code and each tax 4515

imposed under Chapter 5748. of the Revised Code shall be made by 4516

every taxpayer for any taxable year for which the taxpayer is 4517

liable for the tax imposed by that section or under that 4518

chapter, unless the total credits allowed under division (E) of 4519

section 5747.05 and divisions (F) and (G) of section 5747.055 of 4520

the Revised Code for the year are equal to or exceed the tax 4521

imposed by section 5747.02 of the Revised Code, in which case no 4522

return shall be required unless the taxpayer is liable for a tax 4523

imposed pursuant to Chapter 5748. of the Revised Code. 4524

 (A) If an individual is deceased, any return or notice 4525

required of that individual under this chapter shall be made and 4526

filed by that decedent's executor, administrator, or other 4527

person charged with the property of that decedent. 4528

(B) If an individual is unable to make a return or notice 4529
required by this chapter, the return or notice required of that 4530
individual shall be made and filed by the individual's duly 4531
authorized agent, guardian, conservator, fiduciary, or other 4532
person charged with the care of the person or property of that 4533
individual. 4534

(C) Returns or notices required of an estate or a trust 4535
shall be made and filed by the fiduciary of the estate or trust. 4536

(D) (1) (a) Except as otherwise provided in division (D) (1) 4537
(b) of this section, any pass-through entity may file a single 4538
return on behalf of one or more of the entity's investors other 4539
than an investor that is a person subject to the tax imposed 4540
under section 5733.06 of the Revised Code. The single return 4541
shall set forth the name, address, and social security number or 4542
other identifying number of each of those pass-through entity 4543
investors and shall indicate the distributive share of each of 4544
those pass-through entity investor's income taxable in this 4545
state in accordance with sections 5747.20 to 5747.231 of the 4546
Revised Code. Such pass-through entity investors for whom the 4547
pass-through entity elects to file a single return are not 4548
entitled to the exemption or credit provided for by sections 4549
5747.02 and 5747.022 of the Revised Code; shall calculate the 4550
tax before business credits at the highest rate of tax set forth 4551
in section 5747.02 of the Revised Code for the taxable year for 4552
which the return is filed; and are entitled to only their 4553
distributive share of the business credits as defined in 4554
division (D) (2) of this section. A single check drawn by the 4555
pass-through entity shall accompany the return in full payment 4556
of the tax due, as shown on the single return, for such 4557
investors, other than investors who are persons subject to the 4558
tax imposed under section 5733.06 of the Revised Code. 4559

(b) (i) A pass-through entity shall not include in such a 4560
single return any investor that is a trust to the extent that 4561
any direct or indirect current, future, or contingent 4562
beneficiary of the trust is a person subject to the tax imposed 4563
under section 5733.06 of the Revised Code. 4564

(ii) A pass-through entity shall not include in such a 4565
single return any investor that is itself a pass-through entity 4566
to the extent that any direct or indirect investor in the second 4567
pass-through entity is a person subject to the tax imposed under 4568
section 5733.06 of the Revised Code. 4569

(c) Nothing in division (D) of this section precludes the 4570
tax commissioner from requiring such investors to file the 4571
return and make the payment of taxes and related interest, 4572
penalty, and interest penalty required by this section or 4573
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 4574
Nothing in division (D) of this section precludes such an 4575
investor from filing the annual return under this section, 4576
utilizing the refundable credit equal to the investor's 4577
proportionate share of the tax paid by the pass-through entity 4578
on behalf of the investor under division (I) of this section, 4579
and making the payment of taxes imposed under section 5747.02 of 4580
the Revised Code. Nothing in division (D) of this section shall 4581
be construed to provide to such an investor or pass-through 4582
entity any additional deduction or credit, other than the credit 4583
provided by division (I) of this section, solely on account of 4584
the entity's filing a return in accordance with this section. 4585
Such a pass-through entity also shall make the filing and 4586
payment of estimated taxes on behalf of the pass-through entity 4587
investors other than an investor that is a person subject to the 4588
tax imposed under section 5733.06 of the Revised Code. 4589

(2) For the purposes of this section, "business credits" 4590
means the credits listed in section 5747.98 of the Revised Code 4591
excluding the following credits: 4592

(a) The retirement income credit under division (B) of 4593
section 5747.055 of the Revised Code; 4594

(b) The senior citizen credit under division (F) of 4595
section 5747.055 of the Revised Code; 4596

(c) The lump sum distribution credit under division (G) of 4597
section 5747.055 of the Revised Code; 4598

(d) The dependent care credit under section 5747.054 of 4599
the Revised Code; 4600

(e) The lump sum retirement income credit under division 4601
(C) of section 5747.055 of the Revised Code; 4602

(f) The lump sum retirement income credit under division 4603
(D) of section 5747.055 of the Revised Code; 4604

(g) The lump sum retirement income credit under division 4605
(E) of section 5747.055 of the Revised Code; 4606

(h) The credit for displaced workers who pay for job 4607
training under section 5747.27 of the Revised Code; 4608

(i) The twenty-dollar personal exemption credit under 4609
section 5747.022 of the Revised Code; 4610

(j) The joint filing credit under division (E) of section 4611
5747.05 of the Revised Code; 4612

(k) The nonresident credit under division (A) of section 4613
5747.05 of the Revised Code; 4614

(l) The credit for a resident's out-of-state income under 4615
division (B) of section 5747.05 of the Revised Code; 4616

(m) The earned income tax credit under section 5747.71 of 4617
the Revised Code. 4618

(3) The election provided for under division (D) of this 4619
section applies only to the taxable year for which the election 4620
is made by the pass-through entity. Unless the tax commissioner 4621
provides otherwise, this election, once made, is binding and 4622
irrevocable for the taxable year for which the election is made. 4623
Nothing in this division shall be construed to provide for any 4624
deduction or credit that would not be allowable if a nonresident 4625
pass-through entity investor were to file an annual return. 4626

(4) If a pass-through entity makes the election provided 4627
for under division (D) of this section, the pass-through entity 4628
shall be liable for any additional taxes, interest, interest 4629
penalty, or penalties imposed by this chapter if the tax 4630
commissioner finds that the single return does not reflect the 4631
correct tax due by the pass-through entity investors covered by 4632
that return. Nothing in this division shall be construed to 4633
limit or alter the liability, if any, imposed on pass-through 4634
entity investors for unpaid or underpaid taxes, interest, 4635
interest penalty, or penalties as a result of the pass-through 4636
entity's making the election provided for under division (D) of 4637
this section. For the purposes of division (D) of this section, 4638
"correct tax due" means the tax that would have been paid by the 4639
pass-through entity had the single return been filed in a manner 4640
reflecting the commissioner's findings. Nothing in division (D) 4641
of this section shall be construed to make or hold a pass- 4642
through entity liable for tax attributable to a pass-through 4643
entity investor's income from a source other than the pass- 4644
through entity electing to file the single return. 4645

(E) If ~~a husband and wife~~ spouses file a joint federal 4646

income tax return for a taxable year, they shall file a joint 4647
return under this section for that taxable year, and their 4648
liabilities are joint and several, but, if the federal income 4649
tax liability of either spouse is determined on a separate 4650
federal income tax return, they shall file separate returns 4651
under this section. 4652

If either spouse is not required to file a federal income 4653
tax return and either or both are required to file a return 4654
pursuant to this chapter, they may elect to file separate or 4655
joint returns, and, pursuant to that election, their liabilities 4656
are separate or joint and several. If ~~a husband and wife~~ spouses 4657
file separate returns pursuant to this chapter, each must claim 4658
the taxpayer's own exemption, but not both, as authorized under 4659
section 5747.02 of the Revised Code on the taxpayer's own 4660
return. 4661

(F) Each return or notice required to be filed under this 4662
section shall contain the signature of the taxpayer or the 4663
taxpayer's duly authorized agent and of the person who prepared 4664
the return for the taxpayer, and shall include the taxpayer's 4665
social security number. Each return shall be verified by a 4666
declaration under the penalties of perjury. The tax commissioner 4667
shall prescribe the form that the signature and declaration 4668
shall take. 4669

(G) Each return or notice required to be filed under this 4670
section shall be made and filed as required by section 5747.04 4671
of the Revised Code, on or before the fifteenth day of April of 4672
each year, on forms that the tax commissioner shall prescribe, 4673
together with remittance made payable to the treasurer of state 4674
in the combined amount of the state and all school district 4675
income taxes shown to be due on the form. 4676

Upon good cause shown, the commissioner may extend the 4677
period for filing any notice or return required to be filed 4678
under this section and may adopt rules relating to extensions. 4679
If the extension results in an extension of time for the payment 4680
of any state or school district income tax liability with 4681
respect to which the return is filed, the taxpayer shall pay at 4682
the time the tax liability is paid an amount of interest 4683
computed at the rate per annum prescribed by section 5703.47 of 4684
the Revised Code on that liability from the time that payment is 4685
due without extension to the time of actual payment. Except as 4686
provided in section 5747.132 of the Revised Code, in addition to 4687
all other interest charges and penalties, all taxes imposed 4688
under this chapter or Chapter 5748. of the Revised Code and 4689
remaining unpaid after they become due, except combined amounts 4690
due of one dollar or less, bear interest at the rate per annum 4691
prescribed by section 5703.47 of the Revised Code until paid or 4692
until the day an assessment is issued under section 5747.13 of 4693
the Revised Code, whichever occurs first. 4694

If the commissioner considers it necessary in order to 4695
ensure the payment of the tax imposed by section 5747.02 of the 4696
Revised Code or any tax imposed under Chapter 5748. of the 4697
Revised Code, the commissioner may require returns and payments 4698
to be made otherwise than as provided in this section. 4699

To the extent that any provision in this division 4700
conflicts with any provision in section 5747.026 of the Revised 4701
Code, the provision in that section prevails. 4702

(H) The amounts withheld by an employer pursuant to 4703
section 5747.06 of the Revised Code, a casino operator pursuant 4704
to section 5747.063 of the Revised Code, or a lottery sales 4705
agent pursuant to section 5747.064 of the Revised Code shall be 4706

allowed to the recipient of the compensation casino winnings, or 4707
lottery prize award as credits against payment of the 4708
appropriate taxes imposed on the recipient by section 5747.02 4709
and under Chapter 5748. of the Revised Code. 4710

(I) If a pass-through entity elects to file a single 4711
return under division (D) of this section and if any investor is 4712
required to file the annual return and make the payment of taxes 4713
required by this chapter on account of the investor's other 4714
income that is not included in a single return filed by a pass- 4715
through entity or any other investor elects to file the annual 4716
return, the investor is entitled to a refundable credit equal to 4717
the investor's proportionate share of the tax paid by the pass- 4718
through entity on behalf of the investor. The investor shall 4719
claim the credit for the investor's taxable year in which or 4720
with which ends the taxable year of the pass-through entity. 4721
Nothing in this chapter shall be construed to allow any credit 4722
provided in this chapter to be claimed more than once. For the 4723
purpose of computing any interest, penalty, or interest penalty, 4724
the investor shall be deemed to have paid the refundable credit 4725
provided by this division on the day that the pass-through 4726
entity paid the estimated tax or the tax giving rise to the 4727
credit. 4728

(J) The tax commissioner shall ensure that each return 4729
required to be filed under this section includes a box that the 4730
taxpayer may check to authorize a paid tax preparer who prepared 4731
the return to communicate with the department of taxation about 4732
matters pertaining to the return. The return or instructions 4733
accompanying the return shall indicate that by checking the box 4734
the taxpayer authorizes the department of taxation to contact 4735
the preparer concerning questions that arise during the 4736
processing of the return and authorizes the preparer only to 4737

provide the department with information that is missing from the 4738
return, to contact the department for information about the 4739
processing of the return or the status of the taxpayer's refund 4740
or payments, and to respond to notices about mathematical 4741
errors, offsets, or return preparation that the taxpayer has 4742
received from the department and has shown to the preparer. 4743

(K) The tax commissioner shall permit individual taxpayers 4744
to instruct the department of taxation to cause any refund of 4745
overpaid taxes to be deposited directly into a checking account, 4746
savings account, or an individual retirement account or 4747
individual retirement annuity, or preexisting college savings 4748
plan or program account offered by the Ohio tuition trust 4749
authority under Chapter 3334. of the Revised Code, as designated 4750
by the taxpayer, when the taxpayer files the annual return 4751
required by this section electronically. 4752

(L) The tax commissioner may adopt rules to administer 4753
this section. 4754

Sec. 5747.081. An individual whose state income tax 4755
liability for a tax year is one dollar or more may designate 4756
that one dollar be paid into the Ohio political party fund to be 4757
divided among qualifying political parties. If ~~a husband and~~ 4758
~~wife~~ spouses who file a joint tax return have a tax liability of 4759
two dollars or more, each spouse may designate that one dollar 4760
be paid into the fund. The tax commissioner shall provide, on 4761
the face of the individual income tax return form, a place where 4762
a taxpayer may make the designation authorized in this section. 4763
The tax commissioner shall include language informing the 4764
taxpayer of the purpose of the designation and indicating that a 4765
designation will not increase or decrease the taxpayer's tax 4766
liability. 4767

Section 2. That existing sections 307.47, 319.54, 323.04, 4768
323.05, 1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 1313.35, 4769
1319.06, 1321.31, 1707.03, 1707.06, 1707.14, 2103.05, 2103.06, 4770
2103.08, 2105.06, 2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 4771
2719.06, 2907.26, 2921.22, 2933.54, 2945.42, 3101.01, 3101.08, 4772
3101.13, 3101.14, 3103.01, 3103.04, 3103.05, 3103.06, 3103.08, 4773
3105.01, 3105.17, 3105.31, 3105.32, 3107.03, 3109.03, 3109.56, 4774
3111.92, 3111.93, 3111.94, 3111.95, 3111.96, 3111.97, 3113.08, 4775
3115.316, 3127.40, 3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 4776
4112.02, 4141.30, 4728.03, 4737.07, 5103.16, 5123.01, 5302.05, 4777
5302.07, 5302.11, 5302.12, 5302.17, 5302.20, 5302.21, 5309.80, 4778
5309.85, 5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 of the 4779
Revised Code are hereby repealed. 4780

Section 3. Section 2921.22 of the Revised Code is 4781
presented in this act as a composite of the section as amended 4782
by both Sub. H.B. 216 and Sub. S.B. 319 of the 131st General 4783
Assembly. The General Assembly, applying the principle stated in 4784
division (B) of section 1.52 of the Revised Code that amendments 4785
are to be harmonized if reasonably capable of simultaneous 4786
operation, finds that the composite is the resulting version of 4787
the section in effect prior to the effective date of the section 4788
as presented in this act. 4789