

I\_135\_1308-2

135th General Assembly  
Regular Session  
2023-2024

Sub. H. B. No. 238

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**A BILL**

To amend sections 101.62, 103.27, 107.56, 926.01, 1  
926.12, 926.19, 926.31, 993.04, 3703.21, 2  
3769.03, 3772.13, 4104.07, 4104.08, 4104.18, 3  
4508.04, 4513.241, 4517.01, 4517.02, 4517.04, 4  
4517.10, 4517.33, 4517.43, 4549.50, 4703.16, 5  
4738.05, 4743.05, 4745.01, 4749.03, 4781.08, 6  
4781.17, and 5120.10; to enact sections 3769.031 7  
and 4743.06; and to repeal sections 926.30, 8  
4517.09, 4517.16, 4517.17, 4517.171, 4517.18, 9  
4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 10  
4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 11  
4775.11, and 4775.99 of the Revised Code to 12  
revise and streamline the state's occupational 13  
regulations and to make an appropriation. 14

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

**Section 1.** That sections 101.62, 103.27, 107.56, 926.01, 15  
926.12, 926.19, 926.31, 993.04, 3703.21, 3769.03, 3772.13, 16  
4104.07, 4104.08, 4104.18, 4508.04, 4513.241, 4517.01, 4517.02, 17  
4517.04, 4517.10, 4517.33, 4517.43, 4549.50, 4703.16, 4738.05, 18



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4743.05, 4745.01, 4749.03, 4781.08, 4781.17, and 5120.10 be 19  
amended and sections 3769.031 and 4743.06 of the Revised Code be 20  
enacted to read as follows: 21

**Sec. 101.62.** (A) As used in sections 101.62 to 101.65 of 22  
the Revised Code: 23

(1) "Individual" means a natural person. 24

~~"least"~~(2) Except as provided in divisions (A)(3) and (4) 25  
of this section, "least restrictive regulation," "occupational 26  
license," and "occupational licensing board" have the meanings 27  
defined in section 4798.01 of the Revised Code. 28

(3) On and after the effective date of this amendment, 29  
"occupational license" means all of the following: 30

(a) An occupational license as that term is defined in 31  
section 4798.01 of the Revised Code; 32

(b) A certification as that term is defined in section 33  
4798.01 of the Revised Code; 34

(c) A business license that requires the applicant to 35  
satisfy a personal qualification. 36

(4) On and after the effective date of this amendment, 37  
"occupational licensing board" means any board, commission, 38  
committee, or council, or any other similar state public body, 39  
any administrative department enumerated under section 121.02 of 40  
the Revised Code, and any agency, division, or office of state 41  
government, that issues an occupational license. "Occupational 42  
licensing board" does not include a committee or office created 43  
under section 101.34 of the Revised Code. 44

(5)(a) Except as provided in division (A)(5)(b) of this 45  
section, "personal qualification" means criteria related to an 46

applicant's personal background and characteristics including 47  
completion of an approved educational program, satisfactory 48  
performance on an examination, work experience, other evidence 49  
of attainment of requisite skills or knowledge, moral standing, 50  
criminal history, and completion of continuing education. 51

(b) "Personal qualification" does not include a 52  
requirement that an owner or controlling persons of a business 53  
submit to a criminal records check or meet requirements related 54  
to criminal history or moral standing, unless that owner or 55  
controlling person is the applicant. 56

(B) An occupational licensing board shall be triggered to 57  
expire at the end of the thirty-first day of December of the 58  
sixth year after it became subject to review, was created or 59  
last renewed, or on December 31, 2024, whichever is later, and 60  
shall expire at the end of the thirtieth day of June of the 61  
following year after the board was triggered to expire. The 62  
expiration of an occupational licensing board under this section 63  
emancipates a person to lawfully engage in the profession, 64  
occupation, or occupational activity, which has been previously 65  
licensed by that board, without an occupational license, 66  
notwithstanding any law of the state that requires a person to 67  
possess a license to lawfully engage in that profession, 68  
occupation, or occupational activity. 69

(C) The director of budget and management shall not 70  
authorize the expenditure of any moneys for an occupational 71  
licensing board on or after the date of its expiration. 72

(D) The occupational licensing board shall operate after 73  
its expiration has been triggered, but not later than the end of 74  
the thirtieth day of June of the following year, to provide for 75  
the orderly, efficient, and expeditious conclusion of the 76

board's business and operation. The orders, licenses, contracts, 77  
and other actions made, taken, granted, or performed by the 78  
board continue in effect according to their terms 79  
notwithstanding the board's abolition, unless the general 80  
assembly provides otherwise by law. The general assembly may 81  
provide by law for the temporary or permanent transfer of some 82  
or all of an expired or abolished board's functions and 83  
personnel to a successor agency, board, or officer. 84

The expiration or abolition of a board does not cause the 85  
termination or dismissal of any claim pending against the board 86  
by any person, or any claim pending against any person by the 87  
board. Unless the general assembly provides otherwise by law for 88  
the substitution of parties, the attorney general shall succeed 89  
the board with reference to any pending claim. 90

(E) An occupational licensing board may be renewed by 91  
enactment of a law that continues the statutes creating, 92  
empowering, governing, or regulating the board. The amendment of 93  
a statute creating, empowering, governing, or regulating a 94  
board, between the time the board was last reviewed and the time 95  
it is next scheduled to be reviewed does not change the next 96  
scheduled review date of the board. The next scheduled review 97  
date changes only if the amendment expressly so provides. 98

(F) When an occupational licensing board performs 99  
functions other than licensing or regulating the licensing of an 100  
occupational license that expires under this section, the 101  
operation of sections 101.62 to 101.65 of the Revised Code shall 102  
not cause the board, or the statutes creating, empowering, 103  
governing, or regulating the board, to expire. The board and the 104  
statutes shall continue to the extent the board and the statutes 105  
apply to performing functions other than licensing or regulating 106

the licensing of an occupational license. 107

**Sec. 103.27.** (A) As used in this section, "personal 108  
qualification" has the same meaning as in section 101.62 of the 109  
Revised Code. 110

(B) Each biennium starting with an odd-numbered year, 111  
beginning in 2019, the director of the legislative service 112  
commission shall issue a report regarding approximately thirty- 113  
three per cent of occupations subject to regulation by the state 114  
and, beginning with the biennium that starts in 2025, business 115  
licenses that require the applicant to satisfy a personal 116  
qualification. The report shall compare the current regulatory 117  
scheme being utilized in this state with the policies expressed 118  
in section 4798.02 of the Revised Code. 119

(C) The director shall issue all reports performed during 120  
a biennium, not later than the first day of December of the 121  
even-numbered year of that biennium, to the general assembly and 122  
to the attorney general. 123

(D) The director may require that information be submitted 124  
by any department or board that regulates the occupation. 125

(E) The director shall, over a six-year period including 126  
calendar years 2019 through 2024, issue reports regarding all 127  
occupations subject to regulation by the state. Beginning with 128  
the biennium that starts in 2025, the director shall continue to 129  
issue reports regarding all occupations subject to regulation by 130  
the state, including business licenses that require the 131  
applicant to satisfy a personal qualification. 132

~~The director's report regarding an occupation~~ (F) A report 133  
required under division (B) of this section may be scheduled to 134  
coincide with, and be done in conjunction with, the review of an 135

occupational licensing board being done by a standing committee 136  
of the general assembly under section 101.63 of the Revised 137  
Code. 138

**Sec. 107.56.** (A) As used in this section, "board or 139  
commission" means any of the following: 140

(1) The accountancy board; 141

(2) The architects board; 142

(3) The state cosmetology and barber board; 143

(4) The board of embalmers and funeral directors; 144

(5) The board of executives of long-term services and 145  
supports; 146

(6) The crematory review board; 147

(7) The motor vehicle dealers board; 148

(8) ~~The motor vehicle repair board;~~ 149

~~(9)~~The motor vehicle salvage dealer's licensing board; 150

~~(10)~~(9) The Ohio athletic commission; 151

~~(11)~~(10) The Ohio construction industry licensing board; 152

~~(12)~~(11) The Ohio landscape architects board; 153

~~(13)~~(12) The Ohio real estate commission; 154

~~(14)~~(13) The real estate appraiser board; 155

~~(15)~~(14) The state auctioneers commission; 156

~~(16)~~(15) The state speech and hearing professionals 157  
board; 158

~~(17)~~(16) The state board of education; 159

<del>(18)</del> <u>(17)</u> The state board of emergency medical, fire, and transportation services;	160 161
<del>(19)</del> <u>(18)</u> The board of nursing;	162
<del>(20)</del> <u>(19)</u> The state board of pharmacy;	163
<del>(21)</del> <u>(20)</u> The state board of registration for professional engineers and surveyors;	164 165
<del>(22)</del> <u>(21)</u> The state board of psychology;	166
<del>(23)</del> <u>(22)</u> The state chiropractic board;	167
<del>(24)</del> <u>(23)</u> The state dental board;	168
<del>(25)</del> <u>(24)</u> The state medical board;	169
<del>(26)</del> <u>(25)</u> The state veterinary medical licensing board;	170
<del>(27)</del> <u>(26)</u> The state vision professionals board;	171
<del>(28)</del> <u>(27)</u> The counselor, social worker, and marriage and family therapist board;	172 173
<del>(29)</del> <u>(28)</u> The chemical dependency professionals board;	174
<del>(30)</del> <u>(29)</u> The Ohio occupational therapy, physical therapy, and athletic trainers board;	175 176
<del>(31)</del> <u>(30)</u> Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.	177 178 179
(B) The common sense initiative office shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the office pursuant to division (C) of this section.	180 181 182 183
(1) The following actions are subject to review under this	184

section:	185
(a) Any action that directly or indirectly has an effect of any of the following:	186 187
(i) Fixing prices, limiting price competition, or increasing prices in this state for the goods or services that are provided by the occupation or industry regulated by the board or commission;	188 189 190 191
(ii) Dividing, allocating, or assigning customers, potential customers, or geographic markets in this state among members of the occupation or industry regulated by the board or commission;	192 193 194 195
(iii) Excluding present or potential competitors from the occupation or industry regulated by the board or commission;	196 197
(iv) Limiting the output or supply in this state of any good or service provided by the members of the occupation or industry regulated by the board or commission.	198 199 200
(b) Any other activity that could be subject to state or federal antitrust law if the action were undertaken by a private person or combination of private persons.	201 202 203
(2) Except as provided in division (H) of this section, the following actions are not subject to review under this section:	204 205 206
(a) Denying an application to obtain a license because the applicant has violated or has not complied with the Ohio Revised Code or the Ohio Administrative Code;	207 208 209
(b) Taking disciplinary action against an individual or corporation that is licensed by a board or commission for violations of the Ohio Revised Code or the Ohio Administrative	210 211 212



Code.	213
(C) (1) The following persons or entities may refer an action to the office for review under this section:	214 215
(a) A board or commission that has taken or is proposing to take an action;	216 217
(b) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission;	218 219 220
(c) A person who has been granted a stay pursuant to division (G) of this section.	221 222
(2) A board or commission or person who refers an action to the office shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the office. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission.	223 224 225 226 227 228 229
(3) The referral of an action by a board or commission for review by the office does not constitute an admission that the action violates any state or federal law.	230 231 232
(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the office for review within thirty days after receiving notice of the action or proposed action.	233 234 235 236 237
(5) If an ongoing action or an action proposed by a board or commission is referred to the office for review under this section, the board or commission shall cease the ongoing action	238 239 240

or not take the proposed action until the office has approved of 241  
the action pursuant to division (E) of this section and prepared 242  
and transmitted the memorandum required under division (F) of 243  
this section. 244

(D) The office shall determine whether an action referred 245  
to the office under this section is supported by, and consistent 246  
with, a clearly articulated state policy as expressed in the 247  
statutes creating the board or commission or the statutes and 248  
rules setting forth the board's or commission's powers, 249  
authority, and duties. If the office finds this to be the case, 250  
the office shall determine whether the clearly articulated state 251  
policy is merely a pretext by which the board or commission 252  
enables the members of an occupation or industry the board or 253  
commission regulates to engage in anticompetitive conduct that 254  
could be subject to state or federal antitrust law if the action 255  
were taken by a private person or combination of private 256  
persons. 257

(E) After making the determinations required under 258  
division (D) of this section, the office shall take one of the 259  
following actions: 260

(1) Approve the board or commission action if the office 261  
determines that the action is pursuant to a clearly articulated 262  
state policy and that the policy is not a pretext as described 263  
in division (D) of this section. If the office approves the 264  
board's or commission's action, the board or commission may 265  
proceed to take or may continue the action. 266

(2) Disapprove the board or commission action if the 267  
office determines that the action is not pursuant to a clearly 268  
articulated state policy or that if it is pursuant to a clearly 269  
articulated state policy, that policy is a pretext as described 270

in division (D) of this section. If the office disapproves the 271  
board's or commission's action, the action is void. 272

(F) The office shall prepare a memorandum that explains 273  
the office's approval or disapproval. The office shall transmit 274  
a copy of the memorandum to the person and the board or 275  
commission or to the board or commission if only the board or 276  
commission is involved. The office shall post the memorandum on 277  
the web site maintained by the office. 278

(G) (1) A person having standing to commence and prosecute 279  
a state or federal antitrust action against a board or 280  
commission shall exhaust the remedies provided by this section 281  
before commencing such an action. This division shall not apply 282  
to the attorney general, a county prosecuting attorney, or any 283  
assistant prosecutor designated to assist a county prosecuting 284  
attorney. 285

(2) The state, a board or commission, or a member of a 286  
board or commission in the member's official capacity, may 287  
request a stay of any lawsuit alleging that a board or 288  
commission engaged in anticompetitive conduct by taking an 289  
action described in division (B) (1) or (2) of this section that 290  
has not been previously reviewed by the office under this 291  
section. If the lawsuit was initiated by a person other than the 292  
attorney general, a county prosecuting attorney, or any 293  
assistant prosecutor designated to assist a county prosecuting 294  
attorney, the court shall grant the request. If the lawsuit was 295  
initiated by the attorney general, a county prosecuting 296  
attorney, or any assistant prosecutor designated to assist a 297  
county prosecuting attorney, the court shall deny the request. 298  
Any stay granted under this division will continue in effect 299  
until the office has prepared and transmitted the memorandum 300

required under division (F) of this section. 301

(H) The office shall review any action referred to the 302  
office by a party who has been granted a stay pursuant to 303  
division (G) of this section. 304

(I) Notwithstanding any provision of this section to the 305  
contrary, an action taken by a board or commission is not 306  
subject to review under this section if the members of the board 307  
or commission who are members of the occupation or industry 308  
affected by the action are prohibited by statute from hearing, 309  
considering, deciding, or otherwise participating in the action. 310

(J) The office shall adopt rules under Chapter 119. of the 311  
Revised Code that are necessary for the implementation and 312  
administration of this section. 313

**Sec. 926.01.** As used in this chapter: 314

(A) "Agricultural commodity" means corn, soybeans, wheat, 315  
or any other agricultural crop that the director of agriculture 316  
may designate by rule. "Agricultural commodity" does not mean 317  
any grain that is purchased for sale as seed. 318

(B) "Agricultural commodity handling" or "handling" means 319  
any of the following: 320

(1) Engaging in or participating in the business of 321  
purchasing from producers agricultural commodities for any use 322  
in excess of thirty thousand bushels annually; 323

(2) Operating a warehouse as a bailee for the receiving, 324  
storing, shipping, or conditioning of an agricultural commodity; 325

(3) Receiving into a warehouse an agricultural commodity 326  
purchased under a delayed price agreement; 327

(4) Providing marketing functions, including storage, 328  
delayed price marketing, deferred payment, feed agreements, or 329  
any other marketing transaction whereby control is exerted over 330  
the monetary proceeds of a producer's agricultural commodities 331  
by a person other than the producer. 332

(C) "Agricultural commodity handler" or "handler" means 333  
any person who is engaged in the business of agricultural 334  
commodity handling. 335

(D) "Depositor" means: 336

(1) Any person who delivers an agricultural commodity to a 337  
licensed handler for storage, conditioning, shipment, or sale; 338

(2) Any owner or legal holder of a ticket or receipt 339  
issued for an agricultural commodity who is a creditor of the 340  
licensed handler for the value of the agricultural commodity; 341

(3) Any licensed handler storing an agricultural commodity 342  
that the licensed handler owns solely, jointly, or in common 343  
with others in a warehouse owned or controlled by the licensed 344  
handler or any other licensed handler. 345

(E) "Receipt" means a warehouse receipt issued by a 346  
licensed handler. 347

(F) "Nonnegotiable receipt" means a receipt on which it is 348  
stated that the agricultural commodity received will be 349  
delivered to the depositor or to the order of any other person 350  
named in the receipt. 351

(G) "Negotiable receipt" means a receipt on which it is 352  
stated that the agricultural commodity received will be 353  
delivered to the bearer or to the order of any person named in 354  
the receipt. 355

(H) "Ticket" means a scale weight ticket, a load slip, or  
any evidence, other than a receipt, given to a depositor by a  
licensed handler upon delivery of an agricultural commodity to  
the handler.

(I) "Warehouse" means any building, bin, protected  
enclosure, or similar premises under the control of a licensed  
or unlicensed handler used for receiving, storing, shipping, or  
handling an agricultural commodity.

(J) "Storage" means the deposit of an agricultural  
commodity into a warehouse either for the account of the  
licensed handler operating the warehouse or for the account of a  
depositor.

(K) "Producer" means any person who grows an agricultural  
commodity on land that the person owns or leases.

(L) "Agent" means any person, other than a producer, who  
delivers an agricultural commodity to a licensed handler, either  
for sale or for storage, for the account of the producer.

~~(M) "Agricultural commodity tester" or "tester" means a  
person who operates a moisture meter and other quality testing  
devices to determine the quality of an agricultural commodity.~~

~~(N) "Federally licensed grain inspector" means a person  
who is licensed by the United States department of agriculture  
under the "United States Grain Standards Act," 39 Stat. 482  
(1916), 7 U.S.C. 71, as amended, to test and grade grain, as  
"grain" is defined in that act.~~

~~(O)~~ (N) "Bailee" means a person to whom an agricultural  
commodity is delivered in trust for storage in a warehouse with  
title remaining in the name of the depositor.

~~(P)~~ (O) "Bailor" means a person who delivers an 384  
agricultural commodity to a bailee in trust for storage in a 385  
warehouse with title remaining in the name of the depositor. 386

~~(Q)~~ (P) "Bailment agreement" means a bailor-bailee 387  
agreement between a depositor and a licensed handler as stated 388  
in the terms of a receipt that is issued for an agricultural 389  
commodity in storage and subject to the requirements of this 390  
chapter governing the use of a receipt. 391

~~(R)~~ (Q) "Delayed price agreement" means a written 392  
executory contract executed by and between a licensed handler 393  
and a depositor that covers the sale and transfer of title of an 394  
agricultural commodity and states in its written terms the 395  
service charges and the method for pricing the commodity at a 396  
later date. 397

~~(S)~~ (R) "Delayed price marketing" means the sale and 398  
transfer of title of an agricultural commodity with the price to 399  
be established at a later date according to the terms of a 400  
delayed price agreement. 401

~~(T)~~ (S) "Deferred payment" means the deferral of payment 402  
to a depositor by a licensed handler for an agricultural 403  
commodity to which the licensed handler has taken title, for the 404  
purpose of deferring income of the depositor from one tax year 405  
to another. 406

~~(U)~~ (T) "Feed agreement" means a written contract executed 407  
by and between a licensed handler and a producer or depositor 408  
who delivers an agricultural commodity to the licensed handler 409  
for storage whereby each of the following applies: 410

(1) The producer or depositor transfers title to the 411  
agricultural commodity to the licensed handler in exchange for a 412

nominal sum; 413

(2) The producer, upon delivery of the agricultural 414  
commodity to the licensed handler, becomes a creditor of the 415  
licensed handler due to the lien that arises under section 416  
926.021 of the Revised Code; 417

(3) All or part of the agricultural commodity is returned 418  
to the producer at a later date and used for feed purposes. 419

~~(V)~~ (U) Notwithstanding section 1.02 of the Revised Code, 420  
"and" shall not be read "or" and "or" shall not be read "and." 421

**Sec. 926.12.** Each licensed agricultural commodity handler 422  
shall keep posted in a location at ~~his~~ the handler's facility 423  
where it shall be accessible for observation and reading by 424  
persons marketing agricultural commodities+ 425

~~(A) His~~ the handler's license as an agricultural commodity 426  
handler+ 427

~~(B) The certificates of persons who are certified under~~ 428  
~~section 926.30 of the Revised Code as testers of agricultural~~ 429  
~~commodities delivered to the handler.~~ 430

**Sec. 926.19.** (A) There is hereby created in the state 431  
treasury the commodity handler regulatory program fund. The 432  
moneys in the fund shall be used to pay the examination and 433  
administrative costs of this chapter and shall consist of: 434

(1) All revenues collected by the director of agriculture 435  
from distribution of the receipt forms under division (B) of 436  
section 926.20 of the Revised Code and such other forms and 437  
registration books as the director may require by rule for the 438  
administration of this chapter; 439

(2) The application and examination fees collected under 440



division (B) of section 926.05 of the Revised Code; 441

~~(3) The agricultural commodity tester certificate fees~~ 442  
~~collected under division (B) of section 926.30 of the Revised~~ 443  
~~Code.~~ 444

~~(4)~~ Any moneys transferred from the agricultural commodity 445  
depositors fund under section 926.16 of the Revised Code; 446

~~(5)~~ (4) All fines, penalties, and costs, except court 447  
costs, that are collected under section 926.99 of the Revised 448  
Code in consequence of a violation of this chapter; 449

~~(6)~~ (5) All sums collected by the director of agriculture 450  
under a contract described in section 926.36 of the Revised 451  
Code. 452

(B) The examination and administrative costs of this 453  
chapter shall be computed by the director not later than the 454  
thirty-first day of December of each even-numbered year to cover 455  
the biennium that begins on the following first day of July. The 456  
commodity advisory commission created in section 926.32 of the 457  
Revised Code shall approve, and may amend, the examination and 458  
administrative costs. The commission's decision shall be binding 459  
on the director. The commission also at any time may approve for 460  
presentation to the controlling board a request to increase or 461  
decrease the appropriation authority for the biennial 462  
examination and administrative costs if it determines that an 463  
increase or decrease in the cost is necessary to carry out the 464  
purpose of this chapter. 465

(C) If at any time the moneys deposited in the fund, 466  
including moneys transferred from the agricultural commodity 467  
depositors fund under section 926.16 of the Revised Code, are 468  
not sufficient to pay the examination and administrative costs 469

of this chapter, the director shall request an appropriation 470  
from the general revenue fund to pay those costs. 471

**Sec. 926.31.** (A) Upon receipt of any shipment of an 472  
agricultural commodity from a depositor or a depositor's agent, 473  
either for sale or for storage under a bailment agreement, the 474  
licensed handler shall ~~cause test~~ a representative sample ~~to be~~ 475  
~~drawn for testing by an agricultural commodity tester to~~ 476  
determine the quality of the commodity. At the request of the 477  
depositor or the depositor's agent, the ~~tester~~ licensed handler 478  
shall immediately test the sample and shall notify the depositor 479  
or the depositor's agent of the results of the test and of any 480  
price discount, premium, or conditioning charge that is 481  
applicable to the value of the commodity. Upon notification of 482  
the test and the value adjustment to be applied, the depositor 483  
or the depositor's agent shall do one of the following: 484

(1) Refuse to sell or store the commodity unless the 485  
depositor or agent has unloaded the commodity prior to testing; 486

(2) Agree to sell or store the commodity and accept the 487  
agricultural commodity ~~tester's~~ handler's results of the testing 488  
of the shipment and the applicable value adjustment; 489

(3) Agree to sell or store the commodity but reject the 490  
agricultural commodity ~~tester's~~ handler's results of the testing 491  
of the shipment and order the handler to forward the sample to a 492  
federally licensed grain inspector immediately for a final 493  
testing of the shipment. The depositor, the depositor's agent, 494  
or the handler may specify in writing which testing factor or 495  
factors the depositor, depositor's agent, or handler wishes the 496  
federal inspector to test. 497

(B) If, either prior to or during the unloading of the 498

shipment, the licensed handler believes that the original sample 499  
drawn is not representative of the shipment, or if the depositor 500  
or the depositor's agent requests a second sample to be drawn, 501  
the handler shall cause a second sample to be drawn and used for 502  
the testing of the shipment. 503

(C) Any determination of a federally licensed grain 504  
inspector under this section shall be binding on both the 505  
licensed handler and the depositor or the depositor's agent as 506  
the basis for determining the premium or discount and settlement 507  
price, if the shipment was delivered for sale, or the 508  
conditioning charge, if the shipment was received for storage 509  
under a bailment agreement. The cost of the federal inspection 510  
and the actual cost of forwarding the sample for such inspection 511  
shall be borne by the handler, if the test increases the value 512  
of the agricultural commodity as originally determined by the 513  
agricultural commodity ~~tester~~ handler, or by the depositor, if 514  
the test does not change or lowers the value of the commodity. 515

(D) Any licensed handler and any depositor or the agent of 516  
a depositor may enter into an agreement whereby representative 517  
samples of each of several shipments of the same agricultural 518  
commodity that arrive at the handler's warehouse or facility 519  
during any one business day shall be combined to obtain a single 520  
result of the testing of the combined shipments of the 521  
commodity. 522

(E) No person shall offer for sale or storage any 523  
agricultural commodity that is: 524

(1) Treated with any poisonous material or that contains 525  
rodent excreta or any other material in such amounts as to 526  
render the commodity unfit for animal or human consumption; 527

(2) Knowingly or purposely loaded unevenly so as to 528  
conceal amounts of the commodity that are inferior. 529

(F) Nothing in this section shall be construed to relieve 530  
any contractual obligations in effect between the licensed 531  
handler or the depositor. 532

**Sec. 993.04.** (A) (1) No person shall operate an amusement 533  
ride within the state without a permit issued by the director of 534  
agriculture under division (A) (2) of this section. The owner of 535  
an amusement ride, whether the ride is a temporary amusement 536  
ride or a permanent amusement ride, who desires to operate the 537  
amusement ride within the state shall, prior to the operation of 538  
the amusement ride and annually thereafter, submit to the 539  
department of agriculture an application for a permit, together 540  
with the appropriate permit and inspection fee, on a form to be 541  
furnished by the department. Prior to issuing any permit the 542  
department shall, within thirty days after the date on which it 543  
receives the application, inspect each amusement ride described 544  
in the application. The owner of an amusement ride shall have 545  
the amusement ride ready for inspection not later than two hours 546  
after the time that is requested by the person for the 547  
inspection. 548

(2) For each amusement ride found to comply with the rules 549  
adopted by the director under division (B) of this section and 550  
division (B) of section 993.08 of the Revised Code, the director 551  
shall issue an annual permit, provided that evidence of 552  
liability insurance coverage for the amusement ride as required 553  
by section 993.06 of the Revised Code is on file with the 554  
department. 555

(3) The director shall issue with each permit a decal 556  
indicating that the amusement ride has been issued the permit. 557

The owner of the amusement ride shall affix the decal on the 558  
ride at a location where the decal is easily visible to the 559  
patrons of the ride. A copy of the permit shall be kept on file 560  
at the same address as the location of the amusement ride 561  
identified on the permit, and shall be made available for 562  
inspection, upon reasonable demand, by any person. An owner may 563  
operate an amusement ride prior to obtaining a permit, provided 564  
that the operation is for the purpose of testing the amusement 565  
ride or training amusement ride operators and other employees of 566  
the owner and the amusement ride is not open to the public. 567

(B) (1) The director, in accordance with Chapter 119. of 568  
the Revised Code, shall adopt rules providing for both of the 569  
following: 570

(a) A schedule of fines, with no fine exceeding five 571  
thousand dollars, for violations of this chapter or any rules 572  
adopted under this division; 573

(b) The classification of amusement rides and rules for 574  
the safe operation and inspection of all amusement rides as are 575  
necessary for amusement ride safety and for the protection of 576  
the general public. The classification of amusement rides must 577  
identify those rides that need more comprehensive inspection and 578  
testing in addition to regular state inspections, taking into 579  
account hidden components integral to the safety of the ride. 580

(2) (a) Rules adopted by the director for the safe 581  
operation and inspection of amusement rides shall be reasonable 582  
and shall be based upon generally accepted engineering standards 583  
and practices. The rules shall establish a minimum number of 584  
inspections to be conducted on each ride depending on the size, 585  
complexity, nature of the ride, and the number of days the ride 586  
is in operation during the year for which the applicable permit 587

is valid. The rules also shall require the minimum number of 588  
inspectors assigned to inspect a ride or rides to be reasonable 589  
and adequate given the number, size, complexity, and nature of 590  
the ride or rides. 591

(b) In adopting rules under this section, the director may 592  
adopt by reference, in whole or in part, the national fire code 593  
or the national electrical code (NEC) prepared by the national 594  
fire protection association or the American national standards 595  
institute (ANSI), or any other principles, tests, or standards 596  
of nationally recognized technical or scientific authorities. 597

(c) In adopting rules under this section, the director 598  
shall adopt, by reference, the following chapters of the 599  
American society for testing and materials (ASTM) international 600  
regarding amusement ride safety standards and any other 601  
equivalent national standard: 602

(i) ASTM F1193-18; 603

(ii) ASTM F770-18; 604

(iii) ASTM F2291-18. 605

(d) Insofar as is practicable and consistent with this 606  
chapter, rules adopted under this division shall be consistent 607  
with the rules of other states. 608

(3) The department shall cause this chapter and the rules 609  
adopted in accordance with this division and division (B) of 610  
section 993.08 of the Revised Code to be published in pamphlet 611  
form and a copy to be furnished without charge to each owner of 612  
an amusement ride who holds a current permit or is an applicant 613  
therefor. 614

(C) With respect to an application for a permit for an 615

amusement ride, an owner may apply to the director for a waiver 616  
or modification of any rule adopted under division (B) of this 617  
section if there are practical difficulties or unnecessary 618  
hardships for the amusement ride to comply with the rules. Any 619  
application shall set forth the reasons for the request. The 620  
director, with the approval of the advisory council on amusement 621  
ride safety, may waive or modify the application of a rule to 622  
any amusement ride if the public safety is secure. Any 623  
authorization by the director under this division shall be in 624  
writing and shall set forth the conditions under which the 625  
waiver or modification is authorized, and the department shall 626  
retain separate records of all proceedings under this division. 627

(D) (1) The director shall employ and provide for training 628  
of a chief inspector and additional inspectors and employees as 629  
may be necessary to administer and enforce this chapter. The 630  
director may appoint or contract with other persons to perform 631  
inspections of amusement rides, provided that the persons meet 632  
the qualifications for inspectors established by rules adopted 633  
under division (B) of this section and are not owners, or 634  
employees of owners, of any amusement ride subject to inspection 635  
under this chapter. When employing a new chief inspector or an 636  
additional inspector after November 6, 2019, the director shall 637  
give preference to the following: 638

(a) An individual holding a level one or higher inspector 639  
certification from either the national association of amusement 640  
ride safety officials (NAARSO), the amusement industry 641  
manufacturers and suppliers (AIMS) international, or another 642  
substantially equivalent organization as determined by the 643  
director; and 644

(b) An individual who intends, within one year of being 645

hired as an inspector, to complete the requirements for issuance 646  
of a level one or higher inspector certification from NAARSO, 647  
AIMS International, or another substantially equivalent 648  
organization as determined by the director. 649

(2) No person shall inspect an amusement ride who, within 650  
six months prior to the date of inspection, was an employee of 651  
the owner of the ride. 652

(3) Before the director contracts with other persons to 653  
inspect amusement rides, the director shall seek the advice of 654  
the advisory council on amusement ride safety on whether to 655  
contract with those persons. The advice shall not be binding 656  
upon the director. After having received the advice of the 657  
council, the director may proceed to contract with inspectors in 658  
accordance with the procedures specified in division (E) (2) of 659  
section 1711.11 of the Revised Code. 660

(4) With the advice and consent of the advisory council on 661  
amusement ride safety, the director may employ a special 662  
consultant to conduct an independent investigation of an 663  
amusement ride accident. This consultant need not be in the 664  
civil service of the state, but shall have qualifications to 665  
conduct the investigation acceptable to the council. 666

(E) (1) Except as otherwise provided in division (E) (1) of 667  
this section, the department shall charge the following 668  
amusement ride fees: 669

670

1

2

A Permit, except for an inflatable ride

\$225



B	<u>Inflatable ride permit</u>	<u>\$25</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	Roller coaster	\$1,200
F	Aerial lifts or bungee jumping facilities	\$450
G	Go karts, per kart	\$5
H	Other rides	\$160
I	Midseason operational inspection per ride	\$25
J	Expedited inspection per ride	\$100
K	Failure to cancel scheduled inspection per ride	\$100
L	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 671  
inspection fee for the go kart track. 672

~~The director shall adopt rules in accordance with Chapter 673  
119. of the Revised Code establishing an annual fee that is less 674  
than one hundred five dollars for an inspection and reinspection 675  
of an inflatable ride. In adopting the rules, the director shall 676  
ensure that the fee reasonably reflects the costs of An 677  
amusement ride owner shall pay a fee for the inspection and 678  
reinspection of an inflatable ride. If the director issues a 679~~

~~permit for an inflatable ride for a time period of less than one~~ 680  
~~year, the director shall charge a prorated fee for the permit~~ 681  
~~equal to one-twelfth of the annual permit fee multiplied by the~~ 682  
~~number of full months for which the permit is issued~~ 683  
rides that  
is based on the amount of inflatable rides the owner owns as 684  
follows: 685

For an owner that owns one to ten inflatable rides, the 686  
owner shall pay a fee totaling one hundred fifty dollars for the 687  
inspection and reinspection of all such rides. 688

For an owner that owns eleven to twenty-five inflatable 689  
rides, the owner shall pay a fee totaling three hundred fifty 690  
dollars for the inspection and reinspection of all such rides. 691

For an owner that owns twenty-six or more inflatable 692  
rides, the owner shall pay a fee totaling five hundred dollars 693  
for the inspection and reinspection of all such rides. 694

The fees for an expedited inspection, failure to cancel a 695  
scheduled inspection, and failure to have an amusement ride 696  
ready for inspection do not apply to go karts. 697

As used in division (E) (1) of this section, "expedited 698  
inspection" means an inspection of an amusement ride by the 699  
department not later than ten days after the owner of the 700  
amusement ride files an application for a permit under this 701  
section. 702

(2) All fees and fines collected by the department under 703  
this chapter shall be deposited in the state treasury to the 704  
credit of the amusement ride inspection fund, which is hereby 705  
created, and shall be used only for the purpose of administering 706  
and enforcing section 1711.11 of the Revised Code and this 707  
chapter. 708

(3) The owner of an amusement ride shall be required to 709  
pay a reinspection fee only if the reinspection is required by 710  
division (B)(2) of this section or rules adopted under that 711  
division, if the reinspection was conducted at the owner's 712  
request under division (F) of this section, if the reinspection 713  
is required by division (F) of this section because of an 714  
accident, or if the reinspection is required by division (F) of 715  
section 993.07 of the Revised Code. If a reinspection is 716  
conducted at the request of the chief officer of a fair, 717  
festival, or event where the ride is operating, the reinspection 718  
fee shall be charged to the fair, festival, or event. 719

(4) The rules adopted under division (B) of this section 720  
shall define "roller coaster," "aerial lifts," "go karts," and 721  
"other rides" for purposes of determining the fees under 722  
division (E) of this section. The rules shall define "other 723  
rides" to include go kart tracks. 724

(F) A reinspection of an amusement ride shall take place 725  
if an accident occurs, if the owner of the ride or the chief 726  
officer of the fair, festival, or event where the ride is 727  
operating requests a reinspection, if the chief inspector 728  
determines reinspection is necessary in accordance with section 729  
993.042 of the Revised Code, or if the reinspection is required 730  
by division (F) of section 993.07 of the Revised Code. 731

(G) As a supplement to its annual inspection of a 732  
temporary amusement ride, the department may inspect the ride 733  
during each scheduled event, as listed in the schedule of events 734  
provided to the department by the owner pursuant to division (C) 735  
of section 993.07 of the Revised Code, at which the ride is 736  
operated in this state. These supplemental inspections are in 737  
addition to any other inspection or reinspection of the ride as 738

may be required under this chapter or rules adopted under it, 739  
and the owner of the temporary amusement ride is not required to 740  
pay an inspection or reinspection fee for this supplemental 741  
inspection unless the supplemental inspection is being conducted 742  
pursuant to division (B)(2) of this section or rules adopted 743  
under that division. Nothing in this division shall be construed 744  
to prohibit the owner of a temporary amusement ride having a 745  
valid permit to operate in this state from operating the ride at 746  
a scheduled event before the department conducts a supplemental 747  
inspection. 748

(H) The department may annually conduct a midseason 749  
operational inspection of every amusement ride upon which it 750  
conducts an annual inspection pursuant to division (A) of this 751  
section. The midseason operational inspection is in addition to 752  
any other inspection or reinspection of the amusement ride as 753  
may be required pursuant to this chapter. The owner of an 754  
amusement ride shall submit to the department, at the time 755  
determined by the department, the midseason operational 756  
inspection fee specified in division (E) of this section. The 757  
director, in accordance with Chapter 119. of the Revised Code, 758  
shall adopt rules specifying the time period during which the 759  
department will conduct midseason operational inspections. 760

**Sec. 3703.21.** (A) Within ninety days after September 16, 761  
2004, the superintendent of industrial compliance shall appoint 762  
a backflow advisory board consisting of not more than ten 763  
members, who shall serve at the pleasure of the superintendent. 764  
The superintendent shall appoint a representative from the 765  
plumbing section of the division of industrial compliance, three 766  
representatives recommended by the plumbing administrator of the 767  
division of industrial compliance, a representative of the 768  
drinking water program of the Ohio environmental protection 769

agency, three representatives recommended by the director of 770  
environmental protection, and not more than two members who are 771  
not employed by the plumbing or water industry. 772

The board shall advise the superintendent on matters 773  
pertaining to the training and certification of backflow 774  
technicians. 775

~~(B)~~ (B) (1) The superintendent shall adopt rules in 776  
accordance with Chapter 119. of the Revised Code to provide for 777  
the certification of backflow technicians. The rules shall 778  
establish all of the following requirements, specifications, and 779  
procedures: 780

~~(1)~~ (a) Requirements and procedures for the initial 781  
certification of backflow technicians, including eligibility 782  
criteria and application requirements and fees; 783

~~(2)~~ (b) Specifications concerning and procedures for 784  
taking examinations required for certification as a backflow 785  
technician, including eligibility criteria to take the 786  
examination and application requirements and fees for taking the 787  
examination; 788

~~(3)~~ Specifications ~~(c)~~ Subject to division (B) (2) of this 789  
section, specifications concerning and procedures for renewing a 790  
certification as a backflow technician, including eligibility 791  
criteria, application requirements, and fees for renewal; 792

~~(4)~~ (d) Specifications concerning and procedures for both 793  
of the following: 794

~~(a)~~ (i) Approval of training agencies authorized to teach 795  
required courses to candidates for certification as backflow 796  
technicians or continuing education courses to certified 797  
backflow technicians; 798

<del>(b)</del> <u>(ii)</u> Renewal of the approval described in division <del>(B)</del>	799
<del>(4)</del> <del>(a)</del> <u>(B) (1) (d) (i)</u> of this section.	800
<del>(5)</del> <u>(e)</u> Education requirements that candidates for initial certification as backflow technicians must satisfy and	801
continuing education requirements that certified backflow	802
technicians must satisfy;	803
	804
<del>(6)</del> <u>(f)</u> Grounds and procedures for denying, suspending, or	805
revoking certification, or denying the renewal of certification,	806
as a backflow technician;	807
<del>(7)</del> <u>(g)</u> Procedures for issuing administrative orders for	808
the remedy of any violation of this section or any rule adopted	809
pursuant to division <del>(B)</del> <u>(B) (1)</u> of this section, including, but	810
not limited to, procedures for assessing a civil penalty	811
authorized under division (E) of this section;	812
<del>(8)</del> <u>(h)</u> Any provision the superintendent determines is	813
necessary to administer or enforce this section.	814
<u>(2) In the rules the superintendent adopts under division</u>	815
<u>(B) (1) (c) of this section, the superintendent shall do both of</u>	816
<u>the following:</u>	817
<u>(a) Specify that a certification be renewed every five</u>	818
<u>years;</u>	819
<u>(b) Establish a certification renewal fee of seventy-five</u>	820
<u>dollars.</u>	821
(C) The superintendent shall certify a backflow technician	822
in accordance with Chapter 4796. of the Revised Code if either	823
of the following applies:	824
(1) The individual holds a license or certification in	825
another state.	826

(2) The individual has satisfactory work experience, a 827  
government certification, or a private certification as 828  
described in that chapter as a backflow technician in a state 829  
that does not issue that certification. 830

(D) No individual shall engage in the installation, 831  
testing, or repair of any isolation backflow prevention device 832  
unless that individual possesses a valid certification as a 833  
backflow technician. This division does not apply with respect 834  
to the installation, testing, or repair of any containment 835  
backflow prevention device. 836

(E) Whoever violates division (D) of this section or any 837  
rule adopted pursuant to division (B) (1) of this section shall 838  
pay a civil penalty of not more than five thousand dollars for 839  
each day that the violation continues. The superintendent may, 840  
by order, assess a civil penalty under this division, or may 841  
request the attorney general to bring a civil action to impose 842  
the civil penalty in the court of common pleas of the county in 843  
which the violation occurred or where the violator resides. 844

(F) Any action taken under a rule adopted pursuant to 845  
division ~~(B) (6)~~ (B) (1) (f) of this section is subject to the 846  
appeal process of Chapter 119. of the Revised Code. An 847  
administrative order issued pursuant to rules adopted under 848  
division ~~(B) (7)~~ (B) (1) (g) of this section and an appeal to that 849  
type of administrative order shall be executed in accordance 850  
with Chapter 119. of the Revised Code. 851

(G) As used in this section: 852

(1) "Isolation backflow prevention device" means a device 853  
for the prevention of the backflow of liquids, solids, or gases 854  
that is regulated by the building code adopted pursuant to 855

section 3781.10 of the Revised Code and rules adopted pursuant 856  
to this section. 857

(2) "Containment backflow prevention device" means a 858  
device for the prevention of the backflow of liquids, solids, or 859  
gases that is installed by the supplier of, or as a requirement 860  
of, any public water system as defined in division (A) of 861  
section 6109.01 of the Revised Code. 862

**Sec. 3769.03.** The state racing commission shall prescribe 863  
the rules and conditions under which horse racing may be 864  
conducted and may issue, deny, suspend, diminish, or revoke 865  
permits to conduct horse racing as authorized by sections 866  
3769.01 to 3769.14 of the Revised Code. The commission may 867  
impose, in addition to any other penalty imposed by the 868  
commission, fines in an amount not to exceed ten thousand 869  
dollars on any permit holder or any other person who violates 870  
the rules or orders of the commission. The commission may 871  
prescribe the forms of wagering that are permissible, the number 872  
of races, the procedures on wagering, and the wagering 873  
information to be provided to the public. 874

The commission may require totalizator equipment to 875  
display the amount of wagering in each wagering pool. The 876  
commission shall initiate safeguards as necessary to account for 877  
the amount of money wagered at each track in each wagering pool. 878  
It may require permit holders to install equipment that will 879  
provide a complete check and analysis of the functioning of any 880  
computers and require safeguards on their performance. The 881  
commission shall require all permit holders, except those 882  
holding state fair, county fair, or other fair permits, to 883  
provide a photographic recording, approved by the commission, of 884  
the entire running of all races conducted by the permit holder. 885



The state racing commission may issue, deny, suspend, or 886  
revoke licenses to those persons engaged in racing and to those 887  
employees of permit holders, ~~as is in the public interest for~~ 888  
~~the purpose of maintaining a proper control over horse racing~~ 889  
~~meetings described in section 3769.031 of the Revised Code.~~ The 890  
commission, as is in the public interest for the purpose of 891  
maintaining proper control over horse-racing meetings, also may 892  
rule any person off a permit holder's premises. ~~License fees~~ 893  
~~shall include registration fees and shall be set by the~~ 894  
~~commission. Each license issued by the commission, unless~~ 895  
~~revoked for cause, shall be for the period of one year from the~~ 896  
~~first day of January of the year in which it is issued, except~~ 897  
~~as otherwise provided in section 3769.07 of the Revised Code.~~ 898  
~~Applicants for licenses issued by the commission shall submit~~ 899  
~~their fingerprints to the commission, and the commission may~~ 900  
~~forward the fingerprints to the federal bureau of investigation~~ 901  
~~or to any other agency, or to both, for examination. The~~ 902  
~~commission shall issue a license to a person engaged in racing~~ 903  
~~or an employee of a permit holder in accordance with Chapter~~ 904  
~~4796. of the Revised Code if that person or employee holds a~~ 905  
~~license in another state, or that person or employee has~~ 906  
~~satisfactory work experience, a government certification, or a~~ 907  
~~private certification as described in that chapter in horse~~ 908  
~~racing in a state that does not issue that license.~~ 909

There is hereby created in the state treasury the state 910  
racing commission operating fund. All license fees established 911  
and collected by the commission pursuant to this section or 912  
section 3769.031 of the Revised Code, and the amounts specified 913  
in divisions (B) and (C) of section 3769.08 and division (A) (5) 914  
of section 3769.087 of the Revised Code, shall be paid into the 915  
state treasury to the credit of the fund. Moneys in the fund 916

shall be expended by the commission to defray its operating 917  
costs, salaries and expenses, and the cost of administering and 918  
enforcing this chapter. 919

The commission may deny a permit to any permit holder that 920  
has defaulted in payments to the public, employees, or the 921  
horsemen and may deny a permit to any successor purchaser of a 922  
track for as long as any of those defaults have not been 923  
satisfied by either the seller or purchaser. 924

The commission shall deny a permit to any permit holder 925  
that has defaulted in payments to the state or has defaulted in 926  
payments required under section 3769.089 or 3769.0810 of the 927  
Revised Code and shall deny a permit to any successor purchaser 928  
of a track for as long as those defaults have not been satisfied 929  
by either the seller or purchaser. 930

~~Any violation of this chapter, of any rule of racing 931  
adopted by the commission, or of any law or rule with respect to 932  
racing in any jurisdiction shall be sufficient reason for a 933  
refusal to issue a license, or a suspension or revocation of any 934  
license issued, pursuant to this section. 935~~

~~With respect to the issuance, denial, suspension, or 936  
revocation of a license to a participant in horse racing, the 937  
action of the commission shall be subject to Chapter 119. of the 938  
Revised Code. 939~~

The commission may sue and be sued in its own name. Any 940  
action against the commission shall be brought in the court of 941  
common pleas of Franklin county. Any appeal from a determination 942  
or decision of the commission rendered in the exercise of its 943  
powers and duties under this chapter shall be brought in the 944  
court of common pleas of Franklin county. 945

The commission, biennially, shall make a full report to 946  
the governor of its proceedings for the two-year period ending 947  
with the thirty-first day of December preceding the convening of 948  
the general assembly and shall include its recommendations in 949  
the report. The commission, semiannually, on the thirtieth day 950  
of June and on the thirty-first day of December of each year, 951  
shall make a report and accounting to the governor. 952

Sec. 3769.031. (A) The state racing commission may issue, 953  
deny, suspend, or revoke licenses to those persons engaged in 954  
racing and to those employees of permit holders as is in the 955  
public interest for the purpose of maintaining a proper control 956  
over horse-racing meetings. 957

(B) (1) The commission shall adopt rules under Chapter 119. 958  
of the Revised Code prescribing the licenses to be issued, 959  
including all of the following for each license: 960

(a) The name of the license; 961

(b) The activities regulated under the license; 962

(c) The qualifications and other requirements to receive 963  
and maintain the license; 964

(d) The fees that apply to the license, except as 965  
otherwise provided in division (C) of this section. 966

(2) Applicants for licenses issued by the commission shall 967  
submit their fingerprints to the commission, and the commission 968  
may forward the fingerprints to the federal bureau of 969  
investigation or to any other agency, or to both, for 970  
examination. 971

(3) Each license issued by the commission, unless revoked 972  
for cause, shall be for the period of one year from the first 973

day of January of the year in which it is issued, except as 974  
otherwise provided in section 3769.07 of the Revised Code. 975

(4) The commission shall issue a license to a person 976  
engaged in racing or an employee of a permit holder in 977  
accordance with Chapter 4796. of the Revised Code if that person 978  
or employee holds a license in another state, or that person or 979  
employee has satisfactory work experience, a government 980  
certification, or a private certification as described in that 981  
chapter in horse racing in a state that does not issue that 982  
license. 983

(5) Any violation of this chapter, of any rule of racing 984  
adopted by the commission, or of any law or rule with respect to 985  
racing in any jurisdiction shall be sufficient reason for a 986  
refusal to issue a license, or a suspension or revocation of any 987  
license issued, pursuant to this section. With respect to the 988  
issuance, denial, suspension, or revocation of a license to a 989  
participant in horse racing, the action of the commission is 990  
subject to Chapter 119. of the Revised Code. 991

(C) The commission shall not charge any fee for a license 992  
to do either of the following: 993

(1) Assist horse racing participants in entering a race 994  
track facility; 995

(2) Act as a valet for a jockey. 996

(D) No license issued by the commission is required to do 997  
any of the following with respect to horse racing in this state: 998

(1) Perform only duties at a race track facility that do 999  
not affect the conduct or outcome of horse racing or of wagering 1000  
on horse racing, including any of the following: 1001

<u>(a) Admitting patrons to the facility or assisting them</u>	1002
<u>with parking;</u>	1003
<u>(b) Preparing or serving food or beverages;</u>	1004
<u>(c) Cleaning or maintaining the facility;</u>	1005
<u>(d) Providing security services at the facility.</u>	1006
<u>(2) Selling supplies at a race track facility;</u>	1007
<u>(3) Engaging in any activity that is not indicated in the</u>	1008
<u>rules of the commission as requiring a license.</u>	1009
<u>(E) Notwithstanding any provision of section 121.95 of the</u>	1010
<u>Revised Code to the contrary, a regulatory restriction contained</u>	1011
<u>in a rule adopted under this section before the date that is one</u>	1012
<u>year after the effective date of this section is not subject to</u>	1013
<u>sections 121.95 to 121.953 of the Revised Code.</u>	1014
<b>Sec. 3772.13.</b> (A) No person may be employed as a key	1015
employee of a casino operator, management company, or holding	1016
company unless the person is the holder of a valid key employee	1017
license issued by the commission.	1018
(B) No person may be employed as a key employee of a	1019
gaming-related vendor unless that person is either the holder of	1020
a valid key employee license issued by the commission, or the	1021
person, at least five business days prior to the first day of	1022
employment as a key employee, has filed a notification of	1023
employment with the commission and subsequently files a	1024
completed application for a key employee license within the	1025
first thirty days of employment as a key employee.	1026
(C) Each applicant shall, before the issuance of any key	1027
employee license, produce information, documentation, and	1028
assurances as are required by this chapter and rules adopted	1029

thereunder. In addition, each applicant shall, in writing, 1030  
authorize the examination of all bank accounts and records as 1031  
may be deemed necessary by the commission. 1032

(D) To be eligible for a key employee license, the 1033  
applicant shall be at least twenty-one years of age and shall 1034  
meet the criteria set forth by rule by the commission. 1035

(E) Each application for a key employee license shall be 1036  
on a form prescribed by the commission and shall contain all 1037  
information required by the commission. The applicant shall set 1038  
forth in the application if the applicant has been issued prior 1039  
gambling-related licenses; if the applicant has been licensed in 1040  
any other state under any other name, and, if so, the name under 1041  
which the license was issued and the applicant's age at the time 1042  
the license was issued; any criminal conviction the applicant 1043  
has had; and if a permit or license issued to the applicant in 1044  
any other state has been suspended, restricted, or revoked, and, 1045  
if so, the cause and the duration of each action. The applicant 1046  
also shall complete a cover sheet for the application on which 1047  
the applicant shall disclose the applicant's name, the business 1048  
address of the casino operator, management company, holding 1049  
company, or gaming-related vendor employing the applicant, the 1050  
business address and telephone number of such employer, and the 1051  
county, state, and country in which the applicant's residence is 1052  
located. 1053

(F) Each applicant shall submit with each application, on 1054  
a form provided by the commission, two sets of fingerprints. The 1055  
commission shall charge each applicant an application fee set by 1056  
the commission to cover all actual costs generated by each 1057  
licensee and all background checks under this section and 1058  
section 3772.07 of the Revised Code. The application fee shall 1059

be in the following amount: 1060

(1) For an applicant who is a resident of this state, not 1061  
more than one thousand seven hundred fifty dollars; 1062

(2) For an applicant who is not a resident of this state, 1063  
not less than five thousand dollars. 1064

(G) (1) The casino operator, management company, or holding 1065  
company by whom a person is employed as a key employee shall 1066  
terminate the person's employment in any capacity requiring a 1067  
license under this chapter and shall not in any manner permit 1068  
the person to exercise a significant influence over the 1069  
operation of a casino facility if: 1070

(a) The person does not apply for and receive a key 1071  
employee license within three months of being issued a 1072  
provisional license, as established under commission rule. 1073

(b) The person's application for a key employee license is 1074  
denied by the commission. 1075

(c) The person's key employee license is revoked by the 1076  
commission. 1077

The commission shall notify the casino operator, 1078  
management company, or holding company who employs such a person 1079  
by certified mail, personal service, common carrier service 1080  
utilizing any form of delivery requiring a signed receipt or by 1081  
an electronic means that provides evidence of delivery, of any 1082  
such finding, denial, or revocation. 1083

(2) A casino operator, management company, or holding 1084  
company shall not pay to a person whose employment is terminated 1085  
under division (G) (1) of this section, any remuneration for any 1086  
services performed in any capacity in which the person is 1087

required to be licensed, except for amounts due for services 1088  
rendered before notice was received under that division. A 1089  
contract or other agreement for personal services or for the 1090  
conduct of any casino gaming at a casino facility between a 1091  
casino operator, management company, or holding company and a 1092  
person whose employment is terminated under division (G)(1) of 1093  
this section may be terminated by the casino operator, 1094  
management company, or holding company without further liability 1095  
on the part of the casino operator, management company, or 1096  
holding company. Any such contract or other agreement is deemed 1097  
to include a term authorizing its termination without further 1098  
liability on the part of the casino operator, management 1099  
company, or holding company upon receiving notice under division 1100  
(G)(1) of this section. That a contract or other agreement does 1101  
not expressly include such a term is not a defense in any action 1102  
brought to terminate the contract or other agreement, and is not 1103  
grounds for relief in any action brought questioning termination 1104  
of the contract or other agreement. 1105

(3) A casino operator, management company, or holding 1106  
company, without having obtained the prior approval of the 1107  
commission, shall not enter into any contract or other agreement 1108  
with a person who has been found unsuitable, who has been denied 1109  
a license, or whose license has been revoked under division (G) 1110  
(1) of this section, or with any business enterprise under the 1111  
control of such a person, after the date on which the casino 1112  
operator, management company, or holding company receives notice 1113  
under that division. 1114

(H) Notwithstanding the requirements for a license under 1115  
this section, the commission shall issue a key employee license 1116  
in accordance with Chapter 4796. of the Revised Code to an 1117  
applicant if either of the following applies: 1118



(1) The applicant holds a license in another state. 1119

(2) The applicant has satisfactory work experience, a 1120  
government certification, or a private certification as 1121  
described in that chapter as a key employee of a casino 1122  
operator, management company, or holding company in a state that 1123  
does not issue that license. 1124

**Sec. 4104.07.** (A) Except as provided in division (E) of 1125  
this section, an application for examination as an inspector of 1126  
boilers and pressure vessels shall be in writing, accompanied by 1127  
a fee of one hundred ~~fifty~~ dollars, upon a blank to be furnished 1128  
by the superintendent of industrial compliance. Any moneys 1129  
collected under this section shall be paid into the state 1130  
treasury to the credit of the industrial compliance operating 1131  
fund created in section 121.084 of the Revised Code. 1132

(B) The superintendent shall determine if an applicant 1133  
meets all the requirements for examination in accordance with 1134  
rules adopted by the board of building standards under section 1135  
4104.02 of the Revised Code. An application shall be rejected 1136  
which contains any willful falsification, or untruthful 1137  
statements. 1138

(C) An applicant shall be examined by the superintendent, 1139  
by a written examination, prescribed by the board, dealing with 1140  
the construction, installation, operation, maintenance, and 1141  
repair of boilers and pressure vessels and their appurtenances, 1142  
and the applicant shall be accepted or rejected on the merits of 1143  
the applicant's application and examination. 1144

(D) Upon a favorable report by the superintendent of the 1145  
result of an examination, the superintendent shall immediately 1146  
issue to the successful applicant a certificate of competency to 1147

that effect. 1148

(E) The superintendent shall issue a certificate of 1149  
competency in accordance with Chapter 4796. of the Revised Code 1150  
to an applicant if either of the following applies: 1151

(1) The applicant holds a license or certificate in 1152  
another state. 1153

(2) The applicant has satisfactory work experience, a 1154  
government certification, or a private certification as 1155  
described in that chapter as an inspector of boilers and 1156  
pressure vessels in a state that does not issue that license or 1157  
certificate. 1158

**Sec. 4104.08.** (A) The director of commerce may appoint 1159  
from the holders of certificates of competency provided for in 1160  
section 4104.07 of the Revised Code, general inspectors of 1161  
boilers and pressure vessels. 1162

(B) Any company authorized to insure boilers and pressure 1163  
vessels against explosion in this state may designate from 1164  
holders of certificates of competency issued by the 1165  
superintendent of industrial compliance, or holders of 1166  
certificates of competency or commissions issued by other states 1167  
or nations whose examinations for certificates or commissions 1168  
have been approved by the board of building standards, persons 1169  
to inspect and stamp boilers and pressure vessels covered by the 1170  
company's policies, and the superintendent shall issue to such 1171  
persons commissions authorizing them to act as special 1172  
inspectors. Special inspectors shall be compensated by the 1173  
company designating them. 1174

(C) The director shall establish an annual fee to be 1175  
charged by the superintendent for each certificate of competency 1176

or commission the superintendent issues. The director shall not 1177  
establish an annual fee of more than fifty dollars under this 1178  
division. 1179

(D) The superintendent shall issue to each general or 1180  
special inspector a commission to the effect that the holder 1181  
thereof is authorized to inspect boilers and pressure vessels in 1182  
this state. 1183

(E) No person shall be authorized to act as a general 1184  
inspector or a special inspector who is directly or indirectly 1185  
interested in the manufacture or sale of boilers or pressure 1186  
vessels. 1187

**Sec. 4104.18.** (A) The owner or user of a boiler required 1188  
under section 4104.12 of the Revised Code to be inspected upon 1189  
installation, and the owner or user of a boiler for which a 1190  
certificate of inspection has been issued that is replaced with 1191  
an appropriate certificate of operation, shall pay to the 1192  
superintendent of industrial compliance an initial certificate 1193  
of operation fee in the following amount, as applicable: 1194

(1) Fifty dollars for boilers subject to annual 1195  
inspections under section 4104.11 of the Revised Code; 1196

(2) One hundred dollars for boilers subject to biennial 1197  
inspection under section 4104.13 of the Revised Code; 1198

(3) One hundred fifty dollars for boilers subject to 1199  
triennial inspection under section 4104.11 of the Revised Code; 1200

(4) Two hundred fifty dollars for boilers subject to 1201  
quinquennial inspection under section 4104.13 of the Revised 1202  
Code. 1203

(B) The owner or user of a boiler required under section 1204

4104.12 of the Revised Code to be inspected upon installation, 1205  
and the owner or user of a boiler for which a certificate of 1206  
inspection has been issued that is replaced with an appropriate 1207  
certificate of operation, shall pay to the superintendent of 1208  
industrial compliance an annual certificate of operation renewal 1209  
fee in the following amount, as applicable: 1210

(1) Fifty dollars for boilers subject to annual 1211  
inspections under section 4101.11 of the Revised Code; 1212

(2) One hundred dollars for boilers subject to biennial 1213  
inspections under section 4104.13 of the Revised Code; 1214

(3) One hundred fifty dollars for boilers subject to 1215  
triennial inspections under section 4104.11 of the Revised Code; 1216

(4) Two hundred fifty dollars for boilers subject to 1217  
quinquennial inspections under section 4104.13 of the Revised 1218  
Code. 1219

(C) The fee for complete inspection during construction by 1220  
a general inspector on boilers and pressure vessels manufactured 1221  
within the state shall be thirty-five dollars per hour. Boiler 1222  
and pressure vessel manufacturers other than those located in 1223  
the state may secure inspection by a general inspector on work 1224  
during construction, upon application to the superintendent, and 1225  
upon payment of a fee of thirty-five dollars per hour, plus the 1226  
necessary traveling and hotel expenses incurred by the 1227  
inspector. 1228

(D) The application fee for applicants for steam engineer, 1229  
high pressure boiler operator, or low pressure boiler operator 1230  
licenses is ~~seventy-five~~ twenty-five dollars. The fee for each 1231  
original or renewal steam engineer, high pressure boiler 1232  
operator, or low pressure boiler operator license is fifty 1233

dollars. 1234

(E) ~~The~~ Except as otherwise provided in this division, the 1235  
superintendent of industrial compliance, by rule adopted in 1236  
accordance with Chapter 119. of the Revised Code, may increase 1237  
the fees required by this section and may establish fees to pay 1238  
the costs of the division to fulfill its duties established by 1239  
this chapter. The fees shall bear some reasonable relationship 1240  
to the cost of administering and enforcing the provisions of 1241  
this chapter. The superintendent shall not adopt a rule 1242  
increasing the application fee for steam engineer, high pressure 1243  
boiler operator, or low pressure boiler operator licenses. 1244

(F) Any moneys collected under this section shall be paid 1245  
into the state treasury to the credit of the industrial 1246  
compliance operating fund created in section 121.084 of the 1247  
Revised Code. 1248

~~(F)~~ (G) Any person who fails to pay an invoiced renewal 1249  
fee or an invoiced inspection fee required for any inspection 1250  
conducted by the division of industrial compliance pursuant to 1251  
this chapter within forty-five days of the invoice date shall 1252  
pay a late payment fee equal to twenty-five per cent of the 1253  
invoiced fee. 1254

~~(G)~~ (H) In addition to the fees assessed in divisions (A), 1255  
(B), and (C) of this section, the board of building standards 1256  
shall assess the owner or user a fee of three dollars and 1257  
twenty-five cents for each certificate of operation or renewal 1258  
thereof issued under divisions (A) and (B) of this section and 1259  
for each inspection conducted under division (C) of this 1260  
section. The board shall adopt rules, in accordance with Chapter 1261  
119. of the Revised Code, specifying the manner by which the 1262  
superintendent shall collect and remit to the board the fees 1263

assessed under this division and requiring that remittance of 1264  
the fees be made at least quarterly. 1265

**Sec. 4508.04.** ~~(A)~~(A) (1) No person shall act as a driver 1266  
training instructor, and no person shall act as a driver 1267  
training instructor for persons with disabilities, unless such 1268  
person applies for and obtains from the director of public 1269  
safety a license in the manner and form prescribed by the 1270  
director. The director shall provide by rule for instructors' 1271  
license requirements including physical condition, knowledge of 1272  
the courses of instruction, motor vehicle laws and safety 1273  
principles, previous personal and employment records, and such 1274  
other matters as the director may prescribe for the protection 1275  
of the public. Driver training instructors for persons with 1276  
disabilities shall meet such additional requirements and receive 1277  
such additional classroom and practical instruction as the 1278  
director shall prescribe by rule. 1279

(2) On and after the effective date of this amendment, the 1280  
director shall not require a license to practice as a commercial 1281  
training manager or a driver training manager. Any commercial 1282  
training manager license or driver training manager license that 1283  
was issued prior to the effective date of this amendment remains 1284  
valid only until the expiration date of the license. The license 1285  
shall not be renewed. 1286

(B) The director may issue a license under this section to 1287  
a person convicted of a disqualifying offense as determined in 1288  
accordance with section 9.79 of the Revised Code. 1289

(C) No person shall knowingly make a false statement on a 1290  
license application submitted under this section. 1291

(D) Upon successful completion of all requirements for an 1292

initial instructor license, the director shall issue an 1293  
applicant a probationary license, which expires one hundred 1294  
eighty days from the date of issuance. In order to receive a 1295  
driver training instructor license, a person issued a 1296  
probationary license shall pass an assessment prescribed in 1297  
rules adopted by the director pursuant to section 4508.02 of the 1298  
Revised Code. The person shall pass the assessment prior to 1299  
expiration of the probationary license. If the person fails to 1300  
pass the assessment, or fails to meet any standards required for 1301  
a driver training instructor license, the director may extend 1302  
the expiration date of the person's probationary license. Upon 1303  
successful completion of the assessment and approval of the 1304  
director, the director shall issue to the person a driver 1305  
training instructor license. 1306

(E) Notwithstanding the requirements for a license issued 1307  
under this section, the board shall issue a license in 1308  
accordance with Chapter 4796. of the Revised Code to a person if 1309  
either of the following applies: 1310

(1) The person holds a license in another state. 1311

(2) The person has satisfactory work experience, a 1312  
government certification, or a private certification as 1313  
described in that chapter as a driver training instructor in a 1314  
state that does not issue that license. 1315

(F) (1) Whoever violates division (A) of this section is 1316  
guilty of acting as a driver training instructor without a valid 1317  
license, a misdemeanor of the first degree. 1318

(2) Whoever violates division (C) of this section may be 1319  
charged with falsification under section 2921.13 of the Revised 1320  
Code. 1321

**Sec. 4513.241.** (A) The director of public safety, in 1322  
accordance with Chapter 119. of the Revised Code, shall adopt 1323  
rules governing the use of tinted glass, and the use of 1324  
transparent, nontransparent, translucent, and reflectorized 1325  
materials in or on motor vehicle windshields, side windows, 1326  
sidewings, and rear windows that prevent a person of normal 1327  
vision looking into the motor vehicle from seeing or identifying 1328  
persons or objects inside the motor vehicle. 1329

(B) The rules adopted under this section may provide for 1330  
persons who meet either of the following qualifications: 1331

(1) On November 11, 1994, or the effective date of any 1332  
rule adopted under this section, own a motor vehicle that does 1333  
not conform to the requirements of this section or of any rule 1334  
adopted under this section; 1335

(2) Establish residency in this state and are required to 1336  
register a motor vehicle that does not conform to the 1337  
requirements of this section or of any rule adopted under this 1338  
section. 1339

(C) No person shall operate, on any highway or other 1340  
public or private property open to the public for vehicular 1341  
travel or parking, lease, or rent any motor vehicle that is 1342  
registered in this state unless the motor vehicle conforms to 1343  
the requirements of this section and of any applicable rule 1344  
adopted under this section. 1345

(D) No person shall install in or on any motor vehicle, 1346  
any glass or other material that fails to conform to the 1347  
requirements of this section or of any rule adopted under this 1348  
section. 1349

(E) (1) No used motor vehicle dealer or new motor vehicle 1350



dealer, as defined in section 4517.01 of the Revised Code, shall 1351  
sell any motor vehicle that fails to conform to the requirements 1352  
of this section or of any rule adopted under this section. 1353

(2) No manufacturer, remanufacturer, or distributor, as 1354  
defined in section 4517.01 of the Revised Code, shall provide to 1355  
a motor vehicle dealer licensed under Chapter 4517. of the 1356  
Revised Code or to any other person, a motor vehicle that fails 1357  
to conform to the requirements of this section or of any rule 1358  
adopted under this section. 1359

(F) No reflectorized materials shall be permitted upon or 1360  
in any front windshield, side windows, sidewings, or rear 1361  
window. 1362

(G) This section does not apply to the manufacturer's 1363  
tinting or glazing of motor vehicle windows or windshields that 1364  
is otherwise in compliance with or permitted by federal motor 1365  
vehicle safety standard number two hundred five. 1366

(H) With regard to any side window behind a driver's seat 1367  
or any rear window other than any window on an emergency door, 1368  
this section does not apply to any school bus used to transport 1369  
a child with disabilities pursuant to Chapter 3323. of the 1370  
Revised Code, whom it is impossible or impractical to transport 1371  
by regular school bus in the course of regular route 1372  
transportation provided by a school district. As used in this 1373  
division, "child with disabilities" has the same meaning as in 1374  
section 3323.01 of the Revised Code. 1375

(I) This section does not apply to any school bus that is 1376  
to be sold and operated outside this state. 1377

(J) (1) This section and the rules adopted under it do not 1378  
apply to a motor vehicle used by a law enforcement agency under 1379

either of the following circumstances: 1380

(a) The vehicle does not have distinctive markings of a 1381  
law enforcement vehicle but is operated by or on behalf of the 1382  
law enforcement agency in an authorized investigation or other 1383  
activity requiring that the presence and identity of the vehicle 1384  
occupants be undisclosed. 1385

(b) The vehicle primarily is used by the law enforcement 1386  
canine unit for transporting a police dog. 1387

(2) As used in this division, "law enforcement agency" 1388  
means a police department, the office of a sheriff, the state 1389  
highway patrol, a county prosecuting attorney, or a federal, 1390  
state, or local governmental body that enforces criminal laws 1391  
and that has employees who have a statutory power of arrest. 1392

(K) (1) Whoever violates division (C), (E) (2), or (F) of 1393  
this section is guilty of a minor misdemeanor. 1394

(2) Whoever violates division (E) (1) of this section is 1395  
guilty of a minor misdemeanor if the dealer or the dealer's 1396  
agent knew of the nonconformity at the time of sale. 1397

(3) (a) Whoever violates division (D) of this section is 1398  
guilty of a misdemeanor of the fourth degree, except that an 1399  
organization may not be convicted unless the act of installation 1400  
was authorized by the board of directors, trustees, partners, or 1401  
by a high managerial officer acting on behalf of the 1402  
organization, and installation was performed by an employee of 1403  
the organization acting within the scope of the person's 1404  
employment. 1405

(b) In addition to any other penalty imposed under this 1406  
section, whoever violates division (D) of this section is liable 1407  
in a civil action to the owner of a motor vehicle on which was 1408

installed the nonconforming glass or material for any damages 1409  
incurred by that person as a result of the installation of the 1410  
nonconforming glass or material, costs of maintaining the civil 1411  
action, and attorney fees. 1412

(c) In addition to any other penalty imposed under this 1413  
section, if the offender previously has been convicted of or 1414  
pleaded guilty to a violation of division (D) of this section 1415  
and the offender is ~~a motor vehicle repair operator registered~~ 1416  
~~under Chapter 4775. of the Revised Code or a motor vehicle~~ 1417  
dealer licensed under Chapter 4517. of the Revised Code, whoever 1418  
violates division (D) of this section is subject to a 1419  
~~registration or license suspension, as applicable,~~ for a period 1420  
of not more than one hundred eighty days. 1421

(L) (1) Every county court judge, mayor of a mayor's court, 1422  
and clerk of a court of record shall keep a full record of every 1423  
case in which a person is charged with any violation of this 1424  
section. If a person is convicted of or forfeits bail in 1425  
relation to a violation of division (D) of this section, the 1426  
county court judge, mayor of a mayor's court, or clerk, within 1427  
ten days after the conviction or bail forfeiture, shall prepare 1428  
and immediately forward to ~~the motor vehicle repair board and~~ 1429  
the motor vehicle dealers board, an abstract, certified by the 1430  
preparer to be true and correct, of the court record covering 1431  
the case in which the person was convicted or forfeited bail. 1432

(2) The ~~motor vehicle repair board and the motor vehicle~~ 1433  
dealers board ~~each~~ shall keep and maintain all abstracts 1434  
received under this section. Within ten days after receipt of an 1435  
abstract, ~~each the board, respectively,~~ shall determine whether 1436  
the person named in the abstract is ~~registered or licensed~~ with 1437  
the board and, if the person is so ~~registered or licensed,~~ shall 1438

proceed in accordance with section ~~4775.09~~ or 4517.33 of the 1439  
Revised Code, ~~as applicable,~~ and determine whether the person's 1440  
~~registration or~~ license is to be suspended for a period of not 1441  
more than one hundred eighty days. 1442

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of 1443  
the Revised Code: 1444

(A) "Persons" includes individuals, partnerships, 1445  
associations, joint stock companies, corporations, sole 1446  
proprietorships, limited liability companies, limited liability 1447  
partnerships, business trusts, and any other legally recognized 1448  
business entities or any combinations of individuals. 1449

(B) "Motor vehicle" means motor vehicle as defined in 1450  
section 4501.01 of the Revised Code and also includes "all- 1451  
purpose vehicle" and "off-highway motorcycle" as those terms are 1452  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 1453  
does not include a snowmobile as defined in section 4519.01 of 1454  
the Revised Code or manufactured and mobile homes. 1455

(C) "New motor vehicle" means a motor vehicle, the legal 1456  
title to which has never been transferred by a manufacturer, 1457  
remanufacturer, distributor, or dealer to an ultimate purchaser. 1458

(D) "Ultimate purchaser" means, with respect to any new 1459  
motor vehicle, the first person, other than a dealer purchasing 1460  
in the capacity of a dealer, who in good faith purchases such 1461  
new motor vehicle for purposes other than resale. 1462

(E) "Business" includes any activities engaged in by any 1463  
person for the object of gain, benefit, or advantage either 1464  
direct or indirect, including activities conducted through the 1465  
internet or another computer network. 1466

(F) "Engaging in business" means commencing, conducting, 1467

or continuing in business, or liquidating a business when the 1468  
liquidator thereof holds self out to be conducting such 1469  
business; making a casual sale or otherwise making transfers in 1470  
the ordinary course of business when the transfers are made in 1471  
connection with the disposition of all or substantially all of 1472  
the transferor's assets is not engaging in business. 1473

(G) "Retail sale" or "selling at retail" means the act or 1474  
attempted act of selling, bartering, exchanging, or otherwise 1475  
disposing of a motor vehicle, including through use of the 1476  
internet or another computer network, to an ultimate purchaser 1477  
for use as a consumer. 1478

(H) "Retail installment contract" includes any contract in 1479  
the form of a note, chattel mortgage, conditional sales 1480  
contract, lease, agreement, or other instrument payable in one 1481  
or more installments over a period of time and arising out of 1482  
the retail sale of a motor vehicle. 1483

(I) "Farm machinery" means all machines and tools used in 1484  
the production, harvesting, and care of farm products. 1485

(J) "Dealer" or "motor vehicle dealer" means any new motor 1486  
vehicle dealer, any motor vehicle leasing dealer, and any used 1487  
motor vehicle dealer. 1488

(K) "New motor vehicle dealer" means any person engaged in 1489  
the business of selling at retail, displaying, offering for 1490  
sale, or dealing in new motor vehicles pursuant to a contract or 1491  
agreement entered into with the manufacturer, remanufacturer, or 1492  
distributor of the motor vehicles. 1493

(L) "Used motor vehicle dealer" means any person engaged 1494  
in the business of selling, displaying, offering for sale, or 1495  
dealing in used motor vehicles, at retail or wholesale, but does 1496

not mean any new motor vehicle dealer selling, displaying, 1497  
offering for sale, or dealing in used motor vehicles 1498  
incidentally to engaging in the business of selling, displaying, 1499  
offering for sale, or dealing in new motor vehicles, any person 1500  
engaged in the business of dismantling, salvaging, or rebuilding 1501  
motor vehicles by means of using used parts, or any public 1502  
officer performing official duties. 1503

(M) "Motor vehicle leasing dealer" means any person 1504  
engaged in the business of regularly making available, offering 1505  
to make available, or arranging for another person to use a 1506  
motor vehicle pursuant to a bailment, lease, sublease, or other 1507  
contractual arrangement under which a charge is made for its use 1508  
at a periodic rate for a term of thirty days or more, and title 1509  
to the motor vehicle is in and remains in the motor vehicle 1510  
leasing dealer who originally leases it, irrespective of whether 1511  
or not the motor vehicle is the subject of a later sublease, and 1512  
not in the user, including any financial institution acting as a 1513  
lessor for a lease or sublease. "Motor vehicle leasing dealer" 1514  
does not include a new motor vehicle dealer that is not the 1515  
lessor and that only assists in arranging a lease on the 1516  
lessor's behalf or a manufacturer or its affiliate leasing to 1517  
its employees or to dealers. 1518

(N) "Salesperson" means any person employed by a dealer to 1519  
sell, display, and offer for sale, or deal in motor vehicles for 1520  
a commission, compensation, or other valuable consideration, but 1521  
does not mean any public officer performing official duties. 1522

(O) "Casual sale" means any transfer of a motor vehicle by 1523  
a person other than a new motor vehicle dealer, used motor 1524  
vehicle dealer, motor vehicle salvage dealer, as defined in 1525  
division (A) of section 4738.01 of the Revised Code, 1526

salesperson, motor vehicle auction owner, manufacturer, or 1527  
distributor acting in the capacity of a dealer, salesperson, 1528  
auction owner, manufacturer, or distributor, to a person who 1529  
purchases the motor vehicle for use as a consumer. 1530

(P) "Motor vehicle auction owner" means any person who is 1531  
engaged wholly or in part in the business of auctioning motor 1532  
vehicles, ~~but does not mean a construction equipment auctioneer~~ 1533  
~~or a construction equipment auction licensee.~~ 1534

(Q) "Manufacturer" means a person who manufactures, 1535  
assembles, or imports motor vehicles, including motor homes, but 1536  
does not mean a person who only assembles or installs a body, 1537  
special equipment unit, finishing trim, or accessories on a 1538  
motor vehicle chassis supplied by a manufacturer or distributor. 1539

(R) "Tent-type fold-out camping trailer" means any vehicle 1540  
intended to be used, when stationary, as a temporary shelter 1541  
with living and sleeping facilities, and that is subject to the 1542  
following properties and limitations: 1543

(1) A minimum of twenty-five per cent of the fold-out 1544  
portion of the top and sidewalls combined must be constructed of 1545  
canvas, vinyl, or other fabric, and form an integral part of the 1546  
shelter. 1547

(2) When folded, the unit must not exceed: 1548

(a) Fifteen feet in length, exclusive of bumper and 1549  
tongue; 1550

(b) Sixty inches in height from the point of contact with 1551  
the ground; 1552

(c) Eight feet in width; 1553

(d) One ton gross weight at time of sale. 1554

(S) "Distributor" means any person authorized by a motor  
vehicle manufacturer to distribute new motor vehicles to  
licensed new motor vehicle dealers, but does not mean a person  
who only assembles or installs a body, special equipment unit,  
finishing trim, or accessories on a motor vehicle chassis  
supplied by a manufacturer or distributor.

(T) "Flea market" means a market place, other than a  
dealer's location licensed under this chapter, where a space or  
location is provided for a fee or compensation to a seller to  
exhibit and offer for sale or trade, motor vehicles to the  
general public.

(U) "Franchise" means any written agreement, contract, or  
understanding between any motor vehicle manufacturer or  
remanufacturer engaged in commerce and any motor vehicle dealer  
that purports to fix the legal rights and liabilities of the  
parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor  
vehicles from the franchisor under a franchise agreement and who  
offers, sells, and provides service for such new motor vehicles  
to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer,  
remanufacturer, or distributor who supplies new motor vehicles  
under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade  
association the membership of which is comprised predominantly  
of new motor vehicle dealers.

(Y) "Factory representative" means a representative  
employed by a manufacturer, remanufacturer, or by a factory  
branch primarily for the purpose of promoting the sale of its



motor vehicles, parts, or accessories to dealers or for 1584  
supervising or contacting its dealers or prospective dealers. 1585

(Z) "Administrative or executive management" means those 1586  
individuals who are not subject to federal wage and hour laws. 1587

(AA) "Good faith" means honesty in the conduct or 1588  
transaction concerned and the observance of reasonable 1589  
commercial standards of fair dealing in the trade as is defined 1590  
in section 1301.201 of the Revised Code, including, but not 1591  
limited to, the duty to act in a fair and equitable manner so as 1592  
to guarantee freedom from coercion, intimidation, or threats of 1593  
coercion or intimidation; provided however, that recommendation, 1594  
endorsement, exposition, persuasion, urging, or argument shall 1595  
not be considered to constitute a lack of good faith. 1596

(BB) "Coerce" means to compel or attempt to compel by 1597  
failing to act in good faith or by threat of economic harm, 1598  
breach of contract, or other adverse consequences. Coerce does 1599  
not mean to argue, urge, recommend, or persuade. 1600

(CC) "Relevant market area" means any area within a radius 1601  
of ten miles from the site of a potential new dealership, except 1602  
that for manufactured home or recreational vehicle dealerships 1603  
the radius shall be twenty-five miles. The ten-mile radius shall 1604  
be measured from the dealer's established place of business that 1605  
is used exclusively for the purpose of selling, displaying, 1606  
offering for sale, or dealing in motor vehicles. 1607

(DD) "Wholesale" or "at wholesale" means the act or 1608  
attempted act of selling, bartering, exchanging, or otherwise 1609  
disposing of a motor vehicle to a transferee for the purpose of 1610  
resale and not for ultimate consumption by that transferee. 1611

(EE) "Motor vehicle wholesaler" means any person licensed 1612

as a dealer under the laws of another state and engaged in the 1613  
business of selling, displaying, or offering for sale used motor 1614  
vehicles, at wholesale, but does not mean any motor vehicle 1615  
dealer as defined in this section. 1616

(FF) (1) "Remanufacturer" means a person who assembles or 1617  
installs passenger seating, walls, a roof elevation, or a body 1618  
extension on a conversion van with the motor vehicle chassis 1619  
supplied by a manufacturer or distributor, a person who modifies 1620  
a truck chassis supplied by a manufacturer or distributor for 1621  
use as a public safety or public service vehicle, a person who 1622  
modifies a motor vehicle chassis supplied by a manufacturer or 1623  
distributor for use as a limousine or hearse, or a person who 1624  
modifies an incomplete motor vehicle cab and chassis supplied by 1625  
a new motor vehicle dealer or distributor for use as a tow 1626  
truck, but does not mean either of the following: 1627

(a) A person who assembles or installs passenger seating, 1628  
a roof elevation, or a body extension on a recreational vehicle 1629  
as defined in division (Q) and referred to in division (B) of 1630  
section 4501.01 of the Revised Code; 1631

(b) A person who assembles or installs equipment or 1632  
accessories for a person with a disability that limits or 1633  
impairs the ability to walk, as defined in section 4503.44 of 1634  
the Revised Code, upon a motor vehicle chassis supplied by a 1635  
manufacturer or distributor. 1636

(2) For the purposes of division (FF) (1) of this section, 1637  
"public safety vehicle or public service vehicle" means a fire 1638  
truck, ambulance, school bus, street sweeper, garbage packing 1639  
truck, or cement mixer, or a mobile self-contained facility 1640  
vehicle. 1641

(3) For the purposes of division (FF)(1) of this section, 1642  
"limousine" means a motor vehicle, designed only for the purpose 1643  
of carrying nine or fewer passengers, that a person modifies by 1644  
cutting the original chassis, lengthening the wheelbase by forty 1645  
inches or more, and reinforcing the chassis in such a way that 1646  
all modifications comply with all applicable federal motor 1647  
vehicle safety standards. No person shall qualify as or be 1648  
deemed to be a remanufacturer who produces limousines unless the 1649  
person has a written agreement with the manufacturer of the 1650  
chassis the person utilizes to produce the limousines to 1651  
complete properly the remanufacture of the chassis into 1652  
limousines. 1653

(4) For the purposes of division (FF)(1) of this section, 1654  
"hearse" means a motor vehicle, designed only for the purpose of 1655  
transporting a single casket, that is equipped with a 1656  
compartment designed specifically to carry a single casket that 1657  
a person modifies by cutting the original chassis, lengthening 1658  
the wheelbase by ten inches or more, and reinforcing the chassis 1659  
in such a way that all modifications comply with all applicable 1660  
federal motor vehicle safety standards. No person shall qualify 1661  
as or be deemed to be a remanufacturer who produces hearses 1662  
unless the person has a written agreement with the manufacturer 1663  
of the chassis the person utilizes to produce the hearses to 1664  
complete properly the remanufacture of the chassis into hearses. 1665

(5) For the purposes of division (FF)(1) of this section, 1666  
"mobile self-contained facility vehicle" means a mobile 1667  
classroom vehicle, mobile laboratory vehicle, bookmobile, 1668  
bloodmobile, testing laboratory, and mobile display vehicle, 1669  
each of which is designed for purposes other than for passenger 1670  
transportation and other than the transportation or displacement 1671  
of cargo, freight, materials, or merchandise. A vehicle is 1672

remanufactured into a mobile self-contained facility vehicle in 1673  
part by the addition of insulation to the body shell, and 1674  
installation of all of the following: a generator, electrical 1675  
wiring, plumbing, holding tanks, doors, windows, cabinets, 1676  
shelving, and heating, ventilating, and air conditioning 1677  
systems. 1678

(6) For the purposes of division (FF)(1) of this section, 1679  
"tow truck" means both of the following: 1680

(a) An incomplete cab and chassis that are purchased by a 1681  
remanufacturer from a new motor vehicle dealer or distributor of 1682  
the cab and chassis and on which the remanufacturer then 1683  
installs in a permanent manner a wrecker body it purchases from 1684  
a manufacturer or distributor of wrecker bodies, installs an 1685  
emergency flashing light pylon and emergency lights upon the 1686  
mast of the wrecker body or rooftop, and installs such other 1687  
related accessories and equipment, including push bumpers, front 1688  
grille guards with pads and other custom-ordered items such as 1689  
painting, special lettering, and safety striping so as to create 1690  
a complete motor vehicle capable of lifting and towing another 1691  
motor vehicle. 1692

(b) An incomplete cab and chassis that are purchased by a 1693  
remanufacturer from a new motor vehicle dealer or distributor of 1694  
the cab and chassis and on which the remanufacturer then 1695  
installs in a permanent manner a car carrier body it purchases 1696  
from a manufacturer or distributor of car carrier bodies, 1697  
installs an emergency flashing light pylon and emergency lights 1698  
upon the rooftop, and installs such other related accessories 1699  
and equipment, including push bumpers, front grille guards with 1700  
pads and other custom-ordered items such as painting, special 1701  
lettering, and safety striping. 1702

As used in division (FF) (6) (b) of this section, "car  
carrier body" means a mechanical or hydraulic apparatus capable  
of lifting and holding a motor vehicle on a flat level surface  
so that one or more motor vehicles can be transported, once the  
car carrier is permanently installed upon an incomplete cab and  
chassis.

(GG) "Operate as a new motor vehicle dealership" means  
engaging in activities such as displaying, offering for sale,  
and selling new motor vehicles at retail, operating a service  
facility to perform repairs and maintenance on motor vehicles,  
offering for sale and selling motor vehicle parts at retail, and  
conducting all other acts that are usual and customary to the  
operation of a new motor vehicle dealership. For the purposes of  
this chapter only, possession of either a valid new motor  
vehicle dealer franchise agreement or a new motor vehicle  
dealers license, or both of these items, is not evidence that a  
person is operating as a new motor vehicle dealership.

(HH) "Outdoor power equipment" means garden and small  
utility tractors, walk-behind and riding mowers, chainsaws, and  
tillers.

(II) "Remote service facility" means premises that are  
separate from a licensed new motor vehicle dealer's sales  
facility by not more than one mile and that are used by the  
dealer to perform repairs, warranty work, recall work, and  
maintenance on motor vehicles pursuant to a franchise agreement  
entered into with a manufacturer of motor vehicles. A remote  
service facility shall be deemed to be part of the franchise  
agreement and is subject to all the rights, duties, obligations,  
and requirements of Chapter 4517. of the Revised Code that  
relate to the performance of motor vehicle repairs, warranty

work, recall work, and maintenance work by new motor vehicle 1733  
dealers. 1734

(JJ) "Recreational vehicle" has the same meaning as in 1735  
section 4501.01 of the Revised Code. 1736

~~(KK) "Construction equipment auctioneer" means a person 1737  
who holds both a valid auction firm license issued under Chapter 1738  
4707. of the Revised Code and a valid construction equipment 1739  
auction license issued under this chapter. 1740~~

~~(LL) "Large construction or transportation equipment" 1741  
means vehicles having a gross vehicle weight rating of more than 1742  
ten thousand pounds and includes road rollers, traction engines, 1743  
power shovels, power cranes, commercial cars and trucks, or farm 1744  
trucks, and other similar vehicles obtained primarily from the 1745  
construction, mining, transportation or farming industries. 1746~~

~~(MM) "Local market conditions" includes, but is not 1747  
limited to: 1748~~

(1) Demographics in the franchisee's area; 1749

(2) Geographical and market characteristics in the 1750  
franchisee's area; 1751

(3) Local economic circumstances; 1752

(4) The proximity of other motor vehicle dealers of the 1753  
same line-make; 1754

(5) The proximity of motor vehicle manufacturing 1755  
facilities; 1756

(6) The buying patterns of motor vehicle purchasers; 1757

(7) Customer drive time and drive distance. 1758

~~(NN) (LL) "Established place of business" means a 1759~~

permanent, enclosed building or structure that meets all of the 1760  
following requirements: 1761

(1) It is either owned, leased, or rented by the motor 1762  
vehicle dealer. 1763

(2) It meets local zoning or municipal requirements. 1764

(3) It is regularly occupied by at least one person. 1765

(4) It is easily accessible to the public. 1766

(5) The records and files necessary to conduct the 1767  
business are generally kept and maintained at the location or 1768  
are readily accessible and available for reasonable inspection 1769  
from the location. 1770

"Established place of business" does not mean a residence, 1771  
tent, temporary stand, storage shed, lot, or any temporary 1772  
quarters, unless authorized by the registrar of motor vehicles. 1773

**Sec. 4517.02.** (A) Except as otherwise provided in this 1774  
section, no person shall do any of the following: 1775

(1) Engage in the business of displaying or selling at 1776  
retail new motor vehicles or assume to engage in that business, 1777  
unless the person is licensed as a new motor vehicle dealer 1778  
under sections 4517.01 to 4517.45 of the Revised Code, or is a 1779  
salesperson ~~licensed under those sections and~~ employed by a 1780  
licensed new motor vehicle dealer; 1781

(2) Engage in the business of offering for sale, 1782  
displaying for sale, or selling at retail or wholesale used 1783  
motor vehicles or assume to engage in that business, unless the 1784  
person is licensed as a dealer under sections 4517.01 to 4517.45 1785  
of the Revised Code, or is a salesperson ~~licensed under those~~ 1786  
~~sections and~~ employed by a licensed used motor vehicle dealer or 1787

licensed new motor vehicle dealer, ~~or the person holds a~~ 1788  
~~construction equipment auction license issued under section~~ 1789  
~~4517.17 of the Revised Code;~~ 1790

(3) Engage in the business of regularly making available, 1791  
offering to make available, or arranging for another person to 1792  
use a motor vehicle, in the manner described in division (M) of 1793  
section 4517.01 of the Revised Code, unless the person is 1794  
licensed as a motor vehicle leasing dealer under sections 1795  
4517.01 to 4517.45 of the Revised Code; 1796

(4) Engage in the business of motor vehicle auctioning or 1797  
assume to engage in that business, unless the person is licensed 1798  
as a motor vehicle auction owner under sections 4517.01 to 1799  
4517.45 of the Revised Code and the person uses an auctioneer 1800  
who is licensed under Chapter 4707. of the Revised Code to 1801  
conduct the motor vehicle auctions ~~or the person holds a~~ 1802  
~~construction equipment auction license issued under section~~ 1803  
~~4517.17 of the Revised Code;~~ 1804

(5) Engage in the business of distributing motor vehicles 1805  
or assume to engage in that business, unless the person is 1806  
licensed as a distributor under sections 4517.01 to 4517.45 of 1807  
the Revised Code; 1808

(6) Make more than five casual sales of motor vehicles in 1809  
a twelve-month period, commencing with the day of the month in 1810  
which the first such sale is made, nor provide a location or 1811  
space for the sale of motor vehicles at a flea market, without 1812  
obtaining a license as a dealer under sections 4517.01 to 1813  
4517.45 of the Revised Code, provided that nothing in this 1814  
section shall be construed to prohibit the disposition without a 1815  
license of a motor vehicle originally acquired and held for 1816  
purposes other than sale, rental, or lease to an employee, 1817



retiree, officer, or director of the person making the 1818  
disposition, to a corporation affiliated with the person making 1819  
the disposition, or to a person licensed under sections 4517.01 1820  
to 4517.45 of the Revised Code, 1821

~~(7) Engage in the business of auctioning both large 1822  
construction or transportation equipment and also motor vehicles 1823  
incident thereto, unless the person is a construction equipment 1824  
auctioneer or the person is licensed as a motor vehicle auction 1825  
owner and the person uses an auctioneer who is licensed under 1826  
Chapter 4707. of the Revised Code to conduct the auction. 1827~~

(B) Nothing in this section shall be construed to require 1828  
an auctioneer licensed under sections 4707.01 to 4707.19 of the 1829  
Revised Code, ~~to obtain a motor vehicle salesperson's license 1830  
under sections 4517.01 to 4517.45 of the Revised Code when 1831  
conducting an auction sale for a licensed motor vehicle dealer 1832  
on the dealer's premises, or when conducting an auction sale for 1833  
a licensed motor vehicle auction owner, nor shall such an 1834  
auctioneer be required to obtain a motor vehicle auction owner's 1835  
license under sections 4517.01 to 4517.45 of the Revised Code 1836  
when engaged in auctioning for a licensed motor vehicle auction 1837  
owner. 1838~~

~~The establishment of a construction equipment auction 1839  
license by Am. Sub. H.B. 114 of the 129th general assembly shall 1840  
not in any way modify, limit, or restrict in any manner the 1841  
conduct of auctions by persons licensed under Chapter 4707. of 1842  
the Revised Code who are acting in compliance with that chapter. 1843~~

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 1844  
apply to any of the following: 1845

(1) Persons engaging in the business of selling commercial 1846

tractors, trailers, or semitrailers incidentally to engaging 1847  
primarily in business other than the selling or leasing of motor 1848  
vehicles; 1849

(2) Mortgagees selling at retail only those motor vehicles 1850  
that have come into their possession by a default in the terms 1851  
of a mortgage contract; 1852

(3) The leasing, rental, and interchange of motor vehicles 1853  
used directly in the rendition of a public utility service by 1854  
regulated motor carriers. 1855

(D) When a partnership licensed under sections 4517.01 to 1856  
4517.45 of the Revised Code is dissolved by death, the surviving 1857  
partners may operate under the license for a period of sixty 1858  
days, and the heirs or representatives of deceased persons and 1859  
receivers or trustees in bankruptcy appointed by any competent 1860  
authority may operate under the license of the person succeeded 1861  
in possession by that heir, representative, receiver, or trustee 1862  
in bankruptcy. 1863

(E) No remanufacturer shall engage in the business of 1864  
selling at retail any new motor vehicle without having written 1865  
authority from the manufacturer or distributor of the vehicle to 1866  
sell new motor vehicles and to perform repairs under the terms 1867  
of the manufacturer's or distributor's new motor vehicle 1868  
warranty, unless, at the time of the sale of the vehicle, each 1869  
customer is furnished with a binding agreement ensuring that the 1870  
customer has the right to have the vehicle serviced or repaired 1871  
by a new motor vehicle dealer who is franchised to sell and 1872  
service vehicles of the same line-make as the chassis of the 1873  
remanufactured vehicle purchased by the customer and whose 1874  
service or repair facility is located within either twenty miles 1875  
of the remanufacturer's location and place of business or twenty 1876

miles of the customer's residence or place of business. If there 1877  
is no such new motor vehicle dealer located within twenty miles 1878  
of the remanufacturer's location and place of business or the 1879  
customer's residence or place of business, the binding agreement 1880  
furnished to the customer may be with the new motor vehicle 1881  
dealer who is franchised to sell and service vehicles of the 1882  
same line-make as the chassis of the remanufactured vehicle 1883  
purchased by the customer and whose service or repair facility 1884  
is located nearest to the remanufacturer's location and place of 1885  
business or the customer's residence or place of business. 1886  
Additionally, at the time of sale of any vehicle, each customer 1887  
of the remanufacturer shall be furnished with a warranty issued 1888  
by the remanufacturer for a term of at least one year. 1889

(F) Except as otherwise provided in this division, whoever 1890  
violates this section is guilty of a minor misdemeanor and shall 1891  
be subject to a mandatory fine of one hundred dollars. If the 1892  
offender previously has been convicted of or pleaded guilty to a 1893  
violation of this section, whoever violates this section is 1894  
guilty of a misdemeanor of the first degree and shall be subject 1895  
to a mandatory fine of one thousand dollars. 1896

**Sec. 4517.04.** Each person applying for a new motor vehicle 1897  
dealer's license shall biennially make out and deliver to the 1898  
registrar of motor vehicles, before the first day of April, and 1899  
upon a blank to be furnished by the registrar for that purpose, 1900  
a separate application for license for each county in which the 1901  
business of selling new motor vehicles is to be conducted. The 1902  
application shall be in the form prescribed by the registrar, 1903  
shall be signed and sworn to by the applicant, and, in addition 1904  
to any other information required by the registrar, shall 1905  
include the following: 1906

(A) Name of applicant and location of principal place of business;	1907 1908
(B) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;	1909 1910
(C) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;	1911 1912
(D) The county in which the business is to be conducted and the address of each place of business therein;	1913 1914
(E) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that shall be sufficient to establish to the satisfaction of the registrar the reputation in business of the applicant;	1915 1916 1917 1918 1919
(F) A statement showing whether the applicant has previously applied for a motor vehicle dealer's license, motor vehicle leasing dealer's license, distributor's license, <u>or</u> motor vehicle auction owner's license, <del>or motor vehicle salesperson's license,</del> and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;	1920 1921 1922 1923 1924 1925 1926
(G) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a motor vehicle dealer's license, motor vehicle leasing dealer's license, distributor's license, <u>or</u> motor vehicle auction owner's license, <del>or motor vehicle salesperson's license,</del> or has been the holder of any such license that was revoked or suspended;	1927 1928 1929 1930 1931 1932 1933
(H) A statement of the makes of new motor vehicles to be handled.	1934 1935

The statement required by division (E) of this section 1936  
shall indicate whether the applicant or, if applicable, any of 1937  
the applicant's owners, partners, officers, or directors, 1938  
individually, or as owner, partner, officer, or director of a 1939  
business entity, has been convicted of, pleaded guilty, or 1940  
pleaded no contest, in a criminal action, a disqualifying 1941  
offense as determined under section 9.79 of the Revised Code, or 1942  
had a judgment rendered against the person in a civil action for 1943  
a violation of sections 4549.41 to 4549.46 of the Revised Code, 1944  
of any substantively comparable provisions of the law of any 1945  
other state, or of subchapter IV of the "Motor Vehicle 1946  
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 1947  
U.S.C. 1981. 1948

A true copy of the contract, agreement, or understanding 1949  
the applicant has entered into or is about to enter into with 1950  
the manufacturer or distributor of the new motor vehicles the 1951  
applicant will handle shall be filed with the application. If 1952  
the contract, agreement, or understanding is not in writing, a 1953  
written statement of all the terms thereof shall be filed. Each 1954  
such copy or statement shall bear a certificate signed by each 1955  
party to the contract, agreement, or understanding, to the 1956  
effect that the copy or statement is true and complete and 1957  
contains all of the agreements made or about to be made between 1958  
the parties. 1959

The application also shall be accompanied by a photograph, 1960  
as prescribed by the registrar, of each place of business 1961  
operated, or to be operated, by the applicant. 1962

**Sec. 4517.10.** At the time the registrar of motor vehicles 1963  
grants the application of any person for a license as motor 1964  
vehicle dealer, motor vehicle leasing dealer, distributor, or 1965

motor vehicle auction owner, ~~or motor vehicle salesperson,~~ the 1966  
registrar shall issue to the person a license. The registrar 1967  
shall prescribe different forms for the licenses of motor 1968  
vehicle dealers, motor vehicle leasing dealers, distributors, 1969  
and motor vehicle auction owners, ~~and motor vehicle~~ 1970  
~~salespersons,~~ and all licenses shall include the name and post- 1971  
office address of the person licensed. 1972

On and after the effective date of this amendment, the 1973  
registrar shall not require a license to practice as a motor 1974  
vehicle salesperson. Any motor vehicle salesperson license that 1975  
was issued prior to the effective date of this amendment remains 1976  
valid only until the expiration date of the license. The license 1977  
shall not be renewed. 1978

The fee for a motor vehicle dealer's license and a motor 1979  
vehicle leasing dealer's license shall be fifty dollars. In 1980  
addition to the license fee, the registrar shall collect from 1981  
each applicant for an initial motor vehicle dealer's license and 1982  
motor vehicle leasing dealer's license a separate fee in an 1983  
amount equal to the last assessment required by section 4505.181 1984  
of the Revised Code for all motor vehicle dealers and motor 1985  
vehicle leasing dealers. The registrar shall deposit the 1986  
separate fee into the state treasury to the credit of the title 1987  
defect recision fund created in section 1345.52 of the Revised 1988  
Code. ~~The fee for a salesperson's license shall be ten dollars.~~ 1989  
The fee for a motor vehicle auction owner's license shall be one 1990  
hundred dollars for each location. The fee for a distributor's 1991  
license shall be one hundred dollars for each distributorship. 1992  
In all cases, the fee shall accompany the application for 1993  
license. 1994

The registrar may require each applicant for a license 1995

issued under this chapter to pay an additional fee, which shall  
be used by the registrar to pay the costs of obtaining a record  
of any arrests and convictions of the applicant from the Ohio  
bureau of identification and investigation. The amount of the  
fee shall be equal to that paid by the registrar to obtain such  
record.

If a motor vehicle dealer or a motor vehicle leasing  
dealer has more than one place of business in the county, the  
dealer shall make application, in such form as the registrar  
prescribes, for a certified copy of the license issued to the  
dealer for each place of business operated. In the event of the  
loss, mutilation, or destruction of a license issued under  
sections 4517.01 to 4517.65 of the Revised Code, any licensee  
may make application to the registrar, in such form as the  
registrar prescribes, for a duplicate copy thereof. The fee for  
a certified or duplicate copy of a motor vehicle dealer's, motor  
vehicle leasing dealer's, distributor's, or auction owner's  
license, is two dollars, ~~and the fee for a duplicate copy of a  
salesperson's license is one dollar.~~ All fees for such copies  
shall accompany the applications.

Beginning on September 16, 2004, all motor vehicle  
dealers' licenses, motor vehicle leasing dealers' licenses,  
distributors' licenses, and auction owners' licenses, ~~and all  
salespersons' licenses~~ issued or renewed shall expire biennially  
on a day within the two-year cycle that is prescribed by the  
registrar, unless sooner suspended or revoked. Before the first  
day after the day prescribed by the registrar in the year that  
the license expires, each licensed motor vehicle dealer, motor  
vehicle leasing dealer, distributor, and auction owner ~~and each  
licensed salesperson,~~ in the year in which the license will  
expire, shall file an application, in such form as the registrar

prescribes, for the renewal of such license. The fee for 2027  
renewing a motor vehicle dealer's license and a motor vehicle 2028  
leasing dealer's license shall be fifty dollars. ~~The fee for~~ 2029  
~~renewing a salesperson's license shall be ten dollars.~~ The fee 2030  
for renewing a motor vehicle auction owner's license shall be 2031  
one hundred dollars for each location. The fee for renewing a 2032  
distributor's license shall be one hundred dollars for each 2033  
distributorship. In all cases the license renewal fee shall 2034  
accompany the renewal application. 2035

~~Any salesperson's license shall be suspended upon the~~ 2036  
~~termination, suspension, or revocation of the license of the~~ 2037  
~~motor vehicle dealer for whom the salesperson is acting, or upon~~ 2038  
~~the salesperson leaving the service of the motor vehicle dealer,~~ 2039  
~~provided that upon the termination, suspension, or revocation of~~ 2040  
~~the license of the motor vehicle dealer for whom the salesperson~~ 2041  
~~is acting, or upon the salesperson leaving the service of a~~ 2042  
~~licensed motor vehicle dealer, the licensed salesperson, upon~~ 2043  
~~entering the service of any other licensed motor vehicle dealer,~~ 2044  
~~shall make application to the registrar, in such form as the~~ 2045  
~~registrar prescribes, to have the salesperson's license~~ 2046  
~~reinstated, transferred, and registered as a salesperson for the~~ 2047  
~~other dealer. If the information contained in the application is~~ 2048  
~~satisfactory to the registrar, the registrar shall have the~~ 2049  
~~salesperson's license reinstated, transferred, and registered as~~ 2050  
~~a salesperson for the other dealer. The fee for the~~ 2051  
~~reinstatement and transfer of license shall be two dollars. No~~ 2052  
license issued to a motor vehicle dealer, motor vehicle leasing 2053  
dealer, or auction owner, ~~or salesperson,~~ under sections 4517.01 2054  
to 4517.65 of the Revised Code shall be transferable to any 2055  
other person. 2056

Each motor vehicle dealer, motor vehicle leasing dealer, 2057



distributor, and auction owner shall keep the dealer's or 2058  
auction owner's license or a certified copy thereof posted in a 2059  
conspicuous place in each place of business. ~~A dealer shall keep~~ 2060  
~~a current list of the dealer's licensed salespersons, showing~~ 2061  
~~the names, addresses, and serial numbers of their licenses and~~ 2062  
~~shall make the list available upon request. Each salesperson~~ 2063  
~~shall keep the salesperson's license or a certified copy thereof~~ 2064  
~~at the salesperson's place of business and shall provide such~~ 2065  
~~license or copy upon demand to any inspector of the bureau of~~ 2066  
~~motor vehicles, state highway patrol trooper, police officer, or~~ 2067  
~~person with whom the salesperson seeks to transact business as a~~ 2068  
~~motor vehicle salesperson.~~ 2069

The notice of refusal to grant a license shall disclose 2070  
the reason for refusal. 2071

**Sec. 4517.33.** The motor vehicle dealers board shall hear 2072  
appeals which may be taken from an order of the registrar of 2073  
motor vehicles, refusing to issue a license. All appeals from 2074  
any order of the registrar refusing to issue any license upon 2075  
proper application must be taken within thirty days from the 2076  
date of the order, or the order is final and conclusive. All 2077  
appeals from orders of the registrar must be by petition in 2078  
writing and verified under oath by the applicant whose 2079  
application for license has been denied, and must set forth the 2080  
reason for the appeal and the reason why, in the petitioner's 2081  
opinion, the order of the registrar is not correct. In such 2082  
appeals the board may make investigation to determine the 2083  
correctness and legality of the order of the registrar. 2084

The board may make rules governing its actions relative to 2085  
the suspension and revocation of dealers', motor vehicle leasing 2086  
dealers', distributors', and auction owners', ~~salespersons', and~~ 2087

~~construction equipment auction~~ licenses, and may, upon its own 2088  
motion, and shall, upon the verified complaint in writing of any 2089  
person, investigate the conduct of any licensee under sections 2090  
4517.01 to 4517.65 of the Revised Code. The board shall suspend 2091  
or revoke or notify the registrar to refuse to renew any 2092  
dealer's, motor vehicle leasing dealer's, distributor's, or 2093  
~~auction owner's, salesperson's, or construction equipment~~ 2094  
~~auction~~ license, if any ground existed upon which the license 2095  
might have been refused, or if a ground exists that would be 2096  
cause for refusal to issue a license. 2097

The board may suspend or revoke any license if the 2098  
licensee has in any manner violated the rules issued pursuant to 2099  
sections 4517.01 to 4517.65 of the Revised Code, or has violated 2100  
section 4501.02 of the Revised Code, or has been convicted of 2101  
committing a felony or violating any law that in any way relates 2102  
to the selling, taxing, licensing, or regulation of sales of 2103  
motor vehicles. 2104

Within ten days after receipt of an abstract from a county 2105  
court judge, mayor of a mayor's court, or clerk of a court of 2106  
record indicating a violation of division (D) of section 2107  
4513.241 of the Revised Code, the board shall determine whether 2108  
the person named in the abstract is licensed under this chapter 2109  
and, if the person is so licensed, shall further determine 2110  
whether the person previously has been convicted of or pleaded 2111  
guilty to a violation of that section. If the person previously 2112  
has been convicted of or pleaded guilty to a violation of that 2113  
section, the board, in accordance with Chapter 119. of the 2114  
Revised Code but without a prior hearing, shall suspend the 2115  
person's license for a period of not more than one hundred 2116  
eighty days. 2117

**Sec. 4517.43.** (A) The applications for licenses and the 2118  
copies of contracts required by sections 4517.04, 4517.05, 2119  
4517.051, 4517.06, 4517.07, and 4517.08, ~~and 4517.09~~ of the 2120  
Revised Code are not part of the public records but are 2121  
confidential information for the use of the registrar of motor 2122  
vehicles and the motor vehicle dealers board. No person shall 2123  
divulge any information contained in such applications and 2124  
acquired by the person in the person's capacity as an official 2125  
or employee of the bureau of motor vehicles or of the board, 2126  
except in a report to the registrar, to the board, or when 2127  
called upon to testify in any court or proceeding. 2128

(B) Whoever violates this section is guilty of a minor 2129  
misdemeanor. 2130

**Sec. 4549.50.** Violation of sections 4549.41 to 4549.46 of 2131  
the Revised Code by any person licensed or granted a permit by 2132  
this state as a dealer, wholesaler, distributor, ~~salesman~~, or 2133  
auction owner under Chapter 4517. of the Revised Code, is prima- 2134  
facie evidence of intent to defraud and constitutes cause for 2135  
the revocation or denial of the license of such person to sell 2136  
any motor vehicle in this state. 2137

Any person who violates sections 4549.41 to 4549.46 of the 2138  
Revised Code, upon receiving notice from the registrar of motor 2139  
vehicles or motor vehicle dealers board of the intent to revoke 2140  
or suspend a license or permit, shall immediately post a surety 2141  
bond with the registrar in favor of the state in the amount of 2142  
twenty-five thousand dollars and shall maintain the bond while 2143  
the license or permit is in effect. The bond shall be for the 2144  
use, benefit, and protection of any transferee damaged by the 2145  
licensee's or ~~permittee's~~ permittee's violation of sections 2146  
4549.41 to 4549.46 of the Revised Code or for the payment of 2147

civil penalties or costs resulting from enforcement actions. Any 2148  
transferee claiming against the bond or the attorney general may 2149  
maintain an action against the transferor or the surety, except 2150  
that the surety is liable only for actual damages. The aggregate 2151  
liability of the surety shall not exceed twenty-five thousand 2152  
dollars. Any money unclaimed by transferees after two years from 2153  
the date of the conviction of or judgment against the transferor 2154  
shall be deposited in the consumer protection enforcement fund 2155  
created by section 1345.51 of the Revised Code. The surety bond 2156  
shall remain in effect until the license or permit is revoked or 2157  
suspended by the motor vehicle dealers board pursuant to section 2158  
4517.33 of the Revised Code. Upon reinstatement of a license or 2159  
permit that has been suspended, or upon reissuance of a license 2160  
or permit after the period of revocation, the licensee or 2161  
~~permittee~~ permittee shall post an additional surety bond in 2162  
accordance with this section. The surety bond shall remain in 2163  
effect during the period in which the licensee or ~~permittee~~ 2164  
permittee engages in business in the state. 2165

**Sec. 4703.16.** (A) The architects board shall establish the 2166  
application fee for obtaining registration under section 4703.07 2167  
and the fee for obtaining registration pursuant to section 2168  
4703.08 of the Revised Code. 2169

(B) The fee to restore a certificate of qualification to 2170  
practice architecture is the renewal fee for the current 2171  
certification period, plus the renewal fee for each two-year 2172  
period in which the certificate was not renewed, plus a penalty 2173  
the board establishes for each two-year period or part thereof 2174  
in which the certificate was not renewed, provided that the 2175  
maximum fee shall not exceed the amount established by the 2176  
board. 2177

(C) <del>The</del> <u>(1) The board also shall establish the following</u>	2178
fees:	2179
<del>(1) The</del> <u>Except as provided in division (C)(2) of this</u>	2180
<u>section, the fee for an original and duplicate certificate of</u>	2181
qualification to practice architecture and the biennial renewal	2182
of the certificate;	2183
<del>(2) (b)</del> <u>The fee for a duplicate renewal card;</u>	2184
<del>(3) (c)</del> <u>The fee to restore a certificate of qualification</u>	2185
to practice architecture or certificate of authorization revoked	2186
under section 4703.15 of the Revised Code or suspended under	2187
section 3123.47 of the Revised Code;	2188
<del>(4) (d)</del> <u>The fee for an original and duplicate certificate</u>	2189
of authorization issued under division (L) of section 4703.18 of	2190
the Revised Code and the annual renewal of the certificate;	2191
<del>(5) (e)</del> <u>The fee to cover costs for checks or other</u>	2192
instruments returned to the board by financial institutions due	2193
to insufficient funds.	2194
<u>(2) The fee for the biennial renewal of a certificate of</u>	2195
<u>qualification to practice architecture is one hundred dollars.</u>	2196
<b>Sec. 4738.05.</b> At the time the registrar of motor vehicles	2197
grants the application of any person for a license under this	2198
chapter, the registrar shall issue to the person a license that	2199
shall have provisional status for a period of one hundred eighty	2200
days from the date of issuance. At the end of that period and	2201
subject to the results of the inspection described in section	2202
4738.071 of the Revised Code of the place of business of the	2203
license holder, the license either shall be revoked or shall	2204
remain valid and no longer have provisional status. The	2205
registrar shall prescribe forms for licenses, and all licenses	2206

shall include the name and post office address of the person 2207  
licensed. 2208

The fee for a motor vehicle salvage dealer's license, ~~a~~ 2209  
~~salvage motor vehicle auction license,~~ or a salvage motor 2210  
vehicle pool license shall be one hundred dollars. In all cases 2211  
the fee shall accompany the application for license. No fee is 2212  
required for a salvage motor vehicle auction license. 2213

If a licensee has more than one place of business in the 2214  
county, the licensee shall make application, in a form as the 2215  
registrar prescribes, for a certified copy of the license issued 2216  
to the person for each place of business operated. In the event 2217  
of the loss, mutilation, or destruction of a license issued 2218  
under sections 4738.01 to 4738.16 of the Revised Code, any 2219  
licensee may make application to the registrar, in a form as the 2220  
registrar prescribes, for a duplicate copy thereof. The fee for 2221  
a certified or duplicate copy of a license is one dollar. All 2222  
fees for copies shall accompany the applications. 2223

Beginning on the effective date of this amendment 2224  
September 16, 2004, all licenses issued or renewed shall expire 2225  
biennially on a day within the two-year license cycle that is 2226  
prescribed by the registrar, unless sooner suspended or revoked. 2227  
Before the first day after the day prescribed by the registrar 2228  
in the year that the license expires, each motor vehicle salvage 2229  
dealer, salvage motor vehicle auction, or salvage motor vehicle 2230  
pool in the year in which the license will expire, shall file an 2231  
application, in a form as the registrar prescribes, for the 2232  
renewal of the license. The fee provided in this section for the 2233  
original license shall accompany the application. 2234

**Sec. 4743.05.** (A) Except as otherwise provided in sections 2235  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 2236

the Revised Code, all money collected under Chapters 3773., 2237  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 2238  
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 2239  
4758., 4771., ~~4775.~~4779., and 4781. of the Revised Code shall 2240  
be paid into the state treasury to the credit of the 2241  
occupational licensing and regulatory fund, which is hereby 2242  
created for use in administering such chapters. 2243

(B) At the end of each quarter, the director of budget and 2244  
management shall transfer from the occupational licensing and 2245  
regulatory fund to the nurse education assistance fund created 2246  
in section 3333.28 of the Revised Code the amount certified to 2247  
the director under division (B) of section 4723.08 of the 2248  
Revised Code. 2249

(C) At the end of each quarter, the director shall 2250  
transfer from the occupational licensing and regulatory fund to 2251  
the certified public accountant education assistance fund 2252  
created in section 4701.26 of the Revised Code the amount 2253  
certified to the director under division (H) (2) of section 2254  
4701.10 of the Revised Code. 2255

(D) On August 30, 2021, and every two years thereafter, 2256  
the director shall transfer from the occupational licensing and 2257  
regulatory fund to the veterinary student debt assistance fund 2258  
created in section 4741.56 of the Revised Code the amount 2259  
certified to the director under section 4741.57 of the Revised 2260  
Code. 2261

**Sec. 4743.06.** (A) As used in this section: 2262

(1) "Occupational licensing board" has the same meaning as 2263  
in section 4798.01 of the Revised Code. "Occupational licensing 2264  
board" does not include the supreme court with respect to 2265

governing the practice of law pursuant to rules prescribed under 2266  
Ohio Constitution, Article IV, Section 5. 2267

(2) "Protected class" means an individual's race, color, 2268  
religion, sex, military status, national origin, disability, 2269  
age, or ancestry, as those terms are used in section 4112.02 of 2270  
the Revised Code. 2271

(B) Notwithstanding any provision of law to the contrary, 2272  
no occupational licensing board shall adopt, provide, approve 2273  
for credit, count for credit, or require completion of 2274  
continuing education curriculum or coursework, seminars, 2275  
webinars, or online instruction that promote any of the 2276  
following concepts: 2277

(1) An individual of a protected class is inherently 2278  
superior or inferior to another protected class, and members of 2279  
a protected class should be discriminated against solely or 2280  
partly because of the individual's membership in a protected 2281  
class. 2282

(2) An individual, by virtue of the individual's 2283  
membership in a protected class, is inherently racist, sexist, 2284  
or oppressive, whether consciously or unconsciously. 2285

(3) An individual's moral standing or worth is necessarily 2286  
determined by the individual's membership in any protected 2287  
class. 2288

(4) An individual, by virtue of the individual's 2289  
membership in any protected class, bears responsibility for the 2290  
actions committed in the past by other members of the same 2291  
protected class. 2292

(5) Meritocracy or traits such as hard work ethic are 2293  
racist or sexist, or were created by individuals of a particular 2294



protected class to oppress members of another protected class. 2295

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 2296  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 2297  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 2298  
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 2299  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 2300  
4728., 4729., 4731., 4733., 4734., 4739., 4741., 4747., 4749., 2301  
4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., and 2302  
~~4773., and 4775.~~ of the Revised Code, means the license renewal 2303  
procedures specified in this chapter. 2304

(B) "Licensing agency," as used in this chapter, means any 2305  
department, division, board, section of a board, or other state 2306  
governmental unit subject to the standard renewal procedure, as 2307  
defined in this section, and authorized by the Revised Code to 2308  
issue a license to engage in a specific profession, occupation, 2309  
or occupational activity, or to have charge of and operate 2310  
certain specified equipment, machinery, or premises. 2311

(C) "License," as used in this chapter, means a license, 2312  
certificate, permit, card, or other authority issued or 2313  
conferred by a licensing agency by authority of which the 2314  
licensee has or claims the privilege to engage in the 2315  
profession, occupation, or occupational activity, or to have 2316  
control of and operate certain specific equipment, machinery, or 2317  
premises, over which the licensing agency has jurisdiction. 2318

(D) "Licensee," as used in this chapter, means either the 2319  
person to whom the license is issued or renewed by a licensing 2320  
agency, or the person, partnership, or corporation at whose 2321  
request the license is issued or renewed. 2322

(E) "Renewal" and "renewed," as used in this chapter and 2323

in the chapters of the Revised Code specified in division (A) of 2324  
this section, includes the continuing licensing procedure 2325  
provided in Chapter 3748. of the Revised Code and rules adopted 2326  
under it and in sections 1321.05 and 3921.33 of the Revised 2327  
Code, and as applied to those continuing licenses any reference 2328  
in this chapter to the date of expiration of any license shall 2329  
be construed to mean the due date of the annual or other fee for 2330  
the continuing license. 2331

**Sec. 4749.03.** (A) (1) Any individual, including a partner 2332  
in a partnership, may be licensed as a private investigator 2333  
under a class B license, or as a security guard provider under a 2334  
class C license, or as a private investigator and a security 2335  
guard provider under a class A license, if the individual meets 2336  
all of the following requirements: 2337

(a) Has not been adjudicated incompetent for the purpose 2338  
of holding the license, as provided in section 5122.301 of the 2339  
Revised Code, without having been restored to legal capacity for 2340  
that purpose. 2341

(b) Depending upon the class of license for which 2342  
application is made, for a continuous period of at least two 2343  
years immediately preceding application for a license, has been 2344  
engaged in investigatory or security services work for a law 2345  
enforcement or other public agency engaged in investigatory 2346  
activities, or for a private investigator or security guard 2347  
provider, or engaged in the practice of law, or has acquired 2348  
equivalent experience as determined by rule of the director of 2349  
public safety. 2350

(c) Demonstrates competency as a private investigator or 2351  
security guard provider by passing an examination devised for 2352  
this purpose by the director, except that any individually 2353

licensed person who qualifies a corporation for licensure shall 2354  
not be required to be reexamined if the person qualifies the 2355  
corporation in the same capacity that the person was 2356  
individually licensed. 2357

(d) Submits evidence of comprehensive general liability 2358  
insurance coverage, or other equivalent guarantee approved by 2359  
the director in such form and in principal amounts satisfactory 2360  
to the director, but not less than one hundred thousand dollars 2361  
for each person and three hundred thousand dollars for each 2362  
occurrence for bodily injury liability, and one hundred thousand 2363  
dollars for property damage liability. 2364

(e) Pays the requisite examination and license fees. 2365

(2) A corporation may be licensed as a private 2366  
investigator under a class B license, or as a security guard 2367  
provider under a class C license, or as a private investigator 2368  
and a security guard provider under a class A license, if an 2369  
application for licensure is filed by an officer of the 2370  
corporation and the officer, another officer, or the qualifying 2371  
agent of the corporation satisfies the requirements of divisions 2372  
(A) (1) and (F) (1) of this section. Officers and the statutory 2373  
agent of a corporation shall be determined in accordance with 2374  
Chapter 1701. of the Revised Code. 2375

(3) At least one partner in a partnership shall be 2376  
licensed as a private investigator, or as a security guard 2377  
provider, or as a private investigator and a security guard 2378  
provider. Partners in a partnership shall be determined as 2379  
provided for in Chapter 1775. or 1776. of the Revised Code. 2380

(B) An application for a class A, B, or C license shall be 2381  
completed in the form the director prescribes. In the case of an 2382

individual, the application shall state the applicant's name, 2383  
birth date, citizenship, current residence, residences for the 2384  
preceding ten years, current employment, employment for the 2385  
preceding seven years, experience qualifications, the location 2386  
of each of the applicant's offices in this state, and any other 2387  
information that is necessary in order for the director to 2388  
comply with the requirements of this chapter. In the case of a 2389  
corporation, the application shall state the name of the officer 2390  
or qualifying agent filing the application; the state in which 2391  
the corporation is incorporated and the date of incorporation; 2392  
the states in which the corporation is authorized to transact 2393  
business; the name of its qualifying agent; the name of the 2394  
officer or qualifying agent of the corporation who satisfies the 2395  
requirements of divisions (A)(1) and (F)(1) of this section and 2396  
the birth date, citizenship, physical description, current 2397  
residence, residences for the preceding ten years, current 2398  
employment, employment for the preceding seven years, and 2399  
experience qualifications of that officer or qualifying agent; 2400  
and other information that the director requires. A corporation 2401  
may specify in its application information relative to one or 2402  
more individuals who satisfy the requirements of divisions (A) 2403  
(1) and (F)(1) of this section. 2404

The application described in this division shall be 2405  
accompanied by both of the following: 2406

(1) References from at least five reputable citizens for 2407  
the applicant or, in the case of a corporation, for each officer 2408  
or qualifying agent specified in the application as satisfying 2409  
the requirements of divisions (A)(1) and (F)(1) of this section, 2410  
each of whom has known the applicant, officer, or qualifying 2411  
agent for at least five years preceding the application, and 2412  
none of whom are connected with the applicant, officer, or 2413

qualifying agent by blood or marriage; 2414

(2) An examination fee of twenty-five dollars for the 2415  
applicant or, in the case of a corporation, for each officer or 2416  
qualifying agent specified in the application as satisfying the 2417  
requirements of divisions (A) (1) and (F) (1) of this section, and 2418  
a license fee in the amount the director determines, not to 2419  
exceed three hundred seventy-five dollars. The license fee shall 2420  
be refunded if a license is not issued. 2421

(C) (1) Each individual applying for a license and each 2422  
individual specified by a corporation as an officer or 2423  
qualifying agent in an application shall submit one complete set 2424  
of fingerprints directly to the superintendent of the bureau of 2425  
criminal identification and investigation for the purpose of 2426  
conducting a criminal records check. The individual shall 2427  
provide the fingerprints using a method the superintendent 2428  
prescribes pursuant to division (C) (2) of section 109.572 of the 2429  
Revised Code and fill out the form the superintendent prescribes 2430  
pursuant to division (C) (1) of section 109.572 of the Revised 2431  
Code. An applicant who intends to carry a firearm as defined in 2432  
section 2923.11 of the Revised Code in the course of business or 2433  
employment shall so notify the superintendent. This notification 2434  
is in addition to any other requirement related to carrying a 2435  
firearm that applies to the applicant. The individual or 2436  
corporation requesting the criminal records check shall pay the 2437  
fee the superintendent prescribes. 2438

(2) The superintendent shall conduct the criminal records 2439  
check as set forth in division (B) of section 109.572 of the 2440  
Revised Code. If an applicant intends to carry a firearm in the 2441  
course of business or employment, the superintendent shall make 2442  
a request to the federal bureau of investigation for any 2443

information and review the information the bureau provides 2444  
pursuant to division (B) (2) of section 109.572 of the Revised 2445  
Code. The superintendent shall submit all results of the 2446  
completed investigation to the director of public safety. 2447

(3) If the director determines that the applicant, 2448  
officer, or qualifying agent meets the requirements of divisions 2449  
(A) (1) (a), (b), and (d) of this section and that an officer or 2450  
qualifying agent meets the requirement of division (F) (1) of 2451  
this section, the director shall notify the applicant, officer, 2452  
or agent of the time and place for the examination. If the 2453  
director determines that an applicant does not meet the 2454  
requirements of divisions (A) (1) (a), (b), and (d) of this 2455  
section, the director shall notify the applicant that the 2456  
applicant's application is refused and refund the license fee. 2457  
If the director determines that none of the individuals 2458  
specified in the application of a corporation as satisfying the 2459  
requirements of divisions (A) (1) and (F) (1) of this section meet 2460  
the requirements of divisions (A) (1) (a), (b), and (d) and (F) (1) 2461  
of this section, the director shall notify the corporation that 2462  
its application is refused and refund the license fee. If the 2463  
bureau assesses the director a fee for any investigation, the 2464  
director, in addition to any other fee assessed pursuant to this 2465  
chapter, may assess the applicant, officer, or qualifying agent, 2466  
as appropriate, a fee that is equal to the fee assessed by the 2467  
bureau. 2468

(4) (a) Subject to division (C) (4) (c) of this section, the 2469  
director shall not adopt, maintain, renew, or enforce any rule, 2470  
or otherwise preclude in any way, an individual from renewing a 2471  
license under this chapter due to any past criminal activity or 2472  
interpretation of moral character. If the director denies an 2473  
individual a license renewal, the reasons for such denial shall 2474

be put in writing. 2475

(b) The director may refuse to issue a license to an 2476  
applicant because of a conviction of or plea of guilty to an 2477  
offense if the refusal is in accordance with section 9.79 of the 2478  
Revised Code. 2479

(c) In considering a renewal of an individual's license, 2480  
the director shall not consider any conviction or plea of guilty 2481  
prior to the initial licensing. However, the director may 2482  
consider a conviction or plea of guilty if it occurred after the 2483  
individual was initially licensed, or after the most recent 2484  
license renewal. 2485

(d) The director may grant an individual a conditional 2486  
license that lasts for one year. After the one-year period has 2487  
expired, the license is no longer considered conditional, and 2488  
the individual shall be considered fully licensed. 2489

(D) If upon application, investigation, and examination, 2490  
the director finds that the applicant or, in the case of a 2491  
corporation, any officer or qualifying agent specified in the 2492  
application as satisfying the requirements of divisions (A) (1) 2493  
and (F) (1) of this section, meets the applicable requirements, 2494  
the director shall issue the applicant or the corporation a 2495  
class A, B, or C license. The director also shall issue an 2496  
identification card to an applicant, but not an officer or 2497  
qualifying agent of a corporation, who meets the applicable 2498  
requirements. The license and identification card shall state 2499  
the licensee's name, the classification of the license, the 2500  
location of the licensee's principal place of business in this 2501  
state, and the expiration date of the license, and, in the case 2502  
of a corporation, it also shall state the name of each officer 2503  
or qualifying agent who satisfied the requirements of divisions 2504

(A) (1) and (F) (1) of this section. 2505

Licenses issued before the effective date of this 2506  
amendment expire on the first day of March following the date 2507  
of initial issue, and on the first day of March of each ~~year~~ 2508  
third year thereafter. Licenses issued on or after the effective 2509  
date of this amendment expire three years after the date of 2510  
initial issue. ~~Annual renewals~~ Renewals shall be according to 2511  
the standard renewal procedures contained in Chapter 4745. of 2512  
the Revised Code, upon payment of ~~an annual~~ a renewal fee the 2513  
director determines, not to exceed two hundred seventy-five 2514  
dollars. No license shall be renewed if the licensee or, in the 2515  
case of a corporation, each officer or qualifying agent who 2516  
qualified the corporation for licensure no longer meets the 2517  
applicable requirements of this section. No license shall be 2518  
renewed unless the licensee provides evidence of workers' 2519  
compensation risk coverage and unemployment compensation 2520  
insurance coverage, other than for clerical employees and 2521  
excepting sole proprietors who are exempted therefrom, as 2522  
provided for in Chapters 4123. and 4141. of the Revised Code, 2523  
respectively, as well as the licensee's state tax identification 2524  
number. No reexamination shall be required for renewal of a 2525  
current license. 2526

For purposes of this chapter, a class A, B, or C license 2527  
issued to a corporation shall be considered as also having 2528  
licensed the individuals who qualified the corporation for 2529  
licensure, for as long as they are associated with the 2530  
corporation. 2531

For purposes of this division, "sole proprietor" means an 2532  
individual licensed under this chapter who does not employ any 2533  
other individual. 2534



(E) The director may issue a duplicate copy of a license 2535  
issued under this section for the purpose of replacement of a 2536  
lost, spoliated, or destroyed license, upon payment of a fee the 2537  
director determines, not exceeding twenty-five dollars. Any 2538  
change in license classification requires new application and 2539  
application fees. 2540

(F) (1) In order to qualify a corporation for a class A, B, 2541  
or C license, an officer or qualifying agent may qualify another 2542  
corporation for similar licensure, provided that the officer or 2543  
qualifying agent is actively engaged in the business of both 2544  
corporations. 2545

(2) Each officer or qualifying agent who qualifies a 2546  
corporation for class A, B, or C licensure shall surrender any 2547  
personal license of a similar nature that the officer or 2548  
qualifying agent possesses. 2549

(3) Upon written notification to the director, completion 2550  
of an application similar to that for original licensure, 2551  
surrender of the corporation's current license, and payment of a 2552  
twenty-five-dollar fee, a corporation's class A, B, or C license 2553  
may be transferred to another corporation. 2554

(4) Upon written notification to the director, completion 2555  
of an application similar to that for an individual seeking 2556  
class A, B, or C licensure, payment of a twenty-five-dollar fee, 2557  
and, if the individual was the only individual that qualified a 2558  
corporation for licensure, surrender of the corporation's 2559  
license, any officer or qualifying agent who qualified a 2560  
corporation for licensure under this chapter may obtain a 2561  
similar license in the individual's own name without 2562  
reexamination. A request by an officer or qualifying agent for 2563  
an individual license shall not affect a corporation's license 2564

unless the individual is the only individual that qualified the corporation for licensure or all the other individuals who qualified the corporation for licensure submit such requests.

(G) If a corporation is for any reason no longer associated with an individual who qualified it for licensure under this chapter, an officer of the corporation shall notify the director of that fact by certified mail, return receipt requested, within ten days after the association terminates. If the notification is so given, the individual was the only individual that qualified the corporation for licensure, and the corporation submits the name of another officer or qualifying agent to qualify the corporation for the license within thirty days after the association terminates, the corporation may continue to operate in the business of private investigation, the business of security services, or both businesses in this state under that license for ninety days after the association terminates. If the officer or qualifying agent whose name is submitted satisfies the requirements of divisions (A) (1) and (F) (1) of this section, the director shall issue a new license to the corporation within that ninety-day period. The names of more than one individual may be submitted.

**Sec. 4781.08.** (A) The division of industrial compliance shall issue a manufactured housing installer license to any applicant who is at least eighteen years of age and meets all of the following requirements:

(1) Submits an application to the division on a form the division prescribes ~~and pays the fee the division requires;~~

(2) Completes all training requirements the division prescribes;

(3) Meets the experience requirements the division prescribes by rule;	2594 2595
(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006;	2596 2597 2598 2599
(5) Has completed an installation training course the division approves, which may be offered by the Ohio manufactured homes association or other entity;	2600 2601 2602
(6) Receives a passing score on the licensure examination the division administers;	2603 2604
(7) Provides information the division requires to demonstrate compliance with this chapter and the rules the division adopts;	2605 2606 2607
(8) Provides the division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;	2608 2609 2610 2611 2612 2613
(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the division specifies, and containing the terms and conditions the division requires;	2614 2615 2616 2617
(10) Is in compliance with section 4123.35 of the Revised Code;	2618 2619
<u>(11) Pays the division a licensure fee of one hundred fifty dollars.</u>	2620 2621

(B) The division of industrial compliance shall not grant a license to any person who the division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the licensing or certification board of another state or jurisdiction during the previous two years in connection with the installation of manufactured housing.

(C) Any person who is licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of a manufactured housing installer may apply to the division for licensure on a form the division prescribes. The division shall issue a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing installer in a state that does not issue that license.

(D) Any license issued pursuant to this section shall bear the licensee's name and post-office address, the issue date, a serial number the division designates, and the signature of the person the division designates pursuant to rules.

(E) A manufactured housing installer license expires two years after it is issued. The division of industrial compliance shall renew a license if the applicant does all of the following:

(1) Meets the requirements of division (A) of this

section; 2651

(2) Demonstrates compliance with the requirements of this 2652  
chapter and the rules adopted pursuant to it; 2653

(3) Meets the division's continuing education 2654  
requirements. 2655

(F) No manufactured housing installer license may be 2656  
transferred to another person. 2657

**Sec. 4781.17.** (A) Each person applying for a manufactured 2658  
housing dealer's license or manufactured housing broker's 2659  
license shall complete and deliver to the department of 2660  
commerce, division of real estate, before the first day of 2661  
April, a separate application for license for each county in 2662  
which the business of selling or brokering manufactured or 2663  
mobile homes is to be conducted. The application shall be in the 2664  
form prescribed by the division of real estate and accompanied 2665  
by the fee established by the division of real estate. The 2666  
applicant shall sign and swear to the application that shall 2667  
include all of the following: 2668

(1) Name of applicant and location of principal place of 2669  
business; 2670

(2) Name or style under which business is to be conducted 2671  
and, if a corporation, the state of incorporation; 2672

(3) Name and address of each owner or partner and, if a 2673  
corporation, the names of the officers and directors; 2674

(4) The county in which the business is to be conducted 2675  
and the address of each place of business therein; 2676

(5) A statement of the previous history, record, and 2677  
association of the applicant and of each owner, partner, 2678

officer, and director, that is sufficient to establish to the 2679  
satisfaction of the division of real estate the reputation in 2680  
business of the applicant; 2681

(6) A statement showing whether the applicant has 2682  
previously applied for a manufactured housing dealer's license, 2683  
manufactured housing broker's license, manufactured housing 2684  
salesperson's license, or, prior to July 1, 2010, a motor 2685  
vehicle dealer's license, or manufactured home broker's license, 2686  
~~or motor vehicle salesperson's license,~~ and the result of the 2687  
application, and whether the applicant has ever been the holder 2688  
of any such license that was revoked or suspended; 2689

(7) If the applicant is a corporation or partnership, a 2690  
statement showing whether any partner, employee, officer, or 2691  
director has been refused a manufactured housing dealer's 2692  
license, manufactured housing broker's license, manufactured 2693  
housing salesperson's license, or, prior to July 1, 2010, a 2694  
motor vehicle dealer's license, or manufactured home broker's 2695  
license, ~~or motor vehicle salesperson's license,~~ or has been the 2696  
holder of any such license that was revoked or suspended; 2697

(8) Any other information required by the division of real 2698  
estate. 2699

(B) Each person applying for a manufactured housing 2700  
salesperson's license shall complete and deliver to the division 2701  
of real estate before the first day of July an application for 2702  
license. The application shall be in the form prescribed by the 2703  
division of real estate and shall be accompanied by the fee 2704  
established by the division. The applicant shall sign and swear 2705  
to the application that shall include all of the following: 2706

(1) Name and post-office address of the applicant; 2707

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused ~~or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused,~~ and whether the applicant has previously had a manufactured housing salesperson ~~or motor vehicle salesperson~~ license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of

business operated, or to be operated, by the applicant. 2737

(D) The division of real estate shall deposit all license 2738  
fees into the state treasury to the credit of the real estate 2739  
operating fund created under section 4735.211 of the Revised 2740  
Code. 2741

(E) Notwithstanding any provision of this chapter to the 2742  
contrary, the division shall issue a manufactured housing 2743  
dealer's license or manufactured housing broker's license in 2744  
accordance with Chapter 4796. of the Revised Code to an 2745  
applicant if either of the following applies: 2746

(1) The applicant holds a license in another state. 2747

(2) The applicant has satisfactory work experience, a 2748  
government certification, or a private certification as 2749  
described in that chapter as a manufactured housing dealer or 2750  
manufactured housing broker in a state that does not issue that 2751  
license. 2752

**Sec. 5120.10.** (A) (1) The Except as provided in this 2753  
division, the director of rehabilitation and correction, by 2754  
rule, shall promulgate minimum standards for jails in Ohio, 2755  
including minimum security jails dedicated under section 341.34 2756  
or 753.21 of the Revised Code. Whenever the director files a 2757  
rule or an amendment to a rule in final form with both the 2758  
secretary of state and the director of the legislative service 2759  
commission pursuant to section 111.15 of the Revised Code, the 2760  
director of rehabilitation and correction promptly shall send a 2761  
copy of the rule or amendment, if the rule or amendment pertains 2762  
to minimum jail standards, by ordinary mail to the political 2763  
subdivisions or affiliations of political subdivisions that 2764  
operate jails to which the standards apply. The director shall 2765



not adopt any rule requiring support staff in a jail to obtain 2766  
an occupational license as defined in section 4798.01 of the 2767  
Revised Code. 2768

(2) The rules promulgated in accordance with division (A) 2769  
(1) of this section shall serve as criteria for the 2770  
investigative and supervisory powers and duties vested by 2771  
division (D) of this section in the division of parole and 2772  
community services of the department of rehabilitation and 2773  
correction or in another division of the department to which 2774  
those powers and duties are assigned. 2775

(B) The director may initiate an action in the court of 2776  
common pleas of the county in which a facility that is subject 2777  
to the rules promulgated under division (A) (1) of this section 2778  
is situated to enjoin compliance with the minimum standards for 2779  
jails or with the minimum standards and minimum renovation, 2780  
modification, and construction criteria for jails. 2781

(C) Upon the request of an administrator of a jail 2782  
facility, the chief executive of a municipal corporation, or a 2783  
board of county commissioners, the director of rehabilitation 2784  
and correction or the director's designee shall grant a variance 2785  
from the minimum standards for jails in Ohio for a facility that 2786  
is subject to one of those minimum standards when the director 2787  
determines that strict compliance with the minimum standards 2788  
would cause unusual, practical difficulties or financial 2789  
hardship, that existing or alternative practices meet the intent 2790  
of the minimum standards, and that granting a variance would not 2791  
seriously affect the security of the facility, the supervision 2792  
of the inmates, or the safe, healthful operation of the 2793  
facility. If the director or the director's designee denies a 2794  
variance, the applicant may appeal the denial pursuant to 2795

section 119.12 of the Revised Code. 2796

(D) The following powers and duties shall be exercised by 2797  
the division of parole and community services unless assigned to 2798  
another division by the director: 2799

(1) The investigation and supervision of county and 2800  
municipal jails, workhouses, minimum security jails, and other 2801  
correctional institutions and agencies; 2802

(2) The review and approval of plans submitted to the 2803  
department of rehabilitation and correction pursuant to division 2804  
(E) of this section; 2805

(3) The management and supervision of the adult parole 2806  
authority created by section 5149.02 of the Revised Code; 2807

(4) The review and approval of proposals for community- 2808  
based correctional facilities and programs and district 2809  
community-based correctional facilities and programs that are 2810  
submitted pursuant to division (B) of section 2301.51 of the 2811  
Revised Code; 2812

(5) The distribution of funds made available to the 2813  
division for purposes of assisting in the renovation, 2814  
maintenance, and operation of community-based correctional 2815  
facilities and programs and district community-based 2816  
correctional facilities and programs in accordance with section 2817  
5120.112 of the Revised Code; 2818

(6) The performance of the duty imposed upon the 2819  
department of rehabilitation and correction in section 5149.31 2820  
of the Revised Code to establish and administer a program of 2821  
subsidies to eligible municipal corporations, counties, and 2822  
groups of contiguous counties for the development, 2823  
implementation, and operation of community-based corrections 2824

programs;	2825
(7) Licensing halfway houses and community residential centers for the care and treatment of adult offenders in accordance with section 2967.14 of the Revised Code;	2826 2827 2828
(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders in accordance with section 2967.14 of the Revised Code.	2829 2830 2831 2832 2833 2834 2835 2836
Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the department of youth services or its institutions or employees.	2837 2838 2839 2840
(E) No plan for any new jail, workhouse, or lockup, and no plan for a substantial addition or alteration to an existing jail, workhouse, or lockup, shall be adopted unless the officials responsible for adopting the plan have submitted the plan to the department of rehabilitation and correction for approval, and the department has approved the plan as provided in division (D)(2) of this section.	2841 2842 2843 2844 2845 2846 2847
<b>Section 2.</b> That existing sections 101.62, 103.27, 107.56, 926.01, 926.12, 926.19, 926.31, 993.04, 3703.21, 3769.03, 3772.13, 4104.07, 4104.08, 4104.18, 4508.04, 4513.241, 4517.01, 4517.02, 4517.04, 4517.10, 4517.33, 4517.43, 4549.50, 4703.16, 4738.05, 4743.05, 4745.01, 4749.03, 4781.08, 4781.17, and 5120.10 of the Revised Code are hereby repealed.	2848 2849 2850 2851 2852 2853

**Section 3.** That sections 926.30, 4517.09, 4517.16, 2854  
4517.17, 4517.171, 4517.18, 4775.01, 4775.02, 4775.03, 4775.04, 2855  
4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 2856  
and 4775.99 of the Revised Code are hereby repealed. 2857

**Section 4.** (A) For the purposes of this section, 2858  
"occupational licensing board" has the same meaning as in 2859  
section 4798.01 of the Revised Code. 2860

(B) Pursuant to division (E) of section 101.62 of the 2861  
Revised Code, the following occupational licensing boards are 2862  
hereby renewed and, subject to the revisions prescribed by this 2863  
act, the statutes creating, empowering, governing, and 2864  
regulating those boards are continued: 2865

(1) The Ohio Peace Officer Training Commission created 2866  
under section 109.71 of the Revised Code; 2867

(2) The State Cosmetology and Barber Board created under 2868  
section 4713.02 of the Revised Code; 2869

(3) The Accountancy Board created under section 4701.02 of 2870  
the Revised Code; 2871

(4) The Department of Agriculture described in Chapter 2872  
901. of the Revised Code; 2873

(5) The Architects Board created under section 4703.01 of 2874  
the Revised Code; 2875

(6) The Ohio Landscape Architects Board created under 2876  
section 4703.31 of the Revised Code; 2877

(7) The Ohio Casino Control Commission created under 2878  
section 3772.02 of the Revised Code; 2879

(8) The Department of Commerce Division of Financial 2880

Institutions created under section 121.08 of the Revised Code;	2881
(9) The Department of Commerce Division of Real Estate and Professional Licensing created under section 121.08 of the Revised Code;	2882 2883 2884
(10) The Department of Commerce Division of Industrial Compliance created under section 121.08 of the Revised Code;	2885 2886
(11) The Department of Commerce Division of Unclaimed Funds created under section 121.08 of the Revised Code;	2887 2888
(12) The Department of Public Safety Bureau of Motor Vehicles created under section 4501.02 of the Revised Code;	2889 2890
(13) The Department of Public Safety described in Chapter 5502. of the Revised Code;	2891 2892
(14) The State Board of Registration for Professional Engineers and Surveyors created under section 4733.03 of the Revised Code;	2893 2894 2895
(15) The Department of Mental Health and Addiction Services described in Chapter 5119. of the Revised Code;	2896 2897
(16) The State Racing Commission created under section 3769.02 of the Revised Code;	2898 2899
(17) The Secretary of State described in Chapter 111. of the Revised Code.	2900 2901
(C) The occupational licensing boards listed in this section shall be triggered to expire under division (B) of section 101.62 of the Revised Code at the end of the thirty first day of December of the sixth year following enactment of this section.	2902 2903 2904 2905 2906
<b>Section 5.</b> A backflow technician certification issued	2907

before the effective date of this section pursuant to the rules 2908  
adopted by the Superintendent of Industrial Compliance under 2909  
section 3703.21 of the Revised Code expires on the date it would 2910  
have expired under the rules in effect before the effective date 2911  
of this section. 2912

**Section 6.** A license issued pursuant to Chapter 4749. of 2913  
the Revised Code before the effective date of this section 2914  
expires on the date it would have expired under the version of 2915  
section 4749.03 of the Revised Code in effect before the 2916  
effective date of this section. 2917

**Section 7.** On the effective date of this section, the 2918  
Motor Vehicle Repair Board is abolished. All Board records, 2919  
assets, and liabilities shall be transferred to the Department 2920  
of Public Safety. The Department is successor to, and assumes 2921  
the obligations of, the Board. 2922

Any business commenced, but not completed, by the Board or 2923  
its Executive Director shall be completed by the Director of 2924  
Public Safety in the same manner, and with the same effect, as 2925  
if completed by the Board or its Executive Director. No 2926  
validation, cure, right, privilege, remedy, obligation, or 2927  
liability is lost or impaired because of the abolishment under 2928  
this section. 2929

The Director of Budget and Management shall cancel any 2930  
existing encumbrances against appropriation item 865601, 2931  
Operating Expenses, and reestablish them against a line item 2932  
selected in consultation with the Director of Public Safety. The 2933  
reestablished encumbrance amounts are hereby appropriated. 2934

All Board employees cease to hold their positions of 2935  
employment on the effective date of this section, or as soon as 2936

possible thereafter. 2937

Wherever the Board or its Executive Director is referred 2938  
to in any law, contract, or other document, the reference refers 2939  
to the Department or its Director, whichever is appropriate. 2940

No action or proceeding pending on the effective date of 2941  
this section is affected by the abolishment. Any such action or 2942  
proceeding shall be prosecuted or defended in the name of the 2943  
the Department or its Director. In all such actions or 2944  
proceedings, the Department or its Director, on application to 2945  
court, shall be substituted as a party. 2946

**Section 8.** The version of section 4508.04 of the Revised 2947  
Code that is presented in this act as a composite of the section 2948  
as amended by both H.B. 281 and S.B. 131 of the 134th General 2949  
Assembly. The General Assembly, applying the principle stated in 2950  
division (B) of section 1.52 of the Revised Code that amendments 2951  
are to be harmonized if reasonably capable of simultaneous 2952  
operation, finds that the composite is the resulting version of 2953  
the section in effect prior to the effective date of the section 2954  
as presented in this act. 2955