

_____ moved to amend as follows:

- In line 1 of the title, delete ", 107.56" 1
- In line 3 of the title, delete the fifth ", " 2
- In line 4 of the title, delete "4508.04, 4513.241, 4517.01" 3
- In line 5 of the title, after "4517.10" insert ", 4517.14, 4517.15, 4517.20"; after "4703.16" insert ", 4735.01, 4735.07, 4735.09" 4 5
- In line 6 of the title, delete ", 4743.05, 4745.01"; after "4749.03" insert ", 4763.05, 4763.06, 4763.07, 4763.08, 4763.09" 6 7
- In line 8 of the title, delete ", " and insert "and" 8
- In line 9 of the title, delete ", 4517.16, 4517.17, 4517.171, 4517.18," 9 10
- Delete lines 10 and 11 of the title 11
- In line 12 of the title, delete "4775.11, and 4775.99" 12
- In line 14 of the title, delete "and to make an appropriation" 13
- In line 15, delete ", 107.56" 14



In line 17, delete ", 4508.04, 4513.241, 4517.01" 15

In line 18, after "4517.10" insert ", 4517.14, 4517.15, 4517.20"; 16
after "4703.16" insert ", 4735.01, 4735.07, 4735.09"; delete the seventh 17
", " 18

In line 19, delete "4743.05, 4745.01"; after "4749.03" insert ", 19
4763.05, 4763.06, 4763.07, 4763.08, 4763.09" 20

Delete lines 139 through 313 21

In line 957, after "meetings" insert ", subject to the requirements 22
of this section" 23

In line 959, after the second "the" insert "following" 24

In line 960, delete "all of the following for each license" and 25
insert "the activities regulated under each license, the qualifications 26
and other requirements to receive and maintain each license, and the fees 27
that apply to the license" 28

Delete lines 961 through 966 29

In line 967, delete "(2)" and insert "(a) The following racing 30
official licenses: state steward, steward, program director, director of 31
racing, general manager, racing secretary, assistant racing secretary, 32
horsemen's bookkeeper, identifier, presiding judge, paddock judge, placing 33
judge, judge, clerk of course, clerk of scales, jockey room custodian, 34
announcer, starter, timer, photographer, and videographer, provided that 35
the license fee for a general manager shall not exceed seventy-five 36
dollars; 37

(b) The following participant licenses: primary and 38
secondary stable name, owner, partnership, person eligible to 39
claim, authorized agent, thoroughbred breeder, trainer, 40
assistant trainer, driver-trainer, driver, jockey, apprentice 41

<u>jockey, jockey agent, outrider, pony person, exercise rider, and</u>	42
<u>valet;</u>	43
<u>(c) The following equine care licenses: veterinarian,</u>	44
<u>veterinarian's assistant, dentist, horseshoer, and groom;</u>	45
<u>(d) The following wagering licenses: totalizator company,</u>	46
<u>totalizator company management supervisory employee, totalizator</u>	47
<u>company employee, and mutuel employee;</u>	48
<u>(e) A fair license, which shall not require the payment of</u>	49
<u>any fee, to be issued for the following positions: racing</u>	50
<u>official, owner, quarter horse participant, driver-trainer,</u>	51
<u>groom, totalizator, and mutuel employee.</u>	52
<u>(2) No license issued by the commission is required to</u>	53
<u>hold any position that is not listed in division (B) (1) of this</u>	54
<u>section or that is not indicated in the rules of the commission</u>	55
<u>as requiring a license.</u>	56
<u>(C) (1)"</u>	57
In line 972, delete " <u>(3)</u> " and insert " <u>(2)</u> "	58
In line 976, delete " <u>(4)</u> " and insert " <u>(3)</u> "	59
In line 984, delete " <u>(5)</u> " and insert " <u>(4)</u> "	60
Delete lines 992 through 996	61
In line 997, delete " <u>No license issued by the commission is required</u>	62
<u>to do"</u>	63
Delete lines 998 through 1009	64
In line 1010, delete " <u>(E)</u> "	65
Delete lines 1266 through 1773	66
In line 1786, delete " <u>or</u> "	67

In line 1788, reinsert ", or the person holds a"	68
Reinsert line 1789	69
In line 1790, reinsert "4517.17 of the Revised Code"	70
In line 1802, reinsert "or the person holds a"	71
Reinsert line 1803	72
In line 1804, reinsert "4517.17 of the Revised Code"	73
In line 1821, reinsert ";"	74
Reinsert lines 1822 through 1826	75
In line 1827, reinsert "Chapter 4707. of the Revised Code to conduct the auction"	76 77
Reinsert lines 1839 through 1843	78
After line 2071, insert:	79
"Sec. 4517.14. The registrar of motor vehicles shall deny	80
the application of any person for a license as a salesperson and	81
refuse to issue the license if the registrar finds that the	82
applicant:	83
(A) Has made any false statement of a material fact in the	84
application;	85
(B) Has not complied with sections 4517.01 to 4517.45 of	86
the Revised Code;	87
(C) Is of bad business repute or has habitually defaulted	88
on financial obligations;	89
(D) Has been convicted of a disqualifying offense as	90
determined in accordance with section 9.79 of the Revised Code;	91

~~(E) Has not been designated to act as salesperson for a motor vehicle dealer licensed to do business in this state under section 4517.10 of the Revised Code, or intends to No person shall act as salesperson for more than one licensed motor vehicle dealer at the same time, except that a licensed salesperson may act as a salesperson at any licensed dealership owned or operated by the same company, regardless of the county in which the dealership's facility is located.~~ 92
93
94
95
96
97
98
99

~~(F) Holds a current motor vehicle dealer's license issued under section 4517.10 of the Revised Code, and intends to act as salesperson for another licensed motor vehicle dealer.~~ 100
101
102

~~(G) Has, less than twelve months prior to making application, been denied a salesperson's license or had a salesperson's license revoked.~~ 103
104
105

~~The registrar may refuse to issue a salesperson's license to an applicant who was salesperson for, or in the employ of, a motor vehicle dealer at the time the dealer's license was revoked. The registrar's finding may be based upon any statement contained in the application or upon any facts within the registrar's knowledge, and, immediately upon refusing to issue a salesperson's license, the registrar shall enter a final order and shall certify the final order together with his findings to the motor vehicle dealers board.~~ 106
107
108
109
110
111
112
113
114

Sec. 4517.15. Any person who has been denied a license under section 4517.12, or 4517.13, ~~or 4517.14~~ of the Revised Code may appeal from the action of the registrar of motor vehicles to the motor vehicle dealers board in the manner provided in section 4517.33 of the Revised Code. 115
116
117
118
119

Sec. 4517.20. (A) No motor vehicle dealer licensed under 120

Chapter 4517. of the Revised Code shall do any of the following:	121
(1) Directly or indirectly, solicit the sale of a motor vehicle through a pecuniarily interested person other than a salesperson licensed in the employ of a <u>the</u> licensed dealer;	122 123 124
(2) Pay any commission or compensation in any form to any person in connection with the sale of a motor vehicle unless the person is licensed as a salesperson in the employ of the dealer;	125 126 127
(3) Fail to immediately notify the registrar of motor vehicles upon termination of the employment of any person licensed as a salesperson to sell, display, offer for sale, or deal in motor vehicles for the dealer;	128 129 130 131
(4) Knowingly engage in any wholesale motor vehicle transaction with any <u>salesperson, or with any person</u> required to be licensed pursuant to Chapter 4517. of the Revised Code, if the person is not licensed pursuant to that chapter, if the person's license to operate as a dealer has been suspended or revoked, or if the person's application for a license to operate as a dealer has been denied.	132 133 134 135 136 137 138
(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree."	139 140
In line 2087, delete " <u>and</u> "; reinsert "and"	141
In line 2088, reinsert "construction equipment auction"	142
In line 2093, delete " <u>or</u> "	143
In line 2094, reinsert "or construction equipment"	144
In line 2095, reinsert "auction"	145
In line 2166, strike through "The architects board shall establish the"	146 147

Strike through lines 2167 through 2169	148
In line 2170, strike through "(B)"	149
In line 2178, strike through "(C)" and insert " <u>(B)</u> "; reinsert "The";	150
delete " <u>(1) The</u> "; strike through "also"	151
In line 2180, reinsert "(1) The"; delete " <u>Except as provided in</u>	152
<u>division (C) (2) of this</u> "	153
In line 2181, delete " <u>section, the</u> "; strike through "an original	154
and" and insert " <u>a</u> "	155
In line 2184, reinsert "(2)"; delete " <u>(b)</u> "	156
In line 2185, reinsert "(3)"; delete " <u>(c)</u> "	157
In line 2189, reinsert "(4)"; delete " <u>(d)</u> "	158
In line 2192, reinsert "(5)"; delete " <u>(e)</u> "	159
Delete line 2195	160
In line 2196, delete " <u>qualification to practice architecture is one</u>	161
<u>hundred dollars</u> " and insert " <u>(C) The architects board shall not charge an</u>	162
<u>application fee for obtaining registration under section 4703.07 or a fee</u>	163
<u>for obtaining an initial certificate of qualification to practice</u>	164
<u>architecture under section 4703.08 of the Revised Code</u> "	165
After line 2196, insert:	166
"Sec. 4735.01. As used in this chapter:	167
(A) "Real estate broker" includes any person, partnership,	168
association, limited liability company, limited liability	169
partnership, or corporation, foreign or domestic, who for	170
another, whether pursuant to a power of attorney or otherwise,	171
and who for a fee, commission, or other valuable consideration,	172

or with the intention, or in the expectation, or upon the	173
promise of receiving or collecting a fee, commission, or other	174
valuable consideration does any of the following:	175
(1) Sells, exchanges, purchases, rents, or leases, or	176
negotiates the sale, exchange, purchase, rental, or leasing of	177
any real estate;	178
(2) Offers, attempts, or agrees to negotiate the sale,	179
exchange, purchase, rental, or leasing of any real estate;	180
(3) Lists, or offers, attempts, or agrees to list, or	181
auctions, or offers, attempts, or agrees to auction, any real	182
estate;	183
(4) Buys or offers to buy, sells or offers to sell, or	184
otherwise deals in options on real estate;	185
(5) Operates, manages, or rents, or offers or attempts to	186
operate, manage, or rent, other than as custodian, caretaker, or	187
janitor, any building or portions of buildings to the public as	188
tenants;	189
(6) Advertises or holds self out as engaged in the	190
business of selling, exchanging, purchasing, renting, or leasing	191
real estate;	192
(7) Directs or assists in the procuring of prospects or	193
the negotiation of any transaction, other than mortgage	194
financing, which does or is calculated to result in the sale,	195
exchange, leasing, or renting of any real estate;	196
(8) Is engaged in the business of charging an advance fee	197
or contracting for collection of a fee in connection with any	198
contract whereby the broker undertakes primarily to promote the	199
sale, exchange, purchase, rental, or leasing of real estate	200

through its listing in a publication issued primarily for such	201
purpose, or for referral of information concerning such real	202
estate to brokers, or both, except that this division does not	203
apply to a publisher of listings or compilations of sales of	204
real estate by their owners;	205
(9) Collects rental information for purposes of referring	206
prospective tenants to rental units or locations of such units	207
and charges the prospective tenants a fee.	208
(B) "Real estate" includes leaseholds as well as any and	209
every interest or estate in land situated in this state, whether	210
corporeal or incorporeal, whether freehold or nonfreehold, and	211
the improvements on the land, but does not include cemetery	212
interment rights.	213
(C) "Real estate salesperson" means any person associated	214
with a licensed real estate broker to do or to deal in any acts	215
or transactions set out or comprehended by the definition of a	216
real estate broker, for compensation or otherwise.	217
(D) "Institution of higher education" includes all of the	218
following:	219
(1) A state institution of higher education, as defined in	220
section 3345.011 of the Revised Code;	221
(2) A nonprofit institution issued a certificate of	222
authorization under Chapter 1713. of the Revised Code;	223
(3) A private institution exempt from regulation under	224
Chapter 3332. of the Revised Code, as prescribed in section	225
3333.046 of the Revised Code.	226
(4) An institution with a certificate of registration from	227
the state board of career colleges and schools under Chapter	228

3332. of the Revised Code that is approved to offer degree or 229
certificate programs in accordance with section 3332.05 of the 230
Revised Code. 231

(E) "Foreign real estate" means real estate not situated 232
in this state and any interest in real estate not situated in 233
this state. 234

(F) "Foreign real estate dealer" includes any person, 235
partnership, association, limited liability company, limited 236
liability partnership, or corporation, foreign or domestic, who 237
for another, whether pursuant to a power of attorney or 238
otherwise, and who for a fee, commission, or other valuable 239
consideration, or with the intention, or in the expectation, or 240
upon the promise of receiving or collecting a fee, commission, 241
or other valuable consideration, does or deals in any act or 242
transaction specified or comprehended in division (A) of this 243
section with respect to foreign real estate. 244

(G) "Foreign real estate salesperson" means any person 245
associated with a licensed foreign real estate dealer to do or 246
deal in any act or transaction specified or comprehended in 247
division (A) of this section with respect to foreign real 248
estate, for compensation or otherwise. 249

(H) Any person, partnership, association, limited 250
liability company, limited liability partnership, or 251
corporation, who, for another, in consideration of compensation, 252
by fee, commission, salary, or otherwise, or with the intention, 253
in the expectation, or upon the promise of receiving or 254
collecting a fee, does, or offers, attempts, or agrees to engage 255
in, any single act or transaction contained in the definition of 256
a real estate broker, whether an act is an incidental part of a 257
transaction, or the entire transaction, shall be constituted a 258

real estate broker or real estate salesperson under this 259
chapter. 260

(I) (1) The terms "real estate broker," "real estate 261
salesperson," "foreign real estate dealer," and "foreign real 262
estate salesperson" do not include a person, partnership, 263
association, limited liability company, limited liability 264
partnership, or corporation, or the regular employees thereof, 265
who perform any of the acts or transactions specified or 266
comprehended in division (A) of this section, whether or not 267
for, or with the intention, in expectation, or upon the promise 268
of receiving or collecting a fee, commission, or other valuable 269
consideration: 270

(a) With reference to real estate situated in this state 271
owned by such person, partnership, association, limited 272
liability company, limited liability partnership, or 273
corporation, or acquired on its own account in the regular 274
course of, or as an incident to the management of the property 275
and the investment in it; 276

(b) As receiver or trustee in bankruptcy, as guardian, 277
executor, administrator, trustee, assignee, commissioner, or any 278
person doing the things mentioned in this section, under 279
authority or appointment of, or incident to a proceeding in, any 280
court, or as a bona fide public officer, or as executor, 281
trustee, or other bona fide fiduciary under any trust agreement, 282
deed of trust, will, or other instrument that has been executed 283
in good faith creating a like bona fide fiduciary obligation; 284

(c) As a public officer while performing the officer's 285
official duties; 286

(d) As an attorney at law in the performance of the 287

attorney's duties;	288
(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;	289 290 291
(f) As a person who engages in the sale of manufactured homes as defined in division (C) (4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;	292 293 294 295 296 297
(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;	298 299 300
(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;	301 302 303 304 305 306
(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.	307 308 309 310 311
(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I) (1) (a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or	312 313 314 315 316

comprehended by division (A) of this section. 317

(J) "Disabled licensee" means a person licensed pursuant 318
to this chapter who is under a severe disability which is of 319
such a nature as to prevent the person from being able to attend 320
any instruction lasting at least three hours in duration. 321

(K) "Division of real estate" may be used interchangeably 322
with, and for all purposes has the same meaning as, "division of 323
real estate and professional licensing." 324

(L) "Superintendent" or "superintendent of real estate" 325
means the superintendent of the division of real estate and 326
professional licensing of this state. Whenever the division or 327
superintendent of real estate is referred to or designated in 328
any statute, rule, contract, or other document, the reference or 329
designation shall be deemed to refer to the division or 330
superintendent of real estate and professional licensing, as the 331
case may be. 332

(M) "Inactive license" means the license status in which a 333
salesperson's license is in the possession of the division, 334
renewed as required under this chapter or rules adopted under 335
this chapter, and not associated with a real estate broker. 336

(N) "Broker's license on deposit" means the license status 337
in which a broker's license is in the possession of the division 338
of real estate and professional licensing and renewed as 339
required under this chapter or rules adopted under this chapter. 340

(O) "Suspended license" means the license status that 341
prohibits a licensee from providing services that require a 342
license under this chapter for a specified interval of time. 343

(P) "Reactivate" means the process prescribed by the 344

superintendent of real estate and professional licensing to 345
remove a license from an inactive, suspended, or broker's 346
license on deposit status to allow a licensee to provide 347
services that require a license under this chapter. 348

(Q) "Revoked" means the license status in which the 349
license is void and not eligible for reactivation. 350

(R) "Commercial real estate" means any parcel of real 351
estate in this state other than real estate containing one to 352
four residential units. "Commercial real estate" does not 353
include single-family residential units such as condominiums, 354
townhouses, manufactured homes, or homes in a subdivision when 355
sold, leased, or otherwise conveyed on a unit-by-unit basis, 356
even when those units are a part of a larger building or parcel 357
of real estate containing more than four residential units. 358

(S) "Out-of-state commercial broker" includes any person, 359
partnership, association, limited liability company, limited 360
liability partnership, or corporation that is licensed to do 361
business as a real estate broker in a jurisdiction other than 362
Ohio. 363

(T) "Out-of-state commercial salesperson" includes any 364
person affiliated with an out-of-state commercial broker who is 365
not licensed as a real estate salesperson in Ohio. 366

(U) "Exclusive right to sell or lease listing agreement" 367
means an agency agreement between a seller and broker that meets 368
the requirements of section 4735.55 of the Revised Code and does 369
both of the following: 370

(1) Grants the broker the exclusive right to represent the 371
seller in the sale or lease of the seller's property; 372

(2) Provides the broker will be compensated if the broker, 373
the seller, or any other person or entity produces a purchaser 374
or tenant in accordance with the terms specified in the listing 375
agreement or if the property is sold or leased during the term 376
of the listing agreement to anyone other than to specifically 377
exempted persons or entities. 378

(V) "Exclusive agency agreement" means an agency agreement 379
between a seller and broker that meets the requirements of 380
section 4735.55 of the Revised Code and does both of the 381
following: 382

(1) Grants the broker the exclusive right to represent the 383
seller in the sale or lease of the seller's property; 384

(2) Provides the broker will be compensated if the broker 385
or any other person or entity produces a purchaser or tenant in 386
accordance with the terms specified in the listing agreement or 387
if the property is sold or leased during the term of the listing 388
agreement, unless the property is sold or leased solely through 389
the efforts of the seller or to the specifically exempted 390
persons or entities. 391

(W) "Exclusive purchaser agency agreement" means an agency 392
agreement between a purchaser and broker that meets the 393
requirements of section 4735.55 of the Revised Code and does 394
both of the following: 395

(1) Grants the broker the exclusive right to represent the 396
purchaser in the purchase or lease of property; 397

(2) Provides the broker will be compensated in accordance 398
with the terms specified in the exclusive agency agreement or if 399
a property is purchased or leased by the purchaser during the 400
term of the agency agreement unless the property is specifically 401

exempted in the agency agreement. 402

The agreement may authorize the broker to receive 403
compensation from the seller or the seller's agent and may 404
provide that the purchaser is not obligated to compensate the 405
broker if the property is purchased or leased solely through the 406
efforts of the purchaser. 407

(X) "Seller" means a party in a real estate transaction 408
who is the potential transferor of property. "Seller" includes 409
an owner of property who is seeking to sell the property and a 410
landlord who is seeking to rent or lease property to another 411
person. 412

(Y) "Resigned" means the license status in which a license 413
has been voluntarily and permanently surrendered to or is 414
otherwise in the possession of the division of real estate and 415
professional licensing, may not be renewed or reactivated in 416
accordance with the requirements specified in this chapter or 417
the rules adopted pursuant to it, and is not associated with a 418
real estate broker. 419

(Z) "Bona fide" means made in good faith or without 420
purpose of circumventing license law. 421

(AA) "Associate broker" means an individual licensed as a 422
real estate broker under this chapter who does not function as 423
the principal broker or a management level licensee. 424

(BB) "Brokerage" means a corporation, partnership, limited 425
partnership, association, limited liability company, limited 426
liability partnership, or sole proprietorship, foreign or 427
domestic, that has been issued a broker's license. "Brokerage" 428
includes the affiliated licensees who have been assigned 429
management duties that include supervision of licensees whose 430

duties may conflict with those of other affiliated licensees. 431

(CC) "~~Credit eligible~~ Eligible course" means a credit or 432
~~noncredit bearing course that is both of the following:~~ 433

~~(1) The noncredit course is offered by an institution of 434
higher education.~~ 435

~~(2) The course is eligible for academic credit that that 436
may be applied toward the requirements for a degree or 437
certificate at the institution ~~of higher education.~~ 438~~

(DD) "Distance education" means courses required by 439
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 440
and (J) of section 4735.09, and division (A) of section 4735.141 441
of the Revised Code in which instruction is accomplished through 442
use of interactive, electronic media and where the teacher and 443
student are separated by distance or time, or both. 444

(EE) "Licensee" means any individual licensed as a real 445
estate broker or salesperson by the Ohio real estate commission 446
pursuant to this chapter. 447

(FF) "Management level licensee" means a licensee who is 448
employed by or affiliated with a real estate broker and who has 449
supervisory responsibility over other licensees employed by or 450
affiliated with that real estate broker. 451

(GG) "Oil and gas land professional" means a person 452
regularly engaged in the preparation and negotiation of 453
agreements for the purpose of exploring for, transporting, 454
producing, or developing oil and gas mineral interests, 455
including, but not limited to, oil and gas leases and pipeline 456
easements. 457

(HH) "Principal broker" means an individual licensed as a 458

real estate broker under this chapter who oversees and directs 459
the operations of the brokerage. 460

(II) "Right-to-list home sale agreement" means an 461
agreement whereby the owner of residential real estate agrees to 462
provide another person with exclusive rights to list the real 463
estate for sale at a future date in exchange for monetary 464
consideration, or an equivalent to monetary consideration, and 465
that meets one or both of the following: 466

(1) The agreement states that it runs with the land or 467
otherwise purports to bind future owners of the residential real 468
estate; 469

(2) The agreement purports to be a lien, encumbrance, or 470
other real property security interest. 471

Sec. 4735.07. (A) The superintendent of real estate, with 472
the consent of the Ohio real estate commission, may enter into 473
agreements with recognized national testing services to 474
administer the real estate broker's examination under the 475
superintendent's supervision and control, consistent with the 476
requirements of this chapter as to the contents of such 477
examination. 478

(B) No applicant for a real estate broker's license shall 479
take the broker's examination who has not established to the 480
satisfaction of the superintendent that the applicant: 481

(1) Is honest and truthful; 482

(2) (a) Has not been convicted of a disqualifying offense 483
as determined in accordance with section 9.79 of the Revised 484
Code; 485

(b) Has not been finally adjudged by a court to have 486

violated any municipal, state, or federal civil rights laws 487
relevant to the protection of purchasers or sellers of real 488
estate or, if the applicant has been so adjudged, at least two 489
years have passed since the court decision and the 490
superintendent has disregarded the adjudication because the 491
applicant has proven, by a preponderance of the evidence, that 492
the applicant's activities and employment record since the 493
adjudication show that the applicant is honest and truthful, and 494
there is no basis in fact for believing that the applicant will 495
again violate the laws involved. 496

(3) Has not, during any period in which the applicant was 497
licensed under this chapter, violated any provision of, or any 498
rule adopted pursuant to, this chapter, or, if the applicant has 499
violated any such provision or rule, has established to the 500
satisfaction of the superintendent that the applicant will not 501
again violate such provision or rule; 502

(4) Is at least eighteen years of age; 503

(5) Has been a licensed real estate broker or salesperson 504
for at least two of the five years preceding the person's 505
application, and has completed one of the following: 506

(a) At least twenty real estate transactions, in which 507
property was sold for another by the applicant while acting in 508
the capacity of a real estate broker or salesperson; 509

(b) Such equivalent experience as is defined by rules 510
adopted by the commission. 511

(6) (a) If licensed as a real estate salesperson prior to 512
August 1, 2001, successfully has completed at an institution of 513
higher education all of the following ~~credit-eligible-eligible~~ 514
courses by either classroom instruction or distance education: 515

(i) Thirty hours of instruction in real estate practice;	516
(ii) Thirty hours of instruction that includes the	517
subjects of Ohio real estate law, municipal, state, and federal	518
civil rights law, new case law on housing discrimination,	519
desegregation issues, and methods of eliminating the effects of	520
prior discrimination. If feasible, the instruction in Ohio real	521
estate law shall be taught by a member of the faculty of an	522
accredited law school. If feasible, the instruction in	523
municipal, state, and federal civil rights law, new case law on	524
housing discrimination, desegregation issues, and methods of	525
eliminating the effects of prior discrimination shall be taught	526
by a staff member of the Ohio civil rights commission who is	527
knowledgeable with respect to those subjects. The requirements	528
of this division do not apply to an applicant who is admitted to	529
practice before the supreme court.	530
(iii) Thirty hours of instruction in real estate	531
appraisal;	532
(iv) Thirty hours of instruction in real estate finance;	533
(v) Three quarter Thirty hours, or its equivalent in	534
semester hours, in financial management;	535
(vi) Three quarter Thirty hours, or its equivalent in	536
semester hours, in human resource or personnel management;	537
(vii) Three quarter Thirty hours, or its equivalent in	538
semester hours, in applied business economics;	539
(viii) Three quarter Thirty hours, or its equivalent in	540
semester hours, in business law.	541
(b) If licensed as a real estate salesperson on or after	542
August 1, 2001, successfully has completed at an institution of	543

higher education all of the following ~~credit-eligible-eligible~~ eligible 544
 courses by either classroom instruction or distance education: 545

(i) Forty hours of instruction in real estate practice; 546

(ii) Forty hours of instruction that includes the subjects 547
 of Ohio real estate law, municipal, state, and federal civil 548
 rights law, new case law on housing discrimination, 549
 desegregation issues, and methods of eliminating the effects of 550
 prior discrimination. If feasible, the instruction in Ohio real 551
 estate law shall be taught by a member of the faculty of an 552
 accredited law school. If feasible, the instruction in 553
 municipal, state, and federal civil rights law, new case law on 554
 housing discrimination, desegregation issues, and methods of 555
 eliminating the effects of prior discrimination shall be taught 556
 by a staff member of the Ohio civil rights commission who is 557
 knowledgeable with respect to those subjects. The requirements 558
 of this division do not apply to an applicant who is admitted to 559
 practice before the supreme court. 560

(iii) Twenty hours of instruction in real estate 561
 appraisal; 562

(iv) Twenty hours of instruction in real estate finance; 563

(v) The training in the amount of hours specified under 564
 divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 565

(c) Division (B) (6) (a) or (b) of this section does not 566
 apply to any applicant who holds a valid real estate 567
 salesperson's license issued prior to January 2, 1972. Divisions 568
 (B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 569
 of this section do not apply to any applicant who holds a valid 570
 real estate salesperson's license issued prior to January 3, 571
 1984. 572

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(e) Successful completion of the instruction required by division (B) (6) (a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

~~(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B) (6) (a) or (b) of this section. The requirements of division (B) (6) (a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.~~

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B) (6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B) (6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant satisfies the requirements specified in section 4796.03 or 4796.04 of the Revised Code, as applicable, and all of the following apply:

(a) The applicant has worked as a real estate broker for at least two of the five years immediately preceding the date of the application.

(b) The applicant has completed not less than twenty real estate transactions in which the applicant acted in the capacity of a real estate broker.

(c) The applicant passes an examination on Ohio real estate law.

(2) The applicant satisfies the requirements specified in section 4796.05 of the Revised Code and divisions (E) (1) (b) and (c) of this section.

(F) There shall be no limit placed on the number of times
an applicant may retake the examination.

(G) (1) Not earlier than the date of issue of a real estate
broker's license to a licensee, but not later than twelve months
after the date of issue of a real estate broker's license to a
licensee, the licensee shall submit proof satisfactory to the
superintendent, on forms made available by the superintendent,
of the completion of ten hours of instruction that shall be
completed in schools, seminars, and educational institutions
that are approved by the commission. Approval of the curriculum
and providers shall be granted according to rules adopted
pursuant to section 4735.10 of the Revised Code and may be taken
through classroom instruction or distance education.

If the required proof of completion is not submitted to
the superintendent within twelve months of the date a license is
issued under this section, the license of the real estate broker
is suspended automatically without the taking of any action by
the superintendent. The broker's license shall not be
reactivated by the superintendent until it is established, to
the satisfaction of the superintendent, that the requirements of
this division have been met and that the licensee is in
compliance with this chapter. A licensee's license is revoked
automatically without the taking of any action by the
superintendent if the licensee fails to submit proof of
completion of the education requirements specified under
division (G) (1) of this section within twelve months of the date
the license is suspended.

(2) If the license of a real estate broker is suspended
pursuant to division (G) (1) of this section, the license of a
real estate salesperson associated with that broker

correspondingly is suspended pursuant to division (H) of section 662
4735.20 of the Revised Code. However, the suspended license of 663
the associated real estate salesperson shall be reactivated and 664
no fee shall be charged or collected for that reactivation if 665
all of the following occur: 666

(a) That broker subsequently submits satisfactory proof to 667
the superintendent that the broker has complied with the 668
requirements of division (G)(1) of this section and requests 669
that the broker's license as a real estate broker be 670
reactivated; 671

(b) The superintendent then reactivates the broker's 672
license as a real estate broker; 673

(c) The associated real estate salesperson intends to 674
continue to be associated with that broker and otherwise is in 675
compliance with this chapter. 676

Sec. 4735.09. (A) Application for a license as a real 677
estate salesperson shall be made to the superintendent of real 678
estate on forms furnished by the superintendent and signed by 679
the applicant. The application shall be in the form prescribed 680
by the superintendent and shall contain such information as is 681
required by this chapter and the rules of the Ohio real estate 682
commission. The application shall be accompanied by the 683
recommendation of the real estate broker with whom the applicant 684
is associated or with whom the applicant intends to be 685
associated, certifying that the applicant is honest and 686
truthful, and has not been finally adjudged by a court to have 687
violated any municipal, state, or federal civil rights laws 688
relevant to the protection of purchasers or sellers of real 689
estate, which conviction or adjudication the applicant has not 690
disclosed to the superintendent, and recommending that the 691

applicant be admitted to the real estate salesperson examination. 692
693

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. 694
695
696
697
698
699
700
701

(C) There shall be no limit placed on the number of times an applicant may retake the examination. 702
703

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination. 704
705
706
707
708
709

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code. 710
711
712
713
714
715
716
717
718
719

(E) The superintendent shall issue a real estate 720

salesperson's license when satisfied that the applicant has	721
received a passing score on each portion of the salesperson's	722
examination as determined by rule by the real estate commission.	723
(F) No applicant for a salesperson's license shall take	724
the salesperson's examination who has not established to the	725
satisfaction of the superintendent that the applicant:	726
(1) Is honest and truthful;	727
(2) (a) Has not been convicted of a disqualifying offense	728
as determined in accordance with section 9.79 of the Revised	729
Code;	730
(b) Has not been finally adjudged by a court to have	731
violated any municipal, state, or federal civil rights laws	732
relevant to the protection of purchasers or sellers of real	733
estate or, if the applicant has been so adjudged, at least two	734
years have passed since the court decision and the	735
superintendent has disregarded the adjudication because the	736
applicant has proven, by a preponderance of the evidence, that	737
the applicant is honest and truthful, and there is no basis in	738
fact for believing that the applicant again will violate the	739
laws involved.	740
(3) Has not, during any period in which the applicant was	741
licensed under this chapter, violated any provision of, or any	742
rule adopted pursuant to this chapter, or, if the applicant has	743
violated such provision or rule, has established to the	744
satisfaction of the superintendent that the applicant will not	745
again violate such provision or rule;	746
(4) Is at least eighteen years of age;	747
(5) If born after the year 1950, has a high school diploma	748

or a certificate of high school equivalence issued under section 749
3301.80 of the Revised Code; 750

(6) Has successfully completed at an institution of higher 751
education all of the following ~~credit-eligible~~ eligible courses 752
by either classroom instruction or distance education: 753

(a) Forty hours of instruction in real estate practice; 754

(b) Forty hours of instruction that includes the subjects 755
of Ohio real estate law, municipal, state, and federal civil 756
rights law, new case law on housing discrimination, 757
desegregation issues, and methods of eliminating the effects of 758
prior discrimination. If feasible, the instruction in Ohio real 759
estate law shall be taught by a member of the faculty of an 760
accredited law school. If feasible, the instruction in 761
municipal, state, and federal civil rights law, new case law on 762
housing discrimination, desegregation issues, and methods of 763
eliminating the effects of prior discrimination shall be taught 764
by a staff member of the Ohio civil rights commission who is 765
knowledgeable with respect to those subjects. The requirements 766
of this division do not apply to an applicant who is admitted to 767
practice before the supreme court. 768

(c) Twenty hours of instruction in real estate appraisal; 769

(d) Twenty hours of instruction in real estate finance. 770

(G) (1) Successful completion of the instruction required 771
by division (F) (6) of this section shall be determined by the 772
law in effect on the date the instruction was completed. 773

(2) Division (F) (6) (c) of this section does not apply to 774
any new applicant who holds a valid Ohio real estate appraiser 775
license or certificate issued prior to the date of application 776

for a real estate salesperson's license. 777

(H) Only for noncredit course offerings, an institution of 778
higher education shall obtain approval from the appropriate 779
state authorizing entity prior to offering a real estate course 780
that is designed and marketed as satisfying the salesperson 781
license education requirements of division (F) (6) of this 782
section. The state authorizing entity may consult with the 783
superintendent in reviewing the course for compliance with this 784
section. 785

(I) Any person who has not been licensed as a real estate 786
salesperson or broker within a four-year period immediately 787
preceding the person's current application for the salesperson's 788
examination shall have successfully completed the prelicensure 789
instruction required by division (F) (6) of this section within a 790
ten-year period immediately preceding the person's current 791
application for the salesperson's examination. 792

(J) Not earlier than the date of issue of a real estate 793
salesperson's license to a licensee, but not later than twelve 794
months after the date of issue of a real estate salesperson 795
license to a licensee, the licensee shall submit proof 796
satisfactory to the superintendent, on forms made available by 797
the superintendent, of the completion of twenty hours of 798
instruction that shall be completed in schools, seminars, and 799
educational institutions approved by the commission. The 800
instruction shall include, but is not limited to, current 801
practices relating to commercial real estate, property 802
management, short sales, and land contracts; contract law; 803
federal and state programs; economic conditions; and fiduciary 804
responsibility. Approval of the curriculum and providers shall 805
be granted according to rules adopted pursuant to section 806

4735.10 of the Revised Code and may be taken through classroom 807
instruction or distance education. 808

If proof of completion of the required instruction is not 809
submitted within twelve months of the date a license is issued 810
under this section, the licensee's license is suspended 811
automatically without the taking of any action by the 812
superintendent. The superintendent immediately shall notify the 813
broker with whom such salesperson is associated of the 814
suspension of the salesperson's license. A salesperson whose 815
license has been suspended under this division shall have twelve 816
months after the date of the suspension of the salesperson's 817
license to submit proof of successful completion of the 818
instruction required under this division. No such license shall 819
be reactivated by the superintendent until it is established, to 820
the satisfaction of the superintendent, that the requirements of 821
this division have been met and that the licensee is in 822
compliance with this chapter. A licensee's license is revoked 823
automatically without the taking of any action by the 824
superintendent when the licensee fails to submit the required 825
proof of completion of the education requirements under division 826
(I) of this section within twelve months of the date the license 827
is suspended. 828

(K) Examinations shall be administered with reasonable 829
accommodations in accordance with the requirements of the 830
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 831
U.S.C. 12189. The contents of an examination shall be consistent 832
with the classroom instructional requirements of division (F) (6) 833
of this section. An applicant who has completed the classroom 834
instructional requirements of division (F) (6) of this section at 835
the time of application shall be examined no later than twelve 836
months after the applicant is notified of the applicant's 837

admission to the examination.	838
(L) Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate salesperson's license in accordance with Chapter 4796. of the Revised Code to an applicant if both of the following apply:	839 840 841 842 843
(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable.	844 845 846
(2) The applicant passes an examination on Ohio real estate law."	847 848
Delete lines 2235 through 2261	849
Delete lines 2296 through 2331	850
In line 2420, strike through "three" and insert " <u>two</u> "; strike through "seventy-five"	851 852
In line 2508, strike through "of each"	853
In line 2509, delete " <u>third year</u> " and insert " <u>every two years</u> "	854
In line 2510, delete " <u>three</u> " and insert " <u>two</u> "	855
In line 2514, strike through "two" and insert " <u>five</u> "; strike through "seventy-five" and insert " <u>fifty</u> "	856 857
After line 2585, insert:	858
"Sec. 4763.05. (A) (1) (a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered	859 860 861 862 863

real estate appraiser assistant registration in writing to the 864
superintendent of real estate on a form the superintendent 865
prescribes. The application shall include the address of the 866
applicant's principal place of business and all other addresses 867
at which the applicant currently engages in the business of 868
performing real estate appraisals and the address of the 869
applicant's current residence. The superintendent shall retain 870
the applicant's current residence address in a separate record 871
which does not constitute a public record for purposes of 872
section 149.43 of the Revised Code. The application shall 873
indicate whether the applicant seeks certification as a general 874
real estate appraiser or as a residential real estate appraiser, 875
licensure as a residential real estate appraiser, or 876
registration as a real estate appraiser assistant and be 877
accompanied by the prescribed examination and certification, 878
registration, or licensure fees set forth in section 4763.09 of 879
the Revised Code. The application also shall include a pledge, 880
signed by the applicant, that the applicant will comply with the 881
standards set forth in this chapter; and a statement that the 882
applicant understands the types of misconduct for which 883
disciplinary proceedings may be initiated against the applicant 884
pursuant to this chapter. 885

(b) Upon the filing of an application and payment of any 886
examination and certification, registration, or licensure fees, 887
the superintendent of real estate shall request the 888
superintendent of the bureau of criminal identification and 889
investigation, or a vendor approved by the bureau, to conduct a 890
criminal records check based on the applicant's fingerprints in 891
accordance with section 109.572 of the Revised Code. 892
Notwithstanding division (L) of section 121.08 of the Revised 893
Code, the superintendent of real estate shall request that 894

criminal record information from the federal bureau of 895
investigation be obtained as part of the criminal records check. 896
Any fee required under division (C) (3) of section 109.572 of the 897
Revised Code shall be paid by the applicant. 898

(2) For purposes of providing funding for the real estate 899
appraiser recovery fund established by section 4763.16 of the 900
Revised Code, the real estate appraiser board shall levy an 901
assessment against each person issued an initial certificate, 902
registration, or license and against current licensees, 903
registrants, and certificate holders, as required by board rule. 904
The assessment is in addition to the application and examination 905
fees for initial applicants required by division (A) (1) of this 906
section and the renewal fees required for current certificate 907
holders, registrants, and licensees. The superintendent of real 908
estate shall deposit the assessment into the state treasury to 909
the credit of the real estate appraiser recovery fund. The 910
assessment for initial certificate holders, registrants, and 911
licensees shall be paid prior to the issuance of a certificate, 912
registration, or license, and for current certificate holders, 913
registrants, and licensees, at the time of renewal. 914

(B) An applicant for an initial general real estate 915
appraiser certificate, residential real estate appraiser 916
certificate, or residential real estate appraiser license shall 917
possess experience in real estate appraisal as the board 918
prescribes by rule. In addition to any other information 919
required by the board, the applicant shall furnish, under oath, 920
a detailed listing of the appraisal reports or file memoranda 921
for each year for which experience is claimed and, upon request 922
of the superintendent or the board, shall make available for 923
examination a sample of the appraisal reports prepared by the 924
applicant in the course of the applicant's practice. 925

(C) An applicant for an initial certificate, registration, 926
or license shall be at least eighteen years of age, honest, and 927
truthful and shall present satisfactory evidence to the 928
superintendent that the applicant has successfully completed any 929
education requirements the board prescribes by rule. 930

(D) An applicant for an initial general real estate 931
appraiser or residential real estate appraiser certificate or 932
residential real estate appraiser license shall take and 933
successfully complete a written examination in order to qualify 934
for the certificate or license. 935

The board shall prescribe the examination requirements by 936
rule. 937

(E) (1) The board shall issue a residential real estate 938
appraiser license, a residential real estate appraiser 939
certificate, real estate appraiser assistant registration, or a 940
general real estate appraiser certificate in accordance with 941
Chapter 4796. of the Revised Code to an applicant if either of 942
the following applies: 943

(a) The applicant holds a certificate, license, or 944
registration in another state. 945

(b) The applicant has satisfactory work experience, a 946
government certification, or a private certification as 947
described in that chapter as a residential real estate 948
appraiser, real estate appraiser assistant, or general real 949
estate appraiser in a state that does not issue that 950
certificate, license, or registration. 951

(2) (a) The board shall recognize on a temporary basis a 952
certification or license issued in another state and shall 953
register on a temporary basis an appraiser who is certified or 954

licensed in another state if all of the following apply:	955
(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.	956 957
(ii) The appraiser's business in this state is of a temporary nature.	958 959
(iii) The appraiser registers with the board pursuant to this division.	960 961
(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.	962 963 964 965
(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:	966 967 968 969 970 971 972 973 974
(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;	975 976
(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;	977 978 979
(iii) A consent to service of process.	980
(d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is	981 982

acting in accordance with this section and the board's rules is 983
not required to obtain a license in accordance with Chapter 984
4796. of the Revised Code. 985

(F) The superintendent shall not issue a certificate, 986
registration, or license to, or recognize on a temporary basis 987
an appraiser from another state that is a corporation, 988
partnership, or association. This prohibition shall not be 989
construed to prevent a certificate holder or licensee from 990
signing an appraisal report on behalf of a corporation, 991
partnership, or association. 992

(G) Every person licensed, registered, or certified under 993
this chapter shall notify the superintendent, on a form provided 994
by the superintendent, of a change in the address of the 995
licensee's, registrant's, or certificate holder's principal 996
place of business or residence within thirty days of the change. 997
If a licensee's, registrant's, or certificate holder's license, 998
registration, or certificate is revoked or not renewed, the 999
licensee, registrant, or certificate holder immediately shall 1000
return the ~~annual and any renewal~~ certificate, registration, or 1001
license to the superintendent. 1002

(H) (1) The superintendent shall not issue a certificate, 1003
registration, or license to any person, or recognize on a 1004
temporary basis an appraiser from another state, who does not 1005
meet applicable minimum criteria for state certification, 1006
registration, or licensure prescribed by federal law or rule. 1007

(2) The superintendent shall not refuse to issue a general 1008
real estate appraiser certificate, residential real estate 1009
appraiser certificate, residential real estate appraiser 1010
license, or real estate appraiser assistant registration to any 1011
person because of a conviction of or plea of guilty to any 1012

criminal offense unless the refusal is in accordance with 1013
section 9.79 of the Revised Code. 1014

Sec. 4763.06. (A) A person licensed, registered, or 1015
certified under this chapter may obtain a renewal certificate, 1016
registration, or license by filing a renewal application with 1017
and paying the renewal fee set forth in section 4763.09 of the 1018
Revised Code and any amount assessed pursuant to division (A) (2) 1019
of section 4763.05 of the Revised Code to the superintendent of 1020
real estate. The renewal application shall include a statement, 1021
signed by the certificate holder, registrant, or licensee, that 1022
the certificate holder, registrant, or licensee has not, ~~during~~ 1023
~~the immediately preceding twelve month period,~~ been convicted of 1024
or pleaded guilty to any criminal offense described in division 1025
(H) (2) of section 4763.05 of the Revised Code since the issuance 1026
or renewal of the individual's most recent certificate, 1027
registration, or license. The certificate holder, registrant, or 1028
licensee shall file the renewal application at least thirty 1029
days, but no earlier than one hundred twenty days, prior to 1030
expiration of the certificate holder's, registrant's, or 1031
licensee's current certificate, registration, or license. The 1032
superintendent shall establish a method by which a certificate 1033
holder, registrant, or licensee may electronically file the 1034
renewal application and pay the fee and the assessed amount 1035
required for renewal. 1036

(B) A certificate holder, registrant, or licensee who 1037
fails to renew a certificate, registration, or license prior to 1038
its expiration is ineligible to obtain a renewal certificate, 1039
registration, or license and shall comply with section 4763.05 1040
of the Revised Code in order to regain certification, 1041
registration, or licensure, except that a certificate holder, 1042
registrant, or licensee may renew the certificate, registration, 1043

or license without having to comply with section 4763.05 of the Revised Code by doing either of the following:

(1) Filing a renewal application and submitting payment of all fees for renewal and payment of the late filing fee set forth in section 4763.09 of the Revised Code within three months after the expiration of the certificate holder's, registrant's, or licensee's certificate, registration, or license;

(2) Obtaining a medical exception under division (C) of this section, filing a renewal application, and submitting payment of all fees for renewal and payment of the late filing fee set forth in section 4763.09 of the Revised Code. A certificate holder, registrant, or licensee who applies for late renewal of the certificate holder's, registrant's, or licensee's certificate, registration, or license may not engage in any activities permitted by the certification, registration, or license being renewed during the three-month period following the certificate's, registration's, or license's normal expiration date, or during the time period for which a medical exception applies, until all renewal fees and the late filing fee have been paid.

(C) The superintendent may grant a medical exception upon application by a person certified, registered, or licensed under this chapter. To receive an exception, the certificate holder, registrant, or licensee shall submit a request to the superintendent with proof satisfactory that a medical exception is warranted. If the superintendent makes a determination that satisfactory proof has not been presented, within fifteen days of the date of the denial of the medical exception the certificate holder, registrant, or licensee may file with the division of real estate a request that the real estate appraiser

board review the determination. The board may adopt reasonable
rules in accordance with Chapter 119. of the Revised Code to
implement this division.

Sec. 4763.07. ~~(A)~~ (A) (1) Every state-certified general
real estate appraiser, ~~state-certified residential real estate~~
~~appraiser~~ and state-licensed residential real estate appraiser
shall submit proof of successfully completing a minimum of
fourteen classroom hours of continuing education instruction in
courses or seminars approved by the real estate appraiser board.
The certificate holder and licensee shall have satisfied the
fourteen-hour continuing education requirements within the one-
year period immediately following the issuance of the initial
certificate or license and shall satisfy those requirements
annually thereafter.

~~In~~ (2) Beginning on and after the effective date of this
amendment, in accordance with federal law, each state-certified
residential real estate appraiser and state-registered real
estate appraiser assistant shall submit proof of successfully
completing a minimum of ~~fourteen~~ twenty-eight classroom hours of
continuing education instruction in courses or seminars approved
by the real estate appraiser board. Each registrant shall
satisfy the ~~fourteen-hour~~ twenty-eight-hour continuing education
requirements ~~annually~~ every two years.

~~This division~~ (3) Continuing education required under this
section does not apply to an appraiser with a certification or
license from another state that is temporarily recognized in
this state pursuant to division (E) (2) of section 4763.05 of the
Revised Code.

(4) A certificate holder, licensee, or registrant who
fails to submit proof to the superintendent of meeting these

requirements is ineligible to obtain a renewal certificate, 1104
license, or registration and shall comply with section 4763.05 1105
of the Revised Code in order to regain a certificate, license, 1106
or registration, except that the certificate holder, licensee, 1107
or registrant may submit proof to the superintendent of meeting 1108
these requirements within three months after the date of 1109
expiration of the certificate, license, or registration, or by 1110
obtaining a medical exception under division (E) of this 1111
section, without having to comply with section 4763.05 of the 1112
Revised Code. A certificate holder, licensee, or registrant may 1113
not engage in any activities permitted by the certificate, 1114
license, or registration during the three-month period following 1115
the certificate's, license's, or registration's normal 1116
expiration date or during the time period for which a medical 1117
exception applies. 1118

(5) A certificate holder, licensee, or registrant may 1119
satisfy all or a portion of the required hours of classroom 1120
instruction in the following manner: 1121

~~(1)~~ (a) Completion of an educational program of study 1122
determined by the board to be equivalent, for continuing 1123
education purposes, to courses or seminars approved by the 1124
board; 1125

~~(2)~~ (b) Participation, other than as a student, in 1126
educational processes or programs approved by the board that 1127
relate to real estate appraisal theory, practices, or 1128
techniques. 1129

(6) A certificate holder, licensee, or registrant shall 1130
present to the superintendent of real estate evidence of the 1131
manner in which the certificate holder, licensee, or registrant 1132
satisfied the requirements of division (A) of this section. 1133

(B) The board shall adopt rules for implementing a continuing education program for state-certified general real estate appraisers, state-certified residential real estate appraisers, state-licensed residential real estate appraisers, and state-registered real estate appraiser assistants for the purpose of assuring that certificate holders, licensees, and registrants have current knowledge of real estate appraisal theories, practices, and techniques that will provide a high degree of service and protection to members of the public. In addition to any other provisions the board considers appropriate, the rules adopted by the board shall prescribe the following:

(1) Policies and procedures for obtaining board approval of courses of instruction and seminars;

(2) Standards, policies, and procedures to be applied in evaluating the alternative methods of complying with continuing education requirements set forth in divisions ~~(A) (1) and (2)~~ (A) (5) (a) and (b) of this section;

(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to approval of courses for continuing education credit.

(C) No amendment or rescission of a rule the board adopts pursuant to division (B) of this section shall operate to deprive a certificate holder or licensee of credit toward renewal of certification or licensure for any course of instruction completed by the certificate holder or licensee prior to the effective date of the amendment or rescission that would have qualified for credit under the rule as it existed prior to amendment or rescission.

(D) The superintendent of real estate shall not issue a renewal certificate, registration, or license to any person who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(E) The superintendent may grant a medical exception upon application by a person certified, registered, or licensed under this chapter. To receive an exception, the certificate holder, registrant, or licensee shall submit a request to the superintendent with proof satisfactory that a medical exception is warranted. If the superintendent makes a determination that satisfactory proof has not been presented, within fifteen days of the date of the denial of the medical exception, the certificate holder, registrant, or licensee may file with the division of real estate a request that the real estate appraiser board review the determination. The board may adopt reasonable rules in accordance with Chapter 119. of the Revised Code to implement this division.

Sec. 4763.08. ~~On and after December 22, 1992, each (A) (1) Each general real estate appraiser certificate, registration, and residential real estate appraiser license issued under this chapter, other than a temporary certificate or license issued under division (E) (2) of section 4763.05 of the Revised Code, is valid for a period of one year from its date of issuance. The~~

(2) Beginning on and after the effective date of this amendment, each residential real estate appraiser certificate and real estate appraiser assistant registration is valid for a period of two years from its date of issuance.

(B) The superintendent of real estate shall provide renewal notices to certificate holders, registrants, and

licensees no later than thirty days prior to the expiration of 1194
 the certificate, registration, or license. The superintendent 1195
 shall issue to each person initially certified, registered, or 1196
 licensed under this chapter a certificate, registration, or 1197
 license in the form and size the superintendent prescribes. The 1198
 initial certificate, registration, and license shall indicate 1199
 the name of the certificate holder, registrant, or licensee, 1200
 bear the signatures of the members of the real estate appraiser 1201
 board, be issued under the seal prescribed in section 121.20 of 1202
 the Revised Code, and contain a certificate, registration, or 1203
 license number assigned by the superintendent. The 1204
 superintendent shall issue to each person who renews a 1205
 certificate, registration, or license a renewal certificate, 1206
 registration, or license in the size and form the superintendent 1207
 prescribes. The renewal certificate, registration, or license 1208
 shall contain the name of the certificate holder, registrant, or 1209
 licensee and the expiration and number of the certificate, 1210
 registration, or license. Each certificate holder and licensee 1211
 shall place the certificate holder's or licensee's certificate 1212
 or license number adjacent to the title "state-licensed 1213
 residential real estate appraiser," "state-certified residential 1214
 real estate appraiser," or "state-certified general real estate 1215
 appraiser," when issuing an appraisal report or in a contract or 1216
 other instrument used in conducting real estate appraisal 1217
 activities as required by section 4763.12 of the Revised Code. 1218
 If a state-registered real estate appraiser assistant 1219
 participated in the appraisal or specialized service report, the 1220
 certificate holder or licensee shall also place the registrant's 1221
 name, registration number, and the title "state-registered real 1222
 estate appraiser assistant" on the report. 1223

Sec. 4763.09. (A) The real estate appraiser board shall 1224

adopt rules, in accordance with Chapter 119. of the Revised Code, for the establishment of the following fees:

(1) The examination fee required under division (A) of section 4763.05 of the Revised Code, up to a maximum of one hundred fifty dollars, which fee shall be nonrefundable;

(2) The initial state-certified general real estate appraiser and ~~state certified residential real estate appraiser certification and state-licensed residential real estate appraiser license fees~~, and the annual renewal thereof, up to a maximum of one hundred seventy-five dollars each;

(3) The initial state-certified residential real estate appraiser certification fee, and renewal thereof, up to a maximum of one hundred seventy-five dollars;

(4) The initial real estate appraiser assistant registration fee, and ~~the annual~~ renewal thereof, up to a maximum of one hundred dollars;

~~(4)~~ (5) The late filing fee for renewal of a certification, registration, or license, which shall be one-half of the certification, registration, and licensure fees established pursuant to divisions (A) (2) ~~and~~, (3), and (4) of this section;

~~(5)~~ (6) The amount to be charged to cover the cost of the issuance of a temporary certificate or license under division (E) (2) of section 4763.05 of the Revised Code;

~~(6)~~ (7) Other reasonable fees as needed, including any annual pass-through charges imposed by the federal government.

(B) An applicant for certification or licensure under this chapter shall pay the examination fee directly to a testing

service if so prescribed and in such amount as the	1253
superintendent of real estate prescribes. The balance, if any,	1254
of the examination fee shall accompany the application."	1255
In line 2848, delete ", 107.56"	1256
In line 2850, delete ", 4508.04, 4513.241, 4517.01"	1257
In line 2851, after "4517.10" insert ", 4517.14, 4517.15, 4517.20";	1258
after "4703.16" insert ", 4735.01, 4735.07, 4735.09"	1259
In line 2852, delete ", 4743.05, 4745.01"; after "4749.03" insert ",	1260
4763.05, 4763.06, 4763.07, 4763.08, 4763.09"	1261
In line 2854, delete the first ", " and insert "and"; delete ",	1262
4517.16,"	1263
Delete lines 2855 and 2856	1264
In line 2857, delete "and 4775.99"	1265
After line 2917, insert:	1266
" Section 7. A residential real estate appraiser	1267
certificate and real estate appraiser assistant registration	1268
issued pursuant to Chapter 4763. of the Revised Code before the	1269
effective date of this section expires on the date it would have	1270
expired under the version of section 4763.08 of the Revised Code	1271
in effect before the effective date of this section."	1272
Delete lines 2918 through 2955	1273

The motion was _____ agreed to.

SYNOPSIS 1274

Construction equipment auction license	1275
R.C. 4517.01, 4517.02, 4517.16, 4517.17, 4517.171,	1276
4517.18, and 4517.33	1277
Removes the elimination of the construction equipment	1278
auction license from the bill, thus, retaining the license and	1279
its requirements.	1280
Motor vehicle salesperson license	1281
R.C. 4517.14, 4517.15, and 4517.20	1282
With respect to the bill's elimination of the motor	1283
vehicle salesperson license, retains a provision of current law	1284
that prohibits a person from acting as a salesperson for more	1285
than one licensed motor vehicle dealer at a time (unless the	1286
dealerships are owned or operated by the same company).	1287
Prohibits a motor vehicle dealer from soliciting the sale	1288
of motor vehicles through or compensating anyone other than a	1289
salesperson (even if no longer licensed) in connection with the	1290
sale of a motor vehicle.	1291
Makes corrective changes with regards to the elimination	1292
of the salesperson license.	1293
State Racing Commission (RAC) licenses	1294
R.C. 3769.031	1295
Modifies provisions of the bill that require RAC to	1296
prescribe all license requirements by rules adopted under the	1297
Administrative Procedure Act and specify certain activities for	1298
which no license is required.	1299
Lists all of the licenses that RAC must issue and requires	1300
RAC to adopt rules prescribing the activities regulated under	1301

each license, the requirements to receive and maintain the	1302
license, and the applicable fees.	1303
Eliminates all restricted licenses and replaces them with	1304
a single fair license with no fee.	1305
Specifies that no license issued by RAC is required to	1306
hold any position that is not listed in the amendment or that is	1307
not indicated in RAC's rules as requiring a license.	1308
As a result, eliminates all of the following existing	1309
licenses:	1310
- Racing official licenses: patrol judge, assistant	1311
starter, clerical, and admission employee.	1312
- Participant licenses: owner's reciprocal validation,	1313
supply sales company owner, supply salesperson.	1314
- Equine care licenses: porter.	1315
- Wagering licenses: mutuel manager and telephone	1316
operator.	1317
- Race track facility staff licenses: chief of security,	1318
security, doctor, medical and first aid, concession manager,	1319
concession employee, and maintenance.	1320
- Undefined "special" licenses.	1321
Department of Commerce - Division of Real Estate and	1322
Professional Licensing	1323
R.C. 4735.01, 4735.07, 4735.09, 4763.05, 4763.06, 4763.07,	1324
4763.08, and 4763.09; Section 8	1325
Modifies the initial education requirement for an	1326
individual to become a licensed real estate broker.	1327

Eliminates the requirement that an applicant for a real estate broker license must complete a minimum of two years of post-secondary education as part of the individual's initial education requirement.

Authorizes real estate brokers and salespersons to meet the specific topic-related education requirements for licensure by taking courses that are a part of a certificate program, not just a degree program, as under current law.

Extends the duration of a residential real estate appraiser certificate and real estate appraiser assistant registration from one to two years.

Reduces the initial and renewal fee for a residential real estate appraiser certificate and real estate appraiser assistant registration from an amount up to a maximum of \$175 annually to an amount up to a maximum of \$175 over a two-year period.

Requires the Superintendent of Real Estate and Professional Licensing to establish a method by which a certificate holder, registrant, or licensee under the Real Estate Appraiser Law may electronically file the renewal application and pay the fee and the assessed amount required for renewal.

Driver training manager licenses 1349

R.C. 4508.04 1350

Removes the elimination of the driver training manager and the commercial training manager licenses from the bill, thus, retaining the licenses and their requirements.

Private investigator and security licenses 1354

R.C. 4749.03 1355

Extends the duration of private investigation and security licenses from one year to two years, instead of three years as proposed by the version of the bill pending in House committee.	1356 1357 1358
Increases the maximum renewal fee for private investigation and security licenses from \$275 to \$550 for a two-year license.	1359 1360 1361
Reduces the maximum fee for initial private investigation and security licenses from \$375 to \$200.	1362 1363
Architect certificate of qualification	1364
R.C. 4703.16	1365
Prohibits the architects board from charging a fee to obtain an initial certificate of qualification to practice architecture.	1366 1367 1368
Eliminates the proposed reduction of the biennial renewal fee for a certificate of qualification to practice architecture.	1369 1370
Motor Vehicle Repair Board	1371
R.C. Chapter 4775 (removed); R.C. 107.56, 4513.241, 4743.05, and 4745.01 (removed); Section 7 (removed)	1372 1373
Restores the requirement that a person or entity be registered as a motor vehicle repair operator to act as a vehicle collision repair operator or window tint operator.	1374 1375 1376
Restores the Motor Vehicle Repair Board.	1377