

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 238

Representatives Fowler Arthur, Klopfenstein

**Cosponsors: Representatives John, Gross, Dean, Hillyer, Holmes, Hoops, Kick,
Lorenz, Merrin, Peterson, Santucci, Williams, Willis**

A BILL

To amend sections 101.62, 103.27, 926.12, 926.19, 1
3703.21, 3769.03, 3772.13, 4104.07, 4104.08, 2
4104.18, 4517.02, 4517.04, 4517.10, 4517.14, 3
4517.15, 4517.20, 4517.33, 4517.43, 4549.50, 4
4703.16, 4735.01, 4735.07, 4735.09, 4738.05, 5
4749.03, 4763.05, 4763.06, 4763.07, 4763.08, 6
4763.09, 4781.08, 4781.17, and 5120.10; to enact 7
new section 926.30 and sections 3769.031 and 8
4743.06; and to repeal sections 926.30 and 9
4517.09 of the Revised Code to revise and 10
streamline the state's occupational regulations. 11

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

Section 1. That sections 101.62, 103.27, 926.12, 926.19, 12
3703.21, 3769.03, 3772.13, 4104.07, 4104.08, 4104.18, 4517.02, 13
4517.04, 4517.10, 4517.14, 4517.15, 4517.20, 4517.33, 4517.43, 14
4549.50, 4703.16, 4735.01, 4735.07, 4735.09, 4738.05, 4749.03, 15
4763.05, 4763.06, 4763.07, 4763.08, 4763.09, 4781.08, 4781.17, 16
and 5120.10 be amended and new section 926.30 and sections 17
3769.031 and 4743.06 of the Revised Code be enacted to read as 18

follows:

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

(1) "Individual" means a natural person.

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

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

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

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

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

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

(5) (a) Except as provided in division (A) (5) (b) of this
section, "personal qualification" means criteria related to an
applicant's personal background and characteristics including
completion of an approved educational program, satisfactory

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performance on an examination, work experience, other evidence 47
of attainment of requisite skills or knowledge, moral standing, 48
criminal history, and completion of continuing education. 49

(b) "Personal qualification" does not include a 50
requirement that an owner or controlling persons of a business 51
submit to a criminal records check or meet requirements related 52
to criminal history or moral standing, unless that owner or 53
controlling person is the applicant. 54

(B) An occupational licensing board shall be triggered to 55
expire at the end of the thirty-first day of December of the 56
sixth year after it became subject to review, was created or 57
last renewed, or on December 31, 2024, whichever is later, and 58
shall expire at the end of the thirtieth day of June of the 59
following year after the board was triggered to expire. The 60
expiration of an occupational licensing board under this section 61
emancipates a person to lawfully engage in the profession, 62
occupation, or occupational activity, which has been previously 63
licensed by that board, without an occupational license, 64
notwithstanding any law of the state that requires a person to 65
possess a license to lawfully engage in that profession, 66
occupation, or occupational activity. 67

(C) The director of budget and management shall not 68
authorize the expenditure of any moneys for an occupational 69
licensing board on or after the date of its expiration. 70

(D) The occupational licensing board shall operate after 71
its expiration has been triggered, but not later than the end of 72
the thirtieth day of June of the following year, to provide for 73
the orderly, efficient, and expeditious conclusion of the 74
board's business and operation. The orders, licenses, contracts, 75
and other actions made, taken, granted, or performed by the 76

board continue in effect according to their terms 77
notwithstanding the board's abolition, unless the general 78
assembly provides otherwise by law. The general assembly may 79
provide by law for the temporary or permanent transfer of some 80
or all of an expired or abolished board's functions and 81
personnel to a successor agency, board, or officer. 82

The expiration or abolition of a board does not cause the 83
termination or dismissal of any claim pending against the board 84
by any person, or any claim pending against any person by the 85
board. Unless the general assembly provides otherwise by law for 86
the substitution of parties, the attorney general shall succeed 87
the board with reference to any pending claim. 88

(E) An occupational licensing board may be renewed by 89
enactment of a law that continues the statutes creating, 90
empowering, governing, or regulating the board. The amendment of 91
a statute creating, empowering, governing, or regulating a 92
board, between the time the board was last reviewed and the time 93
it is next scheduled to be reviewed does not change the next 94
scheduled review date of the board. The next scheduled review 95
date changes only if the amendment expressly so provides. 96

(F) When an occupational licensing board performs 97
functions other than licensing or regulating the licensing of an 98
occupational license that expires under this section, the 99
operation of sections 101.62 to 101.65 of the Revised Code shall 100
not cause the board, or the statutes creating, empowering, 101
governing, or regulating the board, to expire. The board and the 102
statutes shall continue to the extent the board and the statutes 103
apply to performing functions other than licensing or regulating 104
the licensing of an occupational license. 105

Sec. 103.27. (A) As used in this section, "personal 106

qualification" has the same meaning as in section 101.62 of the 107
Revised Code. 108

(B) Each biennium starting with an odd-numbered year, 109
beginning in 2019, the director of the legislative service 110
commission shall issue a report regarding approximately thirty- 111
three per cent of occupations subject to regulation by the state 112
and, beginning with the biennium that starts in 2025, business 113
licenses that require the applicant to satisfy a personal 114
qualification. The report shall compare the current regulatory 115
scheme being utilized in this state with the policies expressed 116
in section 4798.02 of the Revised Code. 117

(C) The director shall issue all reports performed during 118
a biennium, not later than the first day of December of the 119
even-numbered year of that biennium, to the general assembly and 120
to the attorney general. 121

(D) The director may require that information be submitted 122
by any department or board that regulates the occupation. 123

(E) The director shall, over a six-year period including 124
calendar years 2019 through 2024, issue reports regarding all 125
occupations subject to regulation by the state. Beginning with 126
the biennium that starts in 2025, the director shall continue to 127
issue reports regarding all occupations subject to regulation by 128
the state, including business licenses that require the 129
applicant to satisfy a personal qualification. 130

~~The director's report regarding an occupation~~ (F) A report 131
required under division (B) of this section may be scheduled to 132
coincide with, and be done in conjunction with, the review of an 133
occupational licensing board being done by a standing committee 134
of the general assembly under section 101.63 of the Revised 135

Code.	136
Sec. 926.12. Each licensed agricultural commodity handler	137
shall keep posted in a location at his <u>the handler's</u> facility	138
where it shall be accessible for observation and reading by	139
persons marketing agricultural commodities +	140
(A) His <u>the handler's</u> license as an agricultural commodity	141
handler+	142
(B) The certificates of persons who are certified under	143
section 926.30 of the Revised Code as testers of agricultural	144
commodities delivered to the handler.	145
Sec. 926.19. (A) There is hereby created in the state	146
treasury the commodity handler regulatory program fund. The	147
moneys in the fund shall be used to pay the examination and	148
administrative costs of this chapter and shall consist of:	149
(1) All revenues collected by the director of agriculture	150
from distribution of the receipt forms under division (B) of	151
section 926.20 of the Revised Code and such other forms and	152
registration books as the director may require by rule for the	153
administration of this chapter;	154
(2) The application and examination fees collected under	155
division (B) of section 926.05 of the Revised Code;	156
(3) The agricultural commodity tester certificate fees	157
collected under division (B) of section 926.30 of the Revised	158
Code+	159
(4) Any moneys transferred from the agricultural commodity	160
depositors fund under section 926.16 of the Revised Code;	161
(5) <u>(4)</u> All fines, penalties, and costs, except court	162
costs, that are collected under section 926.99 of the Revised	163

Code in consequence of a violation of this chapter; 164

~~(6)~~ (5) All sums collected by the director of agriculture 165
under a contract described in section 926.36 of the Revised 166
Code. 167

(B) The examination and administrative costs of this 168
chapter shall be computed by the director not later than the 169
thirty-first day of December of each even-numbered year to cover 170
the biennium that begins on the following first day of July. The 171
commodity advisory commission created in section 926.32 of the 172
Revised Code shall approve, and may amend, the examination and 173
administrative costs. The commission's decision shall be binding 174
on the director. The commission also at any time may approve for 175
presentation to the controlling board a request to increase or 176
decrease the appropriation authority for the biennial 177
examination and administrative costs if it determines that an 178
increase or decrease in the cost is necessary to carry out the 179
purpose of this chapter. 180

(C) If at any time the moneys deposited in the fund, 181
including moneys transferred from the agricultural commodity 182
depositors fund under section 926.16 of the Revised Code, are 183
not sufficient to pay the examination and administrative costs 184
of this chapter, the director shall request an appropriation 185
from the general revenue fund to pay those costs. 186

Sec. 926.30. (A) No licensed handler or employee of a 187
licensed handler who receives an agricultural commodity from a 188
producer, either for sale or for storage under a bailment 189
agreement, shall perform a quality test on the commodity for the 190
purpose of applying a premium, discount, or conditioning charge 191
unless the person making the test has successfully completed 192
three hours of training. The training shall be based on the 193

United States department of agriculture's "Inspecting Grain 194
Practical Procedures for Grain Handlers" manual and approved by 195
the director of agriculture. A tester also shall successfully 196
complete three hours of continuing education every five years 197
that the tester tests agricultural commodities. 198

(B) A licensed handler shall submit to the director a list 199
of names of individuals who complete the training and continuing 200
education under division (A) of this section. The director shall 201
maintain the list along with records of the handler's license. 202

Sec. 3703.21. (A) Within ninety days after September 16, 203
2004, the superintendent of industrial compliance shall appoint 204
a backflow advisory board consisting of not more than ten 205
members, who shall serve at the pleasure of the superintendent. 206
The superintendent shall appoint a representative from the 207
plumbing section of the division of industrial compliance, three 208
representatives recommended by the plumbing administrator of the 209
division of industrial compliance, a representative of the 210
drinking water program of the Ohio environmental protection 211
agency, three representatives recommended by the director of 212
environmental protection, and not more than two members who are 213
not employed by the plumbing or water industry. 214

The board shall advise the superintendent on matters 215
pertaining to the training and certification of backflow 216
technicians. 217

~~(B)~~ (B) (1) The superintendent shall adopt rules in 218
accordance with Chapter 119. of the Revised Code to provide for 219
the certification of backflow technicians. The rules shall 220
establish all of the following requirements, specifications, and 221
procedures: 222

(1) <u>(a)</u> Requirements and procedures for the initial certification of backflow technicians, including eligibility criteria and application requirements and fees;	223 224 225
(2) <u>(b)</u> Specifications concerning and procedures for taking examinations required for certification as a backflow technician, including eligibility criteria to take the examination and application requirements and fees for taking the examination;	226 227 228 229 230
(3) <u>Specifications</u> <u>(c)</u> Subject to division (B) (2) of this section, specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal;	231 232 233 234
(4) <u>(d)</u> Specifications concerning and procedures for both of the following:	235 236
(a) <u>(i)</u> Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians;	237 238 239 240
(b) <u>(ii)</u> Renewal of the approval described in division (B) (4) (a) <u>(B) (1) (d) (i)</u> of this section.	241 242
(5) <u>(e)</u> Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	243 244 245 246
(6) <u>(f)</u> Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	247 248 249
(7) <u>(g)</u> Procedures for issuing administrative orders for	250

the remedy of any violation of this section or any rule adopted 251
pursuant to division ~~(B)~~(B) (1) of this section, including, but 252
not limited to, procedures for assessing a civil penalty 253
authorized under division (E) of this section; 254

~~(g)~~(h) Any provision the superintendent determines is 255
necessary to administer or enforce this section. 256

(2) In the rules the superintendent adopts under division 257
(B) (1) (c) of this section, the superintendent shall do both of 258
the following: 259

(a) Specify that a certification be renewed every five 260
years; 261

(b) Establish a certification renewal fee of seventy-five 262
dollars. 263

(C) The superintendent shall certify a backflow technician 264
in accordance with Chapter 4796. of the Revised Code if either 265
of the following applies: 266

(1) The individual holds a license or certification in 267
another state. 268

(2) The individual has satisfactory work experience, a 269
government certification, or a private certification as 270
described in that chapter as a backflow technician in a state 271
that does not issue that certification. 272

(D) No individual shall engage in the installation, 273
testing, or repair of any isolation backflow prevention device 274
unless that individual possesses a valid certification as a 275
backflow technician. This division does not apply with respect 276
to the installation, testing, or repair of any containment 277
backflow prevention device. 278

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

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

(G) As used in this section:

(1) "Isolation backflow prevention device" means a device for the prevention of the backflow of liquids, solids, or gases that is regulated by the building code adopted pursuant to section 3781.10 of the Revised Code and rules adopted pursuant to this section.

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

Sec. 3769.03. The state racing commission shall prescribe the rules and conditions under which horse racing may be conducted and may issue, deny, suspend, diminish, or revoke

permits to conduct horse racing as authorized by sections 308
3769.01 to 3769.14 of the Revised Code. The commission may 309
impose, in addition to any other penalty imposed by the 310
commission, fines in an amount not to exceed ten thousand 311
dollars on any permit holder or any other person who violates 312
the rules or orders of the commission. The commission may 313
prescribe the forms of wagering that are permissible, the number 314
of races, the procedures on wagering, and the wagering 315
information to be provided to the public. 316

The commission may require totalizator equipment to 317
display the amount of wagering in each wagering pool. The 318
commission shall initiate safeguards as necessary to account for 319
the amount of money wagered at each track in each wagering pool. 320
It may require permit holders to install equipment that will 321
provide a complete check and analysis of the functioning of any 322
computers and require safeguards on their performance. The 323
commission shall require all permit holders, except those 324
holding state fair, county fair, or other fair permits, to 325
provide a photographic recording, approved by the commission, of 326
the entire running of all races conducted by the permit holder. 327

The state racing commission may issue, deny, suspend, or 328
revoke licenses to those persons engaged in racing and to those 329
employees of permit holders, ~~as is in the public interest for~~ 330
~~the purpose of maintaining a proper control over horse racing~~ 331
~~meetings~~ described in section 3769.031 of the Revised Code. The 332
commission, as is in the public interest for the purpose of 333
maintaining proper control over horse-racing meetings, also may 334
rule any person off a permit holder's premises. ~~License fees~~ 335
~~shall include registration fees and shall be set by the~~ 336
~~commission. Each license issued by the commission, unless~~ 337
~~revoked for cause, shall be for the period of one year from the~~ 338

~~first day of January of the year in which it is issued, except 339
as otherwise provided in section 3769.07 of the Revised Code. 340
Applicants for licenses issued by the commission shall submit 341
their fingerprints to the commission, and the commission may 342
forward the fingerprints to the federal bureau of investigation 343
or to any other agency, or to both, for examination. The 344
commission shall issue a license to a person engaged in racing 345
or an employee of a permit holder in accordance with Chapter 346
4796. of the Revised Code if that person or employee holds a 347
license in another state, or that person or employee has 348
satisfactory work experience, a government certification, or a 349
private certification as described in that chapter in horse 350
racing in a state that does not issue that license. 351~~

There is hereby created in the state treasury the state 352
racing commission operating fund. All license fees established 353
and collected by the commission pursuant to this section or 354
section 3769.031 of the Revised Code, and the amounts specified 355
in divisions (B) and (C) of section 3769.08 and division (A) (5) 356
of section 3769.087 of the Revised Code, shall be paid into the 357
state treasury to the credit of the fund. Moneys in the fund 358
shall be expended by the commission to defray its operating 359
costs, salaries and expenses, and the cost of administering and 360
enforcing this chapter. 361

The commission may deny a permit to any permit holder that 362
has defaulted in payments to the public, employees, or the 363
horsemen and may deny a permit to any successor purchaser of a 364
track for as long as any of those defaults have not been 365
satisfied by either the seller or purchaser. 366

The commission shall deny a permit to any permit holder 367
that has defaulted in payments to the state or has defaulted in 368

payments required under section 3769.089 or 3769.0810 of the 369
Revised Code and shall deny a permit to any successor purchaser 370
of a track for as long as those defaults have not been satisfied 371
by either the seller or purchaser. 372

~~Any violation of this chapter, of any rule of racing 373
adopted by the commission, or of any law or rule with respect to 374
racing in any jurisdiction shall be sufficient reason for a 375
refusal to issue a license, or a suspension or revocation of any 376
license issued, pursuant to this section. 377~~

~~With respect to the issuance, denial, suspension, or 378
revocation of a license to a participant in horse racing, the 379
action of the commission shall be subject to Chapter 119. of the 380
Revised Code. 381~~

The commission may sue and be sued in its own name. Any 382
action against the commission shall be brought in the court of 383
common pleas of Franklin county. Any appeal from a determination 384
or decision of the commission rendered in the exercise of its 385
powers and duties under this chapter shall be brought in the 386
court of common pleas of Franklin county. 387

The commission, biennially, shall make a full report to 388
the governor of its proceedings for the two-year period ending 389
with the thirty-first day of December preceding the convening of 390
the general assembly and shall include its recommendations in 391
the report. The commission, semiannually, on the thirtieth day 392
of June and on the thirty-first day of December of each year, 393
shall make a report and accounting to the governor. 394

Sec. 3769.031. (A) The state racing commission may issue, 395
deny, suspend, or revoke licenses to those persons engaged in 396
racing and to those employees of permit holders as is in the 397

public interest for the purpose of maintaining a proper control 398
over horse-racing meetings, subject to the requirements of this 399
section. 400

(B)(1) The commission shall adopt rules under Chapter 119. 401
of the Revised Code prescribing the following licenses to be 402
issued, including the activities regulated under each license, 403
the qualifications and other requirements to receive and 404
maintain each license, and the fees that apply to the license: 405

(a) The following racing official licenses: state steward, 406
steward, program director, director of racing, general manager, 407
racing secretary, assistant racing secretary, horsemen's 408
bookkeeper, identifier, presiding judge, paddock judge, placing 409
judge, judge, clerk of course, clerk of scales, jockey room 410
custodian, announcer, starter, timer, photographer, and 411
videographer, provided that the license fee for a general 412
manager shall not exceed seventy-five dollars; 413

(b) The following participant licenses: primary and 414
secondary stable name, owner, partnership, person eligible to 415
claim, authorized agent, thoroughbred breeder, trainer, 416
assistant trainer, driver-trainer, driver, jockey, apprentice 417
jockey, jockey agent, outrider, pony person, exercise rider, 418
valet, and supply salesperson; 419

(c) The following equine care licenses: veterinarian, 420
veterinarian's assistant, dentist, horseshoer, and groom; 421

(d) The following wagering licenses: totalizator company, 422
totalizator company management supervisory employee, totalizator 423
company employee, and mutuel employee; 424

(e) A fair license, which shall not require the payment of 425
any fee, to be issued for the following positions: racing 426

official, owner, quarter horse participant, driver-trainer, 427
groom, totalizator, and mutuel employee; 428

(f) The following race track facility licenses: security, 429
medical and first aid, concession employee, and maintenance, 430
provided that the license fee for a medical and first aid worker 431
shall not exceed ten dollars. 432

(2) No license issued by the commission is required to 433
hold any position that is not listed in division (B)(1) of this 434
section or that is not indicated in the rules of the commission 435
as requiring a license. 436

(C)(1) Applicants for licenses issued by the commission 437
shall submit their fingerprints to the commission, and the 438
commission may forward the fingerprints to the federal bureau of 439
investigation or to any other agency, or to both, for 440
examination. 441

(2) Each license issued by the commission, unless revoked 442
for cause, shall be for the period of one year from the first 443
day of January of the year in which it is issued, except as 444
otherwise provided in section 3769.07 of the Revised Code. 445

(3) The commission shall issue a license to a person 446
engaged in racing or an employee of a permit holder in 447
accordance with Chapter 4796. of the Revised Code if that person 448
or employee holds a license in another state, or that person or 449
employee has satisfactory work experience, a government 450
certification, or a private certification as described in that 451
chapter in horse racing in a state that does not issue that 452
license. 453

(4) Any violation of this chapter, of any rule of racing 454
adopted by the commission, or of any law or rule with respect to 455

racing in any jurisdiction shall be sufficient reason for a 456
 refusal to issue a license, or a suspension or revocation of any 457
 license issued, pursuant to this section. With respect to the 458
 issuance, denial, suspension, or revocation of a license to a 459
 participant in horse racing, the action of the commission is 460
 subject to Chapter 119. of the Revised Code. 461

(D) Notwithstanding any provision of section 121.95 of the 462
 Revised Code to the contrary, a regulatory restriction contained 463
 in a rule adopted under this section before the date that is one 464
 year after the effective date of this section is not subject to 465
 sections 121.95 to 121.953 of the Revised Code. 466

Sec. 3772.13. (A) No person may be employed as a key 467
employee of a casino operator, management company, or holding 468
company unless the person is the holder of a valid key employee 469
license issued by the commission. 470

(B) No person may be employed as a key employee of a 471
gaming-related vendor unless that person is either the holder of 472
a valid key employee license issued by the commission, or the 473
person, at least five business days prior to the first day of 474
employment as a key employee, has filed a notification of 475
employment with the commission and subsequently files a 476
completed application for a key employee license within the 477
first thirty days of employment as a key employee. 478

(C) Each applicant shall, before the issuance of any key 479
employee license, produce information, documentation, and 480
assurances as are required by this chapter and rules adopted 481
thereunder. In addition, each applicant shall, in writing, 482
authorize the examination of all bank accounts and records as 483
may be deemed necessary by the commission. 484

(D) To be eligible for a key employee license, the 485
applicant shall be at least twenty-one years of age and shall 486
meet the criteria set forth by rule by the commission. 487

(E) Each application for a key employee license shall be 488
on a form prescribed by the commission and shall contain all 489
information required by the commission. The applicant shall set 490
forth in the application if the applicant has been issued prior 491
gambling-related licenses; if the applicant has been licensed in 492
any other state under any other name, and, if so, the name under 493
which the license was issued and the applicant's age at the time 494
the license was issued; any criminal conviction the applicant 495
has had; and if a permit or license issued to the applicant in 496
any other state has been suspended, restricted, or revoked, and, 497
if so, the cause and the duration of each action. The applicant 498
also shall complete a cover sheet for the application on which 499
the applicant shall disclose the applicant's name, the business 500
address of the casino operator, management company, holding 501
company, or gaming-related vendor employing the applicant, the 502
business address and telephone number of such employer, and the 503
county, state, and country in which the applicant's residence is 504
located. 505

(F) Each applicant shall submit with each application, on 506
a form provided by the commission, two sets of fingerprints. The 507
commission shall charge each applicant an application fee set by 508
the commission to cover all actual costs generated by each 509
licensee and all background checks under this section and 510
section 3772.07 of the Revised Code. The application fee shall 511
be in the following amount: 512

(1) For an applicant who is a resident of this state, not 513
more than one thousand seven hundred fifty dollars; 514

(2) For an applicant who is not a resident of this state, 515
not less than five thousand dollars. 516

(G) (1) The casino operator, management company, or holding 517
company by whom a person is employed as a key employee shall 518
terminate the person's employment in any capacity requiring a 519
license under this chapter and shall not in any manner permit 520
the person to exercise a significant influence over the 521
operation of a casino facility if: 522

(a) The person does not apply for and receive a key 523
employee license within three months of being issued a 524
provisional license, as established under commission rule. 525

(b) The person's application for a key employee license is 526
denied by the commission. 527

(c) The person's key employee license is revoked by the 528
commission. 529

The commission shall notify the casino operator, 530
management company, or holding company who employs such a person 531
by certified mail, personal service, common carrier service 532
utilizing any form of delivery requiring a signed receipt or by 533
an electronic means that provides evidence of delivery, of any 534
such finding, denial, or revocation. 535

(2) A casino operator, management company, or holding 536
company shall not pay to a person whose employment is terminated 537
under division (G) (1) of this section, any remuneration for any 538
services performed in any capacity in which the person is 539
required to be licensed, except for amounts due for services 540
rendered before notice was received under that division. A 541
contract or other agreement for personal services or for the 542
conduct of any casino gaming at a casino facility between a 543

casino operator, management company, or holding company and a 544
person whose employment is terminated under division (G) (1) of 545
this section may be terminated by the casino operator, 546
management company, or holding company without further liability 547
on the part of the casino operator, management company, or 548
holding company. Any such contract or other agreement is deemed 549
to include a term authorizing its termination without further 550
liability on the part of the casino operator, management 551
company, or holding company upon receiving notice under division 552
(G) (1) of this section. That a contract or other agreement does 553
not expressly include such a term is not a defense in any action 554
brought to terminate the contract or other agreement, and is not 555
grounds for relief in any action brought questioning termination 556
of the contract or other agreement. 557

(3) A casino operator, management company, or holding 558
company, without having obtained the prior approval of the 559
commission, shall not enter into any contract or other agreement 560
with a person who has been found unsuitable, who has been denied 561
a license, or whose license has been revoked under division (G) 562
(1) of this section, or with any business enterprise under the 563
control of such a person, after the date on which the casino 564
operator, management company, or holding company receives notice 565
under that division. 566

(H) Notwithstanding the requirements for a license under 567
this section, the commission shall issue a key employee license 568
in accordance with Chapter 4796. of the Revised Code to an 569
applicant if either of the following applies: 570

(1) The applicant holds a license in another state. 571

(2) The applicant has satisfactory work experience, a 572
government certification, or a private certification as 573

described in that chapter as a key employee of a casino 574
operator, management company, or holding company in a state that 575
does not issue that license. 576

Sec. 4104.07. (A) Except as provided in division (E) of 577
this section, an application for examination as an inspector of 578
boilers and pressure vessels shall be in writing, accompanied by 579
a fee of one hundred ~~fifty~~ dollars, upon a blank to be furnished 580
by the superintendent of industrial compliance. Any moneys 581
collected under this section shall be paid into the state 582
treasury to the credit of the industrial compliance operating 583
fund created in section 121.084 of the Revised Code. 584

(B) The superintendent shall determine if an applicant 585
meets all the requirements for examination in accordance with 586
rules adopted by the board of building standards under section 587
4104.02 of the Revised Code. An application shall be rejected 588
which contains any willful falsification, or untruthful 589
statements. 590

(C) An applicant shall be examined by the superintendent, 591
by a written examination, prescribed by the board, dealing with 592
the construction, installation, operation, maintenance, and 593
repair of boilers and pressure vessels and their appurtenances, 594
and the applicant shall be accepted or rejected on the merits of 595
the applicant's application and examination. 596

(D) Upon a favorable report by the superintendent of the 597
result of an examination, the superintendent shall immediately 598
issue to the successful applicant a certificate of competency to 599
that effect. 600

(E) The superintendent shall issue a certificate of 601
competency in accordance with Chapter 4796. of the Revised Code 602

to an applicant if either of the following applies: 603

(1) The applicant holds a license or certificate in 604
another state. 605

(2) The applicant has satisfactory work experience, a 606
government certification, or a private certification as 607
described in that chapter as an inspector of boilers and 608
pressure vessels in a state that does not issue that license or 609
certificate. 610

Sec. 4104.08. (A) The director of commerce may appoint 611
from the holders of certificates of competency provided for in 612
section 4104.07 of the Revised Code, general inspectors of 613
boilers and pressure vessels. 614

(B) Any company authorized to insure boilers and pressure 615
vessels against explosion in this state may designate from 616
holders of certificates of competency issued by the 617
superintendent of industrial compliance, or holders of 618
certificates of competency or commissions issued by other states 619
or nations whose examinations for certificates or commissions 620
have been approved by the board of building standards, persons 621
to inspect and stamp boilers and pressure vessels covered by the 622
company's policies, and the superintendent shall issue to such 623
persons commissions authorizing them to act as special 624
inspectors. Special inspectors shall be compensated by the 625
company designating them. 626

(C) The director shall establish an annual fee to be 627
charged by the superintendent for each certificate of competency 628
or commission the superintendent issues. The director shall not 629
establish an annual fee of more than fifty dollars under this 630
division. 631

(D) The superintendent shall issue to each general or 632
special inspector a commission to the effect that the holder 633
thereof is authorized to inspect boilers and pressure vessels in 634
this state. 635

(E) No person shall be authorized to act as a general 636
inspector or a special inspector who is directly or indirectly 637
interested in the manufacture or sale of boilers or pressure 638
vessels. 639

Sec. 4104.18. (A) The owner or user of a boiler required 640
under section 4104.12 of the Revised Code to be inspected upon 641
installation, and the owner or user of a boiler for which a 642
certificate of inspection has been issued that is replaced with 643
an appropriate certificate of operation, shall pay to the 644
superintendent of industrial compliance an initial certificate 645
of operation fee in the following amount, as applicable: 646

(1) Fifty dollars for boilers subject to annual 647
inspections under section 4104.11 of the Revised Code; 648

(2) One hundred dollars for boilers subject to biennial 649
inspection under section 4104.13 of the Revised Code; 650

(3) One hundred fifty dollars for boilers subject to 651
triennial inspection under section 4104.11 of the Revised Code; 652

(4) Two hundred fifty dollars for boilers subject to 653
quinquennial inspection under section 4104.13 of the Revised 654
Code. 655

(B) The owner or user of a boiler required under section 656
4104.12 of the Revised Code to be inspected upon installation, 657
and the owner or user of a boiler for which a certificate of 658
inspection has been issued that is replaced with an appropriate 659
certificate of operation, shall pay to the superintendent of 660

industrial compliance an annual certificate of operation renewal 661
fee in the following amount, as applicable: 662

(1) Fifty dollars for boilers subject to annual 663
inspections under section 4101.11 of the Revised Code; 664

(2) One hundred dollars for boilers subject to biennial 665
inspections under section 4104.13 of the Revised Code; 666

(3) One hundred fifty dollars for boilers subject to 667
triennial inspections under section 4104.11 of the Revised Code; 668

(4) Two hundred fifty dollars for boilers subject to 669
quinquennial inspections under section 4104.13 of the Revised 670
Code. 671

(C) The fee for complete inspection during construction by 672
a general inspector on boilers and pressure vessels manufactured 673
within the state shall be thirty-five dollars per hour. Boiler 674
and pressure vessel manufacturers other than those located in 675
the state may secure inspection by a general inspector on work 676
during construction, upon application to the superintendent, and 677
upon payment of a fee of thirty-five dollars per hour, plus the 678
necessary traveling and hotel expenses incurred by the 679
inspector. 680

(D) The application fee for applicants for steam engineer, 681
high pressure boiler operator, or low pressure boiler operator 682
licenses is ~~seventy-five~~ twenty-five dollars. The fee for each 683
original or renewal steam engineer, high pressure boiler 684
operator, or low pressure boiler operator license is fifty 685
dollars. 686

(E) ~~The~~ Except as otherwise provided in this division, the 687
superintendent of industrial compliance, by rule adopted in 688
accordance with Chapter 119. of the Revised Code, may increase 689

the fees required by this section and may establish fees to pay 690
the costs of the division to fulfill its duties established by 691
this chapter. The fees shall bear some reasonable relationship 692
to the cost of administering and enforcing the provisions of 693
this chapter. The superintendent shall not adopt a rule 694
increasing the application fee for steam engineer, high pressure 695
boiler operator, or low pressure boiler operator licenses. 696

(F) Any moneys collected under this section shall be paid 697
into the state treasury to the credit of the industrial 698
compliance operating fund created in section 121.084 of the 699
Revised Code. 700

~~(F)~~ (G) Any person who fails to pay an invoiced renewal 701
fee or an invoiced inspection fee required for any inspection 702
conducted by the division of industrial compliance pursuant to 703
this chapter within forty-five days of the invoice date shall 704
pay a late payment fee equal to twenty-five per cent of the 705
invoiced fee. 706

~~(G)~~ (H) In addition to the fees assessed in divisions (A), 707
(B), and (C) of this section, the board of building standards 708
shall assess the owner or user a fee of three dollars and 709
twenty-five cents for each certificate of operation or renewal 710
thereof issued under divisions (A) and (B) of this section and 711
for each inspection conducted under division (C) of this 712
section. The board shall adopt rules, in accordance with Chapter 713
119. of the Revised Code, specifying the manner by which the 714
superintendent shall collect and remit to the board the fees 715
assessed under this division and requiring that remittance of 716
the fees be made at least quarterly. 717

Sec. 4517.02. (A) Except as otherwise provided in this 718
section, no person shall do any of the following: 719

(1) Engage in the business of displaying or selling at 720
retail new motor vehicles or assume to engage in that business, 721
unless the person is licensed as a new motor vehicle dealer 722
under sections 4517.01 to 4517.45 of the Revised Code, or is a 723
salesperson ~~licensed under those sections and~~ employed by a 724
licensed new motor vehicle dealer; 725

(2) Engage in the business of offering for sale, 726
displaying for sale, or selling at retail or wholesale used 727
motor vehicles or assume to engage in that business, unless the 728
person is licensed as a dealer under sections 4517.01 to 4517.45 729
of the Revised Code, is a salesperson ~~licensed under those~~ 730
~~sections and~~ employed by a licensed used motor vehicle dealer or 731
licensed new motor vehicle dealer, or the person holds a 732
construction equipment auction license issued under section 733
4517.17 of the Revised Code; 734

(3) Engage in the business of regularly making available, 735
offering to make available, or arranging for another person to 736
use a motor vehicle, in the manner described in division (M) of 737
section 4517.01 of the Revised Code, unless the person is 738
licensed as a motor vehicle leasing dealer under sections 739
4517.01 to 4517.45 of the Revised Code; 740

(4) Engage in the business of motor vehicle auctioning or 741
assume to engage in that business, unless the person is licensed 742
as a motor vehicle auction owner under sections 4517.01 to 743
4517.45 of the Revised Code and the person uses an auctioneer 744
who is licensed under Chapter 4707. of the Revised Code to 745
conduct the motor vehicle auctions or the person holds a 746
construction equipment auction license issued under section 747
4517.17 of the Revised Code; 748

(5) Engage in the business of distributing motor vehicles 749

or assume to engage in that business, unless the person is 750
licensed as a distributor under sections 4517.01 to 4517.45 of 751
the Revised Code; 752

(6) Make more than five casual sales of motor vehicles in 753
a twelve-month period, commencing with the day of the month in 754
which the first such sale is made, nor provide a location or 755
space for the sale of motor vehicles at a flea market, without 756
obtaining a license as a dealer under sections 4517.01 to 757
4517.45 of the Revised Code, provided that nothing in this 758
section shall be construed to prohibit the disposition without a 759
license of a motor vehicle originally acquired and held for 760
purposes other than sale, rental, or lease to an employee, 761
retiree, officer, or director of the person making the 762
disposition, to a corporation affiliated with the person making 763
the disposition, or to a person licensed under sections 4517.01 764
to 4517.45 of the Revised Code; 765

(7) Engage in the business of auctioning both large 766
construction or transportation equipment and also motor vehicles 767
incident thereto, unless the person is a construction equipment 768
auctioneer or the person is licensed as a motor vehicle auction 769
owner and the person uses an auctioneer who is licensed under 770
Chapter 4707. of the Revised Code to conduct the auction. 771

(B) Nothing in this section shall be construed to require 772
an auctioneer licensed under sections 4707.01 to 4707.19 of the 773
Revised Code, ~~to obtain a motor vehicle salesperson's license~~ 774
~~under sections 4517.01 to 4517.45 of the Revised Code when~~ 775
~~conducting an auction sale for a licensed motor vehicle dealer~~ 776
~~on the dealer's premises, or when conducting an auction sale for~~ 777
~~a licensed motor vehicle auction owner; nor shall such an~~ 778
~~auctioneer be required~~ to obtain a motor vehicle auction owner's 779

license under sections 4517.01 to 4517.45 of the Revised Code 780
when engaged in auctioning for a licensed motor vehicle auction 781
owner. 782

The establishment of a construction equipment auction 783
license by Am. Sub. H.B. 114 of the 129th general assembly shall 784
not in any way modify, limit, or restrict in any manner the 785
conduct of auctions by persons licensed under Chapter 4707. of 786
the Revised Code who are acting in compliance with that chapter. 787

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 788
apply to any of the following: 789

(1) Persons engaging in the business of selling commercial 790
tractors, trailers, or semitrailers incidentally to engaging 791
primarily in business other than the selling or leasing of motor 792
vehicles; 793

(2) Mortgagees selling at retail only those motor vehicles 794
that have come into their possession by a default in the terms 795
of a mortgage contract; 796

(3) The leasing, rental, and interchange of motor vehicles 797
used directly in the rendition of a public utility service by 798
regulated motor carriers. 799

(D) When a partnership licensed under sections 4517.01 to 800
4517.45 of the Revised Code is dissolved by death, the surviving 801
partners may operate under the license for a period of sixty 802
days, and the heirs or representatives of deceased persons and 803
receivers or trustees in bankruptcy appointed by any competent 804
authority may operate under the license of the person succeeded 805
in possession by that heir, representative, receiver, or trustee 806
in bankruptcy. 807

(E) No remanufacturer shall engage in the business of 808

selling at retail any new motor vehicle without having written 809
authority from the manufacturer or distributor of the vehicle to 810
sell new motor vehicles and to perform repairs under the terms 811
of the manufacturer's or distributor's new motor vehicle 812
warranty, unless, at the time of the sale of the vehicle, each 813
customer is furnished with a binding agreement ensuring that the 814
customer has the right to have the vehicle serviced or repaired 815
by a new motor vehicle dealer who is franchised to sell and 816
service vehicles of the same line-make as the chassis of the 817
remanufactured vehicle purchased by the customer and whose 818
service or repair facility is located within either twenty miles 819
of the remanufacturer's location and place of business or twenty 820
miles of the customer's residence or place of business. If there 821
is no such new motor vehicle dealer located within twenty miles 822
of the remanufacturer's location and place of business or the 823
customer's residence or place of business, the binding agreement 824
furnished to the customer may be with the new motor vehicle 825
dealer who is franchised to sell and service vehicles of the 826
same line-make as the chassis of the remanufactured vehicle 827
purchased by the customer and whose service or repair facility 828
is located nearest to the remanufacturer's location and place of 829
business or the customer's residence or place of business. 830
Additionally, at the time of sale of any vehicle, each customer 831
of the remanufacturer shall be furnished with a warranty issued 832
by the remanufacturer for a term of at least one year. 833

(F) Except as otherwise provided in this division, whoever 834
violates this section is guilty of a minor misdemeanor and shall 835
be subject to a mandatory fine of one hundred dollars. If the 836
offender previously has been convicted of or pleaded guilty to a 837
violation of this section, whoever violates this section is 838
guilty of a misdemeanor of the first degree and shall be subject 839

to a mandatory fine of one thousand dollars. 840

Sec. 4517.04. Each person applying for a new motor vehicle 841
dealer's license shall biennially make out and deliver to the 842
registrar of motor vehicles, before the first day of April, and 843
upon a blank to be furnished by the registrar for that purpose, 844
a separate application for license for each county in which the 845
business of selling new motor vehicles is to be conducted. The 846
application shall be in the form prescribed by the registrar, 847
shall be signed and sworn to by the applicant, and, in addition 848
to any other information required by the registrar, shall 849
include the following: 850

(A) Name of applicant and location of principal place of 851
business; 852

(B) Name or style under which business is to be conducted 853
and, if a corporation, the state of incorporation; 854

(C) Name and address of each owner or partner and, if a 855
corporation, the names of the officers and directors; 856

(D) The county in which the business is to be conducted 857
and the address of each place of business therein; 858

(E) A statement of the previous history, record, and 859
association of the applicant and of each owner, partner, 860
officer, and director, that shall be sufficient to establish to 861
the satisfaction of the registrar the reputation in business of 862
the applicant; 863

(F) A statement showing whether the applicant has 864
previously applied for a motor vehicle dealer's license, motor 865
vehicle leasing dealer's license, distributor's license, or 866
motor vehicle auction owner's license, ~~or motor vehicle~~ 867
~~salesperson's license,~~ and the result of the application, and 868

whether the applicant has ever been the holder of any such 869
license that was revoked or suspended; 870

(G) If the applicant is a corporation or partnership, a 871
statement showing whether any partner, employee, officer, or 872
director has been refused a motor vehicle dealer's license, 873
motor vehicle leasing dealer's license, distributor's license, 874
or motor vehicle auction owner's license, ~~or motor vehicle~~ 875
~~salesperson's license,~~ or has been the holder of any such 876
license that was revoked or suspended; 877

(H) A statement of the makes of new motor vehicles to be 878
handled. 879

The statement required by division (E) of this section 880
shall indicate whether the applicant or, if applicable, any of 881
the applicant's owners, partners, officers, or directors, 882
individually, or as owner, partner, officer, or director of a 883
business entity, has been convicted of, pleaded guilty, or 884
pleaded no contest, in a criminal action, a disqualifying 885
offense as determined under section 9.79 of the Revised Code, or 886
had a judgment rendered against the person in a civil action for 887
a violation of sections 4549.41 to 4549.46 of the Revised Code, 888
of any substantively comparable provisions of the law of any 889
other state, or of subchapter IV of the "Motor Vehicle 890
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 891
U.S.C. 1981. 892

A true copy of the contract, agreement, or understanding 893
the applicant has entered into or is about to enter into with 894
the manufacturer or distributor of the new motor vehicles the 895
applicant will handle shall be filed with the application. If 896
the contract, agreement, or understanding is not in writing, a 897
written statement of all the terms thereof shall be filed. Each 898

such copy or statement shall bear a certificate signed by each 899
party to the contract, agreement, or understanding, to the 900
effect that the copy or statement is true and complete and 901
contains all of the agreements made or about to be made between 902
the parties. 903

The application also shall be accompanied by a photograph, 904
as prescribed by the registrar, of each place of business 905
operated, or to be operated, by the applicant. 906

Sec. 4517.10. At the time the registrar of motor vehicles 907
grants the application of any person for a license as motor 908
vehicle dealer, motor vehicle leasing dealer, distributor, or 909
motor vehicle auction owner, ~~or motor vehicle salesperson,~~ the 910
registrar shall issue to the person a license. The registrar 911
shall prescribe different forms for the licenses of motor 912
vehicle dealers, motor vehicle leasing dealers, distributors, 913
and motor vehicle auction owners, and motor vehicle 914
~~salespersons,~~ and all licenses shall include the name and post- 915
office address of the person licensed. 916

On and after the effective date of this amendment, the 917
registrar shall not require a license to practice as a motor 918
vehicle salesperson. Any motor vehicle salesperson license that 919
was issued prior to the effective date of this amendment remains 920
valid only until the expiration date of the license. The license 921
shall not be renewed. 922

The fee for a motor vehicle dealer's license and a motor 923
vehicle leasing dealer's license shall be fifty dollars. In 924
addition to the license fee, the registrar shall collect from 925
each applicant for an initial motor vehicle dealer's license and 926
motor vehicle leasing dealer's license a separate fee in an 927
amount equal to the last assessment required by section 4505.181 928

of the Revised Code for all motor vehicle dealers and motor 929
vehicle leasing dealers. The registrar shall deposit the 930
separate fee into the state treasury to the credit of the title 931
defect recision fund created in section 1345.52 of the Revised 932
Code. ~~The fee for a salesperson's license shall be ten dollars.~~ 933
The fee for a motor vehicle auction owner's license shall be one 934
hundred dollars for each location. The fee for a distributor's 935
license shall be one hundred dollars for each distributorship. 936
In all cases, the fee shall accompany the application for 937
license. 938

The registrar may require each applicant for a license 939
issued under this chapter to pay an additional fee, which shall 940
be used by the registrar to pay the costs of obtaining a record 941
of any arrests and convictions of the applicant from the Ohio 942
bureau of identification and investigation. The amount of the 943
fee shall be equal to that paid by the registrar to obtain such 944
record. 945

If a motor vehicle dealer or a motor vehicle leasing 946
dealer has more than one place of business in the county, the 947
dealer shall make application, in such form as the registrar 948
prescribes, for a certified copy of the license issued to the 949
dealer for each place of business operated. In the event of the 950
loss, mutilation, or destruction of a license issued under 951
sections 4517.01 to 4517.65 of the Revised Code, any licensee 952
may make application to the registrar, in such form as the 953
registrar prescribes, for a duplicate copy thereof. The fee for 954
a certified or duplicate copy of a motor vehicle dealer's, motor 955
vehicle leasing dealer's, distributor's, or auction owner's 956
license, is two dollars, ~~and the fee for a duplicate copy of a~~ 957
~~salesperson's license is one dollar.~~ All fees for such copies 958
shall accompany the applications. 959

Beginning on September 16, 2004, all motor vehicle 960
dealers' licenses, motor vehicle leasing dealers' licenses, 961
distributors' licenses, and auction owners' licenses, ~~and all~~ 962
~~salespersons' licenses~~ issued or renewed shall expire biennially 963
on a day within the two-year cycle that is prescribed by the 964
registrar, unless sooner suspended or revoked. Before the first 965
day after the day prescribed by the registrar in the year that 966
the license expires, each licensed motor vehicle dealer, motor 967
vehicle leasing dealer, distributor, and auction owner ~~and each~~ 968
~~licensed salesperson,~~ in the year in which the license will 969
expire, shall file an application, in such forms as the registrar 970
prescribes, for the renewal of such license. The fee for 971
renewing a motor vehicle dealer's license and a motor vehicle 972
leasing dealer's license shall be fifty dollars. ~~The fee for~~ 973
~~renewing a salesperson's license shall be ten dollars.~~ The fee 974
for renewing a motor vehicle auction owner's license shall be 975
one hundred dollars for each location. The fee for renewing a 976
distributor's license shall be one hundred dollars for each 977
distributorship. In all cases the license renewal fee shall 978
accompany the renewal application. 979

~~Any salesperson's license shall be suspended upon the~~ 980
~~termination, suspension, or revocation of the license of the~~ 981
~~motor vehicle dealer for whom the salesperson is acting, or upon~~ 982
~~the salesperson leaving the service of the motor vehicle dealer,~~ 983
~~provided that upon the termination, suspension, or revocation of~~ 984
~~the license of the motor vehicle dealer for whom the salesperson~~ 985
~~is acting, or upon the salesperson leaving the service of a~~ 986
~~licensed motor vehicle dealer, the licensed salesperson, upon~~ 987
~~entering the service of any other licensed motor vehicle dealer,~~ 988
~~shall make application to the registrar, in such form as the~~ 989
~~registrar prescribes, to have the salesperson's license~~ 990

~~reinstated, transferred, and registered as a salesperson for the~~ 991
~~other dealer. If the information contained in the application is~~ 992
~~satisfactory to the registrar, the registrar shall have the~~ 993
~~salesperson's license reinstated, transferred, and registered as~~ 994
~~a salesperson for the other dealer. The fee for the~~ 995
~~reinstatement and transfer of license shall be two dollars. No~~ 996
~~license issued to a motor vehicle dealer, motor vehicle leasing~~ 997
~~dealer, or auction owner, ~~or salesperson,~~ under sections 4517.01~~ 998
~~to 4517.65 of the Revised Code shall be transferable to any~~ 999
~~other person.~~ 1000

Each motor vehicle dealer, motor vehicle leasing dealer, 1001
distributor, and auction owner shall keep the dealer's or 1002
auction owner's license or a certified copy thereof posted in a 1003
conspicuous place in each place of business. ~~A dealer shall keep~~ 1004
~~a current list of the dealer's licensed salespersons, showing~~ 1005
~~the names, addresses, and serial numbers of their licenses and~~ 1006
~~shall make the list available upon request. Each salesperson~~ 1007
~~shall keep the salesperson's license or a certified copy thereof~~ 1008
~~at the salesperson's place of business and shall provide such~~ 1009
~~license or copy upon demand to any inspector of the bureau of~~ 1010
~~motor vehicles, state highway patrol trooper, police officer, or~~ 1011
~~person with whom the salesperson seeks to transact business as a~~ 1012
~~motor vehicle salesperson.~~ 1013

The notice of refusal to grant a license shall disclose 1014
the reason for refusal. 1015

Sec. 4517.14. ~~The registrar of motor vehicles shall deny~~ 1016
~~the application of any person for a license as a salesperson and~~ 1017
~~refuse to issue the license if the registrar finds that the~~ 1018
~~applicant:~~ 1019

~~(A) Has made any false statement of a material fact in the~~ 1020

application; 1021

~~(B) Has not complied with sections 4517.01 to 4517.45 of the Revised Code;~~ 1022
1023

~~(C) Is of bad business repute or has habitually defaulted on financial obligations;~~ 1024
1025

~~(D) Has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;~~ 1026
1027

~~(E) Has not been designated to act as salesperson for a motor vehicle dealer licensed to do business in this state under section 4517.10 of the Revised Code, or intends to~~ 1028
No person 1029
shall act as salesperson for more than one licensed motor 1030
vehicle dealer at the same time, except that a licensed 1031
salesperson may act as a salesperson at any licensed dealership 1032
owned or operated by the same company, regardless of the county 1033
in which the dealership's facility is located; 1034
1035

~~(F) Holds a current motor vehicle dealer's license issued under section 4517.10 of the Revised Code, and intends to act as salesperson for another licensed motor vehicle dealer;~~ 1036
1037
1038

~~(G) Has, less than twelve months prior to making application, been denied a salesperson's license or had a salesperson's license revoked.~~ 1039
1040
1041

~~The registrar may refuse to issue a salesperson's license to an applicant who was salesperson for, or in the employ of, a motor vehicle dealer at the time the dealer's license was revoked. The registrar's finding may be based upon any statement contained in the application or upon any facts within the registrar's knowledge, and, immediately upon refusing to issue a salesperson's license, the registrar shall enter a final order and shall certify the final order together with his findings to~~ 1042
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1049

~~the motor vehicle dealers board.~~ 1050

Sec. 4517.15. Any person who has been denied a license 1051
under section 4517.12, or 4517.13, ~~or 4517.14~~ of the Revised 1052
Code may appeal from the action of the registrar of motor 1053
vehicles to the motor vehicle dealers board in the manner 1054
provided in section 4517.33 of the Revised Code. 1055

Sec. 4517.20. (A) No motor vehicle dealer licensed under 1056
Chapter 4517. of the Revised Code shall do any of the following: 1057

(1) Directly or indirectly, solicit the sale of a motor 1058
vehicle through a pecuniarily interested person other than a 1059
salesperson ~~licensed~~ in the employ of ~~a~~ the licensed dealer; 1060

(2) Pay any commission or compensation in any form to any 1061
person in connection with the sale of a motor vehicle unless the 1062
person is ~~licensed as a~~ salesperson in the employ of the dealer; 1063

(3) ~~Fail to immediately notify the registrar of motor~~ 1064
~~vehicles upon termination of the employment of any person~~ 1065
~~licensed as a salesperson to sell, display, offer for sale, or~~ 1066
~~deal in motor vehicles for the dealer;~~ 1067

~~(4)~~ Knowingly engage in any wholesale motor vehicle 1068
transaction with any salesperson, or with any person required to 1069
be licensed pursuant to Chapter 4517. of the Revised Code, if 1070
the person is not licensed pursuant to that chapter, if the 1071
person's license to operate as a dealer has been suspended or 1072
revoked, or if the person's application for a license to operate 1073
as a dealer has been denied. 1074

(B) Whoever violates this section is guilty of a 1075
misdemeanor of the fourth degree. 1076

Sec. 4517.33. The motor vehicle dealers board shall hear 1077

appeals which may be taken from an order of the registrar of 1078
motor vehicles, refusing to issue a license. All appeals from 1079
any order of the registrar refusing to issue any license upon 1080
proper application must be taken within thirty days from the 1081
date of the order, or the order is final and conclusive. All 1082
appeals from orders of the registrar must be by petition in 1083
writing and verified under oath by the applicant whose 1084
application for license has been denied, and must set forth the 1085
reason for the appeal and the reason why, in the petitioner's 1086
opinion, the order of the registrar is not correct. In such 1087
appeals the board may make investigation to determine the 1088
correctness and legality of the order of the registrar. 1089

The board may make rules governing its actions relative to 1090
the suspension and revocation of dealers', motor vehicle leasing 1091
dealers', distributors', auction owners', ~~salespersons'~~, and 1092
construction equipment auction licenses, and may, upon its own 1093
motion, and shall, upon the verified complaint in writing of any 1094
person, investigate the conduct of any licensee under sections 1095
4517.01 to 4517.65 of the Revised Code. The board shall suspend 1096
or revoke or notify the registrar to refuse to renew any 1097
dealer's, motor vehicle leasing dealer's, distributor's, auction 1098
owner's, ~~salesperson's~~, or construction equipment auction 1099
license, if any ground existed upon which the license might have 1100
been refused, or if a ground exists that would be cause for 1101
refusal to issue a license. 1102

The board may suspend or revoke any license if the 1103
licensee has in any manner violated the rules issued pursuant to 1104
sections 4517.01 to 4517.65 of the Revised Code, or has violated 1105
section 4501.02 of the Revised Code, or has been convicted of 1106
committing a felony or violating any law that in any way relates 1107
to the selling, taxing, licensing, or regulation of sales of 1108

motor vehicles. 1109

Within ten days after receipt of an abstract from a county 1110
court judge, mayor of a mayor's court, or clerk of a court of 1111
record indicating a violation of division (D) of section 1112
4513.241 of the Revised Code, the board shall determine whether 1113
the person named in the abstract is licensed under this chapter 1114
and, if the person is so licensed, shall further determine 1115
whether the person previously has been convicted of or pleaded 1116
guilty to a violation of that section. If the person previously 1117
has been convicted of or pleaded guilty to a violation of that 1118
section, the board, in accordance with Chapter 119. of the 1119
Revised Code but without a prior hearing, shall suspend the 1120
person's license for a period of not more than one hundred 1121
eighty days. 1122

Sec. 4517.43. (A) The applications for licenses and the 1123
copies of contracts required by sections 4517.04, 4517.05, 1124
4517.051, 4517.06, 4517.07, and 4517.08, ~~and 4517.09~~ of the 1125
Revised Code are not part of the public records but are 1126
confidential information for the use of the registrar of motor 1127
vehicles and the motor vehicle dealers board. No person shall 1128
divulge any information contained in such applications and 1129
acquired by the person in the person's capacity as an official 1130
or employee of the bureau of motor vehicles or of the board, 1131
except in a report to the registrar, to the board, or when 1132
called upon to testify in any court or proceeding. 1133

(B) Whoever violates this section is guilty of a minor 1134
misdemeanor. 1135

Sec. 4549.50. Violation of sections 4549.41 to 4549.46 of 1136
the Revised Code by any person licensed or granted a permit by 1137
this state as a dealer, wholesaler, distributor, ~~salesman,~~ or 1138

auction owner under Chapter 4517. of the Revised Code, is prima- 1139
facie evidence of intent to defraud and constitutes cause for 1140
the revocation or denial of the license of such person to sell 1141
any motor vehicle in this state. 1142

Any person who violates sections 4549.41 to 4549.46 of the 1143
Revised Code, upon receiving notice from the registrar of motor 1144
vehicles or motor vehicle dealers board of the intent to revoke 1145
or suspend a license or permit, shall immediately post a surety 1146
bond with the registrar in favor of the state in the amount of 1147
twenty-five thousand dollars and shall maintain the bond while 1148
the license or permit is in effect. The bond shall be for the 1149
use, benefit, and protection of any transferee damaged by the 1150
licensee's or ~~permittee's~~ permittee's violation of sections 1151
4549.41 to 4549.46 of the Revised Code or for the payment of 1152
civil penalties or costs resulting from enforcement actions. Any 1153
transferee claiming against the bond or the attorney general may 1154
maintain an action against the transferor or the surety, except 1155
that the surety is liable only for actual damages. The aggregate 1156
liability of the surety shall not exceed twenty-five thousand 1157
dollars. Any money unclaimed by transferees after two years from 1158
the date of the conviction of or judgment against the transferor 1159
shall be deposited in the consumer protection enforcement fund 1160
created by section 1345.51 of the Revised Code. The surety bond 1161
shall remain in effect until the license or permit is revoked or 1162
suspended by the motor vehicle dealers board pursuant to section 1163
4517.33 of the Revised Code. Upon reinstatement of a license or 1164
permit that has been suspended, or upon reissuance of a license 1165
or permit after the period of revocation, the licensee or 1166
~~permittee~~ permittee shall post an additional surety bond in 1167
accordance with this section. The surety bond shall remain in 1168
effect during the period in which the licensee or ~~permittee~~ 1169

permittee engages in business in the state. 1170

Sec. 4703.16. (A) ~~The architects board shall establish the application fee for obtaining registration under section 4703.07 and the fee for obtaining registration pursuant to section 4703.08 of the Revised Code.~~ 1171
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~~(B)~~ The fee to restore a certificate of qualification to practice architecture is the renewal fee for the current certification period, plus the renewal fee for each two-year period in which the certificate was not renewed, plus a penalty the board establishes for each two-year period or part thereof in which the certificate was not renewed, provided that the maximum fee shall not exceed the amount established by the board. 1175
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~~(C)~~ (B) The board ~~also~~ shall establish the following fees: 1183

(1) The fee for ~~an original and~~ a duplicate certificate of qualification to practice architecture and the biennial renewal of the certificate; 1184
1185
1186

(2) The fee for a duplicate renewal card; 1187

(3) The fee to restore a certificate of qualification to practice architecture or certificate of authorization revoked under section 4703.15 of the Revised Code or suspended under section 3123.47 of the Revised Code; 1188
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1190
1191

(4) The fee for an original and duplicate certificate of authorization issued under division (L) of section 4703.18 of the Revised Code and the annual renewal of the certificate; 1192
1193
1194

(5) The fee to cover costs for checks or other instruments returned to the board by financial institutions due to insufficient funds. 1195
1196
1197

(C) The architects board shall not charge an application 1198
fee for obtaining registration under section 4703.07 or a fee 1199
for obtaining an initial certificate of qualification to 1200
practice architecture under section 4703.08 of the Revised Code. 1201

Sec. 4735.01. As used in this chapter: 1202

(A) "Real estate broker" includes any person, partnership, 1203
association, limited liability company, limited liability 1204
partnership, or corporation, foreign or domestic, who for 1205
another, whether pursuant to a power of attorney or otherwise, 1206
and who for a fee, commission, or other valuable consideration, 1207
or with the intention, or in the expectation, or upon the 1208
promise of receiving or collecting a fee, commission, or other 1209
valuable consideration does any of the following: 1210

(1) Sells, exchanges, purchases, rents, or leases, or 1211
negotiates the sale, exchange, purchase, rental, or leasing of 1212
any real estate; 1213

(2) Offers, attempts, or agrees to negotiate the sale, 1214
exchange, purchase, rental, or leasing of any real estate; 1215

(3) Lists, or offers, attempts, or agrees to list, or 1216
auctions, or offers, attempts, or agrees to auction, any real 1217
estate; 1218

(4) Buys or offers to buy, sells or offers to sell, or 1219
otherwise deals in options on real estate; 1220

(5) Operates, manages, or rents, or offers or attempts to 1221
operate, manage, or rent, other than as custodian, caretaker, or 1222
janitor, any building or portions of buildings to the public as 1223
tenants; 1224

(6) Advertises or holds self out as engaged in the 1225

business of selling, exchanging, purchasing, renting, or leasing	1226
real estate;	1227
(7) Directs or assists in the procuring of prospects or	1228
the negotiation of any transaction, other than mortgage	1229
financing, which does or is calculated to result in the sale,	1230
exchange, leasing, or renting of any real estate;	1231
(8) Is engaged in the business of charging an advance fee	1232
or contracting for collection of a fee in connection with any	1233
contract whereby the broker undertakes primarily to promote the	1234
sale, exchange, purchase, rental, or leasing of real estate	1235
through its listing in a publication issued primarily for such	1236
purpose, or for referral of information concerning such real	1237
estate to brokers, or both, except that this division does not	1238
apply to a publisher of listings or compilations of sales of	1239
real estate by their owners;	1240
(9) Collects rental information for purposes of referring	1241
prospective tenants to rental units or locations of such units	1242
and charges the prospective tenants a fee.	1243
(B) "Real estate" includes leaseholds as well as any and	1244
every interest or estate in land situated in this state, whether	1245
corporeal or incorporeal, whether freehold or nonfreehold, and	1246
the improvements on the land, but does not include cemetery	1247
interment rights.	1248
(C) "Real estate salesperson" means any person associated	1249
with a licensed real estate broker to do or to deal in any acts	1250
or transactions set out or comprehended by the definition of a	1251
real estate broker, for compensation or otherwise.	1252
(D) "Institution of higher education" includes all of the	1253
following:	1254

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	1255 1256
(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	1257 1258
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.	1259 1260 1261
(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree <u>or certificate</u> programs in accordance with section 3332.05 of the Revised Code.	1262 1263 1264 1265 1266
(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.	1267 1268 1269
(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.	1270 1271 1272 1273 1274 1275 1276 1277 1278 1279
(G) "Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real	1280 1281 1282 1283

estate, for compensation or otherwise. 1284

(H) Any person, partnership, association, limited 1285
liability company, limited liability partnership, or 1286
corporation, who, for another, in consideration of compensation, 1287
by fee, commission, salary, or otherwise, or with the intention, 1288
in the expectation, or upon the promise of receiving or 1289
collecting a fee, does, or offers, attempts, or agrees to engage 1290
in, any single act or transaction contained in the definition of 1291
a real estate broker, whether an act is an incidental part of a 1292
transaction, or the entire transaction, shall be constituted a 1293
real estate broker or real estate salesperson under this 1294
chapter. 1295

(I) (1) The terms "real estate broker," "real estate 1296
salesperson," "foreign real estate dealer," and "foreign real 1297
estate salesperson" do not include a person, partnership, 1298
association, limited liability company, limited liability 1299
partnership, or corporation, or the regular employees thereof, 1300
who perform any of the acts or transactions specified or 1301
comprehended in division (A) of this section, whether or not 1302
for, or with the intention, in expectation, or upon the promise 1303
of receiving or collecting a fee, commission, or other valuable 1304
consideration: 1305

(a) With reference to real estate situated in this state 1306
owned by such person, partnership, association, limited 1307
liability company, limited liability partnership, or 1308
corporation, or acquired on its own account in the regular 1309
course of, or as an incident to the management of the property 1310
and the investment in it; 1311

(b) As receiver or trustee in bankruptcy, as guardian, 1312
executor, administrator, trustee, assignee, commissioner, or any 1313

person doing the things mentioned in this section, under 1314
authority or appointment of, or incident to a proceeding in, any 1315
court, or as a bona fide public officer, or as executor, 1316
trustee, or other bona fide fiduciary under any trust agreement, 1317
deed of trust, will, or other instrument that has been executed 1318
in good faith creating a like bona fide fiduciary obligation; 1319

(c) As a public officer while performing the officer's 1320
official duties; 1321

(d) As an attorney at law in the performance of the 1322
attorney's duties; 1323

(e) As a person who engages in the brokering of the sale 1324
of business assets, not including the sale, lease, exchange, or 1325
assignment of any interest in real estate; 1326

(f) As a person who engages in the sale of manufactured 1327
homes as defined in division (C) (4) of section 3781.06 of the 1328
Revised Code, or of mobile homes as defined in division (O) of 1329
section 4501.01 of the Revised Code, provided the sale does not 1330
include the negotiation, sale, lease, exchange, or assignment of 1331
any interest in real estate; 1332

(g) As a person who engages in the sale of commercial real 1333
estate pursuant to the requirements of section 4735.022 of the 1334
Revised Code; 1335

(h) As an oil and gas land professional in the performance 1336
of the oil and gas land professional's duties, provided the oil 1337
and gas land professional is not engaged in the purchase or sale 1338
of a fee simple absolute interest in oil and gas or other real 1339
estate and the oil and gas land professional complies with 1340
division (A) of section 4735.023 of the Revised Code; 1341

(i) As an oil and gas land professional employed by the 1342

person, partnership, association, limited liability company, 1343
limited liability partnership, or corporation for which the oil 1344
and gas land professional is performing the oil and gas land 1345
professional's duties. 1346

(2) A person, partnership, association, limited liability 1347
company, limited liability partnership, or corporation exempt 1348
under division (I)(1)(a) of this section shall be limited by the 1349
legal interest in the real estate held by that person or entity 1350
to performing any of the acts or transactions specified in or 1351
comprehended by division (A) of this section. 1352

(J) "Disabled licensee" means a person licensed pursuant 1353
to this chapter who is under a severe disability which is of 1354
such a nature as to prevent the person from being able to attend 1355
any instruction lasting at least three hours in duration. 1356

(K) "Division of real estate" may be used interchangeably 1357
with, and for all purposes has the same meaning as, "division of 1358
real estate and professional licensing." 1359

(L) "Superintendent" or "superintendent of real estate" 1360
means the superintendent of the division of real estate and 1361
professional licensing of this state. Whenever the division or 1362
superintendent of real estate is referred to or designated in 1363
any statute, rule, contract, or other document, the reference or 1364
designation shall be deemed to refer to the division or 1365
superintendent of real estate and professional licensing, as the 1366
case may be. 1367

(M) "Inactive license" means the license status in which a 1368
salesperson's license is in the possession of the division, 1369
renewed as required under this chapter or rules adopted under 1370
this chapter, and not associated with a real estate broker. 1371

(N) "Broker's license on deposit" means the license status 1372
in which a broker's license is in the possession of the division 1373
of real estate and professional licensing and renewed as 1374
required under this chapter or rules adopted under this chapter. 1375

(O) "Suspended license" means the license status that 1376
prohibits a licensee from providing services that require a 1377
license under this chapter for a specified interval of time. 1378

(P) "Reactivate" means the process prescribed by the 1379
superintendent of real estate and professional licensing to 1380
remove a license from an inactive, suspended, or broker's 1381
license on deposit status to allow a licensee to provide 1382
services that require a license under this chapter. 1383

(Q) "Revoked" means the license status in which the 1384
license is void and not eligible for reactivation. 1385

(R) "Commercial real estate" means any parcel of real 1386
estate in this state other than real estate containing one to 1387
four residential units. "Commercial real estate" does not 1388
include single-family residential units such as condominiums, 1389
townhouses, manufactured homes, or homes in a subdivision when 1390
sold, leased, or otherwise conveyed on a unit-by-unit basis, 1391
even when those units are a part of a larger building or parcel 1392
of real estate containing more than four residential units. 1393

(S) "Out-of-state commercial broker" includes any person, 1394
partnership, association, limited liability company, limited 1395
liability partnership, or corporation that is licensed to do 1396
business as a real estate broker in a jurisdiction other than 1397
Ohio. 1398

(T) "Out-of-state commercial salesperson" includes any 1399
person affiliated with an out-of-state commercial broker who is 1400

not licensed as a real estate salesperson in Ohio. 1401

(U) "Exclusive right to sell or lease listing agreement" 1402
means an agency agreement between a seller and broker that meets 1403
the requirements of section 4735.55 of the Revised Code and does 1404
both of the following: 1405

(1) Grants the broker the exclusive right to represent the 1406
seller in the sale or lease of the seller's property; 1407

(2) Provides the broker will be compensated if the broker, 1408
the seller, or any other person or entity produces a purchaser 1409
or tenant in accordance with the terms specified in the listing 1410
agreement or if the property is sold or leased during the term 1411
of the listing agreement to anyone other than to specifically 1412
exempted persons or entities. 1413

(V) "Exclusive agency agreement" means an agency agreement 1414
between a seller and broker that meets the requirements of 1415
section 4735.55 of the Revised Code and does both of the 1416
following: 1417

(1) Grants the broker the exclusive right to represent the 1418
seller in the sale or lease of the seller's property; 1419

(2) Provides the broker will be compensated if the broker 1420
or any other person or entity produces a purchaser or tenant in 1421
accordance with the terms specified in the listing agreement or 1422
if the property is sold or leased during the term of the listing 1423
agreement, unless the property is sold or leased solely through 1424
the efforts of the seller or to the specifically exempted 1425
persons or entities. 1426

(W) "Exclusive purchaser agency agreement" means an agency 1427
agreement between a purchaser and broker that meets the 1428
requirements of section 4735.55 of the Revised Code and does 1429

both of the following: 1430

(1) Grants the broker the exclusive right to represent the 1431
purchaser in the purchase or lease of property; 1432

(2) Provides the broker will be compensated in accordance 1433
with the terms specified in the exclusive agency agreement or if 1434
a property is purchased or leased by the purchaser during the 1435
term of the agency agreement unless the property is specifically 1436
exempted in the agency agreement. 1437

The agreement may authorize the broker to receive 1438
compensation from the seller or the seller's agent and may 1439
provide that the purchaser is not obligated to compensate the 1440
broker if the property is purchased or leased solely through the 1441
efforts of the purchaser. 1442

(X) "Seller" means a party in a real estate transaction 1443
who is the potential transferor of property. "Seller" includes 1444
an owner of property who is seeking to sell the property and a 1445
landlord who is seeking to rent or lease property to another 1446
person. 1447

(Y) "Resigned" means the license status in which a license 1448
has been voluntarily and permanently surrendered to or is 1449
otherwise in the possession of the division of real estate and 1450
professional licensing, may not be renewed or reactivated in 1451
accordance with the requirements specified in this chapter or 1452
the rules adopted pursuant to it, and is not associated with a 1453
real estate broker. 1454

(Z) "Bona fide" means made in good faith or without 1455
purpose of circumventing license law. 1456

(AA) "Associate broker" means an individual licensed as a 1457
real estate broker under this chapter who does not function as 1458

the principal broker or a management level licensee. 1459

(BB) "Brokerage" means a corporation, partnership, limited 1460
partnership, association, limited liability company, limited 1461
liability partnership, or sole proprietorship, foreign or 1462
domestic, that has been issued a broker's license. "Brokerage" 1463
includes the affiliated licensees who have been assigned 1464
management duties that include supervision of licensees whose 1465
duties may conflict with those of other affiliated licensees. 1466

(CC) "~~Credit eligible~~ Eligible course" means a credit or 1467
~~noncredit-bearing course that is both of the following:~~ 1468

~~(1) The noncredit course is~~ offered by an institution of 1469
higher education.— 1470

~~(2) The course is eligible for academic credit that that~~ 1471
may be applied toward the requirements for a degree or 1472
certificate at the institution ~~of higher education.~~ 1473

(DD) "Distance education" means courses required by 1474
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 1475
and (J) of section 4735.09, and division (A) of section 4735.141 1476
of the Revised Code in which instruction is accomplished through 1477
use of interactive, electronic media and where the teacher and 1478
student are separated by distance or time, or both. 1479

(EE) "Licensee" means any individual licensed as a real 1480
estate broker or salesperson by the Ohio real estate commission 1481
pursuant to this chapter. 1482

(FF) "Management level licensee" means a licensee who is 1483
employed by or affiliated with a real estate broker and who has 1484
supervisory responsibility over other licensees employed by or 1485
affiliated with that real estate broker. 1486

(GG) "Oil and gas land professional" means a person 1487
regularly engaged in the preparation and negotiation of 1488
agreements for the purpose of exploring for, transporting, 1489
producing, or developing oil and gas mineral interests, 1490
including, but not limited to, oil and gas leases and pipeline 1491
easements. 1492

(HH) "Principal broker" means an individual licensed as a 1493
real estate broker under this chapter who oversees and directs 1494
the operations of the brokerage. 1495

(II) "Right-to-list home sale agreement" means an 1496
agreement whereby the owner of residential real estate agrees to 1497
provide another person with exclusive rights to list the real 1498
estate for sale at a future date in exchange for monetary 1499
consideration, or an equivalent to monetary consideration, and 1500
that meets one or both of the following: 1501

(1) The agreement states that it runs with the land or 1502
otherwise purports to bind future owners of the residential real 1503
estate; 1504

(2) The agreement purports to be a lien, encumbrance, or 1505
other real property security interest. 1506

Sec. 4735.07. (A) The superintendent of real estate, with 1507
the consent of the Ohio real estate commission, may enter into 1508
agreements with recognized national testing services to 1509
administer the real estate broker's examination under the 1510
superintendent's supervision and control, consistent with the 1511
requirements of this chapter as to the contents of such 1512
examination. 1513

(B) No applicant for a real estate broker's license shall 1514
take the broker's examination who has not established to the 1515

satisfaction of the superintendent that the applicant:	1516
(1) Is honest and truthful;	1517
(2) (a) Has not been convicted of a disqualifying offense	1518
as determined in accordance with section 9.79 of the Revised	1519
Code;	1520
(b) Has not been finally adjudged by a court to have	1521
violated any municipal, state, or federal civil rights laws	1522
relevant to the protection of purchasers or sellers of real	1523
estate or, if the applicant has been so adjudged, at least two	1524
years have passed since the court decision and the	1525
superintendent has disregarded the adjudication because the	1526
applicant has proven, by a preponderance of the evidence, that	1527
the applicant's activities and employment record since the	1528
adjudication show that the applicant is honest and truthful, and	1529
there is no basis in fact for believing that the applicant will	1530
again violate the laws involved.	1531
(3) Has not, during any period in which the applicant was	1532
licensed under this chapter, violated any provision of, or any	1533
rule adopted pursuant to, this chapter, or, if the applicant has	1534
violated any such provision or rule, has established to the	1535
satisfaction of the superintendent that the applicant will not	1536
again violate such provision or rule;	1537
(4) Is at least eighteen years of age;	1538
(5) Has been a licensed real estate broker or salesperson	1539
for at least two of the five years preceding the person's	1540
application, and has completed one of the following:	1541
(a) At least twenty real estate transactions, in which	1542
property was sold for another by the applicant while acting in	1543
the capacity of a real estate broker or salesperson;	1544

(b) Such equivalent experience as is defined by rules	1545
adopted by the commission.	1546
(6) (a) If licensed as a real estate salesperson prior to	1547
August 1, 2001, successfully has completed at an institution of	1548
higher education all of the following credit-eligible <u>eligible</u>	1549
courses by either classroom instruction or distance education:	1550
(i) Thirty hours of instruction in real estate practice;	1551
(ii) Thirty hours of instruction that includes the	1552
subjects of Ohio real estate law, municipal, state, and federal	1553
civil rights law, new case law on housing discrimination,	1554
desegregation issues, and methods of eliminating the effects of	1555
prior discrimination. If feasible, the instruction in Ohio real	1556
estate law shall be taught by a member of the faculty of an	1557
accredited law school. If feasible, the instruction in	1558
municipal, state, and federal civil rights law, new case law on	1559
housing discrimination, desegregation issues, and methods of	1560
eliminating the effects of prior discrimination shall be taught	1561
by a staff member of the Ohio civil rights commission who is	1562
knowledgeable with respect to those subjects. The requirements	1563
of this division do not apply to an applicant who is admitted to	1564
practice before the supreme court.	1565
(iii) Thirty hours of instruction in real estate	1566
appraisal;	1567
(iv) Thirty hours of instruction in real estate finance;	1568
(v) Three quarter <u>Thirty hours,</u> or its equivalent in	1569
semester hours, in financial management;	1570
(vi) Three quarter <u>Thirty hours,</u> or its equivalent in	1571
semester hours, in human resource or personnel management;	1572

(vii) Three quarter <u>Thirty</u> hours, or its equivalent in semester hours, in applied business economics;	1573 1574
(viii) Three quarter <u>Thirty</u> hours, or its equivalent in semester hours, in business law.	1575 1576
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit eligible <u>eligible</u> courses by either classroom instruction or distance education:	1577 1578 1579 1580
(i) Forty hours of instruction in real estate practice;	1581
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	1582 1583 1584 1585 1586 1587 1588 1589 1590 1591 1592 1593 1594 1595
(iii) Twenty hours of instruction in real estate appraisal;	1596 1597
(iv) Twenty hours of instruction in real estate finance;	1598
(v) The training in the amount of hours specified under divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section.	1599 1600

(c) Division (B) (6) (a) or (b) of this section does not 1601
apply to any applicant who holds a valid real estate 1602
salesperson's license issued prior to January 2, 1972. Divisions 1603
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 1604
of this section do not apply to any applicant who holds a valid 1605
real estate salesperson's license issued prior to January 3, 1606
1984. 1607

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 1608
section do not apply to any new applicant who holds a valid Ohio 1609
real estate appraiser license or certificate issued prior to the 1610
date of application for a real estate broker's license. 1611

(e) Successful completion of the instruction required by 1612
division (B) (6) (a) or (b) of this section shall be determined by 1613
the law in effect on the date the instruction was completed. 1614

~~(7) If licensed as a real estate salesperson on or after 1615
January 3, 1984, satisfactorily has completed a minimum of two 1616
years of post secondary education, or its equivalent in semester 1617
or quarter hours, at an institution of higher education, and has 1618
fulfilled the requirements of division (B) (6) (a) or (b) of this 1619
section. The requirements of division (B) (6) (a) or (b) of this 1620
section may be included in the two years of post secondary 1621
education, or its equivalent in semester or quarter hours, that 1622
is required by this division. The post secondary education 1623
requirement may be satisfied by completing the credit eligible 1624
courses using either classroom instruction or distance 1625
education. Successful completion of any course required by this 1626
section shall be determined by the law in effect on the date the 1627
course was completed. 1628~~

(C) Each applicant for a broker's license shall be 1629
examined in the principles of real estate practice, Ohio real 1630

estate law, and financing and appraisal, and as to the duties of 1631
real estate brokers and real estate salespersons, the 1632
applicant's knowledge of real estate transactions and 1633
instruments relating to them, and the canons of business ethics 1634
pertaining to them. The commission from time to time shall 1635
promulgate such canons and cause them to be published in printed 1636
form. 1637

(D) Examinations shall be administered with reasonable 1638
accommodations in accordance with the requirements of the 1639
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 1640
U.S.C. 12101. The contents of an examination shall be consistent 1641
with the requirements of division (B) (6) of this section and 1642
with the other specific requirements of this section. An 1643
applicant who has completed the requirements of division (B) (6) 1644
of this section at the time of application shall be examined no 1645
later than twelve months after the applicant is notified of 1646
admission to the examination. 1647

(E) Notwithstanding any provision of this chapter or 1648
Chapter 4796. of the Revised Code to the contrary, the 1649
superintendent shall issue a real estate broker's license in 1650
accordance with Chapter 4796. of the Revised Code to an 1651
applicant if either of the following applies: 1652

(1) The applicant satisfies the requirements specified in 1653
section 4796.03 or 4796.04 of the Revised Code, as applicable, 1654
and all of the following apply: 1655

(a) The applicant has worked as a real estate broker for 1656
at least two of the five years immediately preceding the date of 1657
the application. 1658

(b) The applicant has completed not less than twenty real 1659

estate transactions in which the applicant acted in the capacity 1660
of a real estate broker. 1661

(c) The applicant passes an examination on Ohio real 1662
estate law. 1663

(2) The applicant satisfies the requirements specified in 1664
section 4796.05 of the Revised Code and divisions (E) (1) (b) and 1665
(c) of this section. 1666

(F) There shall be no limit placed on the number of times 1667
an applicant may retake the examination. 1668

(G) (1) Not earlier than the date of issue of a real estate 1669
broker's license to a licensee, but not later than twelve months 1670
after the date of issue of a real estate broker's license to a 1671
licensee, the licensee shall submit proof satisfactory to the 1672
superintendent, on forms made available by the superintendent, 1673
of the completion of ten hours of instruction that shall be 1674
completed in schools, seminars, and educational institutions 1675
that are approved by the commission. Approval of the curriculum 1676
and providers shall be granted according to rules adopted 1677
pursuant to section 4735.10 of the Revised Code and may be taken 1678
through classroom instruction or distance education. 1679

If the required proof of completion is not submitted to 1680
the superintendent within twelve months of the date a license is 1681
issued under this section, the license of the real estate broker 1682
is suspended automatically without the taking of any action by 1683
the superintendent. The broker's license shall not be 1684
reactivated by the superintendent until it is established, to 1685
the satisfaction of the superintendent, that the requirements of 1686
this division have been met and that the licensee is in 1687
compliance with this chapter. A licensee's license is revoked 1688

automatically without the taking of any action by the 1689
superintendent if the licensee fails to submit proof of 1690
completion of the education requirements specified under 1691
division (G) (1) of this section within twelve months of the date 1692
the license is suspended. 1693

(2) If the license of a real estate broker is suspended 1694
pursuant to division (G) (1) of this section, the license of a 1695
real estate salesperson associated with that broker 1696
correspondingly is suspended pursuant to division (H) of section 1697
4735.20 of the Revised Code. However, the suspended license of 1698
the associated real estate salesperson shall be reactivated and 1699
no fee shall be charged or collected for that reactivation if 1700
all of the following occur: 1701

(a) That broker subsequently submits satisfactory proof to 1702
the superintendent that the broker has complied with the 1703
requirements of division (G) (1) of this section and requests 1704
that the broker's license as a real estate broker be 1705
reactivated; 1706

(b) The superintendent then reactivates the broker's 1707
license as a real estate broker; 1708

(c) The associated real estate salesperson intends to 1709
continue to be associated with that broker and otherwise is in 1710
compliance with this chapter. 1711

Sec. 4735.09. (A) Application for a license as a real 1712
estate salesperson shall be made to the superintendent of real 1713
estate on forms furnished by the superintendent and signed by 1714
the applicant. The application shall be in the form prescribed 1715
by the superintendent and shall contain such information as is 1716
required by this chapter and the rules of the Ohio real estate 1717

commission. The application shall be accompanied by the 1718
recommendation of the real estate broker with whom the applicant 1719
is associated or with whom the applicant intends to be 1720
associated, certifying that the applicant is honest and 1721
truthful, and has not been finally adjudged by a court to have 1722
violated any municipal, state, or federal civil rights laws 1723
relevant to the protection of purchasers or sellers of real 1724
estate, which conviction or adjudication the applicant has not 1725
disclosed to the superintendent, and recommending that the 1726
applicant be admitted to the real estate salesperson 1727
examination. 1728

(B) A fee of eighty-one dollars shall accompany the 1729
application, which fee includes the fee for the initial year of 1730
the licensing period, if a license is issued. The initial year 1731
of the licensing period commences at the time the license is 1732
issued and ends on the applicant's first birthday thereafter. 1733
The application fee shall be nonrefundable. A fee of eighty-one 1734
dollars shall be charged by the superintendent for each 1735
successive application made by the applicant. 1736

(C) There shall be no limit placed on the number of times 1737
an applicant may retake the examination. 1738

(D) The superintendent, with the consent of the 1739
commission, may enter into an agreement with a recognized 1740
national testing service to administer the real estate 1741
salesperson's examination under the superintendent's supervision 1742
and control, consistent with the requirements of this chapter as 1743
to the contents of the examination. 1744

If the superintendent, with the consent of the commission, 1745
enters into an agreement with a national testing service to 1746
administer the real estate salesperson's examination, the 1747

superintendent may require an applicant to pay the testing 1748
service's examination fee directly to the testing service. If 1749
the superintendent requires the payment of the examination fee 1750
directly to the testing service, each applicant shall submit to 1751
the superintendent a processing fee in an amount determined by 1752
the Ohio real estate commission pursuant to division (A) (1) of 1753
section 4735.10 of the Revised Code. 1754

(E) The superintendent shall issue a real estate 1755
salesperson's license when satisfied that the applicant has 1756
received a passing score on each portion of the salesperson's 1757
examination as determined by rule by the real estate commission. 1758

(F) No applicant for a salesperson's license shall take 1759
the salesperson's examination who has not established to the 1760
satisfaction of the superintendent that the applicant: 1761

(1) Is honest and truthful; 1762

(2) (a) Has not been convicted of a disqualifying offense 1763
as determined in accordance with section 9.79 of the Revised 1764
Code; 1765

(b) Has not been finally adjudged by a court to have 1766
violated any municipal, state, or federal civil rights laws 1767
relevant to the protection of purchasers or sellers of real 1768
estate or, if the applicant has been so adjudged, at least two 1769
years have passed since the court decision and the 1770
superintendent has disregarded the adjudication because the 1771
applicant has proven, by a preponderance of the evidence, that 1772
the applicant is honest and truthful, and there is no basis in 1773
fact for believing that the applicant again will violate the 1774
laws involved. 1775

(3) Has not, during any period in which the applicant was 1776

licensed under this chapter, violated any provision of, or any 1777
rule adopted pursuant to this chapter, or, if the applicant has 1778
violated such provision or rule, has established to the 1779
satisfaction of the superintendent that the applicant will not 1780
again violate such provision or rule; 1781

(4) Is at least eighteen years of age; 1782

(5) If born after the year 1950, has a high school diploma 1783
or a certificate of high school equivalence issued under section 1784
3301.80 of the Revised Code; 1785

(6) Has successfully completed at an institution of higher 1786
education all of the following ~~credit-eligible~~ eligible courses 1787
by either classroom instruction or distance education: 1788

(a) Forty hours of instruction in real estate practice; 1789

(b) Forty hours of instruction that includes the subjects 1790
of Ohio real estate law, municipal, state, and federal civil 1791
rights law, new case law on housing discrimination, 1792
desegregation issues, and methods of eliminating the effects of 1793
prior discrimination. If feasible, the instruction in Ohio real 1794
estate law shall be taught by a member of the faculty of an 1795
accredited law school. If feasible, the instruction in 1796
municipal, state, and federal civil rights law, new case law on 1797
housing discrimination, desegregation issues, and methods of 1798
eliminating the effects of prior discrimination shall be taught 1799
by a staff member of the Ohio civil rights commission who is 1800
knowledgeable with respect to those subjects. The requirements 1801
of this division do not apply to an applicant who is admitted to 1802
practice before the supreme court. 1803

(c) Twenty hours of instruction in real estate appraisal; 1804

(d) Twenty hours of instruction in real estate finance. 1805

(G) (1) Successful completion of the instruction required 1806
by division (F) (6) of this section shall be determined by the 1807
law in effect on the date the instruction was completed. 1808

(2) Division (F) (6) (c) of this section does not apply to 1809
any new applicant who holds a valid Ohio real estate appraiser 1810
license or certificate issued prior to the date of application 1811
for a real estate salesperson's license. 1812

(H) Only for noncredit course offerings, an institution of 1813
higher education shall obtain approval from the appropriate 1814
state authorizing entity prior to offering a real estate course 1815
that is designed and marketed as satisfying the salesperson 1816
license education requirements of division (F) (6) of this 1817
section. The state authorizing entity may consult with the 1818
superintendent in reviewing the course for compliance with this 1819
section. 1820

(I) Any person who has not been licensed as a real estate 1821
salesperson or broker within a four-year period immediately 1822
preceding the person's current application for the salesperson's 1823
examination shall have successfully completed the prelicensure 1824
instruction required by division (F) (6) of this section within a 1825
ten-year period immediately preceding the person's current 1826
application for the salesperson's examination. 1827

(J) Not earlier than the date of issue of a real estate 1828
salesperson's license to a licensee, but not later than twelve 1829
months after the date of issue of a real estate salesperson 1830
license to a licensee, the licensee shall submit proof 1831
satisfactory to the superintendent, on forms made available by 1832
the superintendent, of the completion of twenty hours of 1833
instruction that shall be completed in schools, seminars, and 1834
educational institutions approved by the commission. The 1835

instruction shall include, but is not limited to, current 1836
practices relating to commercial real estate, property 1837
management, short sales, and land contracts; contract law; 1838
federal and state programs; economic conditions; and fiduciary 1839
responsibility. Approval of the curriculum and providers shall 1840
be granted according to rules adopted pursuant to section 1841
4735.10 of the Revised Code and may be taken through classroom 1842
instruction or distance education. 1843

If proof of completion of the required instruction is not 1844
submitted within twelve months of the date a license is issued 1845
under this section, the licensee's license is suspended 1846
automatically without the taking of any action by the 1847
superintendent. The superintendent immediately shall notify the 1848
broker with whom such salesperson is associated of the 1849
suspension of the salesperson's license. A salesperson whose 1850
license has been suspended under this division shall have twelve 1851
months after the date of the suspension of the salesperson's 1852
license to submit proof of successful completion of the 1853
instruction required under this division. No such license shall 1854
be reactivated by the superintendent until it is established, to 1855
the satisfaction of the superintendent, that the requirements of 1856
this division have been met and that the licensee is in 1857
compliance with this chapter. A licensee's license is revoked 1858
automatically without the taking of any action by the 1859
superintendent when the licensee fails to submit the required 1860
proof of completion of the education requirements under division 1861
(I) of this section within twelve months of the date the license 1862
is suspended. 1863

(K) Examinations shall be administered with reasonable 1864
accommodations in accordance with the requirements of the 1865
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 1866

U.S.C. 12189. The contents of an examination shall be consistent 1867
with the classroom instructional requirements of division (F) (6) 1868
of this section. An applicant who has completed the classroom 1869
instructional requirements of division (F) (6) of this section at 1870
the time of application shall be examined no later than twelve 1871
months after the applicant is notified of the applicant's 1872
admission to the examination. 1873

(L) Notwithstanding any provision of this chapter or 1874
Chapter 4796. of the Revised Code to the contrary, the 1875
superintendent shall issue a real estate salesperson's license 1876
in accordance with Chapter 4796. of the Revised Code to an 1877
applicant if both of the following apply: 1878

(1) The applicant satisfies the requirements specified in 1879
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 1880
applicable. 1881

(2) The applicant passes an examination on Ohio real 1882
estate law. 1883

Sec. 4738.05. At the time the registrar of motor vehicles 1884
grants the application of any person for a license under this 1885
chapter, the registrar shall issue to the person a license that 1886
shall have provisional status for a period of one hundred eighty 1887
days from the date of issuance. At the end of that period and 1888
subject to the results of the inspection described in section 1889
4738.071 of the Revised Code of the place of business of the 1890
license holder, the license either shall be revoked or shall 1891
remain valid and no longer have provisional status. The 1892
registrar shall prescribe forms for licenses, and all licenses 1893
shall include the name and post office address of the person 1894
licensed. 1895

The fee for a motor vehicle salvage dealer's license,~~a~~ 1896
~~salvage motor vehicle auction license,~~ or a salvage motor 1897
vehicle pool license shall be one hundred dollars. In all cases 1898
the fee shall accompany the application for license. No fee is 1899
required for a salvage motor vehicle auction license. 1900

If a licensee has more than one place of business in the 1901
county, the licensee shall make application, in a form as the 1902
registrar prescribes, for a certified copy of the license issued 1903
to the person for each place of business operated. In the event 1904
of the loss, mutilation, or destruction of a license issued 1905
under sections 4738.01 to 4738.16 of the Revised Code, any 1906
licensee may make application to the registrar, in a form as the 1907
registrar prescribes, for a duplicate copy thereof. The fee for 1908
a certified or duplicate copy of a license is one dollar. All 1909
fees for copies shall accompany the applications. 1910

~~Beginning on the effective date of this amendment~~ 1911
September 16, 2004, all licenses issued or renewed shall expire 1912
biennially on a day within the two-year license cycle that is 1913
prescribed by the registrar, unless sooner suspended or revoked. 1914
Before the first day after the day prescribed by the registrar 1915
in the year that the license expires, each motor vehicle salvage 1916
dealer, salvage motor vehicle auction, or salvage motor vehicle 1917
pool in the year in which the license will expire, shall file an 1918
application, in a form as the registrar prescribes, for the 1919
renewal of the license. The fee provided in this section for the 1920
original license shall accompany the application. 1921

Sec. 4743.06. (A) As used in this section: 1922

(1) "Occupational licensing board" has the same meaning as 1923
in section 4798.01 of the Revised Code. "Occupational licensing 1924
board" does not include the supreme court with respect to 1925

governing the practice of law pursuant to rules prescribed under 1926
Ohio Constitution, Article IV, Section 5. 1927

(2) "Protected class" means an individual's race, color, 1928
religion, sex, military status, national origin, disability, 1929
age, or ancestry, as those terms are used in section 4112.02 of 1930
the Revised Code. 1931

(B) Notwithstanding any provision of law to the contrary, 1932
no occupational licensing board shall adopt, provide, approve 1933
for credit, count for credit, or require completion of 1934
continuing education curriculum or coursework, seminars, 1935
webinars, or online instruction that promote any of the 1936
following concepts: 1937

(1) An individual of a protected class is inherently 1938
superior or inferior to another protected class, and members of 1939
a protected class should be discriminated against solely or 1940
partly because of the individual's membership in a protected 1941
class. 1942

(2) An individual, by virtue of the individual's 1943
membership in a protected class, is inherently racist, sexist, 1944
or oppressive, whether consciously or unconsciously. 1945

(3) An individual's moral standing or worth is necessarily 1946
determined by the individual's membership in any protected 1947
class. 1948

(4) An individual, by virtue of the individual's 1949
membership in any protected class, bears responsibility for the 1950
actions committed in the past by other members of the same 1951
protected class. 1952

(5) Meritocracy or traits such as hard work ethic are 1953
racist or sexist, or were created by individuals of a particular 1954

protected class to oppress members of another protected class. 1955

Sec. 4749.03. (A) (1) Any individual, including a partner 1956
in a partnership, may be licensed as a private investigator 1957
under a class B license, or as a security guard provider under a 1958
class C license, or as a private investigator and a security 1959
guard provider under a class A license, if the individual meets 1960
all of the following requirements: 1961

(a) Has not been adjudicated incompetent for the purpose 1962
of holding the license, as provided in section 5122.301 of the 1963
Revised Code, without having been restored to legal capacity for 1964
that purpose. 1965

(b) Depending upon the class of license for which 1966
application is made, for a continuous period of at least two 1967
years immediately preceding application for a license, has been 1968
engaged in investigatory or security services work for a law 1969
enforcement or other public agency engaged in investigatory 1970
activities, or for a private investigator or security guard 1971
provider, or engaged in the practice of law, or has acquired 1972
equivalent experience as determined by rule of the director of 1973
public safety. 1974

(c) Demonstrates competency as a private investigator or 1975
security guard provider by passing an examination devised for 1976
this purpose by the director, except that any individually 1977
licensed person who qualifies a corporation for licensure shall 1978
not be required to be reexamined if the person qualifies the 1979
corporation in the same capacity that the person was 1980
individually licensed. 1981

(d) Submits evidence of comprehensive general liability 1982
insurance coverage, or other equivalent guarantee approved by 1983

the director in such form and in principal amounts satisfactory 1984
to the director, but not less than one hundred thousand dollars 1985
for each person and three hundred thousand dollars for each 1986
occurrence for bodily injury liability, and one hundred thousand 1987
dollars for property damage liability. 1988

(e) Pays the requisite examination and license fees. 1989

(2) A corporation may be licensed as a private 1990
investigator under a class B license, or as a security guard 1991
provider under a class C license, or as a private investigator 1992
and a security guard provider under a class A license, if an 1993
application for licensure is filed by an officer of the 1994
corporation and the officer, another officer, or the qualifying 1995
agent of the corporation satisfies the requirements of divisions 1996
(A) (1) and (F) (1) of this section. Officers and the statutory 1997
agent of a corporation shall be determined in accordance with 1998
Chapter 1701. of the Revised Code. 1999

(3) At least one partner in a partnership shall be 2000
licensed as a private investigator, or as a security guard 2001
provider, or as a private investigator and a security guard 2002
provider. Partners in a partnership shall be determined as 2003
provided for in Chapter 1775. or 1776. of the Revised Code. 2004

(B) An application for a class A, B, or C license shall be 2005
completed in the form the director prescribes. In the case of an 2006
individual, the application shall state the applicant's name, 2007
birth date, citizenship, current residence, residences for the 2008
preceding ten years, current employment, employment for the 2009
preceding seven years, experience qualifications, the location 2010
of each of the applicant's offices in this state, and any other 2011
information that is necessary in order for the director to 2012
comply with the requirements of this chapter. In the case of a 2013

corporation, the application shall state the name of the officer 2014
or qualifying agent filing the application; the state in which 2015
the corporation is incorporated and the date of incorporation; 2016
the states in which the corporation is authorized to transact 2017
business; the name of its qualifying agent; the name of the 2018
officer or qualifying agent of the corporation who satisfies the 2019
requirements of divisions (A)(1) and (F)(1) of this section and 2020
the birth date, citizenship, physical description, current 2021
residence, residences for the preceding ten years, current 2022
employment, employment for the preceding seven years, and 2023
experience qualifications of that officer or qualifying agent; 2024
and other information that the director requires. A corporation 2025
may specify in its application information relative to one or 2026
more individuals who satisfy the requirements of divisions (A) 2027
(1) and (F)(1) of this section. 2028

The application described in this division shall be 2029
accompanied by both of the following: 2030

(1) References from at least five reputable citizens for 2031
the applicant or, in the case of a corporation, for each officer 2032
or qualifying agent specified in the application as satisfying 2033
the requirements of divisions (A)(1) and (F)(1) of this section, 2034
each of whom has known the applicant, officer, or qualifying 2035
agent for at least five years preceding the application, and 2036
none of whom are connected with the applicant, officer, or 2037
qualifying agent by blood or marriage; 2038

(2) An examination fee of twenty-five dollars for the 2039
applicant or, in the case of a corporation, for each officer or 2040
qualifying agent specified in the application as satisfying the 2041
requirements of divisions (A)(1) and (F)(1) of this section, and 2042
a license fee in the amount the director determines, not to 2043

exceed ~~three~~ two hundred ~~seventy five~~ dollars. The license fee 2044
shall be refunded if a license is not issued. 2045

(C) (1) Each individual applying for a license and each 2046
individual specified by a corporation as an officer or 2047
qualifying agent in an application shall submit one complete set 2048
of fingerprints directly to the superintendent of the bureau of 2049
criminal identification and investigation for the purpose of 2050
conducting a criminal records check. The individual shall 2051
provide the fingerprints using a method the superintendent 2052
prescribes pursuant to division (C) (2) of section 109.572 of the 2053
Revised Code and fill out the form the superintendent prescribes 2054
pursuant to division (C) (1) of section 109.572 of the Revised 2055
Code. An applicant who intends to carry a firearm as defined in 2056
section 2923.11 of the Revised Code in the course of business or 2057
employment shall so notify the superintendent. This notification 2058
is in addition to any other requirement related to carrying a 2059
firearm that applies to the applicant. The individual or 2060
corporation requesting the criminal records check shall pay the 2061
fee the superintendent prescribes. 2062

(2) The superintendent shall conduct the criminal records 2063
check as set forth in division (B) of section 109.572 of the 2064
Revised Code. If an applicant intends to carry a firearm in the 2065
course of business or employment, the superintendent shall make 2066
a request to the federal bureau of investigation for any 2067
information and review the information the bureau provides 2068
pursuant to division (B) (2) of section 109.572 of the Revised 2069
Code. The superintendent shall submit all results of the 2070
completed investigation to the director of public safety. 2071

(3) If the director determines that the applicant, 2072
officer, or qualifying agent meets the requirements of divisions 2073

(A) (1) (a), (b), and (d) of this section and that an officer or 2074
qualifying agent meets the requirement of division (F) (1) of 2075
this section, the director shall notify the applicant, officer, 2076
or agent of the time and place for the examination. If the 2077
director determines that an applicant does not meet the 2078
requirements of divisions (A) (1) (a), (b), and (d) of this 2079
section, the director shall notify the applicant that the 2080
applicant's application is refused and refund the license fee. 2081
If the director determines that none of the individuals 2082
specified in the application of a corporation as satisfying the 2083
requirements of divisions (A) (1) and (F) (1) of this section meet 2084
the requirements of divisions (A) (1) (a), (b), and (d) and (F) (1) 2085
of this section, the director shall notify the corporation that 2086
its application is refused and refund the license fee. If the 2087
bureau assesses the director a fee for any investigation, the 2088
director, in addition to any other fee assessed pursuant to this 2089
chapter, may assess the applicant, officer, or qualifying agent, 2090
as appropriate, a fee that is equal to the fee assessed by the 2091
bureau. 2092

(4) (a) Subject to division (C) (4) (c) of this section, the 2093
director shall not adopt, maintain, renew, or enforce any rule, 2094
or otherwise preclude in any way, an individual from renewing a 2095
license under this chapter due to any past criminal activity or 2096
interpretation of moral character. If the director denies an 2097
individual a license renewal, the reasons for such denial shall 2098
be put in writing. 2099

(b) The director may refuse to issue a license to an 2100
applicant because of a conviction of or plea of guilty to an 2101
offense if the refusal is in accordance with section 9.79 of the 2102
Revised Code. 2103

(c) In considering a renewal of an individual's license, 2104
the director shall not consider any conviction or plea of guilty 2105
prior to the initial licensing. However, the director may 2106
consider a conviction or plea of guilty if it occurred after the 2107
individual was initially licensed, or after the most recent 2108
license renewal. 2109

(d) The director may grant an individual a conditional 2110
license that lasts for one year. After the one-year period has 2111
expired, the license is no longer considered conditional, and 2112
the individual shall be considered fully licensed. 2113

(D) If upon application, investigation, and examination, 2114
the director finds that the applicant or, in the case of a 2115
corporation, any officer or qualifying agent specified in the 2116
application as satisfying the requirements of divisions (A) (1) 2117
and (F) (1) of this section, meets the applicable requirements, 2118
the director shall issue the applicant or the corporation a 2119
class A, B, or C license. The director also shall issue an 2120
identification card to an applicant, but not an officer or 2121
qualifying agent of a corporation, who meets the applicable 2122
requirements. The license and identification card shall state 2123
the licensee's name, the classification of the license, the 2124
location of the licensee's principal place of business in this 2125
state, and the expiration date of the license, and, in the case 2126
of a corporation, it also shall state the name of each officer 2127
or qualifying agent who satisfied the requirements of divisions 2128
(A) (1) and (F) (1) of this section. 2129

Licenses issued before the effective date of this 2130
amendment expire on the first day of March following the date 2131
of initial issue, and on the first day of March of each year 2132
every two years thereafter. Licenses issued on or after the 2133

effective date of this amendment expire two years after the date 2134
of initial issue. ~~Annual renewals~~ Renewals shall be according to 2135
the standard renewal procedures contained in Chapter 4745. of 2136
the Revised Code, upon payment of ~~an annual~~ a renewal fee the 2137
director determines, not to exceed ~~two~~ five hundred ~~seventy-five~~ 2138
fifty dollars. No license shall be renewed if the licensee or, 2139
in the case of a corporation, each officer or qualifying agent 2140
who qualified the corporation for licensure no longer meets the 2141
applicable requirements of this section. No license shall be 2142
renewed unless the licensee provides evidence of workers' 2143
compensation risk coverage and unemployment compensation 2144
insurance coverage, other than for clerical employees and 2145
excepting sole proprietors who are exempted therefrom, as 2146
provided for in Chapters 4123. and 4141. of the Revised Code, 2147
respectively, as well as the licensee's state tax identification 2148
number. No reexamination shall be required for renewal of a 2149
current license. 2150

For purposes of this chapter, a class A, B, or C license 2151
issued to a corporation shall be considered as also having 2152
licensed the individuals who qualified the corporation for 2153
licensure, for as long as they are associated with the 2154
corporation. 2155

For purposes of this division, "sole proprietor" means an 2156
individual licensed under this chapter who does not employ any 2157
other individual. 2158

(E) The director may issue a duplicate copy of a license 2159
issued under this section for the purpose of replacement of a 2160
lost, spoliated, or destroyed license, upon payment of a fee the 2161
director determines, not exceeding twenty-five dollars. Any 2162
change in license classification requires new application and 2163

application fees. 2164

(F) (1) In order to qualify a corporation for a class A, B, 2165
or C license, an officer or qualifying agent may qualify another 2166
corporation for similar licensure, provided that the officer or 2167
qualifying agent is actively engaged in the business of both 2168
corporations. 2169

(2) Each officer or qualifying agent who qualifies a 2170
corporation for class A, B, or C licensure shall surrender any 2171
personal license of a similar nature that the officer or 2172
qualifying agent possesses. 2173

(3) Upon written notification to the director, completion 2174
of an application similar to that for original licensure, 2175
surrender of the corporation's current license, and payment of a 2176
twenty-five-dollar fee, a corporation's class A, B, or C license 2177
may be transferred to another corporation. 2178

(4) Upon written notification to the director, completion 2179
of an application similar to that for an individual seeking 2180
class A, B, or C licensure, payment of a twenty-five-dollar fee, 2181
and, if the individual was the only individual that qualified a 2182
corporation for licensure, surrender of the corporation's 2183
license, any officer or qualifying agent who qualified a 2184
corporation for licensure under this chapter may obtain a 2185
similar license in the individual's own name without 2186
reexamination. A request by an officer or qualifying agent for 2187
an individual license shall not affect a corporation's license 2188
unless the individual is the only individual that qualified the 2189
corporation for licensure or all the other individuals who 2190
qualified the corporation for licensure submit such requests. 2191

(G) If a corporation is for any reason no longer 2192

associated with an individual who qualified it for licensure 2193
under this chapter, an officer of the corporation shall notify 2194
the director of that fact by certified mail, return receipt 2195
requested, within ten days after the association terminates. If 2196
the notification is so given, the individual was the only 2197
individual that qualified the corporation for licensure, and the 2198
corporation submits the name of another officer or qualifying 2199
agent to qualify the corporation for the license within thirty 2200
days after the association terminates, the corporation may 2201
continue to operate in the business of private investigation, 2202
the business of security services, or both businesses in this 2203
state under that license for ninety days after the association 2204
terminates. If the officer or qualifying agent whose name is 2205
submitted satisfies the requirements of divisions (A) (1) and (F) 2206
(1) of this section, the director shall issue a new license to 2207
the corporation within that ninety-day period. The names of more 2208
than one individual may be submitted. 2209

Sec. 4763.05. (A) (1) (a) A person shall make application 2210
for an initial state-certified general real estate appraiser 2211
certificate, an initial state-certified residential real estate 2212
appraiser certificate, an initial state-licensed residential 2213
real estate appraiser license, or an initial state-registered 2214
real estate appraiser assistant registration in writing to the 2215
superintendent of real estate on a form the superintendent 2216
prescribes. The application shall include the address of the 2217
applicant's principal place of business and all other addresses 2218
at which the applicant currently engages in the business of 2219
performing real estate appraisals and the address of the 2220
applicant's current residence. The superintendent shall retain 2221
the applicant's current residence address in a separate record 2222
which does not constitute a public record for purposes of 2223

section 149.43 of the Revised Code. The application shall 2224
indicate whether the applicant seeks certification as a general 2225
real estate appraiser or as a residential real estate appraiser, 2226
licensure as a residential real estate appraiser, or 2227
registration as a real estate appraiser assistant and be 2228
accompanied by the prescribed examination and certification, 2229
registration, or licensure fees set forth in section 4763.09 of 2230
the Revised Code. The application also shall include a pledge, 2231
signed by the applicant, that the applicant will comply with the 2232
standards set forth in this chapter; and a statement that the 2233
applicant understands the types of misconduct for which 2234
disciplinary proceedings may be initiated against the applicant 2235
pursuant to this chapter. 2236

(b) Upon the filing of an application and payment of any 2237
examination and certification, registration, or licensure fees, 2238
the superintendent of real estate shall request the 2239
superintendent of the bureau of criminal identification and 2240
investigation, or a vendor approved by the bureau, to conduct a 2241
criminal records check based on the applicant's fingerprints in 2242
accordance with section 109.572 of the Revised Code. 2243
Notwithstanding division (L) of section 121.08 of the Revised 2244
Code, the superintendent of real estate shall request that 2245
criminal record information from the federal bureau of 2246
investigation be obtained as part of the criminal records check. 2247
Any fee required under division (C) (3) of section 109.572 of the 2248
Revised Code shall be paid by the applicant. 2249

(2) For purposes of providing funding for the real estate 2250
appraiser recovery fund established by section 4763.16 of the 2251
Revised Code, the real estate appraiser board shall levy an 2252
assessment against each person issued an initial certificate, 2253
registration, or license and against current licensees, 2254

registrants, and certificate holders, as required by board rule. 2255
The assessment is in addition to the application and examination 2256
fees for initial applicants required by division (A) (1) of this 2257
section and the renewal fees required for current certificate 2258
holders, registrants, and licensees. The superintendent of real 2259
estate shall deposit the assessment into the state treasury to 2260
the credit of the real estate appraiser recovery fund. The 2261
assessment for initial certificate holders, registrants, and 2262
licensees shall be paid prior to the issuance of a certificate, 2263
registration, or license, and for current certificate holders, 2264
registrants, and licensees, at the time of renewal. 2265

(B) An applicant for an initial general real estate 2266
appraiser certificate, residential real estate appraiser 2267
certificate, or residential real estate appraiser license shall 2268
possess experience in real estate appraisal as the board 2269
prescribes by rule. In addition to any other information 2270
required by the board, the applicant shall furnish, under oath, 2271
a detailed listing of the appraisal reports or file memoranda 2272
for each year for which experience is claimed and, upon request 2273
of the superintendent or the board, shall make available for 2274
examination a sample of the appraisal reports prepared by the 2275
applicant in the course of the applicant's practice. 2276

(C) An applicant for an initial certificate, registration, 2277
or license shall be at least eighteen years of age, honest, and 2278
truthful and shall present satisfactory evidence to the 2279
superintendent that the applicant has successfully completed any 2280
education requirements the board prescribes by rule. 2281

(D) An applicant for an initial general real estate 2282
appraiser or residential real estate appraiser certificate or 2283
residential real estate appraiser license shall take and 2284

successfully complete a written examination in order to qualify 2285
for the certificate or license. 2286

The board shall prescribe the examination requirements by 2287
rule. 2288

(E) (1) The board shall issue a residential real estate 2289
appraiser license, a residential real estate appraiser 2290
certificate, real estate appraiser assistant registration, or a 2291
general real estate appraiser certificate in accordance with 2292
Chapter 4796. of the Revised Code to an applicant if either of 2293
the following applies: 2294

(a) The applicant holds a certificate, license, or 2295
registration in another state. 2296

(b) The applicant has satisfactory work experience, a 2297
government certification, or a private certification as 2298
described in that chapter as a residential real estate 2299
appraiser, real estate appraiser assistant, or general real 2300
estate appraiser in a state that does not issue that 2301
certificate, license, or registration. 2302

(2) (a) The board shall recognize on a temporary basis a 2303
certification or license issued in another state and shall 2304
register on a temporary basis an appraiser who is certified or 2305
licensed in another state if all of the following apply: 2306

(i) The temporary registration is to perform an appraisal 2307
assignment that is part of a federally related transaction. 2308

(ii) The appraiser's business in this state is of a 2309
temporary nature. 2310

(iii) The appraiser registers with the board pursuant to 2311
this division. 2312

(b) An appraiser who is certified or licensed in another 2313
state shall register with the board for temporary practice 2314
before performing an appraisal assignment in this state in 2315
connection with a federally related transaction. 2316

(c) The board shall adopt rules relating to registration 2317
for the temporary recognition of certification and licensure of 2318
appraisers from another state. The registration for temporary 2319
recognition of certified or licensed appraisers from another 2320
state shall not authorize completion of more than one appraisal 2321
assignment in this state. The board shall not issue more than 2322
two registrations for temporary practice to any one applicant in 2323
any calendar year. The application for obtaining a registration 2324
under this division may include any of the following: 2325

(i) A pledge, signed by the applicant, that the applicant 2326
will comply with the standards set forth in this chapter; 2327

(ii) A statement that the applicant understands the types 2328
of misconduct for which disciplinary proceedings may be 2329
initiated against the applicant pursuant to this chapter; 2330

(iii) A consent to service of process. 2331

(d) A nonresident appraiser whose certification or license 2332
has been recognized by the board on a temporary basis and who is 2333
acting in accordance with this section and the board's rules is 2334
not required to obtain a license in accordance with Chapter 2335
4796. of the Revised Code. 2336

(F) The superintendent shall not issue a certificate, 2337
registration, or license to, or recognize on a temporary basis 2338
an appraiser from another state that is a corporation, 2339
partnership, or association. This prohibition shall not be 2340
construed to prevent a certificate holder or licensee from 2341

signing an appraisal report on behalf of a corporation, 2342
partnership, or association. 2343

(G) Every person licensed, registered, or certified under 2344
this chapter shall notify the superintendent, on a form provided 2345
by the superintendent, of a change in the address of the 2346
licensee's, registrant's, or certificate holder's principal 2347
place of business or residence within thirty days of the change. 2348
If a licensee's, registrant's, or certificate holder's license, 2349
registration, or certificate is revoked or not renewed, the 2350
licensee, registrant, or certificate holder immediately shall 2351
return the ~~annual and any renewal~~ certificate, registration, or 2352
license to the superintendent. 2353

(H) (1) The superintendent shall not issue a certificate, 2354
registration, or license to any person, or recognize on a 2355
temporary basis an appraiser from another state, who does not 2356
meet applicable minimum criteria for state certification, 2357
registration, or licensure prescribed by federal law or rule. 2358

(2) The superintendent shall not refuse to issue a general 2359
real estate appraiser certificate, residential real estate 2360
appraiser certificate, residential real estate appraiser 2361
license, or real estate appraiser assistant registration to any 2362
person because of a conviction of or plea of guilty to any 2363
criminal offense unless the refusal is in accordance with 2364
section 9.79 of the Revised Code. 2365

Sec. 4763.06. (A) A person licensed, registered, or 2366
certified under this chapter may obtain a renewal certificate, 2367
registration, or license by filing a renewal application with 2368
and paying the renewal fee set forth in section 4763.09 of the 2369
Revised Code and any amount assessed pursuant to division (A) (2) 2370
of section 4763.05 of the Revised Code to the superintendent of 2371

real estate. The renewal application shall include a statement, 2372
signed by the certificate holder, registrant, or licensee, that 2373
the certificate holder, registrant, or licensee has not, ~~during~~ 2374
~~the immediately preceding twelve month period,~~ been convicted of 2375
or pleaded guilty to any criminal offense described in division 2376
(H) (2) of section 4763.05 of the Revised Code since the issuance 2377
or renewal of the individual's most recent certificate, 2378
registration, or license. The certificate holder, registrant, or 2379
licensee shall file the renewal application at least thirty 2380
days, but no earlier than one hundred twenty days, prior to 2381
expiration of the certificate holder's, registrant's, or 2382
licensee's current certificate, registration, or license. The 2383
superintendent shall establish a method by which a certificate 2384
holder, registrant, or licensee may electronically file the 2385
renewal application and pay the fee and the assessed amount 2386
required for renewal. 2387

(B) A certificate holder, registrant, or licensee who 2388
fails to renew a certificate, registration, or license prior to 2389
its expiration is ineligible to obtain a renewal certificate, 2390
registration, or license and shall comply with section 4763.05 2391
of the Revised Code in order to regain certification, 2392
registration, or licensure, except that a certificate holder, 2393
registrant, or licensee may renew the certificate, registration, 2394
or license without having to comply with section 4763.05 of the 2395
Revised Code by doing either of the following: 2396

(1) Filing a renewal application and submitting payment of 2397
all fees for renewal and payment of the late filing fee set 2398
forth in section 4763.09 of the Revised Code within three months 2399
after the expiration of the certificate holder's, registrant's, 2400
or licensee's certificate, registration, or license; 2401

(2) Obtaining a medical exception under division (C) of 2402
this section, filing a renewal application, and submitting 2403
payment of all fees for renewal and payment of the late filing 2404
fee set forth in section 4763.09 of the Revised Code. A 2405
certificate holder, registrant, or licensee who applies for late 2406
renewal of the certificate holder's, registrant's, or licensee's 2407
certificate, registration, or license may not engage in any 2408
activities permitted by the certification, registration, or 2409
license being renewed during the three-month period following 2410
the certificate's, registration's, or license's normal 2411
expiration date, or during the time period for which a medical 2412
exception applies, until all renewal fees and the late filing 2413
fee have been paid. 2414

(C) The superintendent may grant a medical exception upon 2415
application by a person certified, registered, or licensed under 2416
this chapter. To receive an exception, the certificate holder, 2417
registrant, or licensee shall submit a request to the 2418
superintendent with proof satisfactory that a medical exception 2419
is warranted. If the superintendent makes a determination that 2420
satisfactory proof has not been presented, within fifteen days 2421
of the date of the denial of the medical exception the 2422
certificate holder, registrant, or licensee may file with the 2423
division of real estate a request that the real estate appraiser 2424
board review the determination. The board may adopt reasonable 2425
rules in accordance with Chapter 119. of the Revised Code to 2426
implement this division. 2427

Sec. 4763.07. ~~(A)~~ (A) (1) Every state-certified general real 2428
estate appraiser, ~~state-certified residential real estate~~ 2429
~~appraiser~~ and state-licensed residential real estate appraiser 2430
shall submit proof of successfully completing a minimum of 2431
fourteen classroom hours of continuing education instruction in 2432

courses or seminars approved by the real estate appraiser board. 2433
The certificate holder and licensee shall have satisfied the 2434
fourteen-hour continuing education requirements within the one- 2435
year period immediately following the issuance of the initial 2436
certificate or license and shall satisfy those requirements 2437
annually thereafter. 2438

~~In (2) Beginning on and after the effective date of this~~ 2439
~~amendment, in accordance with federal law, each state-certified~~ 2440
~~residential real estate appraiser and state-registered real~~ 2441
estate appraiser assistant shall submit proof of successfully 2442
completing a minimum of ~~fourteen~~ twenty-eight classroom hours of 2443
continuing education instruction in courses or seminars approved 2444
by the real estate appraiser board. Each registrant shall 2445
satisfy the ~~fourteen-hour~~ twenty-eight-hour continuing education 2446
requirements ~~annually~~ every two years. 2447

~~This division~~ (3) Continuing education required under this 2448
section does not apply to an appraiser with a certification or 2449
license from another state that is temporarily recognized in 2450
this state pursuant to division (E) (2) of section 4763.05 of the 2451
Revised Code. 2452

(4) A certificate holder, licensee, or registrant who 2453
fails to submit proof to the superintendent of meeting these 2454
requirements is ineligible to obtain a renewal certificate, 2455
license, or registration and shall comply with section 4763.05 2456
of the Revised Code in order to regain a certificate, license, 2457
or registration, except that the certificate holder, licensee, 2458
or registrant may submit proof to the superintendent of meeting 2459
these requirements within three months after the date of 2460
expiration of the certificate, license, or registration, or by 2461
obtaining a medical exception under division (E) of this 2462

section, without having to comply with section 4763.05 of the Revised Code. A certificate holder, licensee, or registrant may not engage in any activities permitted by the certificate, license, or registration during the three-month period following the certificate's, license's, or registration's normal expiration date or during the time period for which a medical exception applies.

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

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

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

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

(B) The board shall adopt rules for implementing a continuing education program for state-certified general real estate appraisers, state-certified residential real estate appraisers, state-licensed residential real estate appraisers, and state-registered real estate appraiser assistants for the purpose of assuring that certificate holders, licensees, and registrants have current knowledge of real estate appraisal

theories, practices, and techniques that will provide a high 2492
degree of service and protection to members of the public. In 2493
addition to any other provisions the board considers 2494
appropriate, the rules adopted by the board shall prescribe the 2495
following: 2496

(1) Policies and procedures for obtaining board approval 2497
of courses of instruction and seminars; 2498

(2) Standards, policies, and procedures to be applied in 2499
evaluating the alternative methods of complying with continuing 2500
education requirements set forth in divisions ~~(A) (1) and (2)~~ (A) 2501
(5) (a) and (b) of this section; 2502

(3) Standards, monitoring methods, and systems for 2503
recording attendance to be employed by course sponsors as a 2504
prerequisite to approval of courses for continuing education 2505
credit. 2506

(C) No amendment or rescission of a rule the board adopts 2507
pursuant to division (B) of this section shall operate to 2508
deprive a certificate holder or licensee of credit toward 2509
renewal of certification or licensure for any course of 2510
instruction completed by the certificate holder or licensee 2511
prior to the effective date of the amendment or rescission that 2512
would have qualified for credit under the rule as it existed 2513
prior to amendment or rescission. 2514

(D) The superintendent of real estate shall not issue a 2515
renewal certificate, registration, or license to any person who 2516
does not meet applicable minimum criteria for state 2517
certification, registration, or licensure prescribed by federal 2518
law or rule. 2519

(E) The superintendent may grant a medical exception upon 2520

application by a person certified, registered, or licensed under 2521
this chapter. To receive an exception, the certificate holder, 2522
registrant, or licensee shall submit a request to the 2523
superintendent with proof satisfactory that a medical exception 2524
is warranted. If the superintendent makes a determination that 2525
satisfactory proof has not been presented, within fifteen days 2526
of the date of the denial of the medical exception, the 2527
certificate holder, registrant, or licensee may file with the 2528
division of real estate a request that the real estate appraiser 2529
board review the determination. The board may adopt reasonable 2530
rules in accordance with Chapter 119. of the Revised Code to 2531
implement this division. 2532

~~Sec. 4763.08. On and after December 22, 1992, each (A) (1) 2533~~
~~Each general real estate appraiser certificate, registration, 2534~~
~~and residential real estate appraiser license issued under this 2535~~
~~chapter, other than a temporary certificate or license issued 2536~~
~~under division (E) (2) of section 4763.05 of the Revised Code, is 2537~~
~~valid for a period of one year from its date of issuance. The 2538~~

(2) Beginning on and after the effective date of this 2539
amendment, each residential real estate appraiser certificate 2540
and real estate appraiser assistant registration is valid for a 2541
period of two years from its date of issuance. 2542

(B) The superintendent of real estate shall provide 2543
renewal notices to certificate holders, registrants, and 2544
licensees no later than thirty days prior to the expiration of 2545
the certificate, registration, or license. The superintendent 2546
shall issue to each person initially certified, registered, or 2547
licensed under this chapter a certificate, registration, or 2548
license in the form and size the superintendent prescribes. The 2549
initial certificate, registration, and license shall indicate 2550

the name of the certificate holder, registrant, or licensee, 2551
bear the signatures of the members of the real estate appraiser 2552
board, be issued under the seal prescribed in section 121.20 of 2553
the Revised Code, and contain a certificate, registration, or 2554
license number assigned by the superintendent. The 2555
superintendent shall issue to each person who renews a 2556
certificate, registration, or license a renewal certificate, 2557
registration, or license in the size and form the superintendent 2558
prescribes. The renewal certificate, registration, or license 2559
shall contain the name of the certificate holder, registrant, or 2560
licensee and the expiration and number of the certificate, 2561
registration, or license. Each certificate holder and licensee 2562
shall place the certificate holder's or licensee's certificate 2563
or license number adjacent to the title "state-licensed 2564
residential real estate appraiser," "state-certified residential 2565
real estate appraiser," or "state-certified general real estate 2566
appraiser," when issuing an appraisal report or in a contract or 2567
other instrument used in conducting real estate appraisal 2568
activities as required by section 4763.12 of the Revised Code. 2569
If a state-registered real estate appraiser assistant 2570
participated in the appraisal or specialized service report, the 2571
certificate holder or licensee shall also place the registrant's 2572
name, registration number, and the title "state-registered real 2573
estate appraiser assistant" on the report. 2574

Sec. 4763.09. (A) The real estate appraiser board shall 2575
adopt rules, in accordance with Chapter 119. of the Revised 2576
Code, for the establishment of the following fees: 2577

(1) The examination fee required under division (A) of 2578
section 4763.05 of the Revised Code, up to a maximum of one 2579
hundred fifty dollars, which fee shall be nonrefundable; 2580

(2) The initial state-certified general real estate 2581
appraiser and ~~state-certified residential real estate appraiser-~~ 2582
~~certification and state-~~licensed residential real estate 2583
appraiser license fees, and the annual renewal thereof, up to a 2584
maximum of one hundred seventy-five dollars each; 2585

(3) The initial state-certified residential real estate 2586
appraiser certification fee up to a maximum of three hundred 2587
dollars, and renewal thereof up to a maximum of three hundred 2588
fifty dollars; 2589

(4) The initial real estate appraiser assistant 2590
registration fee, and ~~the annual renewal~~ thereof, up to a 2591
maximum of one hundred dollars; 2592

~~(4)~~ (5) The late filing fee for renewal of a 2593
certification, registration, or license, which shall be one-half 2594
of the certification, registration, and licensure fees 2595
established pursuant to divisions (A) (2) ~~and~~, (3), and (4) of 2596
this section; 2597

~~(5)~~ (6) The amount to be charged to cover the cost of the 2598
issuance of a temporary certificate or license under division 2599
(E) (2) of section 4763.05 of the Revised Code; 2600

~~(6)~~ (7) Other reasonable fees as needed, including any 2601
annual pass-through charges imposed by the federal government. 2602

(B) An applicant for certification or licensure under this 2603
chapter shall pay the examination fee directly to a testing 2604
service if so prescribed and in such amount as the 2605
superintendent of real estate prescribes. The balance, if any, 2606
of the examination fee shall accompany the application. 2607

Sec. 4781.08. (A) The division of industrial compliance 2608
shall issue a manufactured housing installer license to any 2609

applicant who is at least eighteen years of age and meets all of 2610
the following requirements: 2611

(1) Submits an application to the division on a form the 2612
division prescribes ~~and pays the fee the division requires;~~ 2613

(2) Completes all training requirements the division 2614
prescribes; 2615

(3) Meets the experience requirements the division 2616
prescribes by rule; 2617

(4) Has at least one year of experience installing 2618
manufactured housing under the supervision of a licensed 2619
manufactured home installer if applying for licensure after 2620
January 1, 2006; 2621

(5) Has completed an installation training course the 2622
division approves, which may be offered by the Ohio manufactured 2623
homes association or other entity; 2624

(6) Receives a passing score on the licensure examination 2625
the division administers; 2626

(7) Provides information the division requires to 2627
demonstrate compliance with this chapter and the rules the 2628
division adopts; 2629

(8) Provides the division with three references from 2630
persons who are retailers, manufacturers, or manufactured home 2631
park operators familiar with the person's installation work 2632
experience and competency, with at least two of the three 2633
references provided after January 1, 2006, being from persons 2634
who are licensed manufactured housing installers; 2635

(9) Has liability insurance or a surety bond that is 2636
issued by an insurance or surety company authorized to transact 2637

business in Ohio, in the amount the division specifies, and 2638
containing the terms and conditions the division requires; 2639

(10) Is in compliance with section 4123.35 of the Revised 2640
Code; 2641

(11) Pays the division a licensure fee of one hundred 2642
fifty dollars. 2643

(B) The division of industrial compliance shall not grant 2644
a license to any person who the division finds has engaged in 2645
actions during the previous two years that constitute a ground 2646
for denial, suspension, or revocation of a license or who has 2647
had a license revoked or disciplinary action imposed by the 2648
licensing or certification board of another state or 2649
jurisdiction during the previous two years in connection with 2650
the installation of manufactured housing. 2651

(C) Any person who is licensed, certified, or otherwise 2652
approved under the laws of another state to perform functions 2653
substantially similar to those of a manufactured housing 2654
installer may apply to the division for licensure on a form the 2655
division prescribes. The division shall issue a license in 2656
accordance with Chapter 4796. of the Revised Code to an 2657
applicant if either of the following applies: 2658

(1) The applicant holds a license in another state. 2659

(2) The applicant has satisfactory work experience, a 2660
government certification, or a private certification as 2661
described in that chapter as a manufactured housing installer in 2662
a state that does not issue that license. 2663

(D) Any license issued pursuant to this section shall bear 2664
the licensee's name and post-office address, the issue date, a 2665
serial number the division designates, and the signature of the 2666

person the division designates pursuant to rules. 2667

(E) A manufactured housing installer license expires two 2668
years after it is issued. The division of industrial compliance 2669
shall renew a license if the applicant does all of the 2670
following: 2671

(1) Meets the requirements of division (A) of this 2672
section; 2673

(2) Demonstrates compliance with the requirements of this 2674
chapter and the rules adopted pursuant to it; 2675

(3) Meets the division's continuing education 2676
requirements. 2677

(F) No manufactured housing installer license may be 2678
transferred to another person. 2679

Sec. 4781.17. (A) Each person applying for a manufactured 2680
housing dealer's license or manufactured housing broker's 2681
license shall complete and deliver to the department of 2682
commerce, division of real estate, before the first day of 2683
April, a separate application for license for each county in 2684
which the business of selling or brokering manufactured or 2685
mobile homes is to be conducted. The application shall be in the 2686
form prescribed by the division of real estate and accompanied 2687
by the fee established by the division of real estate. The 2688
applicant shall sign and swear to the application that shall 2689
include all of the following: 2690

(1) Name of applicant and location of principal place of 2691
business; 2692

(2) Name or style under which business is to be conducted 2693
and, if a corporation, the state of incorporation; 2694

- (3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 2695
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- (4) The county in which the business is to be conducted and the address of each place of business therein; 2697
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- (5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant; 2699
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- (6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, or manufactured home broker's license, ~~or motor vehicle salesperson's license,~~ and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended; 2704
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- (7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, or manufactured home broker's license, ~~or motor vehicle salesperson's license,~~ or has been the holder of any such license that was revoked or suspended; 2712
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- (8) Any other information required by the division of real estate. 2720
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- (B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division 2722
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of real estate before the first day of July an application for 2724
license. The application shall be in the form prescribed by the 2725
division of real estate and shall be accompanied by the fee 2726
established by the division. The applicant shall sign and swear 2727
to the application that shall include all of the following: 2728

(1) Name and post-office address of the applicant; 2729

(2) Name and post-office address of the manufactured 2730
housing dealer or manufactured housing broker for whom the 2731
applicant intends to act as salesperson; 2732

(3) A statement of the applicant's previous history, 2733
record, and association, that is sufficient to establish to the 2734
satisfaction of the division of real estate the applicant's 2735
reputation in business; 2736

(4) A statement as to whether the applicant intends to 2737
engage in any occupation or business other than that of a 2738
manufactured housing salesperson; 2739

(5) A statement as to whether the applicant has ever had 2740
any previous application for a manufactured housing salesperson 2741
license refused ~~or, prior to July 1, 2010, any application for a~~ 2742
~~motor vehicle salesperson license refused,~~ and whether the 2743
applicant has previously had a manufactured housing salesperson 2744
~~or motor vehicle salesperson~~ license revoked or suspended; 2745

(6) A statement as to whether the applicant was an 2746
employee of or salesperson for a manufactured housing dealer or 2747
manufactured housing broker whose license was suspended or 2748
revoked; 2749

(7) A statement of the manufactured housing dealer or 2750
manufactured housing broker named therein, designating the 2751
applicant as the dealer's or broker's salesperson; 2752

(8) Any other information required by the division of real estate.	2753 2754
(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.	2755 2756 2757 2758 2759
(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the real estate operating fund created under section 4735.211 of the Revised Code.	2760 2761 2762 2763
(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	2764 2765 2766 2767 2768
(1) The applicant holds a license in another state.	2769
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license.	2770 2771 2772 2773 2774
Sec. 5120.10. (A) (1) The <u>Except as provided in this division, the</u> director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service	2775 2776 2777 2778 2779 2780 2781

commission pursuant to section 111.15 of the Revised Code, the 2782
director of rehabilitation and correction promptly shall send a 2783
copy of the rule or amendment, if the rule or amendment pertains 2784
to minimum jail standards, by ordinary mail to the political 2785
subdivisions or affiliations of political subdivisions that 2786
operate jails to which the standards apply. The director shall 2787
not adopt any rule requiring support staff in a jail to obtain 2788
an occupational license as defined in section 4798.01 of the 2789
Revised Code. 2790

(2) The rules promulgated in accordance with division (A) 2791
(1) of this section shall serve as criteria for the 2792
investigative and supervisory powers and duties vested by 2793
division (D) of this section in the division of parole and 2794
community services of the department of rehabilitation and 2795
correction or in another division of the department to which 2796
those powers and duties are assigned. 2797

(B) The director may initiate an action in the court of 2798
common pleas of the county in which a facility that is subject 2799
to the rules promulgated under division (A) (1) of this section 2800
is situated to enjoin compliance with the minimum standards for 2801
jails or with the minimum standards and minimum renovation, 2802
modification, and construction criteria for jails. 2803

(C) Upon the request of an administrator of a jail 2804
facility, the chief executive of a municipal corporation, or a 2805
board of county commissioners, the director of rehabilitation 2806
and correction or the director's designee shall grant a variance 2807
from the minimum standards for jails in Ohio for a facility that 2808
is subject to one of those minimum standards when the director 2809
determines that strict compliance with the minimum standards 2810
would cause unusual, practical difficulties or financial 2811

hardship, that existing or alternative practices meet the intent 2812
of the minimum standards, and that granting a variance would not 2813
seriously affect the security of the facility, the supervision 2814
of the inmates, or the safe, healthful operation of the 2815
facility. If the director or the director's designee denies a 2816
variance, the applicant may appeal the denial pursuant to 2817
section 119.12 of the Revised Code. 2818

(D) The following powers and duties shall be exercised by 2819
the division of parole and community services unless assigned to 2820
another division by the director: 2821

(1) The investigation and supervision of county and 2822
municipal jails, workhouses, minimum security jails, and other 2823
correctional institutions and agencies; 2824

(2) The review and approval of plans submitted to the 2825
department of rehabilitation and correction pursuant to division 2826
(E) of this section; 2827

(3) The management and supervision of the adult parole 2828
authority created by section 5149.02 of the Revised Code; 2829

(4) The review and approval of proposals for community- 2830
based correctional facilities and programs and district 2831
community-based correctional facilities and programs that are 2832
submitted pursuant to division (B) of section 2301.51 of the 2833
Revised Code; 2834

(5) The distribution of funds made available to the 2835
division for purposes of assisting in the renovation, 2836
maintenance, and operation of community-based correctional 2837
facilities and programs and district community-based 2838
correctional facilities and programs in accordance with section 2839
5120.112 of the Revised Code; 2840

(6) The performance of the duty imposed upon the 2841
department of rehabilitation and correction in section 5149.31 2842
of the Revised Code to establish and administer a program of 2843
subsidies to eligible municipal corporations, counties, and 2844
groups of contiguous counties for the development, 2845
implementation, and operation of community-based corrections 2846
programs; 2847

(7) Licensing halfway houses and community residential 2848
centers for the care and treatment of adult offenders in 2849
accordance with section 2967.14 of the Revised Code; 2850

(8) Contracting with a public or private agency or a 2851
department or political subdivision of the state that operates a 2852
licensed halfway house or community residential center for the 2853
provision of housing, supervision, and other services to 2854
parolees, releasees, persons placed under a residential 2855
sanction, persons under transitional control, and other eligible 2856
offenders in accordance with section 2967.14 of the Revised 2857
Code. 2858

Other powers and duties may be assigned by the director of 2859
rehabilitation and correction to the division of parole and 2860
community services. This section does not apply to the 2861
department of youth services or its institutions or employees. 2862

(E) No plan for any new jail, workhouse, or lockup, and no 2863
plan for a substantial addition or alteration to an existing 2864
jail, workhouse, or lockup, shall be adopted unless the 2865
officials responsible for adopting the plan have submitted the 2866
plan to the department of rehabilitation and correction for 2867
approval, and the department has approved the plan as provided 2868
in division (D) (2) of this section. 2869

Section 2. That existing sections 101.62, 103.27, 926.12, 2870
926.19, 3703.21, 3769.03, 3772.13, 4104.07, 4104.08, 4104.18, 2871
4517.02, 4517.04, 4517.10, 4517.14, 4517.15, 4517.20, 4517.33, 2872
4517.43, 4549.50, 4703.16, 4735.01, 4735.07, 4735.09, 4738.05, 2873
4749.03, 4763.05, 4763.06, 4763.07, 4763.08, 4763.09, 4781.08, 2874
4781.17, and 5120.10 of the Revised Code are hereby repealed. 2875

Section 3. That sections 926.30 and 4517.09 of the Revised 2876
Code are hereby repealed. 2877

Section 4. (A) For the purposes of this section, 2878
"occupational licensing board" has the same meaning as in 2879
section 4798.01 of the Revised Code. 2880

(B) Pursuant to division (E) of section 101.62 of the 2881
Revised Code, the following occupational licensing boards are 2882
hereby renewed and, subject to the revisions prescribed by this 2883
act, the statutes creating, empowering, governing, and 2884
regulating those boards are continued: 2885

(1) The Ohio Peace Officer Training Commission created 2886
under section 109.71 of the Revised Code; 2887

(2) The State Cosmetology and Barber Board created under 2888
section 4713.02 of the Revised Code; 2889

(3) The Accountancy Board created under section 4701.02 of 2890
the Revised Code; 2891

(4) The Department of Agriculture described in Chapter 2892
901. of the Revised Code; 2893

(5) The Architects Board created under section 4703.01 of 2894
the Revised Code; 2895

(6) The Ohio Landscape Architects Board created under 2896
section 4703.31 of the Revised Code; 2897

(7) The Ohio Casino Control Commission created under section 3772.02 of the Revised Code;	2898 2899
(8) The Department of Commerce Division of Financial Institutions created under section 121.08 of the Revised Code;	2900 2901
(9) The Department of Commerce Division of Real Estate and Professional Licensing created under section 121.08 of the Revised Code;	2902 2903 2904
(10) The Department of Commerce Division of Industrial Compliance created under section 121.08 of the Revised Code;	2905 2906
(11) The Department of Commerce Division of Unclaimed Funds created under section 121.08 of the Revised Code;	2907 2908
(12) The Department of Public Safety Bureau of Motor Vehicles created under section 4501.02 of the Revised Code;	2909 2910
(13) The Department of Public Safety described in Chapter 5502. of the Revised Code;	2911 2912
(14) The State Board of Registration for Professional Engineers and Surveyors created under section 4733.03 of the Revised Code;	2913 2914 2915
(15) The Department of Mental Health and Addiction Services described in Chapter 5119. of the Revised Code;	2916 2917
(16) The State Racing Commission created under section 3769.02 of the Revised Code;	2918 2919
(17) The Secretary of State described in Chapter 111. of the Revised Code.	2920 2921
(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	2922 2923 2924

first day of December of the sixth year following enactment of 2925
this section. 2926

Section 5. A backflow technician certification issued 2927
before the effective date of this section pursuant to the rules 2928
adopted by the Superintendent of Industrial Compliance under 2929
section 3703.21 of the Revised Code expires on the date it would 2930
have expired under the rules in effect before the effective date 2931
of this section. 2932

Section 6. A license issued pursuant to Chapter 4749. of 2933
the Revised Code before the effective date of this section 2934
expires on the date it would have expired under the version of 2935
section 4749.03 of the Revised Code in effect before the 2936
effective date of this section. 2937

Section 7. A residential real estate appraiser certificate 2938
and real estate appraiser assistant registration issued pursuant 2939
to Chapter 4763. of the Revised Code before the effective date 2940
of this section expires on the date it would have expired under 2941
the version of section 4763.08 of the Revised Code in effect 2942
before the effective date of this section. 2943