

H. B. No. 76
As Introduced

_____ moved to amend as follows:

- In line 12 of the title, after "3904.08" insert ", 3905.72, 3951.03" 1
- In line 14 of the title, after "4303.24" insert ", 4503.04" 2
- In line 15 of the title, after "4510.41" insert ", 4701.04"; after 3
"4735.14" insert ", 4751.23, 4755.01"; after "5120.14" insert ", 5123.081, 4
5123.169" 5
- In line 17 of the title, after "5168.23" insert ", 5516.10" 6
- In line 22 of the title, after "agencies" insert ", and to amend the 7
version of section 3951.03 of the Revised Code scheduled to take effect on 8
December 29, 2023, to continue the changes on and after that date" 9
- In line 31, after "3904.08" insert ", 3905.72, 3951.03" 10
- In line 32, after "4303.24" insert ", 4503.04" 11
- In line 33, after "4510.41" insert ", 4701.04"; after "4735.14" 12
insert ", 4751.23, 4755.01" 13
- In line 34, after "5120.14" insert ", 5123.081, 5123.169" 14
- In line 35, after "5168.23" insert ", 5516.10" 15



After line 7154, insert: 16

"Sec. 3905.72. (A) (1) No person shall act as a managing 17
general agent representing an insurer licensed in this state 18
with respect to risks located in this state unless the person is 19
licensed as a managing general agent pursuant to division (C) or 20
(D) of this section. 21

(2) No person shall act as a managing general agent 22
representing an insurer organized under the laws of this state 23
with respect to risks located outside this state unless the 24
person is licensed as a managing general agent pursuant to 25
division (C) of this section. 26

(B) Every person that seeks to act as a managing general 27
agent as described in division (A) of this section shall apply 28
to the superintendent of insurance for a license. Except as 29
otherwise provided in division (D) of this section, the 30
application shall be in writing on a form provided by the 31
~~superintendent and shall be sworn or affirmed before a notary-~~ 32
~~public or other person empowered to administer oaths.~~ The 33
application shall be kept on file by the superintendent and 34
shall include all of the following: 35

(1) The name and principal business address of the 36
applicant; 37

(2) If the applicant is an individual, the applicant's 38
current occupation; 39

(3) If the applicant is an individual, the applicant's 40
occupation or occupations during the five-year period prior to 41
applying for the license to act as a managing general agent; 42

(4) A copy of the contract between the applicant and the 43

insurer as required by, and in compliance with, section 3905.73 44
of the Revised Code; 45

(5) A copy of a certified resolution of the board of 46
directors of the insurer on whose behalf the applicant will act, 47
appointing the applicant as a managing general agent and agent 48
of the insurer, specifying the duties the applicant is expected 49
to perform on behalf of the insurer and the lines of insurance 50
the applicant will manage, and authorizing the insurer to enter 51
into a contract with the applicant as required by section 52
3905.73 of the Revised Code; 53

(6) A statement that the applicant submits to the 54
jurisdiction of the superintendent and the courts of this state; 55

(7) Any other information required by the superintendent. 56

(C) The superintendent shall issue to a resident of this 57
state or a business entity organized under the laws of this 58
state a license to act as a managing general agent representing 59
an insurer licensed to do business in this state with respect to 60
risks located in this state or a license to act as a managing 61
general agent representing an insurer organized under the laws 62
of this state with respect to risks located outside this state, 63
and shall renew such a license, if the superintendent is 64
satisfied that all of the following conditions are met: 65

(1) The applicant is a suitable person and intends to hold 66
self out in good faith as a managing general agent. 67

(2) The applicant understands the duties and obligations 68
of a managing general agent. 69

(3) The applicant has filed a completed application that 70
complies with division (B) of this section. 71

(4) The applicant has paid a fee in the amount of twenty dollars.	72 73
(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.	74 75 76
(6) The applicant maintains an errors and omissions policy of insurance.	77 78
(7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.	79 80 81 82 83 84
(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.	85 86 87 88 89 90 91 92 93 94
If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.	95 96 97 98 99 100

(E) Unless suspended or revoked by an order of the 101
superintendent pursuant to section 3905.77 of the Revised Code 102
and except as provided in division (F) of this section, any 103
license issued or renewed pursuant to division (C) or (D) of 104
this section shall expire on the last day of February next after 105
its issuance or renewal. 106

(F) If the appointment of a managing general agent is 107
terminated by the insurer, the license of the managing general 108
agent shall expire on the date of the termination. 109

(G) A license shall be renewed in accordance with the 110
standard renewal procedure specified in Chapter 4745. of the 111
Revised Code. 112

(H) All license fees collected pursuant to this section 113
shall be paid into the state treasury to the credit of the 114
department of insurance operating fund. 115

Sec. 3951.03. Before any certificate of authority shall 116
be issued by the superintendent of insurance there shall be 117
filed ~~in his~~ the superintendent's office a written application 118
therefor. Such application shall be in the form or forms and 119
supplements thereto prescribed by the superintendent and shall 120
set forth: 121

(A) The name and address of the applicant, and if the 122
applicant be a firm, association, or partnership, the name and 123
address of each member thereof, and if the applicant be a 124
corporation, the name and address of each of its officers and 125
directors; 126

(B) Whether any license or certificate of authority as 127
agent, broker, or public insurance adjuster has been issued 128
previously by the superintendent of this state or by the 129

insurance department of any state to the individual applicant, 130
and, if the applicant be an individual, whether any such 131
certificate has been issued previously to any firm, association, 132
or partnership of which ~~he~~ the individual was or is an officer 133
or director, and, if the applicant be a firm, association, or 134
partnership, whether any such certificate has been issued 135
previously to any member thereof, and, if the applicant be a 136
corporation, whether any such certificate has been issued 137
previously to any officer or director of such corporation; 138

(C) The business or employment in which the applicant has 139
been engaged for the five years next preceding the date of the 140
application, and the name and address of such business and the 141
name or names and addresses of his employer or employers; 142

(D) Such information as the superintendent may require of 143
applicants in order to determine their trustworthiness and 144
competency to transact the business of public insurance 145
adjusters, in such manner as to safeguard the interest of the 146
public; 147

(E) The superintendent shall issue a public insurance 148
adjuster agent certificate to a person, who is a bona fide 149
employee of a public insurance adjuster without examination, 150
provided said application is made by a person, partnership, 151
association, or corporation engaged in the public insurance 152
adjusting business. The fee to be paid by the applicant for such 153
a license at the time the application is made, and annually 154
thereafter for the renewal thereof according to the standard 155
renewal procedure of sections 4745.01 to 4745.03, inclusive, of 156
the Revised Code, shall be fifty dollars, and such applicant 157
shall be bonded in the amount of one thousand dollars as 158
provided for in division (D) of section 3951.06 of the Revised 159

Code.	160
An application for any certificate of authority shall be	161
signed and verified under oath by the applicant and, if made by	162
a firm, association, partnership, or corporation, by each member	163
or officer and director thereof to be authorized thereby to act	164
as a public insurance adjuster."	165
After line 8258, insert:	166
"Sec. 4503.04. Except as provided in sections 4503.042	167
and 4503.65 of the Revised Code for the registration of	168
commercial cars, trailers, semitrailers, and certain buses, the	169
rates of the taxes imposed by section 4503.02 of the Revised	170
Code shall be as follows:	171
(A) (1) For motor vehicles having three wheels or less, the	172
license tax is:	173
(a) For each motorized bicycle or moped, ten dollars;	174
(b) For each motorcycle, autocycle, cab-enclosed	175
motorcycle, motor-driven cycle, or motor scooter, fourteen	176
dollars.	177
(2) For each low-speed, under-speed, and utility vehicle,	178
and each mini-truck, ten dollars.	179
(B) For each passenger car, twenty dollars;	180
(C) For each manufactured home, each mobile home, and each	181
travel trailer or house vehicle, ten dollars;	182
(D) For each noncommercial motor vehicle designed by the	183
manufacturer to carry a load of no more than three-quarters of	184
one ton and for each motor home, thirty-five dollars; for each	185
noncommercial motor vehicle designed by the manufacturer to	186

carry a load of more than three-quarters of one ton, but not	187
more than one ton, seventy dollars;	188
(E) For each noncommercial trailer, the license tax is:	189
(1) Eighty-five cents for each one hundred pounds or part	190
thereof for the first two thousand pounds or part thereof of	191
weight of vehicle fully equipped;	192
(2) One dollar and forty cents for each one hundred pounds	193
or part thereof in excess of two thousand pounds up to and	194
including ten thousand pounds.	195
(F) Notwithstanding its weight, twelve dollars for any:	196
(1) Vehicle equipped, owned, and used by a charitable or	197
nonprofit corporation exclusively for the purpose of	198
administering chest x-rays or receiving blood donations;	199
(2) Van used principally for the transportation of persons	200
with disabilities that has been modified by being equipped with	201
adaptive equipment to facilitate the movement of such persons	202
into and out of the van;	203
(3) Bus used principally for the transportation of persons	204
with disabilities or persons sixty-five years of age or older.	205
(G) Notwithstanding its weight, twenty dollars for any bus	206
used principally for the transportation of persons in a	207
ridesharing arrangement.	208
(H) For each transit bus having motor power the license	209
tax is twelve dollars.	210
"Transit bus" means either a motor vehicle having a	211
seating capacity of more than seven persons which is operated	212
and used by any person in the rendition of a public mass	213

transportation service primarily in a municipal corporation or 214
municipal corporations and provided at least seventy-five per 215
cent of the annual mileage of such service and use is within 216
such municipal corporation or municipal corporations or a motor 217
vehicle having a seating capacity of more than seven persons 218
which is operated solely for the transportation of persons 219
associated with a charitable or nonprofit corporation, but does 220
not mean any motor vehicle having a seating capacity of more 221
than seven persons when such vehicle is used in a ridesharing 222
capacity or any bus described by division (F) (3) of this 223
section. 224

The application for registration of such transit bus shall 225
be accompanied by an affidavit prescribed by the registrar of 226
motor vehicles and signed by the person or an agent of the firm 227
or corporation operating such bus stating that the bus has a 228
seating capacity of more than seven persons, and that it is 229
either to be operated and used in the rendition of a public mass 230
transportation service and that at least seventy-five per cent 231
of the annual mileage of such operation and use shall be within 232
one or more municipal corporations or that it is to be operated 233
solely for the transportation of persons associated with a 234
charitable or nonprofit corporation. 235

The form of the license plate, and the manner of its 236
attachment to the vehicle, shall be prescribed by the registrar 237
of motor vehicles. 238

(I) Except as otherwise provided in division (A) or (J) of 239
this section, the minimum tax for any vehicle having motor power 240
is ten dollars and eighty cents, and for each noncommercial 241
trailer, five dollars. 242

(J) (1) Except as otherwise provided in division (J) of 243

<p>this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the operation of which a farm truck is used, the license tax is five dollars plus:</p> <p>(a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds;</p> <p>(b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds;</p> <p>(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;</p> <p>(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;</p> <p>(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;</p> <p>(f) The minimum license tax for any farm truck shall be twelve dollars.</p> <p>(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code.</p>	<p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p> <p>250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p> <p>255</p> <p>256</p> <p>257</p> <p>258</p> <p>259</p> <p>260</p> <p>261</p> <p>262</p> <p>263</p> <p>264</p> <p>265</p> <p>266</p> <p>267</p> <p>268</p> <p>269</p> <p>270</p> <p>271</p>
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(3) A farm bus may be registered for a period of three 272
hundred ten days from the date of issue of the license plates 273
for the bus, for a fee of ten dollars, provided such license 274
plates shall not be issued for more than one such period in any 275
calendar year. Such use does not include the operation of trucks 276
by commercial processors of agricultural products. 277

(4) License plates for farm trucks and for farm buses 278
shall have some distinguishing marks, letters, colors, or other 279
characteristics to be determined by the director of public 280
safety. 281

(5) Every person registering a farm truck or bus under 282
this section shall furnish an affidavit certifying that the 283
truck or bus licensed to that person is to be so used as to meet 284
the requirements necessary for the farm truck or farm bus 285
classification. 286

Any farmer may use a truck owned by the farmer for 287
commercial purposes by paying the difference between the 288
commercial truck registration fee and the farm truck 289
registration fee for the remaining part of the registration 290
period for which the truck is registered. Such remainder shall 291
be calculated from the beginning of the semiannual period in 292
which application for such commercial license is made. 293

Taxes at the rates provided in this section are in lieu of 294
all taxes on or with respect to the ownership of such motor 295
vehicles, except as provided in sections 4503.042, 4503.06, and 296
4503.65 of the Revised Code. 297

(K) Other than trucks registered under the international 298
registration plan in another jurisdiction and for which this 299
state has received an apportioned registration fee, the license 300

tax for each truck which is owned, controlled, or operated by a 301
nonresident, and licensed in another state, and which is used 302
exclusively for the transportation of nonprocessed agricultural 303
products intrastate, from the place of production to the place 304
of processing, is twenty-four dollars. 305

"Truck," as used in this division, means any pickup truck, 306
straight truck, semitrailer, or trailer other than a travel 307
trailer. Nonprocessed agricultural products, as used in this 308
division, does not include livestock or grain. 309

A license issued under this division shall be issued for a 310
period of one hundred thirty days in the same manner in which 311
all other licenses are issued under this section, provided that 312
no truck shall be so licensed for more than one one-hundred- 313
thirty-day period during any calendar year. 314

The license issued pursuant to this division shall consist 315
of a windshield decal to be designed by the director of public 316
safety. 317

Every person registering a truck under this division shall 318
furnish an affidavit certifying that the truck licensed to the 319
person is to be used exclusively for the purposes specified in 320
this division. 321

(L) Every person registering a motor vehicle as a 322
noncommercial motor vehicle as defined in section 4501.01 of the 323
Revised Code, or registering a trailer as a noncommercial 324
trailer as defined in that section, shall furnish an affidavit 325
certifying that the motor vehicle or trailer so licensed to the 326
person is to be so used as to meet the requirements necessary 327
for the noncommercial vehicle classification. 328

(M) Every person registering a van or bus as provided in 329

divisions (F) (2) and (3) of this section shall ~~furnish a~~ 330
~~notarized statement certifying~~ affirm as prescribed by the 331
registrar that the van or bus licensed to the person is to be 332
used for the purposes specified in those divisions. The form of 333
the license plate issued for such motor vehicles shall be 334
prescribed by the registrar. 335

(N) Every person registering as a passenger car a motor 336
vehicle designed and used for carrying more than nine but not 337
more than fifteen passengers, and every person registering a bus 338
as provided in division (G) of this section, shall furnish an 339
affidavit certifying that the vehicle so licensed to the person 340
is to be used in a ridesharing arrangement and that the person 341
will have in effect whenever the vehicle is used in a 342
ridesharing arrangement a policy of liability insurance with 343
respect to the motor vehicle in amounts and coverages no less 344
than those required by section 4509.79 of the Revised Code. The 345
form of the license plate issued for such a motor vehicle shall 346
be prescribed by the registrar. 347

(O) (1) If an application for registration renewal is not 348
applied for prior to the expiration date of the registration or 349
within thirty days after that date, the registrar or deputy 350
registrar shall collect a fee of ten dollars for the issuance of 351
the vehicle registration. For any motor vehicle that is used on 352
a seasonal basis, whether used for general transportation or 353
not, and that has not been used on the public roads or highways 354
since the expiration of the registration, the registrar or 355
deputy registrar shall waive the fee established under this 356
division if the application is accompanied by supporting 357
evidence of seasonal use as the registrar may require. The 358
registrar or deputy registrar may waive the fee for other good 359
cause shown if the application is accompanied by supporting 360

evidence as the registrar may require. The fee shall be in 361
addition to all other fees established by this section. A deputy 362
registrar shall retain fifty cents of the fee and shall transmit 363
the remaining amount to the registrar at the time and in the 364
manner provided by section 4503.10 of the Revised Code. The 365
registrar shall deposit all moneys received under this division 366
into the public safety - highway purposes fund established in 367
section 4501.06 of the Revised Code. 368

(2) Division (O)(1) of this section does not apply to a 369
farm truck or farm bus registered under division (J) of this 370
section. 371

(P) As used in this section: 372

(1) "Van" means any motor vehicle having a single rear 373
axle and an enclosed body without a second seat. 374

(2) "Person with a disability" means any person who has 375
lost the use of one or both legs, or one or both arms, or is 376
blind, deaf, or unable to move about without the aid of crutches 377
or a wheelchair. 378

(3) "Farm truck" means a truck used in the transportation 379
from the farm of products of the farm, including livestock and 380
its products, poultry and its products, floricultural and 381
horticultural products, and in the transportation to the farm of 382
supplies for the farm, including tile, fence, and every other 383
thing or commodity used in agricultural, floricultural, 384
horticultural, livestock, and poultry production and livestock, 385
poultry, and other animals and things used for breeding, 386
feeding, or other purposes connected with the operation of the 387
farm. 388

(4) "Farm bus" means a bus used only for the 389

transportation of agricultural employees and used only in the 390
transportation of such employees as are necessary in the 391
operation of the farm. 392

(5) "Farm supplies" includes fuel used exclusively in the 393
operation of a farm, including one or more homes located on and 394
used in the operation of one or more farms, and furniture and 395
other things used in and around such homes." 396

After line 9226, insert: 397

"Sec. 4701.04. (A) No public accounting firm located in 398
this state shall engage in the practice of public accounting in 399
this state unless it registers with the accountancy board and 400
pays a registration fee set by the board. 401

(B) Public accounting firms shall apply for initial 402
registration within ninety days after formation or within ninety 403
days after the commencement of practicing public accounting in 404
this state. All public accounting firms shall renew their 405
registration triennially. All public accounting firms shall 406
submit with their initial and renewal registration applications 407
all of the following: 408

(1) A list of the names, addresses, and certificate or 409
registration numbers of all individuals who hold an Ohio permit 410
and who own an equity interest in the public accounting firm or 411
are employed by the public accounting firm; 412

(2) A list of the names and addresses of each person who 413
does not hold an Ohio permit or a foreign certificate and who 414
owns an equity interest in the public accounting firm if the 415
person's principal place of business is located in this state; 416

(3) A statement that the public accounting firm and each 417

person who owns an equity interest in the public accounting firm 418
or is employed by the public accounting firm and who does not 419
hold an Ohio permit or a foreign certificate is in compliance 420
with divisions (C) and (D) of this section. 421

(C) A public accounting firm shall satisfy all of the 422
following requirements in order to register: 423

(1) Except as provided in division (C) (5) of this section, 424
each partner, shareholder, member, or other person who owns an 425
equity interest in the public accounting firm shall hold an Ohio 426
permit or a foreign certificate. 427

(2) The public accounting firm shall designate an 428
individual who holds an Ohio permit who shall be responsible for 429
the proper registration of the firm. The public accounting firm 430
shall identify this individual to the board. 431

(3) Each individual in a public accounting firm who signs 432
any attest report issued from an office of the public accounting 433
firm located in this state shall hold an Ohio permit. 434

(4) An individual who owns an equity interest in the 435
public accounting firm or is employed by the public accounting 436
firm and who holds an Ohio permit or a foreign certificate, or a 437
qualified firm that owns an equity interest in the public 438
accounting firm, shall assume ultimate responsibility for any 439
attest report issued from an office of the public accounting 440
firm located in this state. 441

(5) Any person who does not hold an Ohio permit or a 442
foreign certificate and who holds an equity interest in the 443
public accounting firm shall satisfy the conditions set forth in 444
division (D) of this section. 445

(6) The public accounting firm shall provide for the 446
transfer of the equity interest owned by persons who do not hold 447
an Ohio permit or a foreign certificate to either the public 448
accounting firm or to another person who owns an equity interest 449
in the firm if a person who does not hold an Ohio permit or a 450
foreign certificate withdraws from or ceases to be employed by 451
the public accounting firm. The public accounting firm may make 452
payments in connection with the person's withdrawal from the 453
firm to that person or, if that person is deceased or dissolved, 454
to the person's estate or successor in interest. 455

(D) A person who does not hold an Ohio permit or a foreign 456
certificate may own an equity interest in a public accounting 457
firm if all of the following conditions are met: 458

(1) All of the individuals who hold an Ohio permit or a 459
foreign certificate and who own equity interests in the public 460
accounting firm, and qualified firms that own equity interests 461
in the public accounting firm, own, in the aggregate, a majority 462
of the equity interests in the public accounting firm and 463
control the public accounting firm. 464

(2) The person does not assume or use any titles or 465
designations specified in division (A) of section 4701.14 of the 466
Revised Code. The person may designate or refer to the person as 467
a shareholder, partner, member, principal, owner, or officer of 468
the public accounting firm and also may use any other title that 469
the board authorizes by rule. 470

(3) The person is not in violation of any standard 471
regarding the character or conduct of that person that the board 472
establishes by rule. 473

(4) The person's participation in the business of the 474

public accounting firm is the person's principal occupation and 475
consists of providing services to or on behalf of the public 476
accounting firm, and the person is not functioning solely or 477
predominately as a passive investor in the public accounting 478
firm. 479

(5) The person meets or exceeds the continuing education 480
requirements that the board establishes by rule. 481

(6) A person who holds a professional license, 482
registration, or certification issued by this state or another 483
state complies with the requirements of that license, 484
registration, or certification. 485

(7) The person abides by the code of conduct of the 486
American institute of certified public accountants or a 487
comparable code of professional conduct that the board adopts by 488
rule. 489

(8) The person complies with all applicable provisions of 490
this chapter and the rules adopted by the board. 491

(E) A person who owns a voting equity interest in a public 492
accounting firm may not delegate, by proxy or otherwise, the 493
duty to exercise any voting rights to a person that does not 494
hold an Ohio permit or a foreign certificate or to a person that 495
is not a qualified firm. 496

(F) As a condition for initial or renewal registration of 497
a public accounting firm on and after January 1, 1993, the 498
board, by rule, shall require that each public accounting firm 499
undergo a peer review to determine the public accounting firm's 500
degree of compliance in the practice of public accounting with 501
generally accepted accounting principles, generally accepted 502
auditing standards, and other generally accepted technical 503

standards as defined by the board in rule, unless the public 504
accounting firm meets one of the exceptions in division (J) of 505
this section. 506

(G) The board shall adopt rules establishing guidelines 507
for peer reviews, and may authorize an agent to administer all 508
or part of the board's peer review program and to assess a 509
reasonable fee to firms to cover the costs incurred by the agent 510
for program administration. The rules shall do all of the 511
following: 512

(1) Designate a peer review committee consisting of 513
accounting professionals to serve as advisors to the board and 514
to ensure that the board's guidelines are followed. 515

(2) Require that the peer review be conducted by a 516
reviewer that is both independent of the public accounting firm 517
reviewed and qualified pursuant to board rules; 518

(3) Require that the standards and practices applied by 519
the reviewer be at least as stringent as those applied by the 520
American institute of certified public accountants; 521

(4) Prohibit the use or disclosure of information obtained 522
by members of the board or a committee of peer reviewers during 523
or in connection with the peer review process for purposes other 524
than those related to determining the degree of compliance by 525
the public accounting firm with generally accepted accounting 526
principles, generally accepted auditing standards, and other 527
generally accepted technical standards as defined by the board 528
in rule. Division (G)(4) of this section does not apply to the 529
use or disclosure of information that is described in division 530
(K)(3) of this section or that is necessary to comply with any 531
provision of law. 532

(H) (1) If a peer review report indicates that a public accounting firm does not comply with standards and practices set forth in the rules adopted by the board, the board, in its discretion, may review the results of the peer review report. If the board, or its authorized peer review program administrator, determines that the public accounting firm does not comply with the standards and practices, it may require both of the following:

(a) Remedial action, which may include any of the following:

(i) Requiring employees of the public accounting firm to complete general or specific continuing professional education courses;

(ii) Requiring the public accounting firm to undergo peer review more frequently than triennially and peer review that is conducted in whole or part under the direct supervision of the board or its designee;

(iii) Any other remedial action specified by the board.

(b) An affidavit and supporting documentation from the public accounting firm submitted within the time specified by the board indicating completion of required remedial actions.

(2) If the board, or its authorized peer review program administrator, determines that a public accounting firm has not complied with any requirement ordered under division (H) of this section, or if the board determines, after the review of a peer review report, that the public accounting firm has a history of noncompliance with standards and practices set forth in board rules, the board may hold a hearing to determine the extent of the firm's noncompliance. If the board, after conducting the

hearing, determines that the public accounting firm does not 562
comply with appropriate standards and practices, the board may 563
issue an order that imposes any disciplinary measure set forth 564
in division (B) of section 4701.16 of the Revised Code. 565

(3) Notwithstanding divisions (K) (1) and (2) of this 566
section, all matters relating to the procedures for determining 567
compliance with the standards and practices under division (H) 568
(2) of this section are subject to Chapter 119. of the Revised 569
Code, including the notice and conduct of any hearing and the 570
issuance and appeal of any order. Remedial orders made under 571
division (H) (1) of this section are not subject to Chapter 119. 572
of the Revised Code. 573

(I) The public accounting firm reviewed shall pay for any 574
peer review performed. 575

(J) The board may exempt a public accounting firm from the 576
requirement to undergo a peer review if the public accounting 577
firm submits to the board a written ~~and notarized~~ statement that 578
the public accounting firm meets at least one of the following 579
grounds for exemption identified in the statement: 580

(1) Within three years of the date of application for 581
initial or renewal registration, the public accounting firm has 582
completed a peer review acceptable to the board and conducted 583
pursuant to standards not less stringent than the peer review 584
standards promulgated by the American institute of certified 585
public accountants. A peer review that does not comply with 586
standards and practices set forth in the rules adopted by the 587
board and that may subject a public accounting firm to remedial 588
or disciplinary action pursuant to division (H) of this section, 589
does not qualify as an acceptable peer review. The public 590
accounting firm shall submit to the board a copy of the results 591

of the peer review and any additional documentation required by 592
the board. The board shall not require submittal of the working 593
papers related to the peer review process. 594

(2) Within three years of the date of application for 595
initial or renewal registration, the public accounting firm has 596
completed a peer review acceptable to the board that was 597
conducted in another state or foreign country. The public 598
accounting firm shall submit to the board a copy of the results 599
of the peer review and any additional documentation required by 600
the board, including a detailed report of the procedures and 601
standards applied by the reviewer. 602

(3) The public accounting firm has never practiced public 603
accounting in this state or any other state or foreign country, 604
will complete a peer review acceptable to the board within 605
eighteen months of initial registration, and will review its 606
registration with the board two years after initial registration 607
as specified in rules the board adopts. 608

(4) The public accounting firm, on a schedule as required 609
by rule adopted by the board, submits a report to the board that 610
states all of the following: 611

(a) The public accounting firm does not undertake any 612
engagement that will result in the issuance of an attest report 613
or other engagement that is subject to peer review in accordance 614
with division (F) of this section. 615

(b) The public accounting firm agrees to notify the board 616
within ninety days after accepting any engagement that will 617
result in the issuance of any attest report or other engagement 618
that is subject to peer review in accordance with division (F) 619
of this section and will complete a peer review acceptable to 620

the board within one year after the acceptance of an engagement
of that nature.

(5) Subject to the board's approval and for good cause as
defined in rules the board adopts, the public accounting firm is
entitled to an exemption.

(K) In any civil action, arbitration, or administrative
proceeding involving a public accounting firm, all of the
following shall apply:

(1) The proceedings, records, and work papers of any
reviewer, including board members and review committee members,
involved in the peer review process are privileged and not
subject to discovery, subpoena, or other means of legal process
and may not be introduced into evidence.

(2) No reviewer, including board members and review
committee members, involved in the peer review process shall be
permitted or required to testify as to any matters produced,
presented, disclosed, or discussed during or in connection with
the peer review process or shall be required to testify to any
finding, recommendation, evaluation, opinion, or other actions
of those committees or their members.

(3) No privilege exists under this section for either of
the following:

(a) Information presented or considered in the peer review
process that was otherwise available to the public;

(b) Materials prepared in connection with a particular
engagement merely because they subsequently are presented or
considered as part of the peer review process.

(L) (1) If a peer review report indicates that a public

accounting firm complies with standards and practices set forth 649
in rules adopted by the board, the board shall destroy all 650
documents and reports related to the peer review within thirty 651
days after the board completes its review of the report. 652

(2) If a peer review report indicates that a public 653
accounting firm does not comply with those standards and 654
practices set forth in rules adopted by the board, the board 655
shall retain all documents and reports related to the peer 656
review until completion of the next peer review that complies 657
with standards and practices set forth in rules adopted by the 658
board pursuant to division (G) of this section. The board also 659
may use these documents to determine a history of noncompliance 660
with standards and practices in any proceeding held under 661
division (H) (2) of this section." 662

After line 9462, insert: 663

"Sec. 4751.23. (A) Subject to section 4751.32 of the 664
Revised Code, the board of executives of long-term services and 665
supports may issue to a licensed nursing home administrator or 666
licensed health services executive a duplicate of the 667
individual's nursing home administrator license or health 668
services executive license if the license or temporary license 669
has been lost, mutilated, or destroyed and the individual does 670
both of the following: 671

(1) Submits to the board ~~a notarized~~ an electronic or 672
signed statement explaining the conditions of the loss, 673
mutilation, or destruction; 674

(2) Pays to the board a fee of twenty-five dollars. 675

(B) Subject to section 4751.32 of the Revised Code, the 676
board may issue to a licensed nursing home administrator or 677

licensed health services executive whose name has been legally 678
changed a duplicate of the individual's nursing home 679
administrator license or health services executive license that 680
has the individual's new name if the individual does all of the 681
following: 682

(1) Submits to the board a certified copy of the court 683
order or marriage license establishing the change of name; 684

(2) Returns to the board the license or temporary license 685
that has the individual's previous name; 686

(3) Pays to the board a fee of twenty-five dollars. 687

Sec. 4755.01. (A) There is hereby created the Ohio 688
occupational therapy, physical therapy, and athletic trainers 689
board consisting of sixteen residents of this state, who shall 690
be appointed by the governor with the advice and consent of the 691
senate. The board shall be composed of a physical therapy 692
section, an occupational therapy section, and an athletic 693
trainers section. 694

(1) Four members of the board shall be physical therapists 695
who are licensed to practice physical therapy and who have been 696
engaged in or actively associated with the practice of physical 697
therapy in this state for at least five years immediately 698
preceding appointment. One member shall be a licensed physical 699
therapist assistant who has been engaged in or actively 700
associated with the practice of assisting in the provision of 701
physical therapy treatments in this state for at least five 702
years immediately preceding appointment. Such members of the 703
board shall sit on the physical therapy section. The physical 704
therapy section also shall consist of four additional members, 705
appointed by the governor with the advice and consent of the 706

senate, who satisfy the same qualifications as the members of 707
the board sitting on the physical therapy section, but who are 708
not members of the board. Of the additional physical therapy 709
section members, at least three shall be physical therapists. 710
The fourth additional member shall be either a physical 711
therapist or a physical therapist assistant. Of the additional 712
physical therapy section members whose terms commence on August 713
28, 2007, one shall be for a term of one year, one for a term of 714
two years, one for a term of three years, and one for a term of 715
four years. Such additional members of the physical therapy 716
section are vested with only such powers and shall perform only 717
such duties as relate to the affairs of that section. 718

(2) Four members of the board shall be occupational 719
therapists and one member shall be a licensed occupational 720
therapy assistant, all of whom have been engaged in or actively 721
associated with the practice of occupational therapy or practice 722
as an occupational therapy assistant in this state for at least 723
five years immediately preceding appointment. Such members of 724
the board shall sit on the occupational therapy section. 725

(3) Four members of the board shall be athletic trainers 726
who have been engaged in the practice of athletic training in 727
Ohio for at least five years immediately preceding appointment. 728
One member of the board shall be a physician licensed to 729
practice medicine and surgery in this state. Such members of the 730
board shall sit on the athletic trainers section. 731

(4) One member of the board shall represent the public. 732
This member shall sit on the board and shall attend each year at 733
least three meetings of the physical therapy section, three 734
meetings of the occupational therapy section, and three meetings 735
of the athletic trainers section. 736

(B) Except for the terms of office specified in division 737
(A) (1) of this section for the additional members of the 738
physical therapy section commencing on August 28, 2007, terms 739
for the members of the board and the additional members of the 740
physical therapy section are for three years. Each member's term 741
shall commence on the twenty-eighth day of August and end on the 742
twenty-seventh day of August. Each member shall serve subsequent 743
to the expiration of the member's term until the member's 744
successor is appointed and qualifies, or until a period of 745
ninety days has elapsed, whichever occurs first. A member shall 746
not serve for more than three consecutive terms. All vacancies 747
shall be filled in the manner prescribed for the regular 748
appointments and are limited to the unexpired terms. 749

(C) Each member of the board and each additional member of 750
the physical therapy section, before entering upon the official 751
duties of office, shall ~~do both of the following:~~ 752

~~(1) Subscribe subscribe to and file with the secretary of 753
state the constitutional oath of office;~~ 754

~~(2) Sign and file with the executive director of the board 755
a notarized statement that the member has read and understands 756
sections 121.22 and 149.43 of the Revised Code and the 757
provisions of Chapter 119. of the Revised Code that are 758
applicable to the duties of the board. 759~~

(D) Annually, upon the qualification of the member or 760
members appointed in that year, the board shall organize by 761
selecting from its members a president and secretary. Each 762
section of the board shall independently organize by selecting 763
from its members a chairperson and secretary. 764

(E) A majority of the members of the board constitutes a 765

quorum to transact and vote on the business of the board. A 766
majority of the members of each section constitutes a quorum to 767
transact and vote on the affairs of that section. 768

(F) Each member of the board and each additional member of 769
the physical therapy section shall receive an amount fixed 770
pursuant to division (J) of section 124.15 of the Revised Code 771
for each day employed in the discharge of official duties. In 772
addition, each member of the board and each additional member of 773
the physical therapy section shall receive the member's actual 774
and necessary expenses incurred in the performance of official 775
duties. 776

(G) The board of trustees of the Ohio occupational therapy 777
association may recommend, after any term expires or vacancy 778
occurs in an occupational therapy position, at least three 779
persons to fill each such position or vacancy on the board, and 780
the governor may make the appointment from the persons so 781
recommended. The executive board of the Ohio chapter of the 782
American physical therapy association may recommend, after any 783
term expires or vacancy occurs in a physical therapy position, 784
at least three persons to fill each such vacancy on the board, 785
and the governor may make appointments from the persons so 786
recommended. The Ohio athletic trainers association shall 787
recommend to the governor at least three persons when any term 788
expires or any vacancy occurs in an athletic trainer position. 789
The governor may select one of the association's recommendations 790
in making such an appointment. 791

(H) The board shall meet as a whole to determine all 792
administrative, personnel, and budgetary matters. The executive 793
director of the board appointed by the board shall not be a 794
physical therapist, an occupational therapist, or an athletic 795

trainer who has been licensed to practice physical therapy, 796
occupational therapy, or as an athletic trainer in this state 797
within three years immediately preceding appointment. The 798
executive director shall execute, under the direction of the 799
board, the policies, orders, directives, and administrative 800
functions of the board and shall direct, under rules adopted by 801
the board, the work of all persons employed by the board. Upon 802
the request of the board, the executive director shall report to 803
the board on any matter. The executive director shall serve at 804
the pleasure of the board. 805

(I) The occupational therapy section of the board shall 806
have the authority to act on behalf of the board on matters 807
concerning the practice of occupational therapy and, in 808
particular, the examination of applicants, the issuance of 809
licenses, and the suspension or revocation of licenses to 810
practice as an occupational therapist or occupational therapy 811
assistant. The physical therapy section of the board shall have 812
the authority to act on behalf of the board on matters 813
concerning the practice of physical therapy and, in particular, 814
the examination, licensure, and suspension or revocation of 815
licensure of applicants, physical therapists, and physical 816
therapist assistants. The athletic trainers section of the board 817
shall have the authority to act on behalf of the board on 818
matters concerning the practice of athletic training and, in 819
particular, the examination, licensure, and suspension or 820
revocation of licensure of applicants and athletic trainers. All 821
actions taken by any section of the board under this division 822
shall be in accordance with Chapter 119. of the Revised Code." 823

After line 9513, insert: 824

"**Sec. 5123.081.** (A) As used in this section: 825

(1) (a) "Applicant" means any of the following:	826
(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities;	827 828 829 830
(ii) A person who is being transferred to the department or a county board;	831 832
(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;	833 834
(iv) A person under final consideration for a direct services position with a provider or subcontractor.	835 836
(b) Neither of the following is an applicant:	837
(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;	838 839 840 841 842 843 844
(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.	845 846 847 848 849
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	850 851
(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone	852 853

with or exercises supervision or control over one or more 854
individuals with developmental disabilities. 855

(4) "Disqualifying offense" means any of the offenses 856
listed or described in divisions (A) (3) (a) to (e) of section 857
109.572 of the Revised Code. 858

(5) (a) "Employee" means either of the following: 859

(i) A person appointed to or employed by the department of 860
developmental disabilities or a county board of developmental 861
disabilities; 862

(ii) A person employed in a direct services position by a 863
provider or subcontractor. 864

(b) "Employee" does not mean a person who provides only 865
respite care under a family support services program established 866
under section 5126.11 of the Revised Code if a family member of 867
the individual with a developmental disability who receives the 868
respite care selected the person. 869

(6) "Minor drug possession offense" has the same meaning 870
as in section 2925.01 of the Revised Code. 871

(7) "Provider" means a person that provides specialized 872
services to individuals with developmental disabilities and 873
employs one or more persons in direct services positions. 874

(8) "Responsible entity" means the following: 875

(a) The department of developmental disabilities in the 876
case of either of the following: 877

(i) A person who is an applicant because the person is 878
under final consideration for appointment to or employment with 879
the department, being transferred to the department, or being 880

recalled to or reemployed by the department after a layoff;	881
(ii) A person who is an employee because the person is appointed to or employed by the department.	882 883
(b) A county board of developmental disabilities in the case of either of the following:	884 885
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	886 887 888 889 890
(ii) A person who is an employee because the person is appointed to or employed by the county board.	891 892
(c) A provider in the case of either of the following:	893
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	894 895 896
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	897 898
(d) A subcontractor in the case of either of the following:	899 900
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	901 902 903
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	904 905
(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with	906 907

developmental disabilities, including a program or service 908
provided by an entity licensed or certified by the department of 909
developmental disabilities. If there is a question as to whether 910
a provider or subcontractor is providing specialized services, 911
the provider or subcontractor may request that the director of 912
developmental disabilities make a determination. The director's 913
determination is final. 914

(10) "Subcontractor" means a person to which both of the 915
following apply: 916

(a) The person has either of the following: 917

(i) A subcontract with a provider to provide specialized 918
services included in the contract between the provider and the 919
department of developmental disabilities or a county board of 920
developmental disabilities; 921

(ii) A subcontract with another subcontractor to provide 922
specialized services included in a subcontract between the other 923
subcontractor and a provider or other subcontractor. 924

(b) The person employs one or more persons in direct 925
services positions. 926

(B) A responsible entity shall not employ an applicant or 927
continue to employ an employee if either of the following 928
applies: 929

(1) The applicant or employee fails to comply with 930
division (D) (3) of this section. 931

(2) Except as provided in rules adopted under this 932
section, the applicant or employee is found by a criminal 933
records check required by this section to have been convicted 934
of, pleaded guilty to, or been found eligible for intervention 935

in lieu of conviction for a disqualifying offense. 936

(C) Before employing an applicant in a position for which 937
a criminal records check is required by this section, a 938
responsible entity shall require the applicant to submit a 939
statement with the applicant's signature attesting that the 940
applicant has not been convicted of, pleaded guilty to, or been 941
found eligible for intervention in lieu of conviction for a 942
disqualifying offense. The responsible entity also shall require 943
the applicant to sign an agreement under which the applicant 944
agrees to notify the responsible entity within fourteen calendar 945
days if, while employed by the responsible entity, the applicant 946
is formally charged with, is convicted of, pleads guilty to, or 947
is found eligible for intervention in lieu of conviction for a 948
disqualifying offense. The agreement shall provide that the 949
applicant's failure to provide the notification may result in 950
termination of the applicant's employment. 951

(D) (1) As a condition of employing any applicant in a 952
position for which a criminal records check is required by this 953
section, a responsible entity shall request the superintendent 954
of the bureau of criminal identification and investigation to 955
conduct a criminal records check of the applicant. If rules 956
adopted under this section require an employee to undergo a 957
criminal records check, a responsible entity shall request the 958
superintendent to conduct a criminal records check of the 959
employee at times specified in the rules as a condition of the 960
responsible entity's continuing to employ the employee in a 961
position for which a criminal records check is required by this 962
section. If an applicant or employee does not present proof that 963
the applicant or employee has been a resident of this state for 964
the five-year period immediately prior to the date upon which 965
the criminal records check is requested, the responsible entity 966

shall request that the superintendent obtain information from 967
the federal bureau of investigation as a part of the criminal 968
records check. If the applicant or employee presents proof that 969
the applicant or employee has been a resident of this state for 970
that five-year period, the responsible entity may request that 971
the superintendent include information from the federal bureau 972
of investigation in the criminal records check. For purposes of 973
this division, an applicant or employee may provide proof of 974
residency in this state by presenting, with a ~~notarized~~signed 975
statement asserting that the applicant or employee has been a 976
resident of this state for that five-year period, a valid 977
driver's license, notification of registration as an elector, a 978
copy of an officially filed federal or state tax form 979
identifying the applicant's or employee's permanent residence, 980
or any other document the responsible entity considers 981
acceptable. 982

(2) A responsible entity shall do all of the following: 983

(a) Provide to each applicant and employee for whom a 984
criminal records check is required by this section a copy of the 985
form prescribed pursuant to division (C) (1) of section 109.572 986
of the Revised Code and a standard impression sheet to obtain 987
fingerprint impressions prescribed pursuant to division (C) (2) 988
of section 109.572 of the Revised Code; 989

(b) Obtain the completed form and standard impression 990
sheet from the applicant or employee; 991

(c) Forward the completed form and standard impression 992
sheet to the superintendent at the time the criminal records 993
check is requested. 994

(3) Any applicant or employee who receives pursuant to 995

this division a copy of the form prescribed pursuant to division 996
(C) (1) of section 109.572 of the Revised Code and a copy of the 997
standard impression sheet prescribed pursuant to division (C) (2) 998
of that section and who is requested to complete the form and 999
provide a set of the applicant's or employee's fingerprint 1000
impressions shall complete the form or provide all the 1001
information necessary to complete the form and shall provide the 1002
standard impression sheet with the impressions of the 1003
applicant's or employee's fingerprints. 1004

(4) A responsible entity shall pay to the bureau of 1005
criminal identification and investigation the fee prescribed 1006
pursuant to division (C) (3) of section 109.572 of the Revised 1007
Code for each criminal records check requested and conducted 1008
pursuant to this section. 1009

(E) A responsible entity may request any other state or 1010
federal agency to supply the responsible entity with a written 1011
report regarding the criminal record of an applicant or 1012
employee. If an employee holds an occupational or professional 1013
license or other credentials, the responsible entity may request 1014
that the state or federal agency that regulates the employee's 1015
occupation or profession supply the responsible entity with a 1016
written report of any information pertaining to the employee's 1017
criminal record that the agency obtains in the course of 1018
conducting an investigation or in the process of renewing the 1019
employee's license or other credentials. The responsible entity 1020
may consider the reports when determining whether to employ the 1021
applicant or to continue to employ the employee. 1022

(F) As a condition of employing an applicant in a position 1023
for which a criminal records check is required by this section 1024
and that involves transporting individuals with developmental 1025

disabilities or operating a responsible entity's vehicles for 1026
any purpose, the responsible entity shall obtain the applicant's 1027
driving record from the bureau of motor vehicles. If rules 1028
adopted under this section require a responsible entity to 1029
obtain an employee's driving record, the responsible entity 1030
shall obtain the employee's driving record from the bureau at 1031
times specified in the rules as a condition of continuing to 1032
employ the employee. The responsible entity may consider the 1033
applicant's or employee's driving record when determining 1034
whether to employ the applicant or to continue to employ the 1035
employee. 1036

(G) A responsible entity may employ an applicant 1037
conditionally pending receipt of a report regarding the 1038
applicant requested under this section. The responsible entity 1039
shall request the report before employing the applicant 1040
conditionally. The responsible entity shall terminate the 1041
applicant's employment if it is determined from a report that 1042
the applicant failed to inform the responsible entity that the 1043
applicant had been convicted of, pleaded guilty to, or been 1044
found eligible for intervention in lieu of conviction for a 1045
disqualifying offense. 1046

(H) A responsible entity may charge an applicant a fee for 1047
costs the responsible entity incurs in obtaining a report 1048
regarding the applicant under this section if the responsible 1049
entity notifies the applicant of the amount of the fee at the 1050
time of the applicant's initial application for employment and 1051
that, unless the fee is paid, the responsible entity will not 1052
consider the applicant for employment. The fee shall not exceed 1053
the amount of the fee, if any, the responsible entity pays for 1054
the report. 1055

(I) (1) Any report obtained pursuant to this section is not 1056
a public record for purposes of section 149.43 of the Revised 1057
Code and shall not be made available to any person, other than 1058
the following: 1059

(a) The applicant or employee who is the subject of the 1060
report or the applicant's or employee's representative; 1061

(b) The responsible entity that requested the report or 1062
its representative; 1063

(c) The department if a county board, provider, or 1064
subcontractor is the responsible entity that requested the 1065
report and the department requests the responsible entity to 1066
provide a copy of the report to the department; 1067

(d) A county board if a provider or subcontractor is the 1068
responsible entity that requested the report and the county 1069
board requests the responsible entity to provide a copy of the 1070
report to the county board; 1071

(e) Any court, hearing officer, or other necessary 1072
individual involved in a case dealing with any of the following: 1073

(i) The denial of employment to the applicant or employee; 1074

(ii) The denial, suspension, or revocation of a 1075
certificate under section 5123.166 or 5123.45 of the Revised 1076
Code; 1077

(iii) A civil or criminal action regarding the medicaid 1078
program or a program the department administers. 1079

(2) An applicant or employee for whom the responsible 1080
entity has obtained reports under this section may submit a 1081
written request to the responsible entity to have copies of the 1082
reports sent to any state agency, entity of local government, or 1083

private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do all of the following:

(a) If the rules require employees to undergo criminal

records checks, require responsible entities to obtain the 1112
driving records of employees, or both, specify the times at 1113
which the criminal records checks are to be conducted and the 1114
driving records are to be obtained; 1115

(b) Specify circumstances under which a responsible entity 1116
may employ an applicant or employee who is found by a criminal 1117
records check required by this section to have been convicted 1118
of, pleaded guilty to, or been found eligible for intervention 1119
in lieu of conviction for a disqualifying offense but meets 1120
standards in regard to rehabilitation set by the director; 1121

(c) Require a responsible entity to request a criminal 1122
records check under this section before employing an applicant 1123
conditionally as permitted under division (G) of this section. 1124

Sec. 5123.169. (A) The director of developmental 1125
disabilities shall not issue a supported living certificate to 1126
an applicant or renew an applicant's supported living 1127
certificate if either of the following applies: 1128

(1) The applicant fails to comply with division (C) (2) of 1129
this section; 1130

(2) Except as provided in rules adopted under section 1131
5123.1611 of the Revised Code, the applicant is found by a 1132
criminal records check required by this section to have been 1133
convicted of, pleaded guilty to, or been found eligible for 1134
intervention in lieu of conviction for a disqualifying offense. 1135

(B) Before issuing a supported living certificate to an 1136
applicant or renewing an applicant's supported living 1137
certificate, the director shall require the applicant to submit 1138
a statement with the applicant's signature attesting that the 1139
applicant has not been convicted of, pleaded guilty to, or been 1140

found eligible for intervention in lieu of conviction for a 1141
disqualifying offense. The director also shall require the 1142
applicant to sign an agreement under which the applicant agrees 1143
to notify the director within fourteen calendar days if, while 1144
holding a supported living certificate, the applicant is 1145
formally charged with, is convicted of, pleads guilty to, or is 1146
found eligible for intervention in lieu of conviction for a 1147
disqualifying offense. The agreement shall provide that the 1148
applicant's failure to provide the notification may result in 1149
action being taken by the director against the applicant under 1150
section 5123.166 of the Revised Code. 1151

(C) (1) As a condition of receiving a supported living 1152
certificate or having a supported living certificate renewed, an 1153
applicant shall request the superintendent of the bureau of 1154
criminal identification and investigation to conduct a criminal 1155
records check of the applicant. If an applicant does not present 1156
proof to the director that the applicant has been a resident of 1157
this state for the five-year period immediately prior to the 1158
date that the applicant applies for issuance or renewal of the 1159
supported living certificate, the director shall require the 1160
applicant to request that the superintendent obtain information 1161
from the federal bureau of investigation as a part of the 1162
criminal records check. If the applicant presents proof to the 1163
director that the applicant has been a resident of this state 1164
for that five-year period, the director may require the 1165
applicant to request that the superintendent include information 1166
from the federal bureau of investigation in the criminal records 1167
check. For purposes of this division, an applicant may provide 1168
proof of residency in this state by presenting, with a ~~notarized~~ 1169
signed statement asserting that the applicant has been a 1170
resident of this state for that five-year period, a valid 1171

driver's license, notification of registration as an elector, a 1172
copy of an officially filed federal or state tax form 1173
identifying the applicant's permanent residence, or any other 1174
document the director considers acceptable. 1175

(2) Each applicant shall do all of the following: 1176

(a) Obtain a copy of the form prescribed pursuant to 1177
division (C) (1) of section 109.572 of the Revised Code and a 1178
standard impression sheet prescribed pursuant to division (C) (2) 1179
of section 109.572 of the Revised Code; 1180

(b) Complete the form and provide the applicant's 1181
fingerprint impressions on the standard impression sheet; 1182

(c) Forward the completed form and standard impression 1183
sheet to the superintendent at the time the criminal records 1184
check is requested; 1185

(d) Instruct the superintendent to submit the completed 1186
report of the criminal records check directly to the director; 1187

(e) Pay to the bureau of criminal identification and 1188
investigation the fee prescribed pursuant to division (C) (3) of 1189
section 109.572 of the Revised Code for each criminal records 1190
check of the applicant requested and conducted pursuant to this 1191
section. 1192

(D) The director may request any other state or federal 1193
agency to supply the director with a written report regarding 1194
the criminal record of an applicant. The director may consider 1195
the reports when determining whether to issue a supported living 1196
certificate to the applicant or to renew an applicant's 1197
supported living certificate. 1198

(E) An applicant who seeks to be an independent provider 1199

or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate.

(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following:

(a) The applicant who is the subject of the report or the applicant's representative;

(b) The director or the director's representative;

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of a supported living certificate or refusal to renew a supported living certificate;

(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program.

(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in

the request the person or entities to which the copies are to be 1228
sent. On receiving the request, the director shall send copies 1229
of the reports to the persons or entities specified. 1230

(3) The director may request that a person or state or 1231
local government entity send copies to the director of any 1232
report regarding a records check or criminal records check that 1233
the person or entity possesses, if the director obtains the 1234
written consent of the individual who is the subject of the 1235
report. 1236

(4) The director shall provide each applicant with a copy 1237
of any report obtained about the applicant under this section." 1238

After line 9717, insert: 1239

"Sec. 5516.10. (A) No person shall do either of the 1240
following without first obtaining a permit and permit plates 1241
from the director of transportation: 1242

(1) Erect, use, maintain, operate, construct, or cause or 1243
permit to be erected, used, maintained, operated, or 1244
constructed, any advertising device located in either of the 1245
following: 1246

(a) Commercial or industrial zones traversed by segments 1247
of the interstate system within the boundaries of a municipal 1248
corporation as such boundaries existed on September 21, 1959; 1249

(b) Zoned or unzoned industrial or commercial areas 1250
adjacent to highways on the primary system. 1251

(2) Maintain any nonconforming advertising device. 1252

(B) Applications for such a permit shall be made on forms 1253
prescribed by the director, and a separate application shall be 1254
submitted for each sign face. The director shall adopt rules 1255

setting forth the requirements for completion of the application 1256
process and the issuance of permits consistent with this 1257
section. 1258

(1) As part of the application process, the director may 1259
require an acknowledgment to be signed by the owner or person in 1260
lawful possession or control of the proposed location of the 1261
advertising device. Such acknowledgment may include, but shall 1262
not be limited to, a statement that the applicant has the right 1263
to occupy the land at the subject location, that if at any time 1264
removal is required, the owner or person in lawful possession or 1265
control of the location may be jointly liable, and that the 1266
applicant may only occupy the land for a specified time period. 1267
If legal use of the location is terminated at any time during 1268
the permit period, the permit is subject to cancellation 1269
pursuant to section 5516.12 of the Revised Code. 1270

(2) As part of the application process, the director may 1271
require an applicant or the applicant's authorized 1272
representative to certify ~~in a notarized signed statement~~ that 1273
the applicant has not knowingly provided materially false, 1274
misleading, or inaccurate information. 1275

(3) Each application shall be accompanied by the 1276
appropriate application fee as set forth in the fee schedule 1277
established by the director. Such fee schedule shall be based on 1278
the reasonable cost of administering and processing such 1279
permits. Application fees shall be nonrefundable. 1280

(4) Applications for permits shall be disapproved and 1281
permits shall not be issued under any of the following 1282
conditions: 1283

(a) The proposed location for an advertising device is not 1284

visible from the main traveled portion of the highway due to	1285
existing landscaping on the right-of-way of any highway.	1286
(b) The advertising device can be erected or maintained	1287
only from the right-of-way of an interstate or primary highway	1288
system.	1289
(c) The proposed location for the advertising device is on	1290
land that is used principally as a residence.	1291
(d) The advertising device is erected or maintained on	1292
trees, or painted or drawn upon rocks or other natural features.	1293
(e) The advertising device would be a traffic hazard or a	1294
danger to the safety of the traveling public.	1295
(f) The advertising device would prevent the driver of a	1296
motor vehicle from having a clear and unobstructed view of	1297
official signs and approaching or merging traffic.	1298
(g) The advertising device is illuminated so as to	1299
interfere with the effectiveness of an official sign, signal, or	1300
other traffic control device.	1301
(h) The advertising device attempts, or appears to	1302
attempt, to direct the movement of traffic, or interferes with,	1303
imitates, or resembles an official sign, signal, or other	1304
traffic control device.	1305
(C) The issuance of a permit under this section shall not	1306
be construed to invalidate municipal ordinances requiring a	1307
permit or license or providing for an inspection fee for	1308
advertising devices, or regulating such advertising devices. The	1309
cost of the application fee for such permits or licenses issued,	1310
or the cost of initial inspection fees charged under municipal	1311
ordinances shall be credited against and shall reduce the cost	1312

of the permit issued by the director under this section. If a 1313
permit is issued by a zoning authority pursuant to its 1314
ordinances, rules, or regulations controlling outdoor 1315
advertising devices, a copy thereof shall be furnished to the 1316
director with any application for a new permit required by this 1317
section or within thirty days of its issuance by a zoning 1318
authority. 1319

(D) Where an application is submitted for the erection, 1320
use, maintenance, operation, or construction of an advertising 1321
device, the director may conditionally approve such application 1322
as to location only, and final approval shall remain pending 1323
until the advertising device is erected, used, maintained, or 1324
constructed or becomes operational. Upon notification by the 1325
permit applicant that the erection, use, maintenance, 1326
construction, or operation of the advertising device is 1327
completed, the director shall verify that the advertising device 1328
complies with the terms and conditions of the conditional 1329
permit. Upon verification of compliance with the terms and 1330
conditions of the conditional permit, the director may approve 1331
and issue a permit and permit plates, which shall be securely 1332
and permanently attached in the corner of the face of the 1333
advertising device nearest to the highway in such a manner as to 1334
be visible from the main traveled way of the interstate or 1335
primary highway system. Replacement plates may be issued upon 1336
request and upon the payment of a replacement fee to be 1337
determined by the director. 1338

(E) All permits issued pursuant to this section shall be 1339
in effect for a period of two years. Permits may be renewed upon 1340
application made on forms designated by the director and upon 1341
the payment of a nonrefundable renewal fee in an amount to be 1342
determined by the director based on the reasonable cost of 1343

administering and processing such renewal permits. Any permits 1344
that are not renewed, and any permit plates issued in connection 1345
with such permits, shall be returned to the director for 1346
cancellation by the expiration date. The director may adopt 1347
rules for the reinstatement of permits canceled as a result of 1348
nonpayment of renewal fees, and shall develop a fee schedule for 1349
late renewals. 1350

(F) (1) Where the director conditionally approves the 1351
issuance of a permit as to location only and the permit 1352
applicant fails to construct, erect, use, operate, or maintain 1353
an advertising device within the period for which the permit was 1354
issued, such permit shall not be renewed unless a renewal fee is 1355
paid to extend the privilege for one additional permit period. 1356
No conditional permit shall be renewed and no extensions shall 1357
be granted after the second renewal period. 1358

(2) A last permit holder's application for a permit shall 1359
not be accepted until a permit issued pursuant to division (F) 1360
(1) of this section has expired for a period of six months, 1361
commencing from the expiration date, for any of the following 1362
locations: 1363

(a) The expired location; 1364

(b) A location within five hundred feet of the expired 1365
location on an interstate highway, a primary highway outside a 1366
municipal corporation, or a freeway inside a municipal 1367
corporation; 1368

(c) A location within two hundred fifty feet of the 1369
expired location on any other primary highway inside a municipal 1370
corporation. 1371

The director shall process written applications in the 1372

order in which they are received. 1373

(G) Permits for advertising devices erected and maintained 1374
with a valid permit issued before July 1, 1997, may be renewed 1375
unless the director finds that the permit application contains 1376
materially false, misleading, or inaccurate information or the 1377
sign has been erected or maintained contrary to this chapter or 1378
the rules adopted thereunder, and in such event the director may 1379
take appropriate action pursuant to section 5516.12 of the 1380
Revised Code. An applicant who has a conditional permit issued 1381
by the director before June 30, 1997, and who has not yet 1382
exercised the privilege of constructing, using, operating, 1383
erecting, or maintaining an advertising device at the proposed 1384
location as of that date, shall have until December 31, 1997, to 1385
comply with the terms and conditions of the conditional permit 1386
or such permit shall be canceled. However, the applicant may 1387
request that the conditional permit be renewed by submitting a 1388
renewal application and paying a nonrefundable renewal fee to 1389
extend the privilege for one additional permit period. 1390

(H) Permits may be transferred from one sign owner to 1391
another upon written acknowledgment from the current permittee 1392
and the payment of a transfer fee in an amount to be determined 1393
by the director for each permit to be transferred. The new 1394
permit holder is subject to all the terms and conditions of the 1395
prior permit holder and shall be subject to this chapter and the 1396
rules adopted thereunder. 1397

(I) No person shall submit an application for an 1398
advertising device permit where the proposed location is 1399
adjacent to a proposed project on the interstate or primary 1400
system and the proposed location for the device would be illegal 1401
under this chapter upon completion of the project. 1402

(J) Any permit issued by the director under this chapter 1403
or the rules adopted under it, is the property of the permit 1404
holder. Upon the sale of an advertising device, a permit issued 1405
under this section continues in effect for the period 1406
established under division (E) of this section." 1407

In line 10278, after "3904.08" insert ", 3905.72, 3951.03" 1408

In line 10280, after "4303.24" insert ", 4503.04"; after "4510.41" 1409
insert ", 4701.04" 1410

In line 10281, after "4735.14" insert ", 4751.23, 4755.01"; after 1411
"5120.14" insert ", 5123.081, 5123.169" 1412

In line 10282, after "5168.23" insert ", 5516.10" 1413

After line 10285, insert: 1414

"Section 4. That the version of section 3951.03 of the 1415
Revised Code schedule to take effect December 29, 2023, be 1416
amended to read as follows: 1417

Sec. 3951.03. (A) Before any certificate of authority 1418
shall be issued by the superintendent of insurance there shall 1419
be filed in the superintendent's office a written application 1420
therefor. Such application shall be in the form or forms and 1421
supplements thereto prescribed by the superintendent and shall 1422
set forth: 1423

(1) The name and address of the applicant, and if the 1424
applicant be a firm, association, or partnership, the name and 1425
address of each member thereof, and if the applicant be a 1426
corporation, the name and address of each of its officers and 1427
directors; 1428

(2) Whether any license or certificate of authority as 1429
agent, broker, or public insurance adjuster has been issued 1430

previously by the superintendent of this state or by the 1431
insurance department of any state to the individual applicant, 1432
and, if the applicant be an individual, whether any such 1433
certificate has been issued previously to any firm, association, 1434
or partnership of which the individual was or is an officer or 1435
director, and, if the applicant be a firm, association, or 1436
partnership, whether any such certificate has been issued 1437
previously to any member thereof, and, if the applicant be a 1438
corporation, whether any such certificate has been issued 1439
previously to any officer or director of such corporation; 1440

(3) The business or employment in which the applicant has 1441
been engaged for the five years next preceding the date of the 1442
application, and the name and address of such business and the 1443
name or names and addresses of his employer or employers; 1444

(4) Such information as the superintendent may require of 1445
applicants in order to determine their trustworthiness and 1446
competency to transact the business of public insurance 1447
adjusters, in such manner as to safeguard the interest of the 1448
public; 1449

(B) Except as provided in division (C) of this section, 1450
the superintendent shall issue a public insurance adjuster agent 1451
certificate to a person, who is a bona fide employee of a public 1452
insurance adjuster without examination, provided said 1453
application is made by a person, partnership, association, or 1454
corporation engaged in the public insurance adjusting business. 1455
The fee to be paid by the applicant for such a license at the 1456
time the application is made, and annually thereafter for the 1457
renewal thereof according to the standard renewal procedure of 1458
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 1459
shall be fifty dollars, and such applicant shall be bonded in 1460

the amount of one thousand dollars as provided for in division 1461
(D) of section 3951.06 of the Revised Code. 1462

(C) The superintendent shall issue a public insurance 1463
adjuster agent certificate in accordance with Chapter 4796. of 1464
the Revised Code to an applicant if either of the following 1465
applies: 1466

(1) The applicant holds a license or certificate in 1467
another state. 1468

(2) The applicant has satisfactory work experience, a 1469
government certification, or a private certification as 1470
described in that chapter as a public insurance adjuster agent 1471
in a state that does not issue that license or certificate. 1472

(D) An application for any certificate of authority shall 1473
be signed ~~and verified under oath~~ by the applicant and, if made 1474
by a firm, association, partnership, or corporation, by each 1475
member or officer and director thereof to be authorized thereby 1476
to act as a public insurance adjuster. 1477

Section 5. That the existing version of section 3951.03 of 1478
the Revised Code scheduled to take effect December 29, 2023, is 1479
hereby repealed." 1480

In line 10286, delete "4" and insert "6" 1481

After line 10293, insert: 1482

"Section 7. Section 5123.169 of the Revised Code was 1483
amended by H.B. 263 of the 133rd General Assembly, with the 1484
amendments to that section scheduled to take effect October 9, 1485
2021. S.B. 3 of the 134th General Assembly subsequently amended 1486
the version of that section that was scheduled to take effect on 1487
October 9, 2021, to remove the future amendments. The section 1488

presented as existing law in this act is the section as it	1489
results from S.B. 3 of the 134th General Assembly, which took	1490
effect September 30, 2021, and which superseded the future	1491
amendments to that section by H.B. 263 of the 133rd General	1492
Assembly."	1493
In line 10294, delete "5" and insert "8"	1494
After line 10303, insert:	1495
"Section 4503.04 of the Revised Code as amended by both	1496
H.B. 74 and H.B. 281 of the 134th General Assembly."	1497

The motion was _____ agreed to.

SYNOPSIS 1498

Accountancy Board 1499

R.C. 4701.04 1500

Removes notary requirement from a provision of law	1501
allowing the Accountancy Board to exempt a public accounting	1502
firm from a peer review if the firm submits a statement that	1503
they meet an exemption requirement.	1504

Department of Aging 1505

R.C. 4751.23 1506

For a licensed nursing home administrator or licensed	1507
health services executive to obtain a replacement license,	1508
instead of requiring a notarized statement, requires an	1509
electronic or signed statement.	1510

Department of Developmental Disabilities	1511
R.C. 5123.081	1512
For jobs within the Department of Developmental	1513
Disabilities or a county board of developmental disabilities, or	1514
as a person employed in a direct services position by a provider	1515
or subcontractor, removes the requirement that a proof of	1516
residency statement be notarized.	1517
R.C. 5123.169	1518
For a person receiving a supported living certificate or	1519
having a supported living certificate renewed, removes the	1520
requirement that a proof of residency statement be notarized.	1521
Department of Insurance	1522
R.C. 3905.72	1523
Removes the requirement that an application for a managing	1524
general agent be notarized.	1525
R.C. 3951.03	1526
Removes the requirement that an application for a	1527
certificate of authority be verified by oath.	1528
Ohio Occupational Therapy, Physical Therapy, and Athletic	1529
Trainers board	1530
R.C. 4755.01	1531
Removes the requirement that each member of this board	1532
submit a notarized statement that the member has read and	1533
understands Ohio's Open Meetings Law, Ohio's Public Records Act,	1534
and Ohio's Administrative Procedures Act.	1535
Department of Public Safety	1536

R.C. 4503.04	1537
Instead of requiring a person registering a van or bus to	1538
furnish a notarized statement that the van or bus will be used	1539
only for allowable purposes, requires the person to "affirm"	1540
this in a manner prescribed by the Registrar of Motor Vehicles.	1541
Department of Transportation	1542
R.C. 5516.10	1543
As part of the application process for advertising in	1544
highway-adjacent zones, removes the Director of Transportation's	1545
authority to require an applicant to use a notarized signed	1546
statement to certify that the applicant has not knowingly	1547
provided materially false, misleading, or inaccurate	1548
information.	1549